

**CHAPTER 5. ZONING**

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## **CHAPTER 5. ZONING**

### **ARTICLE 1. GENERAL REGULATIONS.**

Zoning district regulations prescribe detailed requirements that have application for every land use within the boundaries of a given zoning district. However, general or supplementary regulations are necessary to prescribe regulations that have application in more than one district or groups of districts but not necessarily throughout the City. The requirements described below apply in some cases to residential districts, some in institutional districts, some in commercial districts and others in industrial districts.

### **ARTICLE 2. SPECIFIC PROVISIONS.**

#### **Sec. 5.2.1. FENCES, WALLS, HEDGES AND ARCHITECTURAL FEATURES.**

- 5.2.1.1. Except as required for maintenance of visibility at street intersections or at intersections of driveways with streets, fences, walls and hedges shall be permitted in any required yard; provided however, that no solid fence or solid wall shall be permitted to exceed 8 feet in height and provided further, no solid fence, solid wall or hedge along the side or front edge of any required front yard shall be over 2 feet in height, and any portion above this height shall not materially impede visibility.
- 5.2.1.2. Architectural features, eaves, chimneys, fireplaces, balconies and the like may project into required front, side or rear yards not more than 3 feet where the required yard is 8 feet or more in width. Ordinary projections of window sills, belt courses, cornices, and other ornamental features may project into these required yards to the extent of not more than 7 inches.
- 5.2.1.3. Swimming pools shall be fenced as required in Chapter 18 of the LDR.

#### **Sec. 5.2.2. ACCESSORY USES OR STRUCTURES.**

- 5.2.2.1. In residential districts, accessory structures and uses shall not be located in required front yards but may be located in required side or rear yards except for side street yards, but not closer than 5 feet to the property line; provided, that accessory structures for the housing of persons, such as guest houses and garage apartments, shall not be located in any required yard. On double frontage lots in residential districts, accessory uses and structures shall not be located in either of the required front yards, but may be located in side yards, except as provided otherwise herein,. No separate accessory building shall be located within 5 feet of any other building.

5.2.2.2. Surface constructed uses, such as a pool deck, patio or similar features, when not greater than 30 inches in height above the median grade covered by such proposed use, shall be permitted within the required side and rear yards, but not closer than 5 feet to the property line.

**Sec. 5.2.3. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.**

5.2.3.1. In any zoning district, more than one structure housing a permitted or permissible principal use may be erected on a single lot; provided, that minimum yard, area, access and other requirements of the Land Development Regulations shall be met for each structure as though it were on an individual lot.

**Sec. 5.2.4. EXCEPTIONS TO HEIGHT LIMITATIONS.**

5.2.4.1. The height limitations contained in Article 6 of this Chapter shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. The heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency within the flight approach zone of airports.

**Sec. 5.2.5. STRUCTURES TO HAVE ACCESS TO PUBLIC STREET.**

5.2.5.1. Every building hereafter erected or moved shall be on a lot having a minimum width of 20 feet adjacent to or abutting on a public street, or with access to a public street by means of a private street approved by the Administrative Official, which has a minimum of 24 feet wide right-of-way or easement. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection and related emergencies and required off-street parking.

**Sec. 5.2.6. SERVICE STATIONS AND/OR CONVENIENCE STORES. LOCATION, DESIGN, & OPERATION.**

5.2.6.1. The following regulations shall apply to the location, design, construction, operation and maintenance of all service stations and/or convenience stores, including the sale of all fuels and systems and any

other types, petroleum or otherwise, to be devised and established for similar and related activities.

5.2.6.1.1. A service station and/or convenience store lot shall be of adequate width and depth to meet all district setback requirements, but in no case shall the width of a lot be less than 140 feet and contain less than a minimum area of 15,000 sq.ft. The Board of Adjustment shall have no power to grant variances below minimum lot requirements for such land uses.

5.2.6.1.2. All lights and lighting on and for a service station and/or convenience store and lot shall be so designed and arranged that the light source and glare shall not be directly visible from a residential district.

5.2.6.1.3. No service station and/or convenience store building or fuel pump or storage tank shall be located within 25 feet of any property that is zoned residential or institutional.

5.2.6.1.4. Where a lot to be used for a service station and/or convenience store abuts on any property which is zoned residential or institutional, there shall be a solid wall designed and installed on all such property lines, other than street lines, which will prevent auto lights, smoke, fumes, dust and other obnoxious materials (from ground level to the required fence height) from penetrating into the residential or institutional district. The solid wall shall be a minimum of 6 feet in height.

5.2.6.1.5. No fuel pump or storage tank shall be located within 15 feet of any street right-of-way line. Where a street setback line has been established, no fuel pump or storage tank shall be located within 15 feet of such setback line. Where conditions of traffic safety, due to street intersections, lack of visibility at a street crown or other peculiar circumstances prevail, additional setbacks may be required by the Administrative Official, but in no case shall they be required to exceed 25 feet.

5.2.6.1.6. The number of curb breaks for a service station and/or convenience store shall not exceed 2 for each 100 feet of street frontage, each having a width of not more than 40 feet and located not closer than 30 feet to the right-of-way lines of any street intersection. Such curb breaks shall not be closer than 15 feet to any other private property line and there shall be a minimum distance of 15 feet between such curb breaks. Clearance for curb breaks shall be obtained from the Florida Department of Transportation for any proposed service station and/or convenience

store located on a street under Polk County or Florida Department of Transportation jurisdiction.

5.2.6.2. The following regulations shall apply to the sale of automotive fuels as an “accessory use”, at locations other than at service stations:

5.2.6.2.1. The sale of automotive fuel as an accessory use shall be permitted in connection with principal uses in all commercial and industrial districts. No such sale of automotive fuel as an accessory use shall be permitted or permissible by special exception in connection with conforming or nonconforming uses in any other zoning district.

5.2.6.2.2. Accessory sales of this nature, and services performed in connection therewith, shall be limited to sale of automotive fuel, replenishing oil, washing windshields, windows and lights, providing air for tires, providing water and additives for radiators, and other routine minor services. Activities at such establishments shall not include lubrication, changing oil, washing vehicles, tire repairs, painting, mechanical or body repairs, and the like unless permitted in the zoning district as a principal use.

5.2.6.2.3. The number of dispensing islands shall not exceed 4, with not more than 4 fuel pumps concentrated in one pump island or service area. No such dispensing facilities shall be located within 25 feet of any property zoned residential or institutional. No pump or other dispensing facility shall be located within 15 feet of any street right-of-way line or established setback line. Where conditions of traffic safety at intersections, impaired visibility, or other conditions make such requirements reasonable for protection of vehicles or pedestrians, additional setbacks may be established by the Administrative Official, but in no case shall such setbacks be required to exceed 25 feet.

5.2.6.2.4. Parking areas and vehicular lanes shall be clearly marked and shall provide for safe and convenient parking, vehicular circulation and pedestrian movement. Except for vehicles attended by the driver and awaiting servicing, there shall be no parking within 12 feet of any pump or other dispensing outlet. Vehicular lanes shall be at least 12 feet in width, and shall be so located and arranged that parking in relation to the principal use will not interfere with convenient movement and service at the dispensing outlet.

**Sec. 5.2.7. ESSENTIAL SERVICES.**

Essential services, herewith defined as services authorized and regulated by State or national public utility commissions or services owned or franchised by the City or County, may be located within any zoning district after review and approval by the City Commission. This provision includes both structures and uses and includes gas, water, electric, sewerage and telephone facilities. However, this provision shall not be deemed to permit the location in a district of such establishments as electric or gas generating plants, sewage treatment plants, water pumping facilities or aeration facilities, liquid petroleum gas storage facilities above or below ground from which they would be otherwise prohibited and provided, further, that this provision shall not be deemed to include the establishment of structures for commercial activities such as sales or the collection of bills in districts from which such activities would be otherwise prohibited.

Under this provision, where structures are involved, such structures shall conform insofar as possible to the character of the district as to architecture and landscaping and shall meet all yard, area and similar requirements as provided for in the district in which they are to be located.

**Sec. 5.2.8. LOCATION OF STRUCTURES NEAR BODIES OF WATER; GRADE LEVEL OF BUILDING SITES; 100 YEAR FLOOD LEVEL.**

5.2.8.1. No building or structure, other than a boat house or dock, shall be erected within 50 feet of the shoreline of any lake or other body of water which has a width of 10 feet or greater at its normal water level.

5.2.8.2. In all districts, no building for human habitation shall be erected on a site where the grade level is less than the 100 year flood level of the nearest lake. In all districts, no building for human habitation shall be erected with floors less than 1 foot above the 100 year flood level of the nearest lake.

5.2.8.3. For purposes of the Land Development Regulations, normal water level and 100 year flood levels shall be considered to be those established on the Flood Insurance Rate Maps.

**Sec. 5.2.9. TEMPORARY STRUCTURES, GENERAL.**

Temporary structures in connection with land development or construction projects may be erected or moved onto the site, for occupancy other than as dwelling or lodging units, in any zoning district, but shall require a permit from the Administrative Official. Such permit shall specify location, type of construction, maintenance requirements and period for which such structure may be erected; provided, that no such permit shall be for a period of more than 6

**months, subject to renewal upon approval of the Administrative Official. Failure to obtain such permit or violation of conditions specified therein shall be a violation of the Land Development Regulations.**

**Sec. 5.2.10. LOTS; DEFINITIONS; AND METHODS FOR MEASUREMENT.**

5.2.10.1. LOT. For purposes of the Land Development Regulations, a lot is defined as a parcel of land of at least sufficient size to meet minimum requirements for use, width, coverage and total area, and to provide such yards and other open spaces as are required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

5.2.10.1.1. A single lot of record;

5.2.10.1.2. A portion of a lot of record;

5.2.10.1.3. A combination of complete lots of records, of complete lots of record and portions of lots of record, or of portions of lots of record;

5.2.10.1.4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Chapter.

5.2.10.2. LOT FRONTAGE. The front of a lot shall be defined to be that portion of the lot nearest the street established as the street address. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in this Chapter.

5.2.10.3. LOT MEASUREMENTS.

5.2.10.3.1. Depth of a lot shall be defined to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

5.2.10.3.2. Lot width determinations as related to minimums prescribed in the Land Development Regulations, shall be measured across the rear of the required front yard; provided, that in the case of wedge shaped lots with narrow ends and cul-de-sac or other acute street curvatures, the rear line of the required front yard shall be moved sufficiently from the front line to provide at least 80% of the

generally required lot width at the rear line of the required front yard.

5.2.10.3.3. Lot area, for determinations relating to minimum lot size as required by the Land Development Regulations, shall be calculated to include only the total area of the upland soils of the lot; except, that where lots are of such peculiar or irregular shape that portions have no useful functions in relation to buildable areas, such portions also shall not be included in computation of total area.

5.2.10.4. LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of the original Zoning Ordinance of the City which shall be August 7, 1961 and all subsequent amendments.

5.2.10.5. LOT TYPES. The diagram below illustrates descriptive terminology used in the Land Development Regulations with reference to corner lots, interior lots, through lots, and reversed frontage lots.

5.2.10.5.1. In the diagram, A is a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A (1) in the diagram.

5.2.10.5.2. B is an interior lot, defined as a lot other than a corner lot with only one frontage on a street.

5.2.10.5.3. C is a through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

5.2.10.5.4. D is a reversed frontage lot, defined as a lot on which the frontage is at right angles or approximate right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

5.2.10.6. LOT COVERAGE. That percentage of lot area that is or may be covered or occupied by buildings, including accessory buildings, under the terms of the Land Development Regulations.

## **Sec. 5.2.11. YARD; DEFINITIONS AND METHODS FOR MEASUREMENT.**

5.2.11.1. YARD. For purposes of the Land Development Regulations a yard is defined as the minimum required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided, that fences, walls, poles, posts and other customary yard accessories, such as ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. A court is an uncovered open space enclosed on 2 or more sides by exterior walls of a building.

### 5.2.11.2. YARD, FRONT.

5.2.11.2.1. A yard adjacent to a public or private street and extending across the entire front of the lot. All corner lots and lots extending through blocks in such a way as to have frontage on 2 or more public or private streets shall provide the minimum yard requirements equal to front yards to all property adjacent to each street.

5.2.11.2.2. Depth of required front yards shall be measured perpendicular to a straight line joining the foremost points of the side lot lines. The foremost points of side lot lines, in the case of rounded property corners, as at street intersections, or irregular corners, shall be assumed to be the points at which lines would have met without rounding or irregularity. Front and the front of the rear yard lines shall be parallel.

### 5.2.11.3. YARD, SIDE.

5.2.11.3.1. A yard extending from the rear line of a required front yard to the rear or back property line, or in cases where more than one front yard is required, as on a through lot, to the rear line of the second front yard. In the case of corner lots, those yards adjacent to streets remaining after front yards have been established shall be considered side yards, but shall be required to have the same distance as the required front yard.

5.2.11.3.2. Width of a required side yard shall be measured in a manner similar to that employed in measurement of depth for required front yards, so that the yard established is a strip of the minimum width required with its inner edge parallel to the side lot line at its outer edge.

### 5.2.11.4. YARD, REAR.

5.2.11.4.1. A yard extending between required side yards at the rear of the lot. In the case of lots having more than one front yard, remaining yards shall be considered side yards.

5.2.11.4.2. Depth of a required rear yard shall be measured in a manner similar to that employed in measurement of depth for required front yards, so that the yard established is a strip of the minimum depth required with its inner edge parallel to the rear lot line at its outer edge.

5.2.11.5. YARD, SPECIAL. A yard behind any required yard adjacent to a public or private street, required to perform the same functions as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases the Administrative Official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the zoning district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

5.2.11.6. YARD, WATER. A yard adjacent to a public body of water or an inlet or stream with a width of 10 feet or greater and extending across the entire water side of the lot.

## **5. 2.12. HOME OCCUPATION.**

5.2.12.1. DEFINITION. A home occupation is defined as any activity carried out for gain by a resident and conducted as an accessory use in the resident's dwelling unit in a zoning district where such use is permitted or permissible.

### **5.2.12.2. REQUIREMENTS.**

5.2.12.2.1. No person other than members of the family residing on the premises shall be engaged in such occupation;

5.2.12.2.2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof;

5.2.12.2.3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of

such home occupation other than one sign not exceeding one square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than 2 feet from the main entrance to the residence. The activity shall be conducted only between the hours of 7 A.M. and 7 P.M.

5.2.12.2.4. No home occupation shall be conducted in any accessory building;

5.2.12.2.5. No home occupation shall occupy more than 25% of the first floor area of the residence;

5.2.12.2.6. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard;

5.2.12.2.7. Retail or wholesale sales may be conducted on the premises by phone or mail only.

5.2.12.2.8. Outdoor storage or display of materials or products shall not be permitted;

5.2.12.2.9. No equipment, tools or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any television or radio receivers off the premises or cause fluctuation in line voltage off the premises;

5.2.12.2.10. No goods, chattels, materials, supplies or items of any kind except normal postal and related types of materials can be delivered either to or from the premises in connection with the home occupation except in a passenger vehicle owned by the resident;

5.2.12.3. PERMITTED HOME OCCUPATIONS. Customary home occupations may include but are not limited to the following uses, provided all requirements of the Land Development Regulations are met:

5.2.12.3.1. Artists, sculptors, authors and composers.

- 5.2.12.3.2. Bookkeepers, certified public accountants.
  - 5.2.12.3.3. Dress makers, milliners, seamstress', and tailors.
  - 5.2.12.3.4. Handicrafts such as ceramics, model making, quilting, rug weaving and wood working.
  - 5.2.12.3.5. Photo lab.
  - 5.2.12.3.6. Professional office such as landscape architect, architect, engineer, physician, lawyer.
  - 5.2.12.3.7. Office, secretarial service, telephone answering service.
  - 5.2.12.3.8. Computer programmer and operator.
  - 5.2.12.3.9. The giving of individual instruction to one person at a time such as an art or piano teacher and swimming instructor.
  - 5.2.12.3.10. Contractors, sub-contractors.
  - 5.2.12.3.11. One-chair beauty or barber shop, but permissible only in RS-3, Single Family Residential, RG-1, General Residential and RG-2, General Residential zoning districts.
- 5.2.12.4. PROHIBITED USES AS HOME OCCUPATIONS. Prohibited uses shall include but are not limited to the following uses:
- 5.2.12.4.1. Beauty and barber shops, unless permissible as a Special Exception.
  - 5.2.12.4.2. Band instruction or dance instruction.
  - 5.2.12.4.3. Studio for group instructions.
  - 5.2.12.4.4. Public dining facility or tearoom.
  - 5.2.12.4.5. Antique or gift shops.
  - 5.2.12.4.6. Photographic studio.
  - 5.2.12.4.7. Fortune telling or similar activity.
  - 5.2.12.4.8. Outdoor repairs, vehicle, small engine repair, food processing.

5.2.12.4.9. Retail or wholesale sales except by phone or mail.

5.2.12.4.10. Child care centers or kindergartens, except when permitted in the Zoning District.

5.2.12.4.11. Group instructions of any type.

5.2.12.4.12. Similar uses to those listed in 5.2.12.4. above.

5.2.12.5. OCCUPATIONAL LICENSE. A home occupation shall be subject to all applicable City occupational license and other business taxes.

5.2.12.6. WHERE PERMITTED.

5.2.12.6.1. A Home Occupation is allowed in any Residential Zoning District as an accessory use by the owner/occupant of any single-family detached dwelling, or rental/leased dwelling unit with notarized authorization from the owner. When permitted, home occupations shall meet all the requirements as listed above.

### **Sec. 5.2.13. DETERMINATIONS CONCERNING USES NOT SPECIFIED.**

5.2.13.1. INTENT

5.2.13.1.1. Where there is substantial doubt as to whether particular uses or classes of uses, not specifically identified in the Land Development Regulations, are of the same general character as those listed as permitted principal or accessory uses, or uses permissible by special exception, the Administrative Official may request the Planning Commission to make a determination on the matter, giving due consideration to the intent of the Land Development Regulations concerning the zoning district, the character of uses specifically identified, and the character of the use in question.

5.2.13.1.2. Requests for such determinations shall be made only by the Administrative Official, and shall not involve cases where the Administrative Official has made a negative finding, in which case appeals shall be made to the Board of Adjustment on grounds of error in his determination. After determinations have been made by the Planning Commission, appeals from its determinations may also be made to the City Commission on grounds of error.

5.2.13.2. NOTIFICATIONS CONCERNING DETERMINATIONS. Upon making its determinations, the Planning Commission shall notify the Administrative Official and any other officer or agency of the City likely to be affected by its findings.

5.2.13.3. EFFECT OF PLANNING COMMISSION FINDINGS.

5.2.13.4. If the Planning Commission finds that the particular use or class of use in question is of such an unusual or transitory nature, or is unlikely to recur frequently, unless its determination is reversed on grounds of error by the City Commission, the determination shall thereafter be binding without further action or amendment of the regulations as an administrative ruling.

5.2.13.5. If the Planning Commission finds that the particular use or class of uses is likely to be common or recurrent, and that omission by specific reference in the Land Development Regulations is likely to lead to public uncertainty, it shall initiate a proposed amendment rectifying the omission. Until final action on such proposed amendment, the determination of the Planning Commission shall be binding as an interim administrative ruling.

#### **Sec. 5.2.14. HOUSES DISPLAYED FOR ADVERTISING PURPOSES, MODEL HOMES.**

Construction of a house(s) displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in connection with a residential development or otherwise may be permitted in residential or certain commercial zones but shall not commence until a performance bond adequate to insure the removal of the structure, if located other than in a residential district, has been posted with the Administrative Official and approved by the City Attorney. Such structure, if in a commercial district, shall be removed at the end of the permit period unless the Administrative Official grants an extension. If the structure is in a residential district, a certificate of occupancy for residential use shall be required prior to use as a residence or any other use. No permit or extension thereof shall exceed one year time increments.

#### **Sec. 5.2.15. EXCAVATION, BORROW PITS.**

5.2.15.1. Excavations of any type or creation of borrow pits, may be permitted in certain zoning districts only after approval of a site plan, as required by the Land Development Regulations, by the Administrative Official and City Staff. Such excavations shall meet the following requirements:

5.2.15.1.1. Excavation and borrow pit operations shall be controlled to provide reasonable and continued protection of the surrounding properties with regard to the use and cleanliness of the streets for

access to the subject premises. Hours of operation may be imposed to protect the peace, well being, compatibility and character of surrounding properties.

5.2.15.1.2. No excavation of earth shall be within 100 feet of any road right-of-way line. No excavation of earth shall be closer than 50 feet to an adjoining lot or parcel.

5.2.15.1.3. Sides of an excavation shall be sloped inwardly and not more than 1 foot vertical drop for each 3 feet horizontal dimension measured from the edge of the excavation to a depth of 2 feet below the water table or to the bottom of the excavation, whichever is greater.

5.2.15.1.4. In no case shall the aquifer be penetrated.

5.2.15.1.5. No excavation shall be permitted which in any way interferes with natural or planned drainage.

5.2.15.1.6. Prior to the issuance of site plan approval, the City engineer (consulting) shall make a determination of drainage plan conformity. No site plan shall be approved which, in the opinion of the engineer or Administrative Official, shall be detrimental to the public health, safety, or general welfare.

5.2.15.1.7. No excavation or borrow pit shall exceed 50,000 cubic yards or 5 acres per each site.

5.2.15.1.8. As a part of the site plan review, a reclamation or restoration plan shall be required prior to approval and issue of a development order.

5.2.15.2. The following activities and conditions are exempt from the provisions in 5.2.15.1. above:

5.2.15.2.1. Excavation or grading incidental to the construction of a building on a lot or parcel for which a building permit has been issued. This authorization shall only apply to the land shown on the site plan submitted with the application for a building permit. Once a certificate of occupancy has been issued pursuant to said building permit, that authorization shall not apply to any subsequent acquisition of land.

5.2.15.2.2. Excavation or grading performed in accordance with a site plan or subdivision plat which has been reviewed and approved by the Administrative Official and City Staff and for which all necessary

permits have been issued. Development plans qualifying for this exception shall be those under active development at the effective date of the Land Development Regulations and those approved thereafter.

5.2.15.2.3. The construction and maintenance of roads by or for the City, Polk County or the State of Florida.

5.2.15.2.4. Bona fide agricultural operations, provided such operations have been permitted or exempted from permits by FDER, SWFWMD, DNR and/or the Environmental Protection Agencies.

5.2.15.2.5. Activities incidental to the operation of public utilities.

5.2.15.2.6. Any excavation of less than a total of 15 yards of dirt removed from a lot or parcel for any reason whatsoever.

#### **Sec. 5.2.16. RECORDING OF COMMON AREAS.**

5.2.16.1. The following procedure shall be required after development approval by the City Commission, Planning Commission, Board of Adjustment or Administrative Official as appropriate to the specific case:

5.2.16.1.1. Any development, project or improvement of whatever kind, approved as meeting applicable requirements of the Land Development Regulations which contains commonly owned areas, whether in the form of easements, drainage ways, open space, recreation space, buildings or other structures, shall not be issued building permits until all such common areas have been recorded in the office of the Polk County Clerk.

5.2.16.1.2. All documents pertaining to common ownership, such as maintenance responsibilities, assessments, payment of taxes, homeowners association or condominium articles, bylaws and rules shall be included and made a part of this submission.

5.2.16.1.3. Such common area documentation shall not be recorded until the Administrative Official and City Attorney have reviewed and approved such documents, plans and drawings as having met the requirements of the approved development or project.

5.2.16.1.4. Evidence in the form of certified copies of the recorded documents shall be required for permit issue, and shall be made a part of the permit file until completion thereof.

**Sec. 5.2.17. SITE COMPATIBILITY REQUIREMENTS FOR CERTAIN RESIDENTIAL, INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT.**

5.2.17.1. INTENT. In order to promote safety, improve traffic circulation on and around a site and to prevent potential adverse effects, petitioners for all residential, institutional, commercial and industrial development activities, except as provided otherwise within the LDR, shall submit a site plan meeting the requirements as stated in Chapter 5 of the Administration and Procedures Manual.

The site plan shall be submitted for review to the Administrative Official indicating proposed uses and structures, driveways and parking areas, minimum required yards, buffering, signs, landscaping, drainage and such other details as are required by these sections, by general rule or in the particular circumstances of the case, and shall indicate a schedule for initiation and completion of development.

If approved, the site plan shall be binding upon the petitioners and any successors in title, and no substantial change shall be permitted without approval from the Administrative Official.

5.2.17.2. REVIEW CRITERIA.

5.2.17.2.1. Limitations on vehicular access. Except for public service vehicles, principal vehicular access to the property for nonresidential developments shall not be through an adjacent residential district.

5.2.17.2.2. Limitations on operations. Site planning, design and location of structures and open spaces, and management of operations shall be such that orientation of institutional, commercial, and industrial activities is toward the frontage of the street and the following conditions shall apply:

5.2.17.2.2.1. There shall be no sales, service, storage or display of goods or materials and no off-street loading operations, garbage or trash storage, or collection or disposal facilities visible in any portion of the property from any portion of any abutting residential district.

5.2.17.2.2.2. Signs for nonresidential developments on the property shall be oriented away from any abutting residential zoning district. Lighting of structures and premises on the property shall be arranged and operated in such a manner as to prevent nuisance effects on any abutting residential zoning district.

5.2.17.2.3. Yard requirements; buffering. Yards and structural buffering shall be provided to minimize the impact of nonresidential development on any abutting residential district. The following minimum requirements may be increased to achieve a stated public purpose, but shall not be diminished:

5.2.17.2.3.1. Required yards of nonresidential development adjacent to public streets shall be a minimum of 25 feet in depth unless a greater depth is specified otherwise the Land Development Regulations.

5.2.17.2.3.2. Off-street parking shall not be permitted within the required setback (not minimum required yard) area in commercial districts.

5.2.17.2.3.3. Required yards for all nonresidential uses adjoining any residential district shall be a minimum of 25 feet.

5.2.17.2.3.4. All required yards provided for nonresidential uses which abut any residential district shall be landscaped and maintained as required in the Land Development Regulations and as is appropriate to the residential surroundings. No portion of any required yard abutting any residential district shall be used for off-street parking except as provided below.

5.2.17.2.3.5. As an alternate to the yard and landscaping requirements in 3. and 4. above, the property owner of nonresidential uses may elect to provide a solid decorative fence or wall, a minimum of 6 feet in height along all sides and rear property lines adjoining a residential district, except that such wall or fence shall not project beyond the rear line of an adjacent required front yard in the residential district.

5.2.17.2.3.6. Where the nonresidential property owner elects to go to yard and landscaping provisions as provided for in 3. and 4. above, the Administrative Official may also require additional appropriate fences, walls or vegetative screening in order to protect adjacent property in residential districts from lights, noise or undesirable views. Plant materials shall be at least Florida No. 1 materials (see Sec. 581, Florida Statutes as amended) and hedge materials shall be a minimum of 4 to 5 feet in height and spaced a maximum of 4 feet on centers at the time of planting.

These plant materials shall be maintained in such a manner as to fulfill the screening intent of this provision. Failure to maintain in such manner shall constitute a violation of these provisions.

5.2.17.2.4. After examination of the site plan the Administrative Official may require changes where necessary for stated public purposes as a condition for approval, and may attach additional conditions and safeguards, including limitations on hours and manner of operation, beginning and conclusion of construction and related matters. The Administrative Official shall not reduce the above stated conditions and safeguards, but may add other applicable conditions and safeguards in granting approval.

5.2.17.2.5. Exclusions. The provisions of this Section apply to all developments (other than individually owned single family detached dwellings) including residential, institutional, commercial and industrial uses except under the following conditions:

5.2.17.2.5.1. Permitted residential, institutional, commercial and industrial uses wishing to locate in existing structures and/or for premises where alterations, expansions or enlargement of such facilities do not increase the existing floor and/or ground area, or parking requirements.

5.2.17.2.5.2. Normal building modernization and improvements such as roofing, painting, false fronting with facades, walkway coverings and related improvements shall not be required to meet these requirements unless building floor areas are in fact increased.

#### **Sec. 5.2.18. DOCKS, PIERS, AND BOATHOUSES (MARINE STRUCTURES).**

5.2.18.1. MINIMUM REQUIREMENTS. The following are established as the minimum requirements pertaining to docks, piers and boathouses. These requirements shall not preclude the applicability of laws, rules, standards and criteria adopted by the State, and other regulating authorities.

5.2.18.2. PERMITTING, GENERAL. A permit issued by the City is required for the construction of all docks, piers, and boathouses in accordance with the LDR.

5.2.18.3. PERMITTING, SPECIFIC.

5.2.18.3.1. *When required.* A permit is required when: (i) both the lakefront property from which the structure is extended and the lake are situated within the City limits, (ii) when the lakefront property is in the City but the lake is outside the City limits, and (iii) when the lakefront property is outside the City limits, but the lake is within the City limits.

5.2.18.3.2. *Applications.* Permit applications shall include construction drawings, details of vertical and horizontal dimensions, and a site plan showing the location of the structure with respect to starting and terminating points, shorelines and setbacks from the side yard property lines. Site plans and drawings shall be drawn with sufficient clarity and detail to indicate the nature and character of the work, and shall contain all information required by the Building Official for determining conformity with these regulations. The Building Official may require that said information include a property boundary line and lake level survey prepared by a licensed surveyor. All normal permit requirement provisions shall apply for dock, pier and boathouse construction.

5.2.18.4. **RESPONSIBILITY.** It shall be the responsibility of the property owner to obtain all approvals, permits, verifications of exemptions where applicable, and for the actual construction and maintenance of said structure(s). The marine structure builder shall also be responsible for construction of said structure(s) in accordance with this article and other provisions of the LDR and is subject to any applicable fines and penalties.

5.2.18.5. **LOCATION.** Docks, piers and boathouses shall be constructed only within the center two thirds of the waterfront lot and no closer than 100 feet from the centerline of a lake-interconnecting canal. Docks, piers and boathouses constructed in residential, dead-end canals may not be closer than 25 feet from another such structure and no closer than 10 feet to an adjoining property line.

5.2.18.6. **CONSTRUCTION STANDARDS, GENERAL.** All construction shall conform to the requirements contained in the LDR. Floating docks, which are attached to the shore or to a fixed dock, are permitted. Pilings, if wood, shall be pressure treated. Standard telephone poles or untreated wood is prohibited. Pilings shall be of a height to extend up past the decking a minimum of 4 feet. All framing shall be pressure treated wood and all connections shall be with hot dipped galvanized fasteners. Where a body of water has a width of less than 100 feet, **no structure** shall extend waterward more than 10 feet from the shoreline, established by a Florida licensed Surveyor, at the expense of the property owner.

5.2.18.7. CONSTRUCTION REQUIREMENTS, RESIDENTIAL MARINE STRUCTURES. All marine structures constructed for the purpose of use by a single family detached residential property they access shall conform to the following requirements:

5.2.18.7.1. *Length.* The maximum distance that a dock, pier or boathouse may extend from the shoreline of any lake shall be 100 feet measured from the 10 year flood stage frequency elevation established by the Southwest Florida Water Management District for the subject lake.

5.2.18.7.2. *Area.* The maximum roof area for a boathouse or other structure shall be 500 square feet, not including the dock or pier used for access to the boathouse or other structure. The accumulated maximum combined area of the dock, pier, boathouse or other structure shall not exceed 1,000 square feet. Walkways on docks over 3 feet in width shall be calculated as a part of the total square footage.

5.2.18.7.3. *Height.* The maximum height of any structure shall be 20 feet measured from the 10 year flood stage frequency elevation established by the Southwest Florida Water Management District.

5.2.18.7.4. *Width.* The maximum width of the main access pier from the shore to a dock, terminus, platform area or boathouse shall be 6 feet.

5.2.18.7.5. *Visibility.* All docks, piers and boathouses shall be constructed so as to be visible to marine traffic in time of high water by being equipped with a device or structure which is clearly visible at least 6 feet above the water's surface at all times (eg., orange flag, reflectors). Such device or structure shall be installed at the lakeward end of the structure and elsewhere along the structure, spaced no further than 25 feet apart.

5.2.18.7.6. *Enclosures.* The sides of any structure shall remain open except that see through screening materials shall be permitted. The vertical distance between the lowest roof elevation and the deck elevation shall not exceed 8 feet.

5.2.18.7.7. *Prohibited uses.* Bait houses, storage shelters, wet bars, living quarters, and other non-water dependent uses and structures are prohibited.

5.2.18.7.8. *Mooring limitations.* No more than two watercraft may be moored at any such marine structure.

5.2.18.8. MARINE STRUCTURES FOR NON-SINGLE FAMILY RESIDENTIAL OWNER USE. All dock, piers and boathouses to be used for tenants of apartments, townhouses, condominiums, other residential uses, hotels, motels, or for members of organizations or clubs shall be limited to: one slip per 10 dwelling units (or 30 active members if an organization or club) on lakes less than 100 acres of total area.

5.2.18.9. MAINTENANCE AND REMOVAL. All marine structures shall be maintained as a safe and structurally standard facility. Substandard structures are identified as those having deteriorated or damaged components, or those in a dilapidated condition which would present a hazard to pedestrians or boaters, including pilings, or supports no longer connected to a maintained dock.

### **ARTICLE 3. PERFORMANCE STANDARDS.**

#### **Sec. 5.3.1. APPLICATION.**

After the effective date of the Land Development Regulations, any use established or changed to, and any building, structure or tract of land developed, constructed or used for any permitted or permissible principal or accessory use shall comply with the applicable performance standards herein set out for the district involved. As any existing use or building or other structure is extended, enlarged or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged or reconstructed portion or portions of such use of building or other structure.

5.3.1.1. STANDARD MANUALS AND MEASURING DEVICES. The following devices and instruments standardized by the American Standard Association shall be used:

S.L.M.V	Sound Level Meter
V.M.D.	Three Component vibration measuring device.
A.D.I.	Atmospheric Dust Impinge

5.3.1.2. CUP FLASH POINT. One of the following devices or its equivalent for measuring cup flash points shall be used.

Pensky-Martens  
Tagliabue

5.3.1.3. CHARTS AND MANUALS. The provisions of the following charts and manuals shall be used as performance criteria:

40CFR Code of Federal Regulations, Title 40, "Protection of Environment".  
FAC17-2 Chapter 17-2, Florida Administrative Code, "Air Pollution".  
APAM "Air Pollution Abatement Manual" of the Manufacturing Chemist Association.  
PHR47 U.S. Public Health Report 47, No. 12, "Measurement of Density of Mineral Dust".  
ICR12 Industrial Code Rule No. 12 adopted by the Board of Standards and Appeals of the New York State Department of Labor.  
CFR10 Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation".

### **Sec. 5.3.2. CERTIFICATION.**

Before issuing a development order for any proposed use, the Administrative Official shall be satisfied to the extent feasible, that the proposed use will not violate any of the provisions of this Article. The Administrative Official may, if deemed necessary, require certification by a professional engineer registered in the State of Florida or other certified individual that the proposed use will meet the performance criteria contained herein.

### **Sec. 5.3.3. VIBRATIONS.**

5.3.3.1. DEFINITIONS. For the purposes of this section, certain terms are defined as follows:

5.3.3.1.1. Steady-state vibrations. Continuous earth-borne oscillations occurring more than 100 times per minute.

5.3.3.1.2. Impact vibrations. Earth-borne oscillations occurring in discrete pulses at or less than 100 per minute.

5.3.3.1.3. Frequency. The number of oscillations per second of a vibration.

5.3.3.1.4. A three-component measuring device. A device for recording the intensity of any vibration in 3 mutually perpendicular directions.

5.3.3.2. METHOD OF MEASUREMENT GENERALLY. For the purpose of measuring vibration, a three component measuring system recognized as standard for such purpose shall be used. Location and timing of measurements shall be arranged insofar as possible to exclude vibrations emanating from off the premises involved, or a correction factor

reasonable under the circumstances shall be applied to compensate for off-premises vibrations.

5.3.3.3. **METHOD OF MEASUREMENT IN INDUSTRIAL DISTRICTS.** In industrial zoning districts, steady state or impact vibrations from any use shall not exceed at any point at or beyond lot lines the levels set forth in the table below.

5.3.3.4. **MAXIMUM PERMITTED STEADY STATE AND IMPACT VIBRATION DISPLACEMENT IN INCHES.**

<b>Frequency</b> <u>(Cycles per second)</u>	<b>Vibration displacement</b> (in inches)	
		<u>Steady state impact</u>
<b>Under 10</b>	<b>.0005</b>	<b>.0010</b>
10 - 19	<b>.0004</b>	<b>.0008</b>
20 - 29	<b>.0003</b>	<b>.0006</b>
30 - 39	<b>.0002</b>	<b>.0004</b>
40 - and over	<b>.0001</b>	<b>.0002</b>

**Sec. 5.3.4. AIR POLLUTION.**

To protect and enhance the air quality of the City, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulation (Florida Administrative Code, Chapter 17-2) as amended. No person shall operate a regulated source of air pollution without a valid operating permit issued by the Department of Environmental Regulation.

5.3.4.1. Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Regulation and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

5.3.4.2. All development orders shall contain provisions that require construction activity to keep dust and dirt particles from blowing from the construction site through the use of approved liquid treatment or other acceptable methods in order to minimize emissions generated by the construction activity.

**Sec. 5.3.5. RADIATION HAZARDS.**

**No operation involving radiation hazards shall be conducted in any zoning district which violates the regulations and standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation" in its latest revised form.**

**Sec. 5.3.6. ODORS.**

**In any district, no odor shall be permitted at any lot line exceeding the lowest amount set forth in Table III, "Odor Thresholds," of chapter 5, "Physiological Effects," of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the Manual, and no odor shall be permitted at any lot line exceeding the amount determined by the application of such methods.**

**Sec. 5.3.7. TOXIC OR NOXIOUS MATTER.**

**In all zoning districts, the concentration of toxic or noxious odors shall not exceed, at any point on or beyond any lot line, 1/10 of the maximum allowable concentration set forth in Sec. 12-20 of ICR12 measured with the A.D.I.**

**Sec. 5.3.8. FIRE HAZARDS AND EXPLOSIVES.**

5.3.8.1. DEFINITIONS. For the purposes of this section, certain terms are defined as follows:

5.3.8.1.1. Slow burning materials. Materials that will not ignite or actively support combustion during an exposure of 5 minutes to a temperature of 1,200 degrees Fahrenheit, and therefore, do not constitute an active fuel.

5.3.8.1.2. Moderate burning materials. Materials which in themselves support combustion or are consumed slowly as they burn.

5.3.8.1.3. Free burning materials. Materials which burn actively and easily support combustion.

5.3.8.1.4. Intense burning materials. Materials which have a low ignition temperature, a high rate of burning and create a great heat.

5.3.8.1.5. Flammable or explosive materials. Materials which produce flammable or explosive gases or vapors under ordinary temperature conditions, including liquids with a closed cup flash point of less than 105 degrees Fahrenheit.

5.3.8.1.6. Closed cup flash point. The temperature at which a liquid sample produces sufficient vapor to flash, but not to ignite, when in contact with a flame in a closed up tester, such as a Pensky-Martens, Tagliabur or equivalent standard testing equipment.

5.3.8.1.7. Original sealed containers. Containers with a capacity of not more than 55 gallons.

5.3.8.2. STORAGE, USE, MANUFACTURE. In all districts in which their storage, use or manufacture is permitted, the following regulations shall apply:

5.3.8.2.1. Incombustible to moderate burning solid materials may only be stored, used or manufactured, subject to the Fire Code and LDR.

5.3.8.2.2. Free burning and intense burning solid materials may be stored, used or manufactured only within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system.

The requirement for an automatic fire extinguishing system may be waived by the Administrative Official in those cases where the introduction of water to a burning substance would cause additional hazard.

5.3.8.2.3. Flammable liquids or materials which produce flammable or explosive vapors or gases are permitted in industrial districts, subject to storage, handling and use requirements of the "Standards of National Board of Fire Underwriters for Storage, Handling and Use of Flammable Liquids", "National Board of Fire Underwriters Pamphlet No. 30, June, 1959". When flammable gases are stored, used, or manufactured, and measured in cubic feet, the quantity in cubic feet (S.T.P.) permitted shall not exceed 300 times the quantities listed in the table where the factor 300 is the volume in cubic feet occupied by one gallon of water.

5.3.8.3. TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED (IN GALLONS).

In districts other than Industrial in which storage or use is permitted:

<u>Activities engaged in storage only</u>	<u>Above ground</u> (Gallons)	<u>Underground</u> (Gallons)
Materials with closed cup flash point over 187 F.	Prohibited	100,000
Flash point 105-187 F.	Prohibited	40,000
Flash point under 105 F.	Prohibited	20,000
 <u>Activities using flammable materials</u>		
Materials with closed cup flash point over 187 F.	50,000	100,000
Flash point 105-187 F.	20,000	40,000
Flash point under 105 F.	5,000	10,000

**Sec. 5.3.9. HUMIDITY, HEAT AND GLARE.**

5.3.9.1. In all districts except industrial districts, any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line.

5.3.9.2. In industrial districts, any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any industrial district line.

**Sec. 5.3.10. ELECTROMAGNETIC INTERFERENCE.**

In all districts, no use, activity or process shall be conducted which produces electromagnetic interference with normal radio or television reception off the premises where the activity is conducted.

**Sec. 5.3.11. OUTSIDE OPERATIONS AND STORAGE.**

In an industrial zoning district, outside operations and storage normally associated with and incidental to a permitted use shall be permitted; provided, however, that when abutting a residential, institutional or commercial district not divided by a street or alley, such outside operations and storage shall be effectively screened from such district by a solid wall or fence a minimum of 6 feet high, to provide a visual barrier.

**Sec. 5.3.12. DISPOSAL OF LIQUIDS.**

Disposal of all liquids, including water, used in any way or for any purpose whatsoever shall be done in such a manner as to not harm the potable water supplies of the City

and County, the Floridian Aquifer or any of the bodies of water in the City and County. All applicable requirements of the Department of Environmental Regulation (DER), the Environmental Protection Agency (EPA), the Southwest Florida Water Management (SWFWMD) and other Federal, State, County and City regulatory agencies shall be met in all zoning districts.

**Sec. 5.3.13. ADMINISTRATION AND ENFORCEMENT - GENERAL.**

- 5.3.13.1. Determinations necessary for administration and enforcement of performance standards range from those which can be made by a reasonable person using normal senses and no equipment to those which require highly technical competence and complex equipment.
- 5.3.13.2. Where determinations can reasonably be made by the Administrative Official or other City employees using equipment and personnel normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
- 5.3.13.3. Where technical complexity or extraordinary expense make it unreasonable for the City to maintain personnel or equipment necessary for making difficult or unusual determinations, procedures as herein set out shall be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

**Sec. 5.3.14. ADMINISTRATION AND ENFORCEMENT - WHEN DETERMINATIONS CAN BE MADE WITHOUT GREAT EXPENSE.**

Where determination of violation of performance standards can be made by the Administrative Official or other duly designated City employees using equipment and personnel available to the City or obtainable without extraordinary expense, determination of violation shall be made. The Administrative Official shall take or cause to be taken lawful action as provided by this Chapter to eliminate such violation. Failure to obey lawful orders concerning cessation of violation shall be punishable as provided in this Chapter.

**Sec. 5.3.15. ADMINISTRATION AND ENFORCEMENT - WHEN DETERMINATION OF VIOLATION REQUIRES HIGHLY SKILLED PERSONNEL AND EXPENSIVE INSTRUMENTS.**

Where determination of violation of performance standards entails the use of highly skilled personnel and expensive instrumentation not ordinarily available to the City, and when, in the considered judgment of the Administrative Official a violation exists, procedure shall be as follows:

- 5.3.15.1. NOTICE. The Administrative Official shall give written notice, by certified mail, return receipt requested, or other means insuring a signed receipt for such notice, to those responsible for the alleged violation. Such notice shall describe the particulars of the alleged violation and the reasons why the Administrative Official believes there is a violation in fact, and shall require an answer or a correction of the alleged violation to the satisfaction of the Administrative Official within a reasonable time limit set by the Administrative Official but in no case more than 10 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Administrative Official within the time limit set constitutes admission of violation. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in the appropriate portions of this Chapter will be made; and that if violation as alleged is found, costs of the determinations shall be charged against those responsible, in addition to such other penalties as may be appropriate; and that if it is determined that no violation exists, costs of the determinations will be paid by the City.
- 5.3.15.2. CORRECTION OF VIOLATION WITHIN TIME LIMIT. If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Administrative Official, he shall note "Violation Corrected" on his copy of the notice and shall retain it as part of his records, taking such other action as may be warranted by the circumstances of the case.
- 5.3.15.3. NO CORRECTION; NO REPLY. If there is no reply within the time limit set, thus establishing admission of violation as provided in Subsection 5.3.15.1. above, and the alleged violation is not corrected to the satisfaction of the Administrative Official within the time limit set, he shall take or cause to be taken such action as warranted by continuation of an admitted violation after notice to cease.
- 5.3.15.4. REPLY REQUESTING EXTENSION OF TIME. If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the Administrative Official, but that more time is required than was granted by the original notice, the Administrative Official may grant an extension of time, if he deems such extension warranted in the circumstances of the case, and if such extension will not, in his opinion, cause imminent peril to life, health, or property. In acting on such requests for extension of time, the Administrative Official shall in writing

state his reasons for granting or refusing to grant the extension and shall transmit the same by certified mail, return receipt requested, or other means insuring a signed receipt, as provided in Subsection 5.3.15.1. above, to those to whom original notice was sent. Such extension(s) shall have a maximum 30 day time limit.

5.3.15.5. **REPLY REQUESTING TECHNICAL DETERMINATION.** If a reply is received within the time limit set requesting technical determinations as described in the appropriate provisions of this Article, and if the alleged violations continue, the Administrative Official may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violations, in addition to such other penalties as may be appropriate under Chapter 24 of the Land Development Regulations. If no violation is found, costs of the determination shall be paid by the City without assessment against the properties or persons involved.

#### **ARTICLE 4. NONCONFORMING USES.**

##### **Sec. 5.4.1. INTENT.**

5.4.1.1. Within the districts established by the Land Development Regulations or amendments that may later be adopted there exist:

5.4.1.1.1. Lots;

5.4.1.1.2. Structures;

5.4.1.1.3. Uses of land and structures; and

5.4.1.1.4. Characteristics of use which were lawful prior to the effective date of the original Zoning Ordinance adopted on August 7, 1961, and all subsequent amendments but which would be prohibited, regulated, or restricted under the terms of the Land Development Regulations or future amendments.

It is the intent of this Article to permit certain of these non-conformities to continue without increase in the degree of nonconformity but to discourage the survival of certain other nonconformities.

5.4.1.2. Nonconforming uses and nonconforming characteristics of either conforming or nonconforming uses are declared by this Article to be incompatible with permitted uses in the zoning district involved, to be a

threat to the character and stability of the district, and to economic values generally within the district. In view of these effects, it is the intent of this Article that certain nonconforming uses be discontinued and that no existing nonconforming use be extended or enlarged, except as provided herein by the addition of other uses of a nature prohibited generally in the district involved.

5.4.1.3. To avoid undue hardship, nothing in this Article shall be deemed to require change in plans approved by the Administrative Official prior to the effective date of adoption of the Land Development Regulations or amendment thereof; construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of the Land Development Regulations or amendment thereof and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position on the site and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently until the completion of the new construction involved.

**Sec. 5.4.2. NONCONFORMING LOT(S) OF RECORD.**

5.4.2.1. In any district in which single family detached dwellings are permitted, a single family detached dwelling and customary accessory buildings may be erected on any single lot of record existing at the effective date of adoption or subsequent amendments of the original Zoning Ordinance adopted August 6, 1971, notwithstanding limitations imposed by other provisions of this Article. The provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district; provided, that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. A variance of yard requirements shall be obtained only through action of the Board of Adjustment. No lot presently classified nonconforming under the preceding administered Zoning Chapter shall be declared a conforming lot under the provisions of this Article unless or until such lot meets the minimum requirements set forth herein and as applied in the zoning district in which such lot is located.

5.4.2.2. There shall not be any division of any parcel of land which creates a lot with a width or area below the minimum requirements stated in this Chapter, except as provided below.

**Sec. 5.4.3. NONCONFORMING LAND OR LAND WITH MINOR STRUCTURES ONLY.**

If at time of the effective date or subsequent amendment of the Land Development Regulations lawful use of land exists which would not be permitted by the regulations imposed, and where such use involves no individual structure with a replacement cost exceeding \$2,000:

- 5.4.3.1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of the LDR or subsequent amendment of the LDR;
- 5.4.3.2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the effective date of adoption of the LDR or subsequent amendment of the LDR.
- 5.4.3.3. If any such nonconforming use of land ceases for any reason for a period of more than 6 months, any subsequent use of such land shall conform to the regulations specified by the LDR for the zoning district in which such land is located;
- 5.4.3.4. No additional structure not conforming to the requirements of the LDR shall be erected in connection with such nonconforming use of land, nor shall any structure destroyed or deteriorated to the extent of 50% or more of replacement value be replaced.

**Sec. 5.4.4. NONCONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date of adoption of the LDR or subsequent amendment of the LDR that could not be built under the terms of the LDR by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 5.4.4.1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- 5.4.4.2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed, except in conformity with the provisions of the LDR;

- 5.4.4.3. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is removed.

**Sec. 5.4.5. NONCONFORMING STRUCTURES OR STRUCTURES AND PREMISES COMBINED.**

If, except as hereinafter provided in Sec. 5.4.4., at the effective date of the LDR or subsequent amendment of the LDR lawful use exists involving individual structures with a replacement cost exceeding \$2,000, or such structures and premises in combination, and such use would not be permitted by the regulations imposed;

- 5.4.5.1. Except as hereinafter provided, no such structure shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use to one permitted in the district;
- 5.4.5.2. Any nonconforming use may be extended through parts of a building manifestly arranged or designed for such use at the effective date of the LDR or subsequent amendment of the LDR but no such use shall be extended to occupy any land outside such building;
- 5.4.5.3. If no structural alterations are made, any nonconforming use of such structure, or structure and premises, may as a special exception be changed to another nonconforming use; provided, that the Board of Adjustment shall find that the proposed use is equally or more appropriate in the location than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of the LDR;
- 5.4.5.4. If a nonconforming use of such structure, or structure and premises, is superseded by a permitted use, such use shall thereafter conform to the regulations for the zoning district, and no nonconforming use shall thereafter be begun or resumed;
- 5.4.5.5. If a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 6 consecutive months or for 18 months during any 3 year period (except, when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located;
- 5.4.5.6. Where nonconforming use status applies to such structure and premises in combination, removal or destruction or major deterioration of the structure to the extent of more than 50% of replacement cost shall eliminate the nonconforming status of the land.

#### **Sec. 5.4.6. RECONSTRUCTION OR ALTERATION OF SOME STRUCTURES.**

The Board of Adjustment may permit, as a special exception, reconstruction or structural alteration of individual structures with a replacement cost exceeding \$2,000, containing nonconforming uses, upon a finding that such use is likely to continue indefinitely with or without such reconstruction or structural alteration, and that the proposed reconstruction or structural reconstruction or structural alteration will result in substantial improvement in appearance of the premises or other public benefits in keeping with the purposes of zoning. Site and building plans shall be included with applications for such special exceptions as required in the LDR, and if approved shall be binding on the petitioner and his successors in title. Such reconstruction or alteration shall be subject to the following general requirements and limitations, in addition to conditions and safeguards which may be added to fit the particular circumstances of the case:

- 5.4.6.1. Where a lot abuts or adjoins a lot in a residential district, a solid wall or solid structural screen shall be provided and maintained as necessary to protect adjoining residential property from lights, noise or undesirable views, dust, fumes or other obnoxious conditions. Such solid wall or solid structural screen shall be a minimum of 6 feet in height;
- 5.4.6.2. If a nonresidential use, off-street parking areas for short term use by customers or other visitors to the premises shall be located and improved in such a manner as to minimize potential adverse effects from light, noise or dust. Off-street parking space shall be provided as required for the first zoning district in which the use is permitted;
- 5.4.6.3. If the use is nonresidential, signs shall be limited as to location and illumination as for the most restrictive commercial zoning district. Number of signs shall not exceed 3, with total surface area not exceeding 30 sq.ft. Orientation of signs shall be toward the street, with as little exposure as practicable to adjoining residential districts;
- 5.4.6.4. Minimum yard requirements, maximum height, percent of lot coverage and impervious surface coverage requirements for the zoning district in which the nonconforming use is located shall apply.
- 5.4.6.5. The floor area devoted to nonresidential nonconforming uses shall not be increased more than 20% in any reconstruction or alteration authorized by any such special exception. Floor area of residential nonconforming use may be increased by as much as 40% under this provision. In all cases of floor area increase, the allowable percentage shall be based upon the existing floor area as of the date of adoption of the LDR and no further increases shall be permitted for the nonconforming use.

**Sec. 5.4.7. NONCONFORMING SIGNS, OFF-STREET PARKING, AND RELATED CHARACTERISTICS OF USE.**

If characteristics of use, such as signs, off-street parking or other matters pertaining to the use of land, structures or premises, are made nonconforming by the LDR, no change shall be made in such characteristics of use which increases the degree of nonconformity with the regulations of the LDR, but changes may be made which decreases such nonconformity.

**Sec. 5.4.8. ORDINARY REPAIRS AND MAINTENANCE.**

5.4.8.1. Except as provided in this Article, on any nonconforming structure or portion of structure, and on any structure or portion containing a nonconforming use, work may be done on ordinary repairs or on repair or maintenance of non-bearing walls, fixtures, wiring or plumbing; provided:

5.4.8.1.1. That the cubic content of the nonconforming structure or portion shall not be increased, and

5.4.8.1.2. That these provisions shall apply only where deterioration is not to an extent of 50% or more of replacement cost of the structure or portion thereof.

5.4.8.2. Nothing contained herein shall prevent the strengthening or restoring to safe condition of a structure or portion thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Sec. 5.4.9. USES PERMISSIBLE UNDER SPECIAL EXCEPTION PROVISIONS NOT TO BE CONSIDERED NONCONFORMING USES.**

Any use which is permissible as a special exception in a zoning district under the terms of the LDR, other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district, shall not be deemed a nonconforming use in such zoning district, but shall without further action be considered a conforming use.

**ARTICLE 5. ZONING MAP; ESTABLISHMENT OF DISTRICTS; INTERPRETATION; APPLICATION.**

**Sec. 5.5.1. OFFICIAL ZONING MAP ADOPTED.**

5.5.1.1. The City is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is

hereby adopted by reference and declared to be a part of the Land Development Regulations.

- 5.5.1.2. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 5, Article 5 of the Land Development Regulations of the City of Auburndale, Florida," together with the date of adoption.
- 5.5.1.3. If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Commission with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Commission the following (change) changes were made on the Official Zoning Map: (brief description of nature of change or reference to amendment ordinance number)," which entry shall be signed by the Mayor and attested by the City Clerk. No amendment which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.
- 5.5.1.4. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in the LDR. Any unauthorized change of whatever kind by any person shall be considered a violation of the LDR and punishable as provided under the provisions of the LDR.
- 5.5.1.5. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.

**Sec. 5.5.2. REPLACEMENT OF OFFICIAL ZONING MAP.**

- 5.5.2.1. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Commission may by resolution adopt a new Official Zoning Map, may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted

(date of adoption of map being replaced) as part of Ordinance No. \_\_\_\_ of the City of Auburndale, Florida."

5.5.2.2. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

5.5.2.3. Nothing in this Article shall prevent the City Clerk from maintaining an Official Zoning Map on a floppy disc for computer use as well as a hard copy drawing of the Official Zoning Map.

### **Sec. 5.5.3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

5.5.3.1. Boundaries indicated as approximately following the center lines of highways, streets or alleys shall be construed to follow such center lines;

5.5.3.2. Boundaries indicated as approximately following the right-of-ways of highways, streets or alleys shall be construed to follow such right-of-way lines;

5.5.3.3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

5.5.3.4. Boundaries indicated as approximately following City limits shall be construed as following such City limits;

5.5.3.5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; except, where such moving would change the zoning status of a lot or parcel; and in such case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel;

5.5.3.6. Boundaries indicated as approximately following the center lines of streams, canals, lakes or other bodies of water shall be construed to follow such center line and to be at the limit of the jurisdiction of the City, unless otherwise indicated;

5.5.3.7. Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks, unless specifically shown otherwise.

- 5.5.3.8. Boundaries indicated as parallel to or extensions of features indicated in subsections 5.5.3.1. through 5.5.3.7. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 5.5.3.9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 5.5.3.1. through 5.5.3.8. above, the Planning Commission shall interpret the district boundaries; and
- 5.5.3.10. Where a district boundary line divides a lot which was in single ownership prior to the adoption date of the zoning ordinance which was in effect at the time of adoption of the Land Development Regulations, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

#### **Sec. 5.5.4. APPLICATION OF DISTRICT REGULATIONS.**

The regulations set by this Chapter within each zoning district shall be minimum or maximum limitations, as appropriate to the case and shall apply uniformly to each class or kind of structure or land; except as hereinafter provided:

- 5.5.4.1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located.
- 5.5.4.2. No building or other structure shall hereafter be erected or altered:
- 5.5.4.2.1. to exceed the height or bulk,
  - 5.5.4.2.2. to accommodate or house a greater number of families,
  - 5.5.4.2.3. to occupy a greater percentage of lot area,
  - 5.5.4.2.4. to have narrower or smaller rear yards, front yards, side yards or other open spaces,
- than herein required; or in any other manner contrary to the provisions of this Chapter and the LDR.
- 5.5.4.3. Except as otherwise provided herein, no part of a yard or other open space or off-street parking or loading space required in connection with any building for the purpose of complying with the LDR, shall be

included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

5.5.4.4. No yard or lot existing at the time of passage of the LDR shall be reduced in dimension or area below the minimum requirements set forth herein.

5.5.4.5. All territory which may hereafter be annexed to the City shall be considered to be zoned in the same manner as the contiguous territory within the City limits unless otherwise classified at a public hearing to be held by the City Commission advertising the proposed amendment, at the time of annexation.

**Sec. 5.5.5. SCHEDULE OF DISTRICT REGULATIONS; ADOPTED.**

District regulations for individual zoning districts, other than special districts, shall be as set forth in the schedule of district regulations, Article 6 of this Chapter. The official schedule of district regulations shall be on file in the office of the City Clerk. Authentication, effect amendments, and provisions concerning unauthorized changes and replacement shall be the same as for the Official Zoning Map as set forth in Sec. 5.5.1. and Sec. 5.5.2.

**Sec. 5.5.6. INTERPRETATION OF PROVISIONS.**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for promotion of the public health, safety, morals, appearance or general welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other provisions of the Land Development Regulations the most restrictive or that imposing the higher standards shall govern.

## **ARTICLE 6. SCHEDULE OF DISTRICT REGULATIONS**

### **Sec. 5.6.1. LF - LAKE FRONT**

- 5.6.1.1. STATEMENT OF INTENT. These districts, generally located between roads close to lakes and the waterline, are intended to be reserved for private and public waterfront uses, and are regulated to prevent construction of structures other than public or private boathouse, docks and the like, in order to preserve the residential character of the neighborhoods they adjoin.
- 5.6.1.2. PERMITTED PRINCIPAL USES AND STRUCTURES. Non-commercial beaches, docks, boat launching facilities, boat houses, and the like. See Sec. 5.2.18. of the LDR for specific requirements.
- 5.6.1.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory and incidental to permitted principal uses and structures, subject to the same limitations as permitted principal uses and structures.
- 5.6.1.4. SPECIAL EXCEPTIONS. 25 foot extension to docks provided safety precautions are evaluated and taken into consideration by the Board of Adjustment based upon the individual site location and provided further that all requirements for method of measurement, areas, and water elevations as for docks under permitted uses of this district are utilized.
- 5.6.1.5. PROHIBITED USES AND STRUCTURES.
- 5.6.1.5.1. Residences, commercial or industrial structures and uses, storage of building materials except in connection with active construction on the premises, storage or use of recreational vehicles and any use which the Board of Adjustment, upon appeal, and after careful consideration of the circumstances in the case with due regard to neighboring property, safety of traffic, protection of public view and other pertinent factors shall find to be potentially noxious, dangerous or offensive to residents adjoining the district or those who pass on public ways by reason of odor, smoke, noise glare, excessive or untimely lighting, fumes, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation, unsightly or incongruous appearance, interference with view of the lake by residents adjoining the district or persons passing on public ways, or likely for other reasons to be incompatible with the character of the district or adjoining residential districts.
- 5.6.1.5.2. Junk yards.

- 5.6.1.5.3. Off-site signs.
- 5.6.1.5.4. Excavation, borrow pits
- 5.6.1.5.5. Mining
- 5.6.1.6. MINIMUM LOT REQUIREMENTS. None
- 5.6.1.7. MINIMUM YARD REQUIREMENTS.  
Front: (Toward the street) 25 feet.  
Side: 10 feet  
Rear: (Toward the lake) None.
- 5.6.1.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. 5%
- 5.6.1.9. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 12 feet.
- 5.6.1.10. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. None
- 5.6.1.11. LIMITATIONS ON SIGNS. Not to exceed 3 signs, with not to exceed 2 sq. ft. each in surface area, posting property against trespassing.
- 5.6.1.12. MINIMUM SQUARE FEET OF LIVING AREA. Living facilities not permitted.

**Sec. 5.6.2. RS-1 SINGLE FAMILY RESIDENTIAL.**

5.6.2.1. STATEMENT OF INTENT. This district, designated as RS-1, is intended to include land developed for low density single-family detached residences and vacant or partially developed lands indicated in the Comprehensive Plan as proposed for such use.

5.6.2.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.2.2.1. Single-family detached dwellings.

5.6.2.2.2. Public and private educational facilities with state approved academic curriculums.

5.6.2.2.3. Churches, provided that minimum parcel size shall not be less than 2 acres.

5.6.2.2.4. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

5.6.2.2.5. Citrus groves; plant nurseries with greenhouses not exceeding 200 sq. ft. in area, and similar agricultural uses and structures, provided that only minor and incidental retail sales shall be permitted, and that no roadside stands or signs shall be erected.

5.6.2.2.6. Foster homes meeting all State, County and City requirements.

5.6.2.3. PERMITTED ACCESSORY USES AND STRUCTURES.

5.6.2.3.1. Uses and structures which:

5.6.2.3.1.1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

5.6.2.3.1.2. Do not involve the conduct of retail business on the premises (except as permitted in connection with 5.6.2.2.5. above in "Permitted Principal Uses and Structures").

5.6.2.3.1.3. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.

5.6.2.3.1.4. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.

5.6.2.3.1.5. Do not involve operations or structures not in keeping with the character of a single-family detached residential neighborhood.

5.6.2.3.1.6. Ground mounted dish antennas.

5.6.2.3.1.7. Home occupations (see Sec. 5.2.12.).

5.6.2.3.1.8. Noncommercial greenhouses, domestic employee quarters not for rent, private garages, tool houses and garden sheds, children's play equipment, private docks, beaches and boathouse, private swimming pools, noncommercial flower and vegetable gardens and similar uses are permitted as accessory to residential or other permitted principal uses in this district.

5.6.2.3.1.9. Taking boarders or renting rooms is permitted as a use accessory to principal residential uses provided that not more than two boarders or roomers may be accommodated and that no separate kitchen facilities shall be provided for roomers or boarders.

5.6.2.3.1.10. Accessory uses and structures not occupied for living quarters nor housing automotive or truck vehicles nor greater than 400 sq. ft. in total floor area may be permitted within 5 feet of side or rear property lines.

5.6.2.3.1.11. Senior adult flat, (See Sec. 4.2.1.94. of the LDR.).

#### 5.6.2.4. SPECIAL EXCEPTIONS.

5.6.2.4.1. Golf course and country club, not including miniature golf courses, provided the parcel comprises a minimum of 80 acres of land and that required parking and all structures are located a minimum of 100 feet from any other residentially zoned property.

5.6.2.4.2. New cemeteries.

#### 5.6.2.5. PROHIBITED USES AND STRUCTURES.

5.6.2.5.1. Trade or service establishments or storage in connection with such establishments, storage or long-term parking of

commercial or industrial vehicles, storage of building materials except in connection with active construction or demolition of structures on the premises, storage or use of manufactured homes, recreational vehicles or trailers except as provided in Sec. 6.3.1., outdoor advertising, and any use or structure not specifically or provisionally permitted herein.

5.6.2.5.2. Junk yards.

5.6.2.5.3. Off-site signs.

5.6.2.5.4. Excavation, borrow pits.

5.6.2.5.5. Mining.

5.6.2.5.6. Livestock, including swine, cattle, sheep, goats, and poultry but not to include horses.

5.6.2.5.7. Kennels

5.6.2.6. MINIMUM LOT REQUIREMENTS. (Area & width)

5.6.2.6.1. Single-family detached dwellings:

Lot width: 80 feet

Lot area: 10,800 sq.ft.

5.6.2.6.2. Other permitted uses and structures:

None except as required to meet other requirements herein.

5.6.2.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard, width of side yard)

5.6.2.7.1. Single-family detached dwellings:

Front: 25 feet

Side: 10 feet provided that where a single-family detached dwelling is erected on a nonconforming lot of record and the lot is 50 feet or less in width, side yards shall be a minimum of 5 feet in width, unless the structure is over 9 feet in height from the ground to eaves. For any building over 9 feet in

height from the ground to the eaves, side yards shall be increased 1 foot for each 3 feet of height above 9 feet.

Rear: 10 feet.

5.6.2.7.3. All other permitted principal structural uses:

Front, side and rear yards: 25 feet.

5.6.2.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 50% for all upland soils. All other soils shall remain unimproved.

5.6.2.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 2 1/2 stories, 35 feet.

5.6.2.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.2.11.1. Single-family detached residences: 2 spaces.

5.6.2.11.2. Schools:

Elementary and junior high: 2 spaces for each classroom or office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

Senior: 4 spaces for each classroom or office room, plus 1 for each 150 sq. ft. seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

5.6.2.11.3. Municipal and neighborhood buildings and churches: 3 spaces for each office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any room to be used for public meetings.

5.6.2.11.4. Special exceptions permissible by Board of Adjustment: To be determined by the Board by general rule or by findings in the particular case.

5.6.2.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:

5.6.2.12.1. In connection with a church, school, public park, playground or playfield, or a municipal or neighborhood building:

5.6.2.12.1.1. Not more than 2 identification signs, with combined surface area not exceeding 140 sq. ft.

5.6.2.12.1.2. Not more than 2 bulletin boards or notice boards, with combined surface area not exceeding 60 sq. ft.

5.6.2.12.1.3. In addition to the provisions of 5.6.2.12.1.1. and 5.6.2.12.1.2. above, these sign areas may be combined but in no case shall the combined area exceed 200 sq. ft.

5.6.2.12.1.4. Not more than 2 temporary signs or banners with combined surface area not exceeding 80 sq. ft. in connection with special events, provided that no such sign or banner shall be displayed longer than the duration of the special event plus one week before it begins. Portable signs shall be permitted under these conditions except that such signs shall not exceed 32 sq. ft. for each sign surface area.

5.6.2.12.2. No such sign shall be erected within 10 feet of any property line.

#### 5.6.2.13. MINIMUM SQUARE FEET OF LIVING AREA.

5.6.2.13.1. All single-family detached dwellings shall contain a minimum of 1,400 sq. ft. of living area with a TWO (2) car garage which contains a minimum of 400 sq. ft.

5.6.2.13.2. The minimum square footage requirement does not include the garage. It also excludes any utility room which is separated from the building.

**Sec. 5.6.3. RS-2 SINGLE FAMILY RESIDENTIAL.**

5.6.3.1. STATEMENT OF INTENT. This district, designated as RS-2, is intended to include land developed for low to medium density single-family detached residences and vacant or partially developed lands indicated in the Comprehensive Plan as proposed for such use.

5.6.3.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.3.2.1. Single-family detached dwellings.

5.6.3.2.2. Public and private educational facilities with state approved academic curriculums.

5.6.3.2.3. Churches, provided that minimum parcel size shall not be less than 2 acres.

5.6.3.2.4. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

5.6.3.2.5. Citrus groves; plant nurseries with greenhouses not exceeding 200 sq. ft. in area, and similar agricultural uses and structures, provided that only minor and incidental retail sales shall be permitted, and that no roadside stands or signs shall be erected.

5.6.3.2.6. After review by the Administrative Official, private child care center, provided:

5.6.3.2.6.1. Lot area shall not be less than 9,500 sq. ft., lot width in portion used for fenced play area shall not be less than 75 feet.

5.6.3.2.6.2. Fenced play area of not less than 3,000 sq. ft. shall be provided for the first 15 or fewer children, with 200 sq. ft. additional for each additional child.

5.6.3.2.6.3. No portion of the fenced play area shall be closer than 5 feet to any public street right-of-way.

5.6.3.2.6.4. A 5 foot high solid wall or fence shall be provided between fenced play areas and residential lot lines in such locations as may be directed by the Administrative Official.

5.6.3.2.6.5. All outdoor play activities shall be conducted within the fenced play area and no outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.

5.6.3.2.6.6. All facilities, operation, and maintenance shall meet City, County and State requirements for the operation of child care centers.

5.6.3.2.7. Foster home meeting all State, County and City requirements.

5.6.3.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.3.3.1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

5.6.3.3.2. Do not involve the conduct of retail business on the premises (except as permitted in connection with 5.6.3.2.5. above in "Permitted Principal Uses and Structures").

5.6.3.3.3. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.

5.6.3.3.4. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.

5.6.3.3.5. Do not involve operations or structures not in keeping with the character of a single-family detached residential neighborhood.

5.6.3.3.6. Ground mounted dish antennas.

5.6.3.3.7. Home occupations (see Sec 5.2.12.of the LDR).

5.6.3.3.8. Noncommercial greenhouses, domestic employee quarters not for rent, private garages, tool houses and garden sheds, children's play equipment, private docks, beaches and boathouse, private swimming pools, noncommercial flower and vegetable gardens and similar uses are permitted as accessory to residential or other permitted principal uses in this district.

5.6.3.3.9. Taking boarders or renting rooms is permitted as a use accessory to principal residential uses provided that not more than two boarders or roomers may be accommodated and that no separate kitchen facilities shall be provided for roomers or boarders.

5.6.3.3.10. Accessory uses and structures not occupied for living quarters nor housing automotive or truck vehicles nor greater than 400 sq. ft. in total floor area may be permitted within 5 feet of side or rear property lines.

5.6.3.3.11. Senior adult flat. (See Sec. 4.2.1.94. of the LDR.).

5.6.3.4. SPECIAL EXCEPTIONS.

5.6.3.4.1. Golf course and country club, not including miniature golf courses, provided the parcel comprises a minimum of 80 acres of land and that required parking and all structures are located a minimum of 100 feet from any other residentially zoned property.

5.6.3.4.2. New cemeteries.

5.6.3.5. PROHIBITED USES AND STRUCTURES.

5.6.3.5.1. Trade or service establishments or storage in connection with such establishments, storage or long-term parking of commercial or industrial vehicles, storage of building materials except in connection with active construction or demolition of structures on the premises, storage or use of manufactured homes, recreational vehicles or trailers except as provided in Sec. 5.2.9., outdoor advertising, and any use or structure not specifically or provisionally permitted herein.

5.6.3.5.2. Junk yards.

5.6.3.5.3. Off-site signs.

5.6.3.5.4. Excavation, borrow pits.

5.6.3.5.5. Mining.

5.6.3.5.6. Livestock, including swine, cattle, sheep, goats, and poultry but not to include horses.

5.6.3.5.7 Kennels

5.6.3.6. MINIMUM LOT REQUIREMENTS. (Area & width)

5.6.3.6.1. Single-family detached dwellings:

Lot width: 70 feet.

Lot area: 9,500 sq. ft.

5.6.3.6.2. Other permitted uses and structures:  
None except as required to meet other requirements herein.

5.6.3.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard, width of side yard)

5.6.3.7.1. Single-family detached dwellings:

Front: 25 feet.

Side: 10 feet provided that where a single-family detached dwelling is erected on a nonconforming lot of record and the lot 50 feet or less in width, side yards shall be a minimum of 5 feet in width, unless the structure is over 9 feet in height from the ground to eaves. For any building over 9 feet in height from the ground to the eaves, side yards shall be increased 1 foot for each 3 feet of height above 9 feet.

Rear: 10 feet.

5.6.3.7.2. All other permitted principal structural uses:

Front, side and rear yards: 25 feet.

5.6.3.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 50% for all upland soils. All other soils shall remain unimproved.

5.6.3.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 2 1/2 stories, 35 feet.

5.6.3.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.3.11.1. Single-family detached residences: 2 spaces.

5.6.3.11.2. Schools:

Elementary and junior high: 2 spaces for each classroom or office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

Senior: 4 spaces for each classroom or office room, plus 1 for each 150 sq. ft. seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

- 5.6.3.11.3. Municipal and neighborhood buildings and churches: 3 spaces for each office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any room to be used for public meetings.
- 5.6.3.11.4. Child care center: 2 spaces for each employee, plus adequate provisions for loading and unloading children from off the street.
- 5.6.3.11.5. Special exceptions permissible by Board of Adjustment: To be determined by the Board by general rule or by findings in the particular case.
- 5.6.3.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:
  - 5.6.3.12.1. In connection with a church, school, public park, playground or playfield, or a municipal or neighborhood building:
    - 5.6.3.12.1.1. Not more than 2 identification signs, with combined surface area not exceeding 140 sq. ft.
    - 5.6.3.12.1.2. Not more than 2 bulletin boards or notice boards, with combined surface area not exceeding 60 sq. ft.
    - 5.6.3.12.1.3. In addition to the provisions of 5.6.3.12.1.1. and 5.6.3.12.1.2. above, these sign areas may be combined but in no case shall the combined area exceed 200 sq. ft.
    - 5.6.3.12.1.4. Not more than 2 temporary signs or banners with combined surface area not exceeding 80 sq. ft. in connection with special events, provided that no such sign or banner shall be displayed longer than the duration of the special event plus one week before it begins. Portable signs shall be permitted under these conditions except that such signs shall not exceed 32 sq. ft. for each sign surface area.
  - 5.6.3.12.2. No such sign shall be erected within 10 feet of any property line.
- 5.6.3.13. MINIMUM SQUARE FEET OF LIVING AREA.
  - 5.6.3.13.1. All single-family detached dwellings shall contain a minimum of 1,200 sq. ft. of living area with a ONE (1) car garage which contains a minimum of 220 sq. ft.
  - 5.6.3.13.2. The minimum square footage requirement does not include the garage. It also excludes any utility room which is separated from the building.

**Sec. 5.6.4. RS-3 SINGLE FAMILY RESIDENTIAL.**

5.6.4.1. STATEMENT OF INTENT. This district, designated as RS-3, is intended to include land developed for low to medium density single-family detached residences and vacant or partially developed lands indicated in the Comprehensive Plan as proposed for such use.

5.6.4.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.4.2.1. Single-family detached dwellings.

5.6.4.2.2. Public and private educational facilities with conventional state approved academic curriculums.

5.6.4.2.3. Churches, provided that minimum parcel size shall not be less than 2 acres.

5.6.4.2.4. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

5.6.4.2.5. Citrus groves; plant nurseries with greenhouses not exceeding 200 sq. ft. in area, and similar agricultural uses and structures, provided that only minor and incidental retail sales shall be permitted, and that no roadside stands or signs shall be erected.

5.6.4.2.6. After review by the Administrative Official, private child care center, provided:

5.6.4.2.6.1. Lot area shall not be less than 9,500 sq. ft., lot width in portion used for fenced play area shall not be less than 75 feet.

5.6.4.2.6.2. Fenced play area of not less than 3,000 sq. ft. shall be provided for the first 15 or fewer children, with 200 sq. ft. additional for each additional child.

5.6.4.2.6.3. No portion of the fenced play area shall be closer than 5 feet to any public street or right-of-way.

5.6.4.2.6.4. A 5 foot high solid wall or fence shall be provided between fenced play areas and residential lot lines in such locations as may be directed by the Administrative Official.

5.6.4.2.6.5. All outdoor play activities shall be conducted within the fenced play area and no outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.

5.6.4.2.6.6. All facilities, operation, and maintenance shall meet City, County and State requirements for the operation of child care centers.

5.6.4.2.6. Foster home meeting all State, County and City requirements.

5.6.4.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.4.3.1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

5.6.4.3.2. Do not involve the conduct of retail business on the premises (except as permitted in connection with 5.6.4.2.5. above in "Permitted Principal Uses and Structures").

5.6.4.3.3. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.

5.6.4.3.4. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.

5.6.4.3.5. Do not involve operations or structures not in keeping with the character of a single-family detached residential neighborhood.

5.6.4.3.6. Ground mounted dish antennas.

5.6.4.3.7. Home occupations (see Sec. 5.2.12. of the LDR).

5.6.4.3.8. Noncommercial greenhouses, domestic employee quarters not for rent, private garages, tool houses and garden sheds, children's play equipment, private docks, beaches and boathouse, private swimming pools, noncommercial flower and vegetable gardens and similar uses are permitted as accessory to residential or other permitted principal uses in this district.

5.6.4.3.9. Taking boarders or renting rooms is permitted as a use accessory to principal residential uses provided that not more than 2 boarders or roomers may be accommodated and that no separate kitchen facilities shall be provided for roomers or boarders.

5.6.4.3.10. Accessory uses and structures not occupied for living quarters nor housing automotive or truck vehicles nor greater than 400 sq. ft. in total floor area may be permitted within 5 feet of side or rear property lines.

5.6.4.3.11. Senior adult flat, (See Sec. 4.2.1.94. of the LDR.).

5.6.4.4. SPECIAL EXCEPTIONS.

5.6.4.4.1. Golf course and country club, not including miniature golf courses, provided the parcel comprises a minimum of 80 acres of land and that required parking and all structures are located a minimum of 100 feet from any other residentially zoned property.

5.6.4.4.2. New cemeteries.

5.6.4.5. PROHIBITED USES AND STRUCTURES.

5.6.4.5.1. Trade or service establishments or storage in connection with such establishments, storage or long-term parking of commercial or industrial vehicles, storage of building materials except in connection with active construction or demolition of structures on the premises, storage or use of manufactured homes, recreational vehicles or trailers except as provided in Sec. 5.2.9., outdoor advertising, and any use or structure not specifically or provisionally permitted herein.

5.6.4.5.2. Junk yards.

5.6.4.5.3. Off-site signs.

5.6.4.5.4. Excavation, borrow pits.

5.6.4.5.5. Mining.

5.6.4.5.6. Livestock, including swine, cattle, sheep, goats, and poultry but not to include horses.

5.6.4.5.7 Kennels

5.6.4.6. MINIMUM LOT REQUIREMENTS. (Area & width)

5.6.4.6.1. Single-family detached dwellings:

Lot width: 50 feet.

Lot area: 6,000 sq. ft.

5.6.4.6.2. Other permitted uses and structures: None except as required to meet other requirements herein.

5.6.4.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard, width of side yard)

5.6.4.7.1. Single-family detached dwellings:

Front: 25 feet.

For single-family detached dwelling, the minimum required front yard may be reduced to 15 feet for an OPEN CARPORT ONLY, and no variance shall be granted by the Board of Adjustment for less than 15 feet.

No new or existing carports located closer than 25 feet to the front property lines shall be permitted to be enclosed and the Board of Adjustment shall not have the authority to grant any approval or variance to permit such enclosures.

Side: 7 feet provided that where a single-family detached dwelling is erected on a nonconforming lot of record and the lot is less than 50 feet in width, side yards shall be a minimum of 5 feet in width, unless the structure is over 9 feet in height from the ground to eaves. For any building over 9 feet in height from the ground to the eaves, side yards shall be increased 1 foot for each 3 feet of height above 9 feet.

Rear: 10 feet.

5.6.4.7.2. All other permitted principal structural uses:

Front, side and rear yards: 25 feet.

5.6.4.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 50% for all upland soils. All other soils shall remain unimproved.

5.6.4.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 2 1/2 stories, 35 feet.

5.6.4.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.4.11.1. Single-family detached residences: 2 spaces.

5.6.4.11.2. Schools:

Elementary and junior high: 2 spaces for each classroom or office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

Senior: 4 spaces for each classroom or office room, plus 1 for each 150 sq. ft. seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

5.6.4.11.3. Municipal and neighborhood buildings and churches: 3 spaces for each office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any room to be used for public meetings.

5.6.4.11.4. Child care center: 2 spaces for each employee, plus adequate provisions for loading and unloading children from off the street.

5.6.4.11.5. Special exceptions permissible by Board of Adjustment: To be determined by the Board by general rule or by findings in the particular case.

5.6.4.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:

5.6.4.12.1. In connection with a church, school, public park, playground or playfield, or a municipal or neighborhood building:

5.6.4.12.1.1. Not more than 2 identification signs, with combined surface area not exceeding 140 sq. ft.

5.6.4.12.1.2. Not more than 2 bulletin boards or notice boards, with combined surface area not exceeding 60 sq. ft.

5.6.4.12.1.3. In addition to the provisions of 5.6.4.12.1.1. and 5.6.4.12.1.2. above, these sign areas may be combined but in no case shall the combined area exceed 200 sq. ft.

5.6.4.12.1.4. Not more than 2 temporary signs or banners with combined surface area not exceeding 80 sq. ft. in connection with special events, provided that no such sign or banner shall be displayed longer than the duration of the special event plus one week before it begins. Portable signs shall be permitted under these conditions except that such signs shall not exceed 32 sq. ft. for each sign surface area.

5.6.4.12.2. No such sign shall be erected within 10 feet of any property line.

5.6.4.13. MINIMUM SQUARE FEET OF LIVING AREA.

5.6.4.13.1. All single-family detached dwellings shall contain a minimum of 1,000 sq. ft. of living area with one (1) carport.

5.6.4.13.2. The minimum square footage requirement does not include any carport or garage. It also excludes any utility room which is separated from the building.

**Sec. 5.6.5. RMH - RESIDENTIAL MANUFACTURED HOMES:**

5.6.5.1. STATEMENT OF INTENT. This district is intended to include lands developed and suitable for development as indicated in the Comprehensive Plan, for low to medium density residential uses. Manufactured housing developments including parks, subdivisions and condominiums are the uses primarily encouraged within this district.

5.6.5.2. PERMITTED PRINCIPAL USES AND STRUCTURES. Manufactured housing developments, parks, subdivisions and condominiums as provided for in Sec. 5.2.9. of the LDR.

5.6.5.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory and incidental to permitted principal uses and structures, subject to the same limitations as permitted principal uses and structures and as provided for in Sec. 5.2.9. of the LDR.

5.6.5.4. SPECIAL EXCEPTIONS. In conjunction with manufactured housing parks and condominiums (but not including subdivisions) having a minimum of 100 dwelling units, establishments for sale of convenience goods, personal and professional service establishments, and eating establishments, provided that all such establishments shall be designed and scaled to meet only the requirements of the occupants and their guests, and that there shall be no signs or external evidence of the existence of such establishments. Ground area devoted to such permissible uses shall not exceed 5% of the total ground area of the development.

5.6.5.5. PROHIBITED USES AND STRUCTURES.

5.6.5.5.1. Any use or structure which is not specifically, provisionally, or by reasonable implication permitted herein.

5.6.5.5.2. Off-site signs.

5.6.5.5.3. Excavation, borrow pits.

5.6.5.5.4. Mining.

5.6.5.5.5. Junk yards.

5.6.5.5.6. Livestock, including swine, cattle, sheep, goats, and poultry but not to include horses.

5.6.5.5.7 Kennels

5.6.5.6. MINIMUM LOT REQUIREMENTS. (Area and Width)

5.6.5.6.1. Manufactured housing developments:

5.6.5.6.1.1. Park, condominium:

Minimum lot width:

Single section: 45 feet.

Double section: 50 feet.

Minimum lot area:

Single section: 4,500 sq. ft.

Double section: 5,000 sq. ft.

5.6.5.6.1.2. Subdivision:

Minimum lot width: 50 feet.

Minimum lot area: 5,000 sq. ft.

5.6.5.6.2. Other permitted or permissible structures: As needed to meet other requirements herein.

5.6.5.7. MINIMUM YARD REQUIREMENTS. (See also Sec. 5.2.9. of the LDR)

5.6.5.7.1. Manufactured home subdivisions:

Front: 15 feet.

Side: 7 feet.

Rear: 10 feet.

5.6.5.7.2. Manufactured housing parks and condominiums.

Front: 15 feet.

Side: 7 feet.

Rear: 10 feet.

5.6.5.7.3. Other permitted or permissible uses and structures:

Front: 25 feet.  
Side: 10 feet.  
Rear: 15 feet.

- 5.6.5.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. 40%
- 5.6.5.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 55% for all upland soils. All other soils shall remain unimproved.
- 5.6.5.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4., no portion shall exceed: 35 feet.
- 5.6.5.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.
  - 5.6.5.11.1. Manufactured homes: 2 spaces per dwelling.
  - 5.6.5.11.2. Manufactured housing developments: 1 space for each 200 sq. ft. of gross floor area or 1 space for each 3 seats, whichever is greater, for community center, recreation hall or similar facility. Offices shall have 1 space for each 300 sq. ft. of gross floor area, plus 1 space for each employee.
- 5.6.5.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except.
  - 5.6.5.12.1. Manufactured housing developments containing 20 or more dwelling units: One permanent identification sign, not exceeding 32 sq. ft. in area, erected at each principal entrance to the development.
  - 5.6.5.12.2. No such sign shall be erected within 10 feet of any property line.
- 5.6.5.13. MINIMUM SQUARE FEET OF LIVING AREA. 500 sq. ft.

The minimum square footage requirement does not include any carport or garage. It also excludes any utility room which is separated from the building.

**Sec. 5.6.6. RG-1 - GENERAL RESIDENTIAL**

5.6.6.1. STATEMENT OF INTENT. This district is intended to include lands developed and suitable for development, as indicated in the Comprehensive Plan, for low to medium density residential uses. Special emphasis is on a compatible mixture of residential uses.

5.6.6.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.6.2.1. Single-family detached dwellings.

5.6.6.2.2. Single-family semi-detached and attached townhouses, two family and multiple family dwellings.

5.6.6.2.3. Public and private educational facilities with conventional state approved academic curriculums.

5.6.6.2.4. Churches, provided that minimum parcel size shall not be less than 2 acres.

5.6.6.2.5. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

5.6.6.2.6. Citrus groves; plant nurseries with greenhouses not exceeding 200 sq. ft. in area and similar agricultural uses and structures, provided that only minor and incidental retail sales shall be permitted, and that no roadside stands or signs shall be erected.

5.6.6.2.7. After review by the Administrative Official, private child care center, provided:

5.6.6.2.7.1. Lot area shall not be less than 9,500 sq. ft., lot width in portion used for fenced play area shall not be less than 75 feet.

5.6.6.2.7.2. Fenced play area of not less than 3,000 sq. ft. shall be provided for the first 15 or fewer children, with 200 sq. ft. additional for each additional child.

5.6.6.2.7.3. No portion of the fenced play area shall be closer than 20 feet to any public street right-of-way.

5.6.6.2.7.4. A 5 foot high solid wall or fence shall be provided between fenced play areas and residential lot lines in such locations as may be directed by the Administrative Official.

5.6.6.2.7.5. All outdoor play activities shall be conducted within the fenced play area and no outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.

5.6.6.2.7.6. All facilities, operation, and maintenance shall meet City, County and State requirements for the operation of child care centers.

5.6.6.2.8. Foster home and family group homes meeting all State, County and City requirements.

5.6.6.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.6.3.1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

5.6.6.3.2. Do not involve the conduct of retail business on the premises (except as permitted in connection with 5.6.6.2.6. above in "Permitted Principal Uses and Structures").

5.6.6.3.3. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.

5.6.6.3.4. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a general residential neighborhood.

5.6.6.3.5. Do not involve operations or structures not in keeping with the character of a general residential neighborhood.

5.6.6.3.6. Ground mounted dish antennas.

5.6.6.3.7. Home occupations (See Sec. 5.2.12. of the LDR)

5.6.6.3.8. Noncommercial greenhouses, servants quarters not for rent, private garages, tool houses and garden sheds, children's play equipment, private docks, beaches and boathouse, private swimming pools, noncommercial flower and vegetable gardens and similar uses are permitted as accessory to residential or other permitted principal uses in this district.

5.6.6.3.9. Taking boarders or renting rooms is permitted as a use accessory to principal residential uses provided that not more than 6 boarders or roomers may be accommodated and that no separate kitchen facilities shall be provided for roomers or boarders.

5.6.6.3.10. Accessory uses and structures not occupied for living quarters nor housing automotive or truck vehicles nor greater than 400 sq. ft. in total floor area may be permitted within 5 feet of side or rear property lines.

5.6.6.3.11. Senior adult flats (See Sec. 4.2.1.94. of the LDR.).

5.6.6.3.12. Garage apartments only a accessory to permitted uses and structures may be permitted, but shall be counted as dwelling units for purposes of lot area computations.

#### 5.6.6.4. SPECIAL EXCEPTIONS.

5.6.6.4.1. Golf course and country club, not including miniature golf course, provided the parcel comprises a minimum of 80 acres of land and that required parking and all structures are located a minimum of 100 feet from any other residentially zoned property.

5.6.6.4.2. New cemeteries.

5.6.6.4.3. Reserved for future use.

5.6.6.4.4. Funeral homes.

5.6.6.4.5. Group homes meeting all State, County and City requirements.

#### 5.6.6.5. PROHIBITED USES AND STRUCTURES.

5.6.6.5.1. Trade or service establishments or storage in connection with such establishments, storage or long-term parking of commercial or industrial vehicles, storage of building materials except in connection with active construction or demolition of structures on the premises, storage or use of manufactured homes, recreational vehicles or trailers except as provided in Sec. 5.2.9. of the LDR, outdoor advertising, and any use or structure not specifically or provisionally permitted herein.

5.6.6.5.2. Junk yards.

5.6.6.5.3. Off-site signs.

5.6.6.5.4. Excavation, borrow pits.

5.6.6.5.5. Mining.

5.6.6.5.6. Livestock, including swine, cattle, sheep, goats, and poultry but not to include horses.

5.6.6.5.7 Kennels

5.6.6.6. MINIMUM LOT REQUIREMENTS. (Area & width)

5.6.6.6.1. Single-family:

5.6.6.6.1.1. Detached:

Lot width: 60 feet.  
Lot area: 7,200 sq. ft.

5.6.6.6.1.2. Semi-detached and attached:

Lot width: 80 feet.  
Lot area: 8,400 sq. ft.

5.6.6.6.1.3. Lot width for attached unit: 20 feet.

5.6.6.6.1.4. Lot width for end unit: 30 feet.

5.6.6.6.2. Multiple family:

Lot width: 90 feet.  
Lot area: 10,000 sq. ft. plus 3,000 sq. ft. for each dwelling unit in excess of 2.

5.6.6.6.3. Other permitted or permissible uses or structures: As needed to meet other requirements herein.

5.6.6.6.4. Certain lot patterns have been established within portions of the City over the course of its development which do not meet minimum lot width and area requirements. Where it can be determined that a single lot of record existed at the effective date of adoption or subsequent amendments to the original Zoning Ordinance adopted August 6, 1971, that is no less than 50 feet in width and no less than 10,400 square feet in area, such lot may be platted into no more than 2 lots. Each replatted lot shall have a minimum of 50 feet lot width and street frontage, and a minimum of 5,200 square feet of area and may be used only for placement of a single family detached dwelling and related accessory uses. All minimum yard, off-street parking and other LDR requirements shall be met.

Where it can be determined that a single lot of record existed at the effective date of adoption or subsequent amendments to the original Zoning Ordinance adopted August 6, 1971, that has no less than 50 feet in width and street frontage, and has no less than 10,400 square feet in area, such single lot may be used for placement of a two family (duplex) dwelling. All minimum yard, off-street parking and other LDR requirements shall be met.

5.6.6.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard, width of side yard)

Front: 25 feet.

For single-family detached dwelling, the minimum required front yard may be reduced to 15 feet for an OPEN CARPORT ONLY, and no variance shall be granted by the Board of Adjustment for less than 15 feet.

No new or existing carports located closer than 25 feet to the front property lines shall be permitted to be enclosed and the Board of Adjustment shall not have the authority to grant any approval or variance to permit such enclosures.

Side: 10 feet provided that where a single-family detached dwelling is erected on a nonconforming lot of record and the lot is 50 feet or less in width, side yards shall be a minimum of 5 feet in width, unless the structure is over 9 feet in height from the ground to eaves. For any building over 9 feet in height from the ground to the eaves, side yards shall be increased 1 foot for each 3 feet of height above 9 feet; provided that for single-family attached, side yard requirements apply only to end units.

Rear: 10 feet.

5.6.6.7.1. Other permitted or permissible structures: As for single-family detached dwellings in this district unless otherwise specified.

5.6.6.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 55% for all upland soils. All other soils shall remain unimproved.

5.6.6.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4., no portion shall exceed:

5.6.6.10.1. Single and two family dwellings: 35 feet

5.6.6.10.2. Multiple family dwellings: 35 feet at boundaries of buildable area, increasing 2 feet for each 1 foot from such boundaries to a maximum height of 50 feet.

5.6.6.10.3. Other permitted or permissible structures: 35 feet

5.6.6.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.6.11.1. Single-family detached residences: 2 spaces.

5.6.6.11.2. Schools:

Elementary and junior high: 2 spaces for each classroom or office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

Senior: 4 spaces for each classroom or office room, plus 1 for each 150 sq. ft. seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

5.6.6.11.3. Municipal and neighborhood buildings and churches: 3 spaces for each office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any room to be used for public meetings.

5.6.6.11.4. Child care center: 2 spaces per employee, plus adequate provision for loading and unloading children from off the street.

5.6.6.11.5. Family group homes: 1 space for each 2 beds.

5.6.6.11.6. Group homes: 1 space for each bed.

5.6.6.11.7. All other dwellings: 2 spaces per unit.

5.6.6.11.8. Funeral home: 1 space for each 3 seats in auditorium or chapel area.

5.6.6.11.9. Special exceptions permissible by Board of Adjustment: To be determined by the Board by general rule or by findings in the particular case.

- 5.6.6.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:
- 5.6.6.12.1. In connection with a church, school, public park, playground or playfield, or a municipal or neighborhood building:
    - 5.6.6.12.1.1. Not more than 2 identification signs, with combined surface area not exceeding 140 sq. ft.
    - 5.6.6.12.1.2. Not more than 2 bulletin boards or notice boards, with combined surface area not exceeding 60 sq. ft.
    - 5.6.6.12.1.3. In addition to the provisions of 5.6.6.12.1.1. and 5.6.6.12.1.2. above, these sign areas may be combined but in no case shall the combined area exceed 200 sq. ft.
    - 5.6.6.12.1.4. Not more than 2 temporary signs or banners with combined surface area not exceeding 80 sq. ft. in connection with special events, provided that no such sign or banner shall be displayed longer than the duration of the special event plus one week before it begins. Portable signs shall be permitted under these conditions except that such signs shall not exceed 32 sq. ft. for each sign surface area.
  - 5.6.6.12.2. No such sign shall be erected within 10 feet of any property line.
  - 5.6.6.12.3. For dwelling developments, permitted or permissible in this district: One permanent identification sign, not exceeding 12 sq. ft. in area, which can be located within the minimum required front yard setback, provided however that there is a minimum of 4 foot separation between the street pavement edge or back of curb and the sign.
  - 5.6.6.12.4. Funeral home: One identification sign illuminated but with lighting directed so as not to shine toward adjoining residential uses, and not to exceed 10 sq. ft. in area per surface side.
- 5.6.6.13. MINIMUM SQUARE FEET OF LIVING AREA.
- 5.6.6.13.1. Single-family detached and attached townhouses dwellings shall contain a minimum of 900 sq. ft. of living area with one (1) carport for each unit, with similar roof lines and architectural characteristics.
  - 5.6.6.13.2. All semi-detached two and multiple-family dwelling units shall contain a minimum of 700 sq. ft. of living area.

5.6.6.13.3. The minimum square footage requirements do not include any carport, garage, or other non-living area. Any utility room separated from the principal structure is also excluded.

**Sec. 5.6.7. RG-2 - GENERAL RESIDENTIAL.**

5.6.7.1. STATEMENT OF INTENT. This district is intended to be used for medium to high density residential uses in areas as indicated in the Comprehensive Plan as proposed for such uses. Special emphasis is on multiple family uses, where they are well served by public and commercial services and have convenient access to the major street system of the city.

5.6.7.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.7.2.1. Single-family detached dwellings.

5.6.7.2.2. Single-family semi-detached and attached, townhouses, two family and multiple family dwellings.

5.6.7.2.3. Public and private educational facilities with conventional state approved academic curriculums.

5.6.7.2.4. Churches, provided that minimum parcel size shall not be less than 2 acres.

5.6.7.2.5. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

5.6.7.2.6. Citrus groves; plant nurseries with greenhouses not exceeding 200 sq. ft. in area, and similar agricultural uses and structures, provided that only minor and incidental retail sales shall be permitted, and that no roadside stands or signs shall be erected.

5.6.7.2.7. After review by the Administrative Official, private child care center, provided:

5.6.7.2.7.1. Lot area shall not be less than 9,500 sq. ft., lot width in portion used for fenced play area shall not be less than 75 feet.

5.6.7.2.7.2. Fenced play area of not less than 3,000 sq. ft. shall be provided for the first 15 or fewer children, with 200 sq. ft. additional for each additional child.

5.6.7.2.7.3. No portion of the fenced play area shall be closer than 20 feet to any public street right of way.

5.6.7.2.7.4. A 5 foot high solid wall, or fence shall be provided between fenced play areas and residential lot lines in such locations as may be directed by the Administrative Official.

5.6.7.2.7.5. All outdoor play activities shall be conducted within the fenced play area and no outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.

5.6.7.2.7.6. All facilities, operation, and maintenance shall meet City, County and State requirements for the operation of child care centers.

5.6.7.2.8. Private clubs of a fraternal or social character not operated or maintained for profit, including a dining facility incidental to the club activity and operated for the benefit of members only.

5.6.7.2.9. Foster homes, family group homes and group homes meeting all State, County and City requirements.

5.6.7.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.7.3.1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

5.6.7.3.2. Do not involve the conduct of retail business on the premises (except as permitted in connection with 5.6.7.2.6. above in "Permitted Principal Uses and Structures").

5.6.7.3.3. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.

5.6.7.3.4. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a medium to high density residential neighborhood.

5.6.7.3.5. Do not involve operations or structures not in keeping with the character of a medium to high density residential neighborhood.

5.6.7.3.6. Ground mounted dish antennas.

5.6.7.3.7. Noncommercial greenhouses, domestic employee quarters not for rent, private garages, tool houses and garden sheds, children's play equipment, private docks, beaches and boathouse, private swimming pools, noncommercial flower and vegetable gardens and similar uses are permitted as accessory to residential or other permitted principal uses in this district.

5.6.7.3.8. Taking boarders or renting rooms is permitted as a use accessory to principal residential uses provided that not more than 10 boarders or roomers may be accommodated and that no separate kitchen facilities shall be provided for roomers or boarders.

5.6.7.3.9. Accessory uses and structures not occupied for living quarters nor housing automotive or truck vehicles nor greater than 400 sq. ft. in total floor area may be permitted within 5 feet of side or rear property lines.

5.6.7.3.10. Garage apartments only as accessory to permitted principal uses and structures may be permitted, but shall be counted as dwelling units for purposes of lot area computations.

5.6.7.3.11. Customary home occupations are permitted as accessory uses in this district provided that there shall be no external evidence of the conduct of such home occupation other than one sign, non-illuminated, mounted flat against the side of the residence, and that the home occupation shall be clearly incidental to residential use, shall be conducted within a residence, shall not occupy more than 25% of the first floor area of the residence, and shall not attract traffic in amounts more than normal for a residential neighborhood.

5.6.7.3.12. Senior adult flats (see Sec. 4.2.1.94. of the LDR.).

#### 5.6.7.4. SPECIAL EXCEPTIONS.

5.6.7.4.1. Golf course and country club, not including miniature golf course, provided the parcel comprises a minimum of 80 acres of land and that required parking and all structures are located a minimum of 100 feet from any other residentially zoned property.

5.6.7.4.2. New cemeteries, columbariums.

5.6.7.4.3. Reserved for future use.

5.6.7.4.4. Funeral homes.

5.6.7.4.5. In connection with multiple family dwellings having a minimum of 100 dwelling units, establishments for sale of convenience goods, personal and professional service establishments, and eating and drinking establishments, provided that all such establishments shall be designed and scaled to meet only the requirements of occupants and their guests, and that there shall be no external evidence of the existence of such establishments. Floor area devoted to such incidental and accessory uses other than parking shall not exceed 20% of the total residential floor area.

5.6.7.4.6. Supervised living facilities meeting all State, County and City requirements.

5.6.7.4.7. Bed and breakfast inn.

5.6.7.5. PROHIBITED USES AND STRUCTURES.

5.6.7.5.1. Trade or service establishments or storage in connection with such establishments, storage or long- term parking of commercial or industrial vehicles, storage of building materials except in connection with active construction or demolition of structures on the premises, storage or use of manufactured homes or trailers except as provided in Sec. 5.2.9. of the LDR, outdoor advertising, and any use or structure not specifically or provisionally permitted herein.

5.6.7.5.2. Junk yards.

5.6.7.5.3. Off-site signs.

5.6.7.5.4. Excavation, borrow pits.

5.6.7.5.5. Mining.

5.6.7.5.6. Livestock, including swine, cattle, sheep, goats, and poultry but not to include horses.

5.6.7.5.7. Kennels

5.6.7.6. MINIMUM LOT REQUIREMENTS. (Area & width)

5.6.7.6.1. Single-family:

Detached:

Lot width: 60 feet.

Lot area: 7,200 sq. ft.

Semi-detached and attached dwellings:

Lot width: 80 feet.

Lot area: 8,400 sq. ft.

Lot width for attached unit: 20 feet.

Lot width for end unit: 30 feet.

5.6.7.6.2. Multiple family:

Lot width: 70 feet.

Lot area: 8,400 sq. ft. plus 2,000 sq. ft. for each dwelling unit in excess of 2.

5.6.7.6.3. Other permitted or permissible uses or structures: As needed to meet other requirements herein.

5.6.7.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard, width of side yard)

Front: 25 feet.

For single-family detached dwelling, the minimum required front yard may be reduced to 15 feet for an OPEN CARPORT ONLY, and no variance shall be granted by the Board of Adjustment for less than 15 feet.

No new or existing carports located closer than 25 feet to the front property lines shall be permitted to be enclosed and the Board of Adjustment shall not have the authority to grant any approval or variance to permit such enclosures.

Side: 10 feet provided that where a single-family detached dwelling is erected on a nonconforming lot of record and the lot is 50 feet or less in width, side yards shall be a minimum of 5 feet in width, unless the structure is over 9 feet in height from the ground to eaves. For any building over 9 feet in height from the ground to the eaves, side yards shall be increased 1 foot for each 3 feet of height above 9 feet; provided that for single-family attached, side yard requirements apply only to end units, provided that for single-family attached, side yard requirements apply only to end units.

Rear: 10 feet.

5.6.7.7.1. Other permitted or permissible structures: As for single-family detached dwellings in this district unless otherwise specified.

5.6.7.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 55% for all upland soils. All other soils shall remain unimproved.

5.6.7.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4., no portion shall exceed:

5.6.7.9.1. Single and two family dwellings: 35 feet.

5.6.7.9.2. Multiple family dwellings: 35 feet at boundaries of buildable area, increasing 3 feet for each 1 foot from such boundaries to a maximum height of 70 feet.

5.6.7.9.3. Other permitted or permissible structures: 35 feet.

5.6.7.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.7.11.1. Single-family detached residences: 2 spaces.

5.6.7.11.2. Schools:

Elementary and junior high: 2 spaces for each classroom or office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

Senior: 4 spaces for each classroom or office room, plus 1 for each 150 sq. ft. seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

5.6.7.11.3. Municipal and neighborhood buildings and churches: 3 spaces for each office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any room to be used for public meetings.

5.6.7.11.4. Child care center: 2 spaces per employee, plus adequate provision for loading and unloading children from off the street.

5.6.7.11.5. Family group homes: 1 space for each 2 beds.

5.6.7.11.6. Group homes: 1 space for each bed.

5.6.7.11.7. Supervised living facility: 1 space for each bed.

5.6.7.11.8. All other dwellings: 2 spaces per unit.

5.6.7.11.9. Funeral home: 1 space for each 3 seats in auditorium or chapel area.

5.6.7.11.10. Private clubs: 1 space for each 3 seats, or 1 space for 200 sq. ft. of gross floor area, whichever is greater.

5.6.7.11.11. Special exceptions permissible by Board of Adjustment: To be determined by the Board by general rule or by findings in the particular case.

5.6.7.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:

5.6.7.12.1. In connection with a church, school, public park, playground or playfield, or a municipal or neighborhood building:

5.6.7.12.1.1. Not more than 2 identification signs, with combined surface area not exceeding 140 sq. ft.

5.6.7.12.1.2. Not more than 2 bulletin boards or notice boards, with combined surface area not exceeding 60 sq. ft.

5.6.7.12.1.3. In addition to the provisions of 5.6.7.12.1.1. and 5.6.7.12.1.2. above, these sign areas may be combined but in no case shall the combined area exceed 200 sq. ft.

- 5.6.7.12.1.4. Not more than 2 temporary signs or banners with combined surface area not exceeding 80 sq. ft. in connection with special events, provided that no such sign or banner shall be displayed longer than the duration of the special event plus one week before it begins. Portable signs shall be permitted under these conditions except that such signs shall not exceed 32 sq. ft. for each sign surface area.
- 5.6.7.12.2. No such sign shall be erected within 10 feet of any property line.
- 5.6.7.12.3. For dwelling developments, permitted or permissible in this district containing 20 or more dwelling units: One permanent identification sign, not exceeding 12 sq. ft. in area, erected at each principal entrance to the development.
- 5.6.7.12.4. Funeral home: One identification sign-illuminated but with lighting directed so as not to shine toward adjoining residential uses, and not to exceed 10 sq. ft. in area per surface side.
- 5.6.7.12.5. Private clubs: Not more than 1 sign, non-illuminated, mounted flat against the wall of the building, and not exceeding 8 sq. ft. in area.
- 5.6.7.13. MINIMUM SQUARE FEET OF LIVING AREA.
  - 5.6.7.13.1. All single-family detached and attached townhouse dwellings shall contain a minimum of 900 sq. ft. of living area with one (1) carport for each unit, with similar roof lines and architectural characteristics.
  - 5.6.7.13.2. All semi-detached two and multiple-family dwelling units, shall contain a minimum of 700 sq. ft. of living area.
  - 5.6.7.13.3. The minimum square footage requirements do not include any carport, garage, or other non-living area. Any utility room separated from the principal structure is also excluded.

**Sec. 5.6.8. RIO - RESIDENTIAL, INSTITUTIONAL AND OFFICE.**

5.6.8.1. STATEMENT OF INTENT. This district is intended for mixed residential, institutional, office, cultural, and allied uses. The primary uses in the district are not commercial in nature, but limited commercial activities are permitted in support of office and institutional uses as well as certain small retail shops and service activities.

5.6.8.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.8.2.1. Public and private educational facilities with conventional state approved academic curriculums.

5.6.8.2.2. Churches, provided that minimum parcel size shall not be less than 2 acres.

5.6.8.2.3. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

5.6.8.2.4. After review by the Administrative Official, private child care center, provided:

5.6.8.2.4.1. Lot area shall not be less than 9,500 sq. ft., lot width in portion used for fenced play area shall not be less than 75 feet.

5.6.8.2.4.2. Fenced play area of not less than 3,000 sq. ft. shall be provided for the first 15 or fewer children, with 200 sq. ft. additional for each additional child.

5.6.8.2.4.3. No portion of the fenced play area shall be closer than 20 feet to any public street right of way.

5.6.8.2.4.4. A 5 foot high solid wall, or fence shall be provided between fenced play areas and residential lot lines in such locations as may be directed by the Administrative Official.

5.6.8.2.4.5. All outdoor play activities shall be conducted within the fenced play area and no outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.

5.6.8.2.4.6. All facilities, operation, and maintenance shall meet City, County and State requirements for the operation of child care centers.

- 5.6.8.2.5. Attached dwellings (townhouses) and multiple family dwellings.
- 5.6.8.2.6. Private clubs of a fraternal or social character not operated or maintained for profit, including a dining facility incidental to the club activity and operated for the benefit of members only.
- 5.6.8.2.7. Single family detached dwellings, two family dwelling (duplex).
- 5.6.8.2.8. Hotels.
- 5.6.8.2.9. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, and homes for the aged and orphans, provided that no such facility shall have a lot area of less than 2 acres, that no building in connection with such facilities shall be closer than 50 feet to the lot line of any adjoining property, and that all other State, County, and City regulations shall be met.
- 5.6.8.2.10. Medical and dental clinics, but not veterinary clinics.
- 5.6.8.2.11. Professional and business offices.
- 5.6.8.2.12. Banks and financial institutions, travel agencies, employment offices and similar establishments.
- 5.6.8.2.13. Art gallery, library, museum, community center, publicly owned and operated recreational facility, little theater (but not motion picture theater).
- 5.6.8.2.14. Dance, art, and music studios.
- 5.6.8.2.15. Funeral Homes.
- 5.6.8.2.16. Limited commercial and service activities in support of institutional and office uses such as:
  - 5.6.8.2.16.1. Retail outlets for sale of books, educational, and art supplies, florist or gift shop, delicatessen, prescription drug store, prosthetic appliance establishments, and similar establishments.
  - 5.6.8.2.16.2. Service establishments such as barber or beauty shop, restaurant (but not drive-in restaurant), laundry or dry cleaning pickup station, and similar activities.

5.6.8.2.16.3. The above uses 5.6.8.2.16.1. and 5.6.8.2.16.2. are subject to the following limitations:

5.6.8.2.16.2.1. Sale, display, preparation, and storage to be conducted within a completely enclosed building, and no more than 20% of floor space to be devoted to storage.

5.6.8.2.16.2.2. Products to be sold only at retail.

5.6.8.2.17. Foster homes, family group homes and group homes.

5.6.8.2.18. Bed and Breakfast Inn.

5.6.8.2.19. One family residential and office or retail combinations with no minimum residential floor area requirements.

5.6.8.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.8.3.1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

5.6.8.3.2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

5.6.8.3.3. Do not involve operations or structures not in keeping with the character of this district.

5.6.8.3.5. Senior adult flats (See Sec. 4.2.1.94. of the LDR.).

5.6.8.3.6. Funeral Homes.

5.6.8.4. SPECIAL EXCEPTIONS. In connection with multiple family dwellings having a minimum of 100 dwelling units, establishments for sale of convenience goods, personal and professional service establishments, and eating and drinking establishments, provided that all such establishments shall be designed and scaled to meet only the requirements of occupants and their guests, and that there shall be no external evidence of the existence of such establishments. Floor area devoted to such incidental and accessory uses other than parking shall not exceed 20% of the total residential floor area.

5.6.8.4.1. Kennels, provided that outdoor animal runs and outdoor structures housing animals shall be a minimum distance of 50 feet from all residential property lines within the RIO zoning district and 100 feet from all property lines abutting other residential zoning districts. Animal run

areas shall be completely surrounded by an eight (8) feet high solid wall or solid fence. Kennels shall be maintained so as not to violate existing city codes.

5.6.8.5. PROHIBITED USES AND STRUCTURES. Any use or structure which is not specifically, provisionally, or by reasonable implication permitted herein.

5.6.8.5.1. Abandoned signs.

5.6.8.5.2. Off-site signs.

5.6.8.5.3. Excavation, borrow pits.

5.6.8.5.4. Mining.

5.6.8.5.5. Junk yards.

5.6.8.5.6. Livestock, including swine, cattle, sheep, goats, and poultry but not to include horses.

5.6.8.6. MINIMUM LOT REQUIREMENTS. (Area & width)

5.6.8.6.1. Single family:

Detached:

Lot width: 60 feet

Lot area: 7,200 sq. ft.

Semi-detached and attached dwellings:

Lot width: 80 feet.

Lot area: 8,400 sq. ft.

Lot width for attached unit: 20 feet.

Lot width for end unit: 30 feet.

5.6.8.6.2. Multiple family:

Lot width: 70 feet.

Lot area: 8,400 sq. ft. plus 2,000 sq. ft. for each dwelling unit in excess of 2.

5.6.8.6.3. Other permitted or permissible uses or structures: As needed to meet other requirements herein.

5.6.8.7. MINIMUM YARD REQUIREMENTS. (Depth of front and rear yard, width of side yard)

Front: 25 feet.

Side: 10 feet provided that where a single-family detached dwelling is erected on a nonconforming lot of record in separate ownership, and the lot is less than 50 feet in width, side yards shall be a minimum of 5 feet in width, unless the structure is over 9 feet in height from the ground to eaves. For any building over 9 feet in height from the ground to the eaves, side yards shall be increased 1 foot for each 3 feet of height above 9 feet; provided that for single-family attached, side yard requirements apply only to end units.

Rear: 10 feet.

5.6.8.7.1. Other permitted or permissible structures:

Front: 20 feet.

Side: A combined total of 20 feet in side yards, provided that no structure shall have a side yard less than 5 feet.

Rear: 15 feet.

5.6.8.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS.

5.6.8.8.1. Multiple family dwellings: 40%

5.6.8.8.2. Other permitted and permissible uses and structures: 35%

5.6.8.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 55% for all upland soils. All other soils shall remain unimproved.

5.6.8.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. No portion shall exceed 35 feet, provided any building constructed in excess of 35 feet shall meet the following requirements:

5.6.8.10.1. Multiple family dwellings: 35 feet at boundaries of buildable area, increasing 3 feet for each 1 foot from such boundaries to a maximum height of 70 feet.

5.6.8.10.2. Other permitted or permissible structures: 35 feet.

5.6.8.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

- 5.6.8.11.1. Single-family detached residences: 2 spaces.
- 5.6.8.11.2. Schools:
- Elementary and junior high: 2 spaces for each classroom or office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.
- Senior: 4 spaces for each classroom or office room, plus 1 for each 150 sq. ft. seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.
- 5.6.8.11.3. Municipal and neighborhood buildings and churches: 3 spaces for each office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any room to be used for public meetings.
- 5.6.8.11.4. Child care center: 2 spaces per employee, plus adequate provision for loading and unloading children from off the street.
- 5.6.8.11.5. Family group home: 1 space for each 2 beds.
- 5.6.8.11.6. Group homes: 1 space for each bed.
- 5.6.8.11.7. Supervised living facility: 1 space for each bed.
- 5.6.8.11.8. All other dwellings: 2 spaces per unit.
- 5.6.8.11.9. Funeral home: 1 space for each 3 seats in auditorium or chapel area.
- 5.6.8.11.10. Private clubs: 1 space for each 3 seats, or 1 space for 200 sq. ft. of gross floor area, whichever is greater.
- 5.6.8.11.11. Hospitals: 2 spaces for each bed.
- 5.6.8.11.12. Sanitariums, rest homes, nursing homes convalescent homes, homes for the aged: 1 space for each 4 beds.
- 5.6.8.11.13. Medical and dental office or clinic: 1 space for each doctor, nurse, and employee, plus 3 spaces for each consultation and/or examination room.
- 5.6.8.11.14. Professional and business office: 1 space for each 300 sq. ft. of gross floor area, plus 1 space for each 2 occupants or employees.

- 5.6.8.11.15. Business, commercial, or personal service establishments, unless otherwise listed: 1 space for each 150 sq. ft. of non-storage first floor area, plus 1 space for each 250 sq. ft. of non-storage area above the first floor.
- 5.6.8.11.16. Art gallery or museum: 1 space for each 200 sq. ft. of public floor area.
- 5.6.8.11.17. Library, community center, recreational facility: 1 space for each 200 sq. ft. of gross floor area or 1 space for each 3 seats, whichever is greater.
- 5.6.8.11.18. Little theater: 1 space for each 3 seats.
- 5.6.8.11.19. Dance, art, and music studios: 1 space for each 300 sq. ft. of gross floor area.
- 5.6.8.11.20. Restaurant: 1 space for each 3 seats in public rooms plus 1 space for each 2 employees.
- 5.6.8.11.21. Special exceptions permissible by Board of Adjustment: To be determined by the Board by general rule or by findings in the particular case.  
Required off-street parking may be located on or within 200 feet of the premises. If located off the premises, required off-street parking shall be marked as reserved for the use for which provided. Failure to maintain and mark such required off-street parking space as reserved shall be a violation of this ordinance.
- 5.6.8.11.22. Off-Street Loading: Off-street loading space shall be provided if required in the routine operations of the use.
- 5.6.8.11.23. Two family (duplex), attached and multiple family dwellings: 2 spaces for each dwelling.
- 5.6.8.11.24. Single-family residence in combination with office: 3 spaces.
- 5.6.8.11.25. Single-family residence in combination with limited retail: 4 spaces.

5.6.8.12. LIMITATIONS ON SIGNS.

No signs intended to be read from off the premises shall be permitted except:

- 5.6.8.12.1. In connection with a church, school, public park, playground, playfield, a municipal or neighborhood building, day care center,

medical and dental clinics, health care facilities including therapy offices, and art gallery:

5.6.8.12.1.1. Not more than 2 identification signs, with combined surface area not exceeding 140 sq. ft.

5.6.8.12.1.2. Not more than 2 bulletin boards or notice boards, with combined surface area not exceeding 60 sq. ft.

5.6.8.12.1.3. In addition to the provisions of 5.6.8.12.1.1. and 5.6.8.12.1.2. above, these sign areas may be combined but in no case shall the combined area exceed 200 sq. ft.

5.6.8.12.1.4. Not more than 2 temporary signs or banners with combined surface area not exceeding 80 sq. ft. in connection with special events, provided that no such sign or banner shall be displayed longer than the duration of the special event plus one week before it begins. Portable signs shall be permitted under these conditions except that such signs shall not exceed 32 sq. ft. for each sign surface area.

5.6.8.12.2. No such sign shall be erected within 10 feet of any property line.

5.6.8.12.3. For dwelling developments, permitted or permissible in this district: One permanent identification sign, not exceeding 12 sq. ft. in area, which can be located within the minimum required front yard setback, provided however that there is a minimum of 4 foot separation between the street pavement edge or back of curb and the sign.

5.6.8.12.4. Funeral home, Bed and Breakfast: One identification sign illuminated but with lighting so directed as not to shine toward adjoining residential uses, and not to exceed 10 sq. ft. in area per surface side in any required front yard.

5.6.8.12.5. Private clubs: Not more than 1 sign, non-illuminated, mounted flat against the wall of the building, and not exceeding 8 sq. ft. in area.

5.6.8.12.6. Signs relating only to identification of the premises and the occupants and to goods sold or services rendered on the premises, limited as to number and area as follows: Not to exceed 1 sign, with not to exceed 5 sq. ft. of surface area, for each 15 lineal feet of lot adjoining a public street. Such signs shall be mounted on the main building or an accessory building and shall not extend more

than 3 feet above the roof or beyond the sides of the building. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district. The display surface of all signs shall be oriented away from residential districts in the immediate vicinity.

5.6.8.12.7. In advertising any property for sale, rent, or lease, signs with a combined total surface area not exceeding 3 sq. ft.

5.6.8.12.8. No such signs shall be erected within 10 feet of any property line.

**Sec. 5.6.9. CN - NEIGHBORHOOD COMMERCIAL.**

5.6.9.1. STATEMENT OF INTENT. Districts in this classification are intended to be located in outlying areas of the City to provide convenience goods and services for nearby residential neighborhoods. These regulations are designed to establish and maintain a restricted and limited commercial character compatible with nearby and surrounding residential areas.

5.6.9.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.9.2.1. Limited retail such as grocery, variety, drug store, hardware and similar uses.

5.6.9.2.2. Barber and beauty shops.

5.6.9.2.3. Laundry and dry-cleaning establishments, shoe repair, establishments for service and repair of household appliances, provided that no such establishment shall employ more than 5 persons in processing on the premises.

5.6.9.2.4. Restaurants, but not including drive in restaurants, provided that no alcoholic beverages shall be sold or served on the premises.

5.6.9.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.9.3.1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

5.6.9.3.2. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership (except in the case of off-street parking facilities).

5.6.9.3.3. Do not involve operations or structures not in keeping with the character of the district.

5.6.9.3.4. Sales of automotive fuels as an accessory use, as provided and regulated in Sec. 5.2.6. of the LDR.

5.6.9.3.5. Dish antennas.

5.6.9.3.6. Dwelling units when a part of the permitted principal use, for owners and employees only, provided all minimum requirements for

area, setback, height and related requirements for the district are met, and provided further, that all such dwellings shall be confined to the rear one-half of the ground floor, or to a floor other than the ground floor of the principal permitted use. Dwelling units shall be limited to one for each permitted principal use and contain a minimum of 500 sq. ft. of living area but in no case shall the aggregate residential floor area exceed the aggregate floor area of the permitted principal use.

5.6.9.4. SPECIAL EXCEPTIONS.

5.6.9.4.1. Marinas and incidental service facilities for boats, including gas and oil sales and service for boats only, launching services, but not including repairs of boats or motors.

5.6.9.4.2. Service stations (See Sec. 5.2.6. of the LDR).

5.6.9.4.3. Kennels, provided that outdoor animal runs and outdoor structures housing animals shall be a minimum distance of 50 feet from all residential property lines within the Neighborhood Commercial zoning district and 100 feet from all property lines abutting other residential zoning districts. Animal run areas shall be completely surrounded by an eight (8) feet high solid wall or solid fence. Kennels shall be maintained so as not to violate existing city codes.

5.6.9.5. PROHIBITED USES AND STRUCTURES.

5.6.9.5.1. Single family, two family detached and multiple-family residences, motel and hotels, outdoor advertising, storage or use of manufactured homes and, in general, any use or structure not of a nature specifically or provisionally permitted herein.

5.6.9.5.2. Junk yards.

5.6.9.5.3. Off-site signs.

5.6.9.5.4. Abandoned signs.

5.6.9.5.5. Excavation, borrow pits.

5.6.9.5.6. Mining.

5.6.9.5.7. Livestock, including swine, cattle, sheep, goats, and poultry.

- 5.6.9.6. MINIMUM LOT REQUIREMENTS. (Area & width) As needed to meet other requirements herein.
- 5.6.9.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard, width of side yard)
- Front: 25 feet.  
Side: 10 feet.  
Rear: 20 feet.
- 5.6.9.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. 50%
- 5.6.9.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 70% for all upland soils. All other soils shall remain unimproved.
- 5.6.9.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 25 feet.
- 5.6.9.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.
- 5.6.9.11.1. 1 space for each occupant or employee working on the premises, plus 1 space for each 100 sq. ft. of floor area open to the public in buildings.
- 5.6.9.11.2. 2 spaces for each accessory dwelling unit.
- 5.6.9.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:
- 5.6.9.12.1. Signs relating only to identification of the premises and occupants and to goods sold or services rendered on the premises, limited as to number and area as follows:
- 5.6.9.12.1.1. One sign, which does not exceed 10 sq. ft. of surface area, for each 10 lineal feet of building frontage, the location of which is identified on the Occupational License. Such sign shall be mounted on the main building and shall not extend more than 3 feet above the roof or beyond the sides of the building. In addition, when one or more places of business or activities exist in a building, not more than one free-standing combined identification sign may be permitted when mounted on a permanent support in any required yard with street frontage in this district if such sign and its support do not constitute substantial impediments to visibility in

relation to traffic flow on the site or on the adjacent streets. Such free-standing sign shall not exceed 32 square feet in surface area per side or 64 square feet in total combined surface area. If at a later date other business or activities locate on the subject site, the original individual or combined sign structure and copy shall be surrendered and combined as for Sec. 5.6.9.12.1.2. below. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.9.12.1.2. When more than one place of business or activity exist in combination on a site, not more than one free-standing identification sign may be permitted when mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the site or on the adjacent street. Such free-standing sign, when identifying more than one place of business or activity or a combined grouping of places of business or activities, shall not exceed 80 square feet in surface area per side or 160 square feet in total combined surface area. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.9.12.2. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding 3 sq. ft. are permitted.

5.6.9.12.3. No such sign support(s) shall be erected within 10 feet of any property line.

5.6.9.12.4. Portable signs as provided in Chapter 7 of the LDR.

5.6.9.13. MINIMUM SQUARE FEET OF LIVING AREA. Where permitted, 500 sq. ft.

**Sec. 5.6.10. CG - GENERAL COMMERCIAL.**

5.6.10.1. STATEMENT OF INTENT. Districts in this category are intended to permit and encourage general commercial activity and automotive oriented uses that require a conspicuous and accessible location convenient to streets carrying substantial volumes of traffic. Such activities may require a sizable land area, do not necessarily cater directly to pedestrians, though pedestrian traffic will be found in the district, but do require ample off- street parking and loading space. Certain high density residential uses are permissible and considered compatible if the requirements contained herein are met.

5.6.10.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.10.2.1. Public buildings and lands.

5.6.10.2.2. Retail stores, sales and display rooms, and sales and display lots but not including the following; sales and display lots for vehicles, manufactured homes, travel trailers or the like, or for building materials.

5.6.10.2.3. Service and repair establishments, including service stations and repair garages, not having characteristics prohibited under "Prohibited Uses and Structures".

5.6.10.2.4. Personal service establishments including barber and beauty shops; cleaning, dyeing, laundry, pressing, alteration, tailoring, shoe repair and the like, and including those with processing on the premises.

5.6.10.2.5. Offices, studios, clinics and laboratories.

5.6.10.2.6. Financial institutions, including banks and loan companies.

5.6.10.2.7. Clubs and lodges.

5.6.10.2.8. Churches.

5.6.10.2.9. Funeral homes.

5.6.10.2.10. Vocational schools not involving operations of an industrial nature.

5.6.10.2.11. Plant nurseries.

5.6.10.2.12. Existing single family detached, semi-detached and two family dwellings.

5.6.10.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.10.3.1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

5.6.10.3.2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

5.6.10.3.3. Do not involve operations or structures not in keeping with the character of the district.

5.6.10.3.4. Dwelling units when a part of the permitted principal use, for owners and employees only, provided all minimum requirements for the area, setback, height and related requirements for the district are met, and provided further, that all such dwellings shall be confined to the rear one-half of the ground floor, or to a floor other than the ground floor of the principal permitted use. Dwelling units shall be limited to one for each permitted principal use and contain a minimum of 500 sq. ft. of living area but in no case shall the aggregate residential floor area exceed the aggregate floor area of the permitted principal use. One off-street parking space shall be provided for each dwelling unit in addition to the required off-street parking for the permitted principal use and shall be provided at the rear or side of the principal use.

5.6.10.3.5. Dish Antennas.

5.6.10.4. SPECIAL EXCEPTIONS.

5.6.10.4.1. Multiple family dwellings provided all lot yard, setbacks and off- street parking requirements are met as required herein.

5.6.10.4.2. Limited wholesaling and distribution services with the following conditions:

5.6.10.4.2.1. Maximum floor area of 5,000 sq. ft.(total).

5.6.10.4.2.2. No access or loading door permitted on any building side adjacent to a residential zoning district unless a solid wall or fence, a minimum of 6 feet high, is constructed.

5.6.10.4.2.3. A minimum 25 foot building setback shall be maintained from all residential zoned property.

5.6.10.4.2.4. Distribution shall make up no more than 75% of the total floor area of any building.

5.6.10.4.3. Mini warehousing, provided:

5.6.10.4.3.1. The site contains a minimum land area of 22,000 square feet and a minimum street frontage of 100 lineal feet.

5.6.10.4.3.2. Access to the site shall be permitted only by way of a street classified as an arterial or collector in the Transportation Element of the Comprehensive Plan and shall not be permitted through any adjacent residential or institutional zoning district.

5.6.10.4.3.3. No storage space access doors shall be permitted on any building site adjacent to a residential district, unless a solid wall or fence a minimum of 6 feet high is constructed as a buffer.

5.6.10.4.3.4. A minimum 25 foot building setback shall be maintained from all property lines adjacent to residential or institutional zoned property.

5.6.10.4.3.5. No lighting shall be oriented to directly shine into a residential or institutional zoning district.

5.6.10.4.3.6. Signs shall be as for the district, except that portable signs shall be permitted.

5.6.10.4.4. Kennels, provided that outdoor animal runs and outdoor structures housing animals shall be a minimum distance of 50 feet from all residential property lines within the Commercial General zoning district and 100 feet from all property lines abutting other residential zoning districts. Animal run areas shall be completely surrounded by an eight (8) feet high solid wall or solid fence. Kennels shall be maintained so as not to violate existing city codes.

5.6.10.5. PROHIBITED USES AND STRUCTURES.

5.6.10.5.1. Dwellings, except as provided for herein.

5.6.10.5.2. Storage warehouses and yards, scrap or salvage yards, automotive wrecking yards or establishments for sale of used parts, outdoor storage of vehicles not in operating condition except for

periods of less than two weeks at service stations and repair garages.

5.6.10.5.3. Bulk petroleum products sales and distribution.

5.6.10.5.4. Truck terminals.

5.6.10.5.5. Sale of alcoholic beverages other than malt liquor and wine for either on or off premise consumption, and any sale of alcoholic beverages in locations where such sale is prohibited by other ordinances of the City.

5.6.10.5.6. Off-site signs.

5.6.10.5.7. All uses and structures not of a nature permitted herein, and any use which the Board of Adjustment, upon appeal and after investigating similar uses elsewhere, shall deem to be actually or potentially noxious, dangerous or offensive by reason of odors, smoke, noise, glare, fumes, gas, fire, explosion, vibration, or emission of particulate matter, to adjacent occupancies, in the same or neighboring districts or to those who pass on public ways.

5.6.10.5.8. Abandoned signs.

5.6.10.5.9. Excavation, borrow pits.

5.6.10.5.10. Mining.

5.6.10.5.11. Livestock, including swine, cattle, sheep, goats, and poultry.

5.6.10.6. MINIMUM LOT REQUIREMENTS. (Area & width)

5.6.10.6.1. Residential uses unless provided otherwise herein:

Multiple family:

Lot width: 70 feet.

Lot area: 8400 sq. ft. plus 2000 sq. ft. for each dwelling unit in excess of 2.

5.6.10.6.2. Service Stations:

Lot width: 140 feet.

Lot area: 15,000 sq. ft.

5.6.10.6.3. Other uses: None, except as needed to meet other requirements contained herein.

5.6.10.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard width of side yard)

Front: 25 feet.

Side: 10 feet.

Rear: 10 feet for non-residential principal uses.  
20 feet for residential uses.

5.6.10.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. 50%

5.6.10.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 70% for all upland soils. All other soils shall remain unimproved.

5.6.10.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 35 feet.

5.6.10.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.10.11.1. Off-Street Parking

5.6.10.11.1.1. Sales lots and outdoor display areas: 1 space for each 1,000 sq. ft. of sales lot or outdoor display area.

5.6.10.11.1.2. Offices, studios, clinics and laboratories: 1 space for each 200 sq. ft. of floor area.

5.6.10.11.1.3. Service stations, repair garages: No vehicle being serviced, repaired, or stored, or awaiting or following service, repair or storage, shall be parked on any public street, alley or right-of-way by persons operating or employed by such service stations or repair garages.

5.6.10.11.1.4. Multiple family residential: 2 spaces for each dwelling unit.

5.6.10.11.1.5. All other uses or structures: 1 space for each 200 sq. ft. of floor area open to the public.

Required off-street parking may be located on or within 200 feet of the premises. If located off the premises, required off-street parking shall be marked as reserved for the use for which provided. Failure to maintain and mark such required off-street parking space as reserved shall be a violation of this chapter.

5.6.10.11.2. Off-Street Loading. All permitted or permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into any public street, walk, alley or way.

5.6.10.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:

5.6.10.12.1. Signs relating only to identification of the premises and occupants and to goods sold or services rendered on the premises, limited as to number and area as follows:

5.6.10.12.1.1. One sign which does not exceed 10 sq. ft. of surface area, for each 10 lineal feet of building frontage, the location of which is identified on the Occupational License. Such sign shall be mounted on the main building and shall not extend more than 3 feet above the roof or 3 feet beyond the sides of the building. In addition, when one or more places of business or activities exist in a building, not more than one free-standing combined identification sign may be permitted when mounted on a permanent support in any required front yard in this district, if such sign and its support do not impede visibility in relation to traffic flow on the site or on the adjacent streets. Such free-standing sign shall not exceed 32 square feet in surface area per side or 64 square feet in total combined surface area. If at a later date other places of business or activities locate on the subject site, the original individual sign structure and copy shall be surrendered and combined as for Sec. 5.6.10.12.1.2. below. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.10.12.1.2. When more than one place of business or activity exist in combination on a site, not more than one free-standing identification sign may be permitted when mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the site or on the adjacent street. Such free-standing sign, whether identifying a single place of business or activity or a combined grouping of places of business or activities, shall not exceed 80 square feet in surface area per side or

160 square feet in total combined surface area. No source of incandescent or mercury vapor illumination for any sign on premisses shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.10.12.2. For multiple family dwelling developments permissible in this district, containing 20 or more dwelling units: One permanent identification sign, not exceeding 12 sq. ft. in area, erected at each principal entrance to the development.

5.6.10.12.3. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding 3 sq. ft.

5.6.10.12.4. Portable signs as provided in Chapter 7 of the LDR.

5.6.10.12.5. No sign support(s) shall be located closer than 10 feet to any property line.

5.6.10.13. **MINIMUM SQUARE FEET OF LIVING AREA.** Multiple family dwelling units shall contain a minimum of 500 sq. ft. of living area. The minimum square footage requirement does not include any carport, garage or other non-living area. Any utility room separated from the dwelling unit is also excluded.

**Sec. 5.6.11. CG-1 - GENERAL COMMERCIAL.**

5.6.11.1. STATEMENT OF INTENT. Districts in this category are intended for application to areas relatively close to the Central Business District and along streets carrying primarily local traffic. Uses permitted are intended to satisfy local needs primarily, rather than to serve through traffic. This district is created in recognition of a pattern of land ownership and established development in the City, yet permits those uses commonly associated with general commercial land uses.

5.6.11.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.11.2.1. Public buildings and lands.

5.6.11.2.2. Retail stores, sales and display rooms, and sales and display lots other than sales and display lots for vehicles, manufactured homes, recreational vehicles and the like, or for building materials all of which are not permitted.

5.6.11.2.3. Service and repair establishments, including service stations and repair garages not having characteristics prohibited under "Prohibited Uses and Structures".

5.6.11.2.4. Personal service establishments including barber and beauty shops; cleaning, dyeing, laundry, pressing, alteration, tailoring, shoe repair and the like, and including those with processing on the premises.

5.6.11.2.5. Offices, studios, clinics and laboratories.

5.6.11.2.6. Financial institutions, including banks and loan companies.

5.6.11.2.7. Clubs and lodges.

5.6.11.2.8. Churches.

5.6.11.2.9. Funeral homes.

5.6.11.2.10. Vocational schools not involving operations of an industrial nature.

5.6.11.2.11. Plant nurseries.

5.6.11.2.12. Existing single family detached, semi-detached and two family dwellings.

5.6.11.3. PERMITTED ACCESSORY USES AND STRUCTURES.

5.6.11.3.1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

5.6.11.3.2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

5.6.11.3.3. Do not involve operations or structures not in keeping with the character of the district.

5.6.11.3.4. Dwelling units when a part of the permitted principal use, for owners and employees only, provided all minimum requirements for the area, setback, height and related requirements for the district are met, and provided further, that all such dwellings shall be confined to the rear one-half of the ground floor, or to a floor other than the ground floor of the principal permitted use. Dwelling units shall be limited to one for each permitted principal use and contain a minimum of 500 sq. ft. of living area but in no case shall the aggregate residential floor area exceed the aggregate floor area of the permitted principal use. One off-street parking space shall be provided for each dwelling unit in addition to the required off-street parking for the permitted principal use and shall be provided at the rear or side of the principal use.

5.6.11.3.5. Dish Antennas.

5.6.11.4. SPECIAL EXCEPTIONS.

5.6.11.4.1. Multiple family dwellings provided all yard, setback and off street parking requirements as for RG-2 are met as required.

5.6.11.4.2. Limited wholesaling and distribution services with the following conditions:

5.6.11.4.2.1. Maximum floor area of 5,000 sq. ft.(total).

5.6.11.4.2.2. No access or loading door permitted on any building side adjacent to a residential zoning district unless a solid wall or fence, a minimum of 6 feet high, is constructed.

5.6.11.4.2.3. A minimum 25 foot building setback shall be maintained from all residential zoned property.

5.6.11.4.2.4. Distribution shall make up no more than 75% of the total floor area of any building.

5.6.11.4.3. Kennels, provided that outdoor animal runs and outdoor structures housing animals shall be a minimum distance of 50 feet from all residential property lines within the Commercial General zoning district and 100 feet from all property lines abutting other residential zoning districts. Animal run areas shall be completely surrounded by an eight (8) feet high solid wall or solid fence. Kennels shall be maintained so as not to violate existing city codes.

5.6.11.5. PROHIBITED USES AND STRUCTURES.

5.6.11.5.1. Dwellings, except as provided for herein.

5.6.11.5.2. Storage warehouses and yards, scrap or salvage yards, automotive wrecking yards or establishments for sale of used parts, outdoor storage of vehicles not in operating condition except for periods of less than 2 weeks at service stations and repair garages.

5.6.11.5.3. Bulk petroleum products sales and distribution.

5.6.11.5.4. Truck terminals.

5.6.11.5.5. Sale of alcoholic beverages other than malt liquor and wine for either on or off premise consumption, and any sale of alcoholic beverages in locations where such sale is prohibited by other ordinances of the City.

5.6.11.5.6. Off-site signs.

5.6.11.5.7. All uses and structures not of a nature permitted herein, and any use which the Board of Adjustment, upon appeal and after investigating similar uses elsewhere, shall deem to be actually or potentially noxious, dangerous or offensive by reason of odors, smoke, noise, glare, fumes, gas, fire, explosion, vibration, or emission of particulate matter, to adjacent occupancies, in the same or neighboring districts or to those who pass on public ways.

5.6.11.5.8. Excavation, borrow pits.

5.6.11.5.9. Mining.

5.6.11.5.10. Livestock, including swine, cattle, sheep, goats, and poultry.

5.6.11.6. MINIMUM LOT REQUIREMENTS. (Area & width), (See also Sec. 5.2.5. of the LDR.)

5.6.11.6.1. Residential uses unless provided otherwise herein:

Multiple family:

Lot width: 70 feet.

Lot area: 8400 sq. ft. plus 2000 sq. ft. for each dwelling unit in excess of 2.

5.6.11.6.2. Service Stations:

Lot width: 140 feet.

Lot area: 15,000 sq. ft.

5.6.11.6.3. Other uses: None, except as needed to meet other requirements contained herein.

5.6.11.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard width of side yard)

Front: None except multiple family residential, which shall be 25 feet

Side: 7 feet.

Rear: 10 feet for non-residential principal uses.  
20 feet for residential uses.

5.6.11.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. 50%

5.6.11.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 70% for all upland soils. All other soils shall remain unimproved.

5.6.11.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 35 feet.

5.6.11.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.11.11.1. Off-Street Parking:

5.6.11.11.1.1. Sales lots and outdoor display areas: 1 space for each 1000 sq. ft. of sales lot or outdoor display area.

5.6.11.11.1.2. Offices, studios, clinics, laboratories: 1 space for each 200 sq. ft. of floor area.

5.6.11.11.1.3. Service stations, repair garages: No vehicle being serviced, repaired, or stored, or awaiting or following service, repair or storage, shall be parked on any public street, alley or right-of-way by persons operating or employed by such service stations or repair garages.

5.6.11.11.1.4. Multiple family residential: 2 spaces for each dwelling unit.

5.6.11.11.1.5. All other uses or structures: 1 space for each 200 sq. ft. of floor area open to the public.

5.6.11.11.2. Off-Street Loading. All permitted or permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into any public street, walk, alley or way.

5.6.11.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:

5.6.11.12.1. Signs relating only to identification of the premises and occupants and to goods sold or services rendered on the premises, limited as to number and area as follows:

5.6.11.12.1.1. One sign, which does not exceed 10 sq. ft. of surface area, for each 10 lineal feet of building frontage, the location of which is identified on the Occupational License. Such sign shall be mounted on the main building and shall not extend more than 3 feet above the roof or beyond the sides of the building. In addition, when one or more places of business or activities exist in a building, not more than one free-standing combined identification sign may be permitted when mounted on a permanent support in any required front yard in this district, if such sign and its support do not impede visibility in relation to traffic flow on the site or on the adjacent streets. Such free-standing sign shall not exceed 32 square feet in surface area per side or 64 square feet in total combined surface area. If at a later date other places of business or activities locate on the subject site, the original individual sign structure and copy shall be surrendered and combined as for Sec. 5.6.11.12.1.2. below. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.11.12.1.2 When more than one place of business or activity exist in combination on a site, not more than one free-standing identification sign may be permitted when mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the site or on the adjacent street. Such free-standing sign, whether identifying a single place of business or activity or a combined grouping of places of business or activities, shall not exceed 80 square feet in surface area per side or 160 square feet in total combined surface area. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.11.12.2. For multiple family dwelling developments permissible in this district containing 20 or more dwelling units: One permanent identification sign, not exceeding 12 sq. ft. in area, erected at each principal entrance to the development.

5.6.11.12.3. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding 3 sq. ft. are permitted.

5.6.11.12.4. Portable signs as provided in Chapter 7 of the LDR.

5.6.11.12.5. No sign support(s) shall be erected within 10 feet of any property line.

5.6.11.13. MINIMUM SQUARE FEET OF LIVING AREA. Multiple family dwelling units shall contain a minimum of 500 sq. ft. of living area. The minimum square footage requirement does not include any carport, garage or other non-living area. Any utility room separated from the dwelling unit is also excluded.

**Sec. 5.6.12. CH - COMMERCIAL, HIGHWAY.**

5.6.12.1. STATEMENT OF INTENT. This district is intended for application along major through traffic arteries, with uses permitted including those appropriate to serving through traffic and to locations adjacent to such major arteries. Regulations are intended to guide future development so as to discourage formation of future slums, reduce marginal traffic friction, and to minimize conflicts with adjoining residential neighborhoods.

5.6.12.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.12.2.1. Automobile service stations, repair garages (service stations shall only be permitted on lots with required frontage on Magnolia Avenue(Highway 92), Berkley Road and Havendale Boulevard).

5.6.12.2.2. Motels and hotels.

5.6.12.2.3. Restaurants, including drive-in restaurants.

5.6.12.2.4. Retail shops, for sale of gifts, jewelry, art, sundries, and notions, cameras and photographic supplies and similar uses catering to tourists.

5.6.12.2.5. Commercial recreational facilities such as indoor theaters, swimming pools, skating rink and similar uses, including activities conducted outside buildings.

5.6.12.2.6. Veterinary establishments, provided that no animals shall be kept outside, and that no such operation shall be carried on except within soundproof, air-conditioned buildings.

5.6.12.2.7. Sales and display lots for vehicles, manufactured homes, recreational vehicles, boating equipment and the like.

5.6.12.2.8. Truck stops provided there is a minimum lot width of 140 feet and 20,000 sq. ft. of area, and further provided that parking of running vehicles or equipment thereon shall be prohibited within 50 feet of any residential district.

5.6.12.2.9. Package sale of alcoholic beverages.

5.6.12.2.10. Retail sale of alcoholic beverages for consumption on premises.

5.6.12.2.11. Financial institutions, offices, clinics and laboratories.

5.6.12.2.12. General retail sales, sales and display rooms and service and distribution of products in conjunction with retail sales.

5.6.12.2.13. Mini-warehousing, provided:

5.6.12.2.13.1. The site contains a minimum land area of 22,000 square feet and a minimum street frontage of 100 lineal feet.

5.6.12.2.13.2. Access to the site shall be permitted only by way of a street classified as an arterial or collector in the Transportation Element of the Comprehensive Plan and shall not be permitted through any adjacent residential or institutional zoning district.

5.6.12.2.13.3. No storage space access doors shall be permitted on any building site adjacent to a residential district, unless a solid wall or fence a minimum of 6 feet high is constructed as a buffer.

5.6.12.2.13.4. A minimum 25 foot building setback shall be maintained from all property lines adjacent to residential or institutional zoned property.

5.6.12.2.13.5. No lighting shall be oriented to directly shine into a residential or institutional zoning district.

5.6.12.2.13.6. Signs shall be as for the district, except that portable signs shall be permitted.

5.6.12.2.14. Kennels, provided that outdoor animal runs and outdoor structures housing animals shall be a minimum distance of 100 feet from all property lines abutting residential zoning districts and shall be completely surrounded by an eight (8) feet high solid wall or solid fence. Kennels shall be maintained so as not to violate existing city codes.

5.6.12.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.12.3.1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

5.6.12.3.2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

5.6.12.3.3. Do not involve operations or structures not in keeping with the character of the district.

5.6.12.3.4. Dwelling units when a part of the permitted principal use, for owners and employees only, provided all minimum requirements for

the area, setback, height and related requirements for the district are met, and provided further, that all such dwellings shall be confined to the rear one-half of the ground floor, or to a floor other than the ground floor of the principal permitted use. Dwelling units shall be limited to one for each permitted principal use and contain a minimum of 500 sq. ft. of living area but in no case shall the aggregate residential floor area exceed the aggregate floor area of the permitted principal use. One off-street parking space shall be provided for each dwelling unit in addition to the required off-street parking for the permitted principal use and shall be provided at the rear or side of the principal use.

5.6.12.3.5. Dish Antennas.

5.6.12.4. SPECIAL EXCEPTIONS. None.

5.6.12.5. PROHIBITED USES AND STRUCTURES.

5.6.12.5.1. Dwelling, except as permitted accessory uses.

5.6.12.5.2. Storage warehouses and yards, scrap or salvage yards, automotive wrecking yards or establishments for sale of used parts, outdoor storage of vehicles not in operating condition except for periods of less than two weeks at service stations and repair garages.

5.6.12.5.3. Bulk petroleum products sales and distribution.

5.6.12.5.4. Truck terminals.

5.6.12.5.5. Off-site signs.

5.6.12.5.6. All uses and structures not of a nature permitted herein, and any use which shall be deemed by the Board of Adjustment to be actually or potentially noxious, dangerous or offensive by reason of odors, smoke, noise, glare, fumes, gas, fire, explosion, vibration, or emission of particulate matter, to adjacent occupancies, in the same or neighboring districts or to those who pass on public ways.

5.6.12.5.7. Excavation, borrow pits.

5.6.12.5.8. Mining.

5.6.12.5.9. Livestock, including swine, cattle, sheep, goats, and poultry.

5.6.12.6. MINIMUM LOT REQUIREMENTS. (Area & width), (See also Sec. 5.2.5)

5.6.12.6.1. Service Stations: Service stations shall only be permitted on lots with required frontage on Magnolia Avenue (Highway 92), Berkley Road and Havendale Boulevard.

Lot width: 140 feet.  
Lot area: 15,000 sq. ft.

5.6.12.6.2. Other uses: None, except as needed to meet other requirements contained herein.

5.6.12.7. MINIMUM YARD REQUIREMENTS.

Front: 25 feet Front yards shall be considered as those adjacent to the major street in the district if the lot adjoins the street. The 5 feet adjoining the street shall be landscaped, and the remaining 20 feet may be used for parking.

Side: 10 feet.

Rear: 20 feet.

5.6.12.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. 50%

5.6.12.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 65% for all upland soils. All other soils shall remain unimproved.

5.6.12.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 50 feet.

5.6.12.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.12.11.1. Off-Street Parking:

5.6.12.11.1.1. Hotels and motels: 1 space for each rental unit, plus 1 space for residential manager.

5.6.12.11.1.2. Service stations, repair garages: No vehicle being serviced, repaired or stored, or awaiting or following service, repair or storage, shall be parked on any public street, alley, or right-of-way by persons operating or employed by such service stations or repair garages.

5.6.12.11.1.3. Lumber yards, building material and building supply sales: 1 space for each 350 sq. ft. of floor area open to the public.

5.6.12.11.1.4. All other structures: 1 space for each 200 sq. ft. of floor area open to the public.

5.6.12.11.2. Off-Street Loading: All permitted permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicles being loaded or unloaded in connection with normal operations shall stand in or project into any public street, walk, alley or way.

5.6.12.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:

5.6.12.12.1. Signs relating only to identification of the premises and occupants and to goods sold or services rendered on the premises, limited as to number and area as follows:

5.6.12.12.1.1. One sign, which does not to exceed 20 sq. ft. of surface area, for each 10 lineal feet of building frontage, the location of which is identified on the Occupational License. Such sign shall be mounted on the main building and shall not extend more than 3 feet above the roof or beyond the sides of the building. In addition, when one or more places of business or activities exist in a building, not more than one free standing combined identification sign may be permitted when mounted on a permanent support in any required front yard in this district, if such sign and its support do not impede visibility in relation to traffic flow on the site or on the adjacent streets. Such free-standing sign shall not exceed 80 square feet in surface area per side or 160 square feet in total combined surface area. If at a later date other places of business or activities locate on the subject site, the original individual sign structure and copy shall be surrendered and combined as for Sec.

5.6.12.12.1.2. below. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.12.12.1.2. When more than one place of business or activity exist in combination on a site, not more than one free-standing identification sign may be permitted when mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the site or on the adjacent street. Such free-standing sign, whether identifying a single place of business or activity or a combined grouping of places of business or activities, shall not exceed 80 square feet in surface area per side or 160 square feet in total combined surface area. No source

of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.12.12.2. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding 3 sq. ft. are permitted.

5.6.12.12.3. Portable signs as provided in Chapter 7 of the LDR.

5.6.12.12.4. No sign support(s) shall be erected within 10 feet of any property line.

5.6.12.13. MINIMUM SQUARE FEET OF LIVING AREA. As provided under "Permitted Accessory Uses And Structure": 500 sq. ft.

**Sec. 5.6.13. CBD - CENTRAL BUSINESS DISTRICT.**

5.6.13.1. STATEMENT OF INTENT. This district includes the commercial center of the City as indicated in the Comprehensive Plan. It is intended to protect and improve this area for the performance of its primary function and to discourage uses which would conflict with efficient performance of this function.

5.6.13.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.13.2.1. Existing dwelling units.

5.6.13.2.2. Retail stores, sales and display rooms and shops.

5.6.13.2.3. Offices.

5.6.13.2.4. Financial institutions.

5.6.13.2.5. Eating and drinking establishments, except drive-ins.

5.6.13.2.6. Personal service establishments.

5.6.13.2.7. Business service establishments.

5.6.13.2.8. Commercial and job printing.

5.6.13.2.9. Establishments offering repair services on items brought in by customers.

5.6.13.2.10. Amusement and recreation facilities in fully enclosed buildings.

5.6.13.2.11. Wholesaling from sample stocks only, provided that no manufacturing or storage for distribution shall be permitted on the premises.

5.6.13.2.12. Business schools, studios, vocational schools not involving processes of light or heavy industrial nature.

5.6.13.2.13. Laboratories and establishments for production and repair of eyeglasses, hearing aids, and prosthetic appliances.

5.6.13.2.14. Clubs and lodges.

5.6.13.2.15. Churches.

5.6.13.2.16. Public buildings and lands other than public schools.

5.6.13.2.17. Parking lots.

5.6.13.2.18. Utility substations, provided, however, that no use or structure specifically prohibited, or any use or structure having characteristics prohibited under "Prohibited Uses and Structures" shall be permitted.

5.6.13.2.19. Package sale of alcoholic beverages.

5.6.13.2.20. Retail sale of alcoholic beverages for consumption on premises.

5.6.13.2.21. Dwelling units, but not including single family detached dwellings, and two family (duplex) dwellings, when located on a floor other than the ground floor.

5.6.13.2.22. Kennels, provided that outdoor animal runs and outdoor structures housing animals shall be prohibited.

5.6.13.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.13.3.1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

5.6.13.3.2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

5.6.13.3.3. Do not involve operations or structures not in keeping with the character of the district.

5.6.13.3.4. One off-street parking space shall be provided for each dwelling unit.

5.6.13.3.5. Dish Antennas.

5.6.13.4. SPECIAL EXCEPTIONS. None.

5.6.13.5. PROHIBITED USES AND STRUCTURES.

5.6.13.5.1. Single family detached and two family dwellings (duplex).

5.6.13.5.2. Repair garages.

- 5.6.13.5.3. Service or repair of gasoline or diesel motors.
- 5.6.13.5.4. Manufacturing, except for production of products for sale at retail on the premises or as involved in production of eyeglasses, hearing aids, and prosthetic appliances.
- 5.6.13.5.5. Warehousing and storage except as accessory to a permitted principal use.
- 5.6.13.5.6. Sale, service, display or storage of goods except in completely enclosed buildings.
- 5.6.13.5.7. Elementary or high schools, public or private.
- 5.6.13.5.8. All uses and structures not of a nature specifically permitted herein.
- 5.6.13.5.9. Junk yards.
- 5.6.13.5.10. Service stations, except under conditions as provided for in Sec. 5.2.6.
- 5.6.13.5.11. Off-site signs.
- 5.6.13.5.12. Abandoned signs.
- 5.6.13.5.13. Excavation, borrow pits.
- 5.6.13.5.14. Mining.
- 5.6.13.5.15. Livestock, including swine, cattle, sheep, goats, and poultry.
- 5.6.13.5.16 Metal or Pre-Fabricated Buildings
- 5.6.13.6. MINIMUM LOT REQUIREMENTS. (Area & width) As needed to meet other requirements herein.
- 5.6.13.7. MINIMUM YARD REQUIREMENTS.
  - Front: None
  - Side: No side yard required but if space is left between buildings, such space shall be at least 3 feet wide.
  - Rear: 10 feet.

- 5.6.13.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. As needed to meet other requirements herein.
- 5.6.13.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 90% for all upland soils. All other soils shall remain unimproved.
- 5.6.13.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 50 feet.
- 5.6.13.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.13.11.1. Off-Street Parking:

Dwelling unit: For dwelling unit(s) located in structure existing as of September 25, 1995: NONE

For dwelling unit(s) located in structure constructed after September 25, 1995: 1 space for each dwelling unit.

Churches: 1 space for each 5 seats in the main assembly area.

Other Uses: None.

5.6.13.11.2. Off-Street Loading: All permitted or permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into any public street, walk, alley or way.

5.6.13.12. LIMITATIONS ON SIGNS. No Sign Intended To Be Read From Off The Premises Shall Be Permitted Except:

5.6.13.12.1. One sign, which does not to exceed 32 sq. ft. of surface area. Such sign shall be mounted on the main building and shall not extend more than 3 feet above the roof or beyond the sides of the building. In addition, when one or more places of business or activities exist in a building, not more than one free-standing combined identification sign may be permitted when mounted on a permanent support in any required front yard in this district, if such sign and its support do not impede visibility in relation to traffic flow on the site or on the adjacent streets. Such free-standing sign shall not exceed 32 square feet in surface area per side or 64 square feet in total combined surface area. If at a later date other places of business or activities locate on the subject site, the original individual sign structure and copy shall be surrendered and

combined as for Sec. 5.6.13.12.2. below. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.13.12.2. When more than one place of business or activity exist in combination on a site, not more than one free-standing identification sign may be permitted when mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the site or on the adjacent street. Such free-standing sign, whether identifying a single place of business or activity or a combined grouping of places of business or activities, shall not exceed 32 square feet in surface area per side or 64 square feet in total combined surface area. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.13.12.3 One additional hanging sign shall be permitted in the Central Business District to help provide identification for pedestrian foot traffic in the district. The hanging sign shall only contain the name, business logo, and/or address of the business and not exceed 3 square feet in area and shall not exceed 1 ½ feet in height. The hanging sign shall extend no more than 3 feet horizontally from the building. The lower edge of the hanging sign shall be seven feet high above the sidewalk and shall not interfere with pedestrian traffic flow.

5.6.13.13. MINIMUM SQUARE FEET OF LIVING AREA. Dwellings, other than single family detached and two family units (duplex), 500 sq. ft.

**Sec. 5.6.14 LI - LIGHT INDUSTRIAL.**

5.6.14.1 STATEMENT OF INTENT. These districts are intended for light manufacturing, processing, storage and warehousing, wholesaling, and distribution. Institutional and residential uses are prohibited as not in character with the activities conducted in these districts. Service and commercial activities relating to the character of the district are permitted. Regulations are intended to prevent or reduce friction between uses in this district and also to protect nearby residential districts. Performance standards are applied at lot lines.

5.6.14.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.14.2.1. Light manufacturing, processing, fabricating and similar uses.

5.6.14.2.2. Wholesaling, warehousing, storage, distribution establishments and the like.

5.6.14.2.3. Bulk storage inflammable liquids.

5.6.14.2.4. Outdoor storage lots and yards; except wrecking yards, junk yards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles.

5.6.14.2.5. Vocational schools and trade schools involving operations of a light industrial nature.

5.6.14.2.6. Retail establishments for sale of new and used automobiles, motor cycles, truck and tractors, manufactured homes, boats, automotive vehicle parts and accessories (but not junk yards or automotive vehicle wrecking yards), heavy machinery and equipment, farm equipment and supplies, lumber and building supplies, monuments, and similar uses.

5.6.14.2.7. Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant, hiring and union halls, employment agency, sign company, automobile service stations and truck stops, grocery stores and similar uses.

5.6.14.2.8. Vocational, technical, trade, or industrial schools and similar uses.

5.6.14.2.9. Clinic in connection with industrial activity.

5.6.14.2.10. Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus, truck or other transportation terminal.

5.6.14.2.11. Kennels, provided outdoor animal runs and outdoor structures housing animals shall be a minimum distance of 100 feet from all property lines abutting residential zoning districts and shall be completely surrounded by an eight (8) feet high solid wall or solid fence. Kennels shall be maintained so as not to violate existing city codes.

5.6.14.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.14.3.1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

5.6.14.3.2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

5.6.14.3.3. Do not involve operations or structures not in keeping with the character of the district.

5.6.14.3.4. Dwelling units when a part of the permitted principal use, for owners and employees only, provided all minimum requirements for the area, setback, height and related requirements for the district are met, and provided further, that all such dwellings shall be confined to the rear one-half of the ground floor, or to a floor other than the ground floor of the principal permitted use. Dwelling units shall be limited to one for each permitted principal use and contain a minimum of 500 sq. ft. of living area but in no case shall the aggregate residential floor area exceed the aggregate floor area of the permitted principal use. One off-street parking space shall be provided for each dwelling unit in addition to the required off-street parking for the permitted principal use and shall be provided at the rear or side of the principal use.

5.6.14.3.5. Dish Antennas.

5.6.14.4. SPECIAL EXCEPTIONS.

5.6.14.4.1. One manufactured home or recreational vehicle for residential purposes, in connection with a principal use when used strictly for demonstrated security purposes and provided further that all yard requirements shall be met as for a principal use.

5.6.14.4.2. Manufacturing, processing and assembly, but with the following conditions: these land uses shall be conducted on property(s) within structure(s) enclosed on 3 sides with no openings, other than windows and personnel doors for ingress and egress, when the property abuts or

is adjacent to properties classified residential, institutional or commercial on the Auburndale Zoning Map. Site compatibility requirements shall, at a minimum, be met in compliance with Sec. 5.2.17. of the LDR.

5.6.14.5. PROHIBITED USES AND STRUCTURES.

5.6.14.5.1. Dwelling units except as provided otherwise herein.

5.6.14.5.2. Private or public elementary or high schools.

5.6.14.5.3. Yards or lots for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automobiles, second hand automotive parts; wrecking yards or junk yards; all uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article IV.

5.6.14.5.4. Junk Yards.

5.6.14.5.5. Off-site signs.

5.6.14.5.6. Abandoned signs.

5.6.14.5.7. Excavation, borrow pits.

5.6.14.5.8. Mining.

5.6.14.5.9. Salvage operations, recycling, building, yard.

5.6.14.5.10. Livestock, including swine, cattle, sheep, goats, and poultry.

5.6.14.6. MINIMUM LOT REQUIREMENTS. (Area & width) As needed to meet other requirements herein.

5.6.14.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard, width of side yard)

Front: 25 feet.

Side: 15 feet, provided however that this requirement may be reduced to 10 feet if structure is built with a minimum of one hour fire walls or contains an internal fire sprinkler system or if the yard abuts a railroad right of way, alley or an easement.

Rear: 20 feet, provided however that this requirement may be reduced to 10 feet if structure is built with a minimum of one hour fire walls or containing an internal fire sprinkler system or if the yard abuts a railroad right of way, alley or an easement.

Where an LI district adjoins a residential district without an intervening street or alley, the required adjoining yard shall be a minimum of 25 feet

and shall be maintained as a live landscaped area, except for necessary access drives and walkways and shall not be used for parking. (See Sec. 5.2.17.)

5.6.14.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. As needed to meet other requirements herein.

5.6.14.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 70% for all upland soils. All other soils shall remain unimproved.

5.6.14.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 150 feet.

5.6.14.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.14.11.1. Off-street Parking:

5.6.14.11.1.1. Service Stations, repair garages: No vehicle being serviced, repaired, or stored, or awaiting or following service, repair or storage, shall be parked on any public street, alley or right-of-way by persons operating or employed by such service stations or repair garages.

5.6.14.11.1.2. All other uses or structures: Parking space shall be determined by the Administrative Official in an amount appropriate to the circumstances of the case, but in no case shall off-street parking space required be less than one space for each employee on peak shifts.

5.6.14.11.2. Off-street Loading: All permitted or permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into any public street, walk, alley or required yard.

5.6.14.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:

5.6.14.12.1. Signs relating only to identification of the premises and occupants and to goods sold or services rendered on the premises, limited as to number and area as follows:

5.6.14.12.1.1. One sign, with not to exceed 20 sq. ft. of surface area, for each 10 lineal feet of building frontage, the location of which is identified on the Occupational License. Such sign shall be mounted on the main building and shall not extend more than 3 feet above the roof or beyond the sides of the building. In addition, when one or more places of business or activities exist in a building, not more than one free standing combined identification sign may be permitted when mounted on a permanent support in any required front yard in this district, if such sign and its support

do not impede visibility in relation to traffic flow on the site or on the adjacent streets. Such free-standing sign shall not exceed 80 square feet in surface area per side or 160 square feet in total combined surface area. If at a later date other places of business or activities locate on the subject site, the original individual sign structure and copy shall be surrendered and combined as for Sec. 5.6.14.12.1.2. below. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.14.12.1.2. When more than one place of business or activity exist in combination on a site, not more than one free-standing identification sign may be permitted when mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the site or on the adjacent street. Such free-standing sign, whether identifying a single place of business or activity or a combined grouping of places of business or activities, shall not exceed 80 square feet in surface area per side or 160 square feet in total combined surface area. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.14.12.2. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding 3 sq. ft. are permitted.

5.6.14.12.3. All off-site signs are prohibited.

5.6.14.12.4. Portable signs as provided in Chapter 7 of the LDR.

5.6.14.12.5. No sign support(s) shall be erected within 10 feet of any property line.

**Sec. 5.6.15. HI - HEAVY INDUSTRIAL.**

5.6.15.1. STATEMENT OF INTENT. These districts are intended primarily for heavy manufacturing and closely related uses. Also permitted are commercial and other uses allowed in commercial districts. To avoid burdensome regulations on heavy manufacturing, requirements in this district are intended to provide protection principally against effects harmful to other districts. These regulations will not afford the same degree of protection for commercial and other permitted uses not related to heavy manufacturing as they would receive if located in districts primarily designed for them.

5.6.15.2. PERMITTED PRINCIPAL USES AND STRUCTURES.

5.6.15.2.1. Any use which is otherwise lawful which conforms to performance standards as set forth in Article IV, except that residential uses (other than as indicated otherwise herein) shall not be permitted in this district.

5.6.15.2.2. Salvage operation, recycling, building, yard, junk yard provided that all such uses shall be enclosed with a solid 6 foot high non-vegetative fence on all property lines and provided further that all applicable performance standards and other requirements of this chapter are met.

5.6.15.2.3. Transportation facilities, public and private.

5.6.15.2.4. Kennels, provided that outdoor animal runs and outdoor structures housing animals shall be a minimum distance of 100 feet from all property lines abutting residential zoning districts and shall be completely surrounded by an eight (8) feet high solid wall or solid fence. Kennels shall be maintained so as not to violate existing city codes.

5.6.15.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which:

5.6.15.3.1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

5.6.15.3.2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

5.6.15.3.3. Do not involve operations or structures not in keeping with the character of the district.

5.6.15.3.4. Dwelling units, when a part of the permitted principal use, for owners and employees only provided all minimum requirements for the area, setback, height and related requirements for the district are met, and provided further, that all such dwellings shall be confined to the rear one-half of the ground floor, or to a floor other than the ground floor of the principal permitted use. Dwelling units shall be limited to one for each permitted principal use and contain a minimum of 500 sq. ft. of living area but in no case shall the aggregate residential floor area exceed the aggregate floor area of the permitted principal use. One off-street parking space shall be provided for each dwelling unit in addition to the required off-street parking for the permitted principal use and shall be provided at the rear or side of the principal use.

5.6.15.3.5. Dish Antennas.

5.6.15.4. SPECIAL EXCEPTIONS. One manufactured home or recreational vehicle for residential purposes, in connection with a principal use when used strictly for demonstrated security purposes and provided further that all yard requirements shall be met as for a principal use.

5.6.15.5. PROHIBITED USES AND STRUCTURES.

5.6.15.5.1. Dwelling units except as provided under otherwise herein, elementary or high schools, public or private, and any use not conforming to the performance standards set forth in Article IV.

5.6.15.5.2. Off-site signs.

5.6.15.5.3. Hotels, motels, boarding and lodging houses.

5.6.15.5.4. Abandoned signs.

5.6.15.5.5. Excavation, borrow pits.

5.6.15.5.6. Mining.

5.6.2.5.6. Livestock, including swine, cattle, sheep, goats, and poultry.

5.6.15.6. MINIMUM LOT REQUIREMENTS. None

5.6.15.7. MINIMUM YARD REQUIREMENTS. (Depth of front & rear yard, width of side yard)

Front: 25 feet.

Side: 15 feet, provided however that this requirement may be reduced to 10 feet if structure is built with a minimum of one hour fire walls or contains an internal fire sprinkler system or if the yard abuts a railroad right of way, alley or an easement.

Rear: 20 feet, provided however that this requirement may be reduced to 10 feet if structure is built with a minimum of one hour fire walls or containing an internal sprinkler system or if the yard abuts a railroad right of way, alley or an easement.

Where an HI district adjoins a residential district without an intervening street or alley, the required adjoining yard shall be a minimum of 25 feet and shall be maintained as a live landscaped area, except for necessary access drives and walkways and shall not be used for parking. (See Sec. 5.2.17. of the LDR.)

5.6.15.8. MAXIMUM LOT COVERAGE BY ALL BUILDINGS. As needed to meet other requirements herein.

5.6.15.9. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 70% for all upland soils. All other soils shall remain unimproved.

5.6.15.10. MAXIMUM HEIGHT OF STRUCTURES. Except as provided in Sec. 5.2.4. no portion shall exceed: 150 feet.

5.6.15.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.15.11.1. Off-street Parking:

5.6.15.11.1.1. Service Stations, repair garages: No vehicle being serviced, repaired, or stored, or awaiting or following service, repair or storage, shall be parked on any public street, alley or right-of-way by persons operating or employed by such service stations or repair garages.

5.6.15.11.1.2. All other uses or structures: Parking space shall be determined by the Administrative Official in an amount appropriate to the circumstances of the case, but in no case shall off-street parking space required be less than one space for each employee on peak shifts.

5.6.15.11.2. Off-Street Loading: All permitted or permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicle being loaded or

unloaded in connection with normal operations shall stand in or project into any public street, walk, alley or required yard.

5.6.15.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:

5.6.15.12.1. Signs relating only to identification of the premises and occupants and to goods sold or services rendered on the premises, limited as to number and area as follows:

5.6.15.12.1.1. One sign, which does not to exceed 20 sq. ft. of surface area, for each 10 lineal feet of building frontage, the location of which is identified on the Occupational License. Such sign shall be mounted on the main building and shall not extend more than 3 feet above the roof or beyond the sides of the building. In addition, when one or more places of business or activities exist in a building, not more than one free standing combined identification sign may be permitted when mounted on a permanent support in any required front yard in this district, if such sign and its support do not impede visibility in relation to traffic flow on the site or on the adjacent streets. Such free-standing sign shall not exceed 80 square feet in surface area per side or 160 square feet in total combined surface area. If at a later date other places of business or activities locate on the subject site, the original individual sign structure and copy shall be surrendered and combined as for Sec.

5.6.15.12.1.2. below. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

5.6.15.12.1.2. When more than one place of business or activity exist in combination on a site, not more than one free-standing identification sign may be permitted when mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the site or on the adjacent street. Such free-standing sign, whether identifying a single place of business or activity or a combined grouping of places of business or activities, shall not exceed 80 square feet in surface area per side or 160 square feet in total combined surface area. No source of incandescent or mercury vapor illumination for any sign on premises shall be directly visible in any portion of a residential district or from any room used for sleeping purposes in any district.

- 5.6.15.12.2. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding 3 sq. ft. are permitted.
- 5.6.15.12.3. All off-site signs are prohibited.
- 5.6.15.12.4. Portable signs as provided in Chapter 7 of the LDR.
- 5.6.15.12.5. No sign support(s) shall be erected within 10 feet of any property line.

**Sec. 5.6.16 OUA - OPEN USE AGRICULTURAL.**

- 5.6.16.1. STATEMENT OF INTENT. OUA districts are intended for agricultural uses and to preserve for agricultural uses those lands with agricultural development potential. Open spaces, park lands, water sheds and water recharge areas are also intended to be protected in these districts. The regulations discourage or prohibit nonagricultural oriented residential development and generally prohibit commercial and industrial development. Certain recreational activities not inappropriate to the district are permitted. Areas zoned OUA shall have a definite change in use trends and needs prior to any rezoning to a classification permitting more intensive uses.
- 5.6.16.2. PERMITTED PRINCIPAL USES AND STRUCTURES.
  - 5.6.16.2.1. Agricultural and horticultural uses including keeping and raising of livestock but not to include poultry and swine.
  - 5.6.16.2.2. Permanent or temporary structures on farm site for housing farm labor, with capacity of one family for each 10 acres of agriculture site.
  - 5.6.16.2.3. Roadside stands for sale of products grown on the premises and sale limited only to such products.
  - 5.6.16.2.4. Riding academy, or boarding stable, provided no building for housing animals shall be located within 200 feet of any residentially zoned property.
  - 5.6.16.2.5. Single family detached dwellings.
  - 5.6.16.2.6. Houses of worship (including temporary revival establishments), provided that minimum parcel size shall not be less than 2 acres.

- 5.6.16.2.7. Public parks, playgrounds, playfields, and city buildings in keeping with the character and requirements of the district.
  - 5.6.16.2.8. Existing cemetery.
  - 5.6.16.2.9. Existing railroad right-of-way, not including switching, freight or storage yards, buildings, or maintenance structures.
  - 5.6.16.2.10. Private camps (including day camps).
  - 5.6.16.2.11. Excavation, borrow pits not exceeding 50,000 cu. yds. or 5 acres per site (See Sec. 5.2.15.).
  - 5.6.16.2.12. Kennels, provided that outdoor animal runs and outdoor structures housing animals shall be a minimum distance of 100 feet from all property lines abutting residential zoning districts and shall be completely surrounded by an eight (8) feet high solid wall or solid fence. Kennels shall be maintained so as not to violate existing city codes.
- 5.6.16.3. PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures which are:
- 5.6.16.3.1. Customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
  - 5.6.16.3.2. Located on the same lot as the permitted principal use or structures, or on a contiguous lot in the same ownership.
- 5.6.16.4. PROHIBITED USES AND STRUCTURES. Any use or structure not specifically or provisionally permitted herein. Listed permitted or permissible uses do not include either as a principal or an accessory use any of the following which are listed for emphasis:
- 5.6.16.4.1. Manufacturing or industrial establishments.
  - 5.6.16.4.2. Wholesale warehouse or storage establishments.
  - 5.6.16.4.3. Junk yard or automobile wrecking yard.
  - 5.6.16.4.4. Sale of new or secondhand merchandise of whatsoever type or kind.
  - 5.6.16.4.5. Contractor, construction, or equipment yard.
  - 5.6.16.4.6. Slaughter house for livestock.
  - 5.6.16.4.7. Livestock auction.

- 5.6.16.4.8. Keeping and raising of swine and poultry.
- 5.6.16.4.9. Uses similar in character to any of the above uses.
- 5.6.16.4.10. Off site advertising signs.
- 5.6.16.4.11. Mining.
- 5.6.16.4.12. Sanitary land fill.
- 5.6.16.4.13. Toxic waste site.
- 5.6.16.5. SPECIAL EXCEPTIONS. Permissible by Board of Adjustment after public hearing and subject to appropriate conditions and safeguards. (See Sec. 19.2.4.).
  - 5.6.16.5.1. New cemeteries.
  - 5.6.16.5.2. Golf courses, not including miniature golf course, provided lot comprises at least 110 acres of land in one parcel and that any building, accessory parking area, or structure is located at least 50 feet from any street right-of-way line and at least 100 feet from any property in separate ownership.
  - 5.6.16.5.3. Country club, private club, or outdoor recreation club and camp provided all structures or parking must be at least 50 feet from any street right-of-way line and 100 feet from any property in private ownership.
  - 5.6.16.5.4. Radio or television transmitting or receiving station, line or sight relay devices, structures, or tower over 100 feet in height above the ground and meeting all FCC and FAA requirements.
  - 5.6.16.5.5. Temporary or permanent housing for farm labor, when such farm labor is not employed on the same property upon which housing is located, or when housing has greater capacity than one dwelling unit for each 10 acres of land contained in the property upon which the housing is located and the farm labor used.
  - 5.6.16.5.6. Animal hospital, veterinary clinic, animal boarding place, fur farm, dog kennels, provided no building for the housing of animals shall be located within 125 feet of any lot line.
  - 5.6.16.5.7. Outdoor or indoor rifle, shotgun or pistol shooting range, field archery, golf driving range, par three golf course.
  - 5.6.16.5.8. Public and private elementary, junior, and senior high schools with conventional academic curriculums.

5.6.16.6. MINIMUM LOT REQUIREMENTS (Area and Width).

5.6.16.6.1. Single family detached dwellings:

Lot width: 300 feet.

Lot area: 5 acres.

5.6.16.6.2. Other permitted or permissible uses or structures: None except as needed to meet all other requirements specified herein.

5.6.16.8. MAXIMUM IMPERVIOUS SURFACE COVERAGE. 20% for all upland soils. All other soils shall remain unimproved.

5.6.16.9. MINIMUM YARD REQUIREMENTS. (Depth of front and rear yards, width of side yards.)

5.6.16.9.1. Single family detached dwellings:

Front: 50 feet.

Side: 25 feet.

Rear: 25 feet.

5.6.16.9.2. Other permitted or permissible uses and structures: Same as for single family detached dwellings unless otherwise specified.

5.6.16.10. MAXIMUM HEIGHT OF STRUCTURES. No portion shall exceed:

5.6.16.10.1. Residential uses: 35 feet.

5.6.16.10.2. Other permitted or permissible uses: 50 feet except as provided otherwise herein.

5.6.16.11. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

5.6.16.11.1. Single-family detached residences: 2 spaces.

5.6.16.11.2. Schools:

Elementary and junior high: 2 spaces for each classroom or office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

Senior: 4 spaces for each classroom or office room, plus 1 for each 150 sq. ft. seating area (including aisles) in any auditorium, or any gymnasium or cafeteria intended to be used as an auditorium.

- 5.6.16.11.3. Municipal and neighborhood buildings and churches: 3 spaces for each office room, plus 1 for each 150 sq. ft. of seating area (including aisles) in any room to be used for public meetings.
- 5.6.16.11.4. Special exceptions permissible by Board of Adjustment: To be determined by the Board by general rule or by findings in the particular case.
- 5.6.16.12. LIMITATIONS ON SIGNS. No signs intended to be read from off the premises shall be permitted except:
  - 5.6.16.12.1. In connection with a church, school, public park, playground or playfield, or a municipal or neighborhood building:
    - 5.6.16.12.1.1. Not more than 2 identification signs, with combined surface area not exceeding 20 sq. ft.
    - 5.6.16.12.1.2. Not more than 2 bulletin boards or notice boards, with combined surface area not exceeding 30 sq. ft.
    - 5.6.16.12.1.3. Not more than 2 temporary signs or banners with combined surface area not exceeding 40 sq. ft. in connection with special events, provided that no such sign or banner shall be displayed longer than the duration of the special event plus one week before it begins. Portable signs shall be permitted under these conditions except that such signs shall not exceed 32 sq. ft. for each sign surface area.
  - 5.6.16.12.2. Special exceptions permissible by Board of Adjustment: To be determined by the Board by general rule or by findings in the particular case.
  - 5.6.16.12.3. No such sign shall be erected within 10 feet of any property line.
- 5.6.16.13. MINIMUM SQUARE FEET OF LIVING AREA.
  - 5.6.16.13.1. All single-family detached dwellings shall contain a minimum of 1,400 sq. ft. of living area with a TWO (2) car garage which contains a minimum of 400 sq. ft.
  - 5.6.16.13.2. The minimum square footage requirement does not include any carport or garage. It also excludes any utility room which is separated from the building.