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2 **CHAPTER 67. - USE SPECIFIC STANDARDS**

3 **Sec. 67.01. - General.**

4 Standards for a specific principal, accessory or temporary use shall apply to the particular  
5 individual principal, accessory, or temporary use regardless of the zoning district in which it is  
6 located or the review procedure by which it is approved, unless otherwise specified in this Code.  
7 This Chapter is intended to set forth and consolidate the standards for all principal, accessory, and  
8 temporary uses for which a reference to this Chapter is provided in the "Use-Specific Standards"  
9 column of the principal, accessory or temporary use tables in Chapter 61, Residential Districts or  
10 Chapter 62, Nonresidential Districts. These standards may be modified by other applicable  
standards or requirements in this Code.

11 **Sec. 67.02. – Use specific standards for principal residential uses - dwellings.**

12 (a) *Dwellings, artist guest home.* An artist guest home, where allowed as a principal use in a  
13 zoning district, shall comply with the district density, intensity and dimensional standards of  
14 the applicable zoning district for single-family or duplex residential development and with the  
15 following standards:

- 16 (1) A dwelling unit may be used as a residence for artist guest for up to a year.  
17 (2)  $(\text{Number of allowable dwelling units}) \times (\text{two (2) residents per dwelling unit}) \times 1.5 =$   
18  $\text{maximum number of artist guests allowed}$   
19 (3) The dwelling unit may be used for an artist studio.

20 (b) *Dwellings, group court.* A group court dwelling, where allowed as a principal use in a zoning  
21 district, shall comply with the district density, intensity and dimensional standards of the  
22 applicable zoning district for multi-family residential development and with the following  
23 standards:

- 24 (1) The dwelling structures shall be grouped around a common courtyard.  
25 (2) Each dwelling structure on the same parcel shall be designed in the same architectural  
26 style.  
27 (3) In the CAV-2 or CAV-3 zoning districts, the use shall not be located on a parcel larger  
28 than fifteen thousand (15,000) square feet, unless the proposed building arrangement and  
29 architectural design meets the intent of the 2016 Cultural Arts Village Report.

30 (c) *Dwellings, live/work unit.* A live/work dwelling unit, where allowed as a principal use in a  
31 zoning district, shall comply with the district density, intensity and dimensional standards  
32 of the applicable zoning district for multi-family residential development and with the  
33 following standards:

- 34 (1) The residential portion of the building shall occupy no more than 65 percent of the  
35 gross floor area.  
36 (2) The nonresidential portion of the building shall be located on the ground floor.  
37 (3) The nonresidential portion of the building shall comply with all applicable  
38 nonresidential Building Code and business licensing requirements.

- 1 (4) Employees shall be limited to occupants of the residential portion of the building plus  
2 up to two persons not residing in the residential portion.
- 3 (5) Drive-through service is prohibited as an accessory use.
- 4 (6) The non-residential use shall provide required parking applicable to the non-residential  
5 use pursuant to Chapter 63, Off-Street Parking and Loading Requirements.
- 6 (d) *Dwellings, multi-family*. A multi-family dwelling, where allowed as a principal use in a zoning  
7 district, shall comply with the district density, intensity and dimensional standards of the  
8 applicable zoning district for multi-family residential development and with the following  
9 standards:
- 10 (1) In CAV-2 zoning district, the use shall not be located on a parcel larger than fifteen  
11 thousand (15,000) square feet.
- 12 (2) In the CAV zoning districts, any legally established multi-family dwelling constructed  
13 prior to July 21, 1970 may be reconstructed or reestablished on the same parcel with the  
14 same number of dwelling units. The reconstructed unit shall meet the applicable design  
15 standards for multi-family dwellings in Sec. 61.131.
- 16 (e) *Dwellings, single-family attached*. A single-family attached dwelling, where allowed as a  
17 principal use in a zoning district, shall comply with the district density, intensity and  
18 dimensional standards of the applicable zoning district for multi-family residential  
19 development and with the following standards:
- 20 (1) The development shall be developed with individual platted lots or parcels as a platted-  
21 over subdivision pursuant to Ch. 70, Subdivisions.
- 22 (2) Platted lot lines in a platted-over subdivision dividing individual dwelling units shall  
23 run along the centerline of the common wall between the units.
- 24 (3) Required off-street parking spaces may be located in a combined parking area for each  
25 multi-dwelling building.
- 26 (4) Deed restrictions shall be filed for each single-family attached dwelling subdivision  
27 that require establishment of a cooperative maintenance system, governed and operated  
28 by the owners of individual units, to ensure the cooperative maintenance of any  
29 common areas and facilities. Legal instruments proposed to establish the deed  
30 restrictions shall be submitted with the platted-over subdivision application.
- 31 (f) *Dwellings, upper story (above non-residential use)*. An upper-story dwelling, where allowed  
32 as a principal use in a zoning district, shall comply with the district density, intensity and  
33 dimensional standards of the applicable zoning district for nonresidential development and  
34 with the following standards:
- 35 (1) Upper story dwelling uses are generally intended to accommodate residential living  
36 above street level non-residential uses.
- 37 (2) Lobbies, security, and uses incidental to the upper story dwelling use may be allowed  
38 on the street level, but all principal living spaces in multi-story or multi-tenant buildings  
39 shall be above the first floor.

1 (g) *Dwellings, zero lot line.* A zero lot line dwelling, where allowed as a principal use in a  
 2 zoning district, shall comply with the district density, intensity and dimensional standards  
 3 of the applicable zoning district for multi-family residential development and with the  
 4 following standards:

- 5 (1) The development shall be developed with individual platted lots or parcels as a platted-  
 6 over subdivision pursuant to Ch. 70, Subdivisions.
- 7 (2) The dimensional standards in Table 67.1, Modified Dimensional Standards for Zero  
 8 Line Subdivisions, shall apply to zero lot line subdivisions.

9 **Table 67.1: Modified Dimensional Standards for Zero Lot Line Subdivisions**

Standard	
Minimum lot area - all other lots	4,500 sf
Minimum lot area - corner lots	5,000 sf
Minimum front yard setback	20 ft
Minimum interior side yard setback - along designated zero lot line	n/a
Minimum interior side yard setback - along interior side lot line opposite zero lot line	15 ft <sup>1</sup>
Minimum side yard setback - along interior side lot forming perimeter of the subdivision site	7.5 ft
NOTES:	
1. Or the interior side yard setback generally applicable in the zoning district, if greater.	

- 10 (3) Each lot in a zero lot line subdivision shall have one interior side lot line designated on  
 11 the subdivision plat as its zero lot line, which shall be the same side lot line (i.e., right  
 12 or left) relative to the fronts of all lots within the same blockface, provided that no lot  
 13 line abutting a right-of-way (front yard) or a side lot line forming the perimeter of the  
 14 zero lot line subdivision site shall be designated a zero lot line. One side of a dwelling  
 15 on a zero lot line lot shall be sited along the designated zero lot line.
- 16 (4) A four-foot-wide maintenance easement shall be provided on the adjoining lot, running  
 17 along and around the corners of the dwelling located along the zero lot line. Roof  
 18 overhangs may extend up to 2 feet into the easement provided the roof and roof  
 19 drainage facilities are designed to limit water runoff from the roof to the area of the  
 20 maintenance easement. Fences or walls are prohibited within the easement.
- 21 (5) Accessory structures, such as open patios, swimming pools, sheds, and trellises, shall  
 22 be located in the rear yard and comply with the side yard setback of the primary  
 23 structure and be set back five feet from the rear lot line.
- 24 (6) Fences or walls not exceeding six feet in height may be located in the rear yard along  
 25 the side and rear lot lines.

26 **Sec. 67.03. – Use specific standards for principal residential uses – group living.**

27 (a) *Assisted living facilities.* An assisted living facility, where allowed as a principal use in a  
 28 zoning district, shall comply with the district density, intensity and dimensional standards  
 29 of the applicable zoning district for multi-family residential development and with the  
 30 following standards:

- 1 (1) Each room unit shall include at least 200 square feet of living space, which shall include  
2 a full bathroom and at least 80 square feet of sleeping space (if designed for single  
3 occupancy) or 60 square feet of sleeping space per bed (if designed for multiple  
4 occupancy).
- 5 (2) The facility shall comply with the density standards for the maximum number of rooms.
- 6 (3) The facility shall comply with all applicable State regulations regarding the licensing  
7 and operation of assisted living facilities.
- 8 (b) *Community residential homes:* A community residential home with seven (7) to fourteen  
9 (14) residents, where allowed as a principal use in a zoning district, shall comply with the  
10 district density, intensity and dimensional standards of the applicable zoning district for multi-  
11 family residential development and with the following standards:
- 12 (1) The sponsoring agency shall provide the following information to the Planning Director  
13 in writing and include in such notice:
- 14 a. The specific address of the site, the residential licensing category, the number of  
15 residents, and the community support requirements of the program;
- 16 b. A statement from the licensing State agency indicating the need for and the  
17 licensing status of the proposed community residential home and specifying how the  
18 home meets applicable licensing criteria for the safe care and supervision of the  
19 clients in the home;
- 20 c. The most recently published data compiled that identifies all community  
21 residential homes in the City;
- 22 d. A site plan, pursuant to the requirements of Sec. 64.10, which denotes specific  
23 address of the proposed location, all structures, parking facilities, and other site  
24 improvements on the site;
- 25 e. A floor plan showing the location, size, and space utilization of each room shall be  
26 submitted; and
- 27 f. The applicant shall submit a signed affidavit stating that all applicable regulations  
28 of the State of Florida and City of Vero Beach as currently exist have been satisfied.
- 29 (2) Those community residential homes with seven (7) to fourteen (14) residents, whose  
30 residents are service-dependent persons requiring special protection or custodial care in  
31 order to meet their emotional and/or physical needs, must meet all licensing requirements  
32 in F.S. § 419.01, from the applicable State agency, and the following standards:
- 33 a. The proposed use is compatible with the surrounding neighborhood in terms of  
34 land use intensity. The maximum allowable land use intensity shall be computed as  
35 follows:
- 36 i.  $(\text{Number of allowable dwelling units}) \times (\text{two (2) residents per dwelling unit})$   
37  $\times 1.5 = \text{maximum number of residents allowed.}$
- 38 ii. In no case shall the maximum number of residents allowed on a project site  
39 exceed the average maximum number of residents allowed (as calculated by the  
40 above formula) on adjacent sites bordering the project site. Averaging for

- 1 adjacent sites shall be based upon length of the common border between the  
2 project site and the adjacent site.
- 3 b. To avoid unsafe or unhealthy conditions that may be produced by the  
4 overcrowding of persons living in these facilities, a minimum floor area per person  
5 shall be required. Floor area requirements shall be measured from interior walls of  
6 all rooms including closet space.
- 7 i. *Total interior living space.* A minimum of two hundred (200) square feet of  
8 interior living space shall be provided per facility resident. Interior living space  
9 shall include sleeping space and all other interior space accessible on a regular  
10 basis to all facility residents.
- 11 ii. *Minimum sleeping areas.* A minimum of eighty (80) square feet shall be  
12 provided in each sleeping space for single occupancy. A minimum of sixty (60)  
13 square feet of sleeping space shall be provided for each bed in a sleeping space  
14 for multiple occupancy.
- 15 iii. *Bathroom facilities.* A full bathroom with toilet, sink and tub or shower shall  
16 be provided for each three (3) residents.
- 17 c. To avoid an undue concentration of group care facilities within residential  
18 neighborhoods, the following distance requirements apply:
- 19 (3) The use shall be located at least one thousand two hundred (1,200) feet from another  
20 community residential home or group home, measured from property line to property  
21 line.
- 22 (4) The use shall be five hundred (500) feet from a single-family residential zoning district.
- 23 (5) The structure shall meet design standards for multi-family structures for the zoning  
24 district it is located. Structural alterations or designs shall be of such a nature as to  
25 preserve the residential character of the building.
- 26 (6) The Planning Director shall determine that the siting of the community residential  
27 home is in accordance with the Land Development Regulations and approve the siting or  
28 deny the application within sixty (60) days.
- 29 (c) *Continuing care retirement communities.* A continuing care retirement community facility,  
30 where allowed as a principal use in a zoning district, shall comply with the district density,  
31 intensity and dimensional standards of the applicable zoning district for multi-family  
32 residential development and the major component parts of a continuing care retirement  
33 community shall each comply with the standards applicable to the principal use most closely  
34 representing the component, for example, nursing home facility standards for the skilled  
35 nursing services components, assisted living facility standards for assisted living services  
36 component, and single-family, duplex, and/or multifamily dwelling standards, as  
37 appropriate, for the independent living component.
- 38 (d) *Group homes:* A group home meeting the definition of a community residential home with  
39 six (6) or fewer residents, as defined in F.S. § 419.01(2), where allowed as a principal use  
40 in a zoning district, shall comply with the district density, intensity and dimensional  
41 standards of the applicable zoning district for single-family detached residential  
42 development and with the following standards:

- 1 (1) The sponsoring agency shall provide the following information to the Planning Director  
2 in writing and include in such notice:
- 3 a. The specific address of the site, the residential licensing category, the number of  
4 residents, and the community support requirements of the program;
- 5 b. A statement from the licensing State agency indicating the need for and the  
6 licensing status of the proposed community residential home and specifying how  
7 the home meets applicable licensing criteria for the safe care and supervision of  
8 the clients in the home;
- 9 c. The most recently published data compiled that identifies all community  
10 residential homes in the City;
- 11 d. A site plan, pursuant to the requirements of Sec. 64.10, which denotes specific  
12 address of the proposed location, all structures, parking facilities, and other site  
13 features on the site;
- 14 e. A floor plan showing the location, size, and space utilization of each room shall  
15 be submitted; and
- 16 f. The applicant shall submit a signed affidavit stating that all applicable regulations  
17 of the State of Florida and City of Vero Beach as currently exist have been  
18 satisfied.
- 19 (2) Those group homes whose residents are service-dependent persons requiring special  
20 protection or custodial care in order to meet their emotional and/or physical needs must  
21 meet all licensing requirements in F.S. § 419.01, from the applicable State agency, and  
22 with the following standards:
- 23 a. The proposed use is compatible with the surrounding neighborhood in terms of  
24 land use intensity. The maximum allowable land use intensity shall be computed  
25 as follows:
- 26 i.  $(\text{Number of allowable dwelling units}) \times (\text{two (2) residents per dwelling unit})$   
27  $\times 1.5 = \text{maximum number of residents allowed.}$
- 28 ii. In no case shall the maximum number of residents allowed on a project site  
29 exceed the average maximum number of residents allowed (as calculated by  
30 the above formula) on adjacent sites bordering the project site. Averaging for  
31 adjacent sites shall be based upon length of the common border between the  
32 project site and the adjacent site.
- 33 b. To avoid unsafe or unhealthy conditions that may be produced by the overcrowding  
34 of persons living in these facilities, a minimum floor area per person shall be required.  
35 Floor area requirements shall be measured from interior walls of all rooms including  
36 closet space.
- 37 i. *Total interior living space.* A minimum of two hundred (200) square feet of  
38 interior living space shall be provided per facility resident. Interior living  
39 space shall include sleeping space and all other interior space accessible on a  
40 regular basis to all facility residents.
- 41 ii. *Minimum sleeping areas.* A minimum of eighty (80) square feet shall be

1 provided in each sleeping space for single occupancy. A minimum of sixty  
2 (60) square feet of sleeping space shall be provided for each bed in a sleeping  
3 space for multiple occupancy.

4 iii. *Bathroom facilities.* A full bathroom with toilet, sink and tub or shower shall  
5 be provided for each three (3) residents.

6 c. To avoid an undue concentration of group care facilities within residential  
7 neighborhoods, the use shall be located at least one thousand (1,000) feet from  
8 another group home and at least one thousand two hundred (1,200) feet from  
9 another community residential home, measured from property line to property line.

10 d. The structure shall meet design standards for single-family structures for this  
11 district. Structural alterations or designs shall be of such a nature as to preserve the  
12 residential character of the building.

13 (3) The Planning Director shall determine that the siting of the group home is in accordance  
14 with the Land Development Regulations and approve the siting or deny the application  
15 within sixty (60) days.

16 **Sec. 67.04. – Use specific standards for principal residential uses – accommodations.**

17 (a) *Hotels and motels.* A hotel or motel, where allowed as a principal use in a zoning district,  
18 shall comply with the district density, intensity and dimensional standards of the applicable  
19 zoning district for nonresidential development and with the following standards:

20 (1) The facility shall comply with the density standards for the maximum number of rooms.

21 (2) The accessory uses to the hotel or motel facility shall comply with the following  
22 standards:

23 a. No more than 20 percent of the gross floor area of a hotel or motel may be devoted  
24 to accessory uses.

25 b. The accessory retail sales and services or personal services establishments shall be  
26 designed to primarily serve hotel or motel guests.

27 c. The accessory use shall be located within the principal building of the hotel/motel  
28 development and accessible only from an interior court, lobby, corridor, or pool  
29 deck.

30 d. Any accessory restaurant shall not have drive-in or drive through service.

31 e. If the accessory use involves the sale of alcoholic beverages for on-premise  
32 consumption, it shall comply with the standards in Chapter 6, Alcoholic  
33 Beverages, of the City Code.

34 f. The hotel or motel development shall provide additional parking for the restaurant  
35 or bar use, in accordance with the parking requirements for bars or lounges in  
36 Chapter 63, Off-Street Parking Space Standards.

37 **Sec. 67.05. – Use specific standards for principal nonresidential uses – agricultural.**

38 (a) *Community gardens.* A community garden, where allowed as a principal use in a zoning  
39 district, shall comply with the district density, intensity and dimensional standards of the  
40 applicable zoning district for residential development and with the following standards:

- 1 (1) A site plan, pursuant to Sec. 64.10, depicting the layout of the individual garden plots,  
2 setbacks from property lines, access points to site, location of storage shed, trash and  
3 organic material storage containers, and off-street parking space. The following  
4 additional information shall also be provided:
- 5 a. A photograph of the property from the street abutting the property.
  - 6 b. A description of intended use of organic materials, chemical fertilizers,  
7 herbicides, and pesticides.
  - 8 c. Operating rules identifying the governance structure of the garden and  
9 maintenance and security responsibilities.
  - 10 d. Contact information for individual responsible for oversight of the community  
11 garden.
- 12 (2) *Development standards.* The following development standards shall apply to  
13 community gardens:
- 14 a. The community garden shall be a maximum of one acre in area.
  - 15 b. The community garden shall be designed to prevent any chemical pesticide,  
16 fertilizer, garden waste, soil, drainage or runoff onto adjacent property.
  - 17 c. Plantings and containers used for storage shall be located no closer than 15 feet  
18 to the side or rear property line and no closer than 25 feet to the front property  
19 line.
  - 20 d. Accessory storage shed of no more than 100 square feet in floor area and a  
21 maximum of ten (10) feet in height may be placed on the property. The structure  
22 shall be located 25 feet from the front property line and fifteen (15) feet from side  
23 and rear property lines.
  - 24 e. Any fencing shall comply with the accessory structure standards for the  
25 applicable zoning district.
  - 26 f. Stakes, trellises or other similar structures of no more than ten (10) feet in height  
27 used to support plant growth may be placed on the property.
  - 28 g. One small freestanding sign per street frontage may be placed on site. The sign  
29 shall be maximum of four (4) square feet in area and five (5) feet in height and  
30 comply with the sign type standards for small freestanding signs in Chapter 38,  
31 Article I, Signs, of this Code.
  - 32 h. One parking space may be allowed on site, if the Planning Director determines  
33 that access to the site can be accomplished without crossing a public sidewalk or  
34 curb and that the parking space is stabilized with a durable surface approved by  
35 the City Engineer.
  - 36 i. No exterior lighting is permitted, except for solar power lighting fixtures that are  
37 no higher than 1.5 feet above grade.
  - 38 j. Community gardens are not bona fide agriculture under F.S. § 823.14, the Florida  
39 Right to Farm Act.



1 (3) *Permit conditions.*

- 2 a. The owner of the property on which the garden is located shall be responsible for  
3 maintaining the property in accordance with the conditions of the special use  
4 permit and the property maintenance requirements of Chapter 38, Environment,  
5 of the City Code.
- 6 b. No produce or plants grown on the site shall be sold, but may be used for the  
7 consumption and enjoyment of individuals or group participating in the  
8 community garden activity or, for donation to a not-for-profit or governmental  
9 organization.
- 10 c. Hours of operation shall be limited to the hours between sunrise and sunset.
- 11 d. No power machinery shall be operated between 7:00 p.m. and 7:00 a.m.
- 12 e. The community garden site shall be maintained as follows:
- 13 i. Powered or motorized equipment used on site shall be similar to that  
14 normally used in connection with home gardening, such as walk-behind  
15 rototillers and lawnmowers. Small farm tractors or other heavier machinery  
16 shall not be employed on site except as authorized by the Planning Director.
- 17 ii. Equipment, small tools and supplies shall be stored indoors or removed from  
18 the property daily.
- 19 iii. Compost and organic matter to be used for the community garden shall not  
20 be stored in open air. Such matter shall be contained in appropriate  
21 containers or within a storage shed. The containers shall be maintained to  
22 prevent odors and prevent the harborage of rodents, pests, and other vermin.
- 23 iv. Composting materials shall only be those materials generated on-site or  
24 contributed by active members of the community garden. No fresh manure  
25 shall be used or composted.
- 26 v. Additional dirt for distribution and other bulk supplies shall be stored to the  
27 rear or center of the property, shall be kept in a neat and orderly fashion, and  
28 shall not create visual blight or offensive odors.
- 29 vi. No trash or debris shall be stored or allowed to remain on the property, except  
30 within containers so as not to produce offensive odors or attract animals and  
31 vermin. Such containers will be emptied at least once a week.
- 32 vii. Pesticides and fertilizers may only be stored on the property in a locked  
33 building and shall comply with any other applicable requirements for  
34 hazardous materials.
- 35 viii. Storage of toxic and flammable materials is prohibited.
- 36 ix. Any other reasonable condition that the Planning Director may impose to  
37 ensure consistency with the site development and other applicable provisions  
38 of this Code.

1 **Sec. 67.06. – Use specific standards for principal nonresidential uses – commercial.**

2 (a) *Adult entertainment businesses:* An adult entertainment business in the M, Industrial zoning  
3 district shall comply with the district density, intensity and dimensional standards for  
4 nonresidential development and with the following standards:

5 (1) *Definitions.* The following words and phrases shall have the following definitions when  
6 used in Sec. 67.06(a):

7 a. *Adult entertainment business.* One or a combination of more than one of the  
8 following types of businesses: adult bookstore, adult motion picture theater, adult  
9 mini-motion picture theater, adult cabaret establishment, adult personal service  
10 business, adult novelty business, adult studio, adult sexual encounter  
11 establishments.

12 b. *Adult entertainment:* The act of engaging in specified sexual activities [see definition  
13 in Sec. 67.06(a)(1)]., for the purpose of entertaining a third party, and in exchange  
14 for monetary consideration.

15 c. *Adult bookstore.* An establishment having as a principal activity the sale of books,  
16 magazines, newspapers, video tapes, video discs and motion picture films which  
17 are characterized by their emphasis on portrayals of specified sexual activities.

18 d. *Adult cabaret establishment.* A commercial establishment or private club that  
19 permits or allows dancers, live performers, or any employee to perform specified  
20 sexual activities for the purpose of adult entertainment.

21 e. *Adult motion picture theater.* An enclosed building with a capacity of 50 or more  
22 persons having as a principal activity displaying motion pictures characterized by  
23 their emphasis on portrayals of specified sexual activities.

24 f. *Adult mini-motion picture theater.* An enclosed building including, but not limited  
25 to, a motel or motel room having as a principal activity the presenting of material  
26 characterized by emphasis of portrayals of specified sexual activities.

27 g. *Adult sexual encounter establishment.* A commercial establishment, including a  
28 private club, other than a hotel, motel, or other similar establishment offering  
29 accommodations, for which, in any form of consideration, provides as a principal  
30 activity, a place where two or more persons may congregate, associate, or consort in  
31 connection with specified sexual activities. This definition does not include medical  
32 services, where a medical practitioner is licensed by the State.

33 h. *Adult novelty business.* A business having as a principal activity the sale of devices  
34 of simulated human genitals or devices designed for sexual stimulation.

35 i. *Adult personal service business.* A business having as a principal activity, an  
36 owner, employee, or person similarly associated with the business, engaged in  
37 specified sexual activities, while providing personal services for another a person  
38 on an individual basis in a closed room. It includes, but is not limited to, the  
39 following activities and services: massage parlors, erotic rubs, modeling studios,  
40 body painting studios, wrestling studios, individual theatrical performances. It  
41 does not include activities performed by persons pursuant to, and in accordance  
42 with, licenses issued to such persons by the State of Florida.

- 1 j. *Adult studio.* A commercial establishment whose principal activity is the  
2 photographing, video recording, or filming, with or without live audiences of models  
3 that engage in specified sexual activities for the purpose of adult entertainment while  
4 being observed, photographed, or filmed for purpose of print, over-the-air, cable,  
5 satellite, or internet delivery of the finished product.
- 6 k. *Principal activity.* A use accounting for more than 20 percent of a business stock  
7 in trade, display space, floor space, or movie display time per month.
- 8 l. *Specified sexual activities:*
- 9 i. The public display to a another individual or individuals of human genitals  
10 in a state of sexual stimulation, arousal, or tumescence;
- 11 ii. Acts of human cunnilingus, fellatio, masturbation, pedophilia, sexual  
12 intercourse, sodomy, any excretory function, or representation thereof;
- 13 iii. Fondling or other erotic touching of human genitals, pubic region, buttocks,  
14 anus, or female breast;
- 15 iv. Excretory functions as part of or in connection with any of the activities set  
16 forth in (1) through (3) above.
- 17 v. Exposing the following anatomical areas in a manner that are less than  
18 completely and opaquely covered and associated with adult entertainment:
- 19 a. Human genitals or the pubic region.
- 20 b. Buttocks.
- 21 c. Female breasts below the top of the areola.
- 22 d. Human male genitals in a discernibly turgid state, even if completely and  
23 opaquely covered.
- 24 (2) An adult entertainment business shall be located in the M, Industrial zoning district in  
25 accordance with the following restrictions:
- 26 a. Adult entertainment businesses shall not be located within 1,000 feet of any  
27 residential zone, place of worship, educational institution, park or recreation  
28 facility.
- 29 b. Buildings shall comply with all current safety standards of the Florida Building  
30 Code, as adopted by Chapter 22, Article III of the City Code, including, but not  
31 limited to, adequate fireproofing of walls, floors, and ceilings, adequate fire  
32 escapes and exits, and adequate fireproofing of all book storage areas.
- 33 c. The interior of the adult bookstore should be adequately lighted and constructed  
34 so that every portion accessible by customers is readily visible to the clerk or other  
35 supervisory personnel from the counter or other regular station.
- 36 d. Lobby and entrance areas should be designed so as to minimize obstruction of  
37 sidewalks during operating hours.
- 38 e. Any advertisements, displays, or other promotional materials displayed on the  
39 exterior of the building and visible to the public, from any right-of-way, such as

1 streets, pedestrian sidewalks, or walkways, or from other areas, public or  
2 semipublic, shall be considered signs. All signs shall comply with the sign  
3 standards for industrial districts and all other applicable standards in Chapter 38,  
4 Article I, Signs. Any sign installed or posted on the site shall require a sign permit.  
5 Any sign displaying any statement, word, character or illustration of an obscene  
6 nature, consistent with the mandate of Miller v. California, 413 U.S. 15 (1973),  
7 shall be prohibited.

8 f. No person shall reside in or permit any person to reside in the premises of an adult  
9 entertainment business.

10 g. No person shall operate an adult personal service business unless there is  
11 conspicuously posted in each room where such business is carried on a notice  
12 indicating the prices for all services performed.

13 h. No person shall operate an adult personal service business without obtaining a  
14 business tax receipt.

15 i. No person operating an adult entertainment business shall permit any person under  
16 the age of 18 to be on the premises of said business either as an employee or  
17 customer.

18 j. No person shall become the lessee or sublessee of any property for the purpose of  
19 using said property for an adult entertainment business without the express written  
20 permission of the owner of the property for such use.

21 k. No lessee or sublessee of any property shall convert that property from any other  
22 use to an adult entertainment business without the express written permission of  
23 the owner of the property.

24 (b) *Clubs, health & fitness*: An health & fitness club, where allowed as a principal use in a  
25 zoning district, shall comply with the district density, intensity and dimensional standards  
26 of the applicable zoning district for nonresidential development and with the following  
27 standards:

28 (1) In the POI zoning district, the use shall be integrated into a development of at least  
29 50,000 square feet of floor area, excluding any floor area occupied by a place of  
30 worship and shall comply with the following standards:

31 a. The facility or use shall not occupy more than 7,500 square feet of floor area

32 b. The facility shall be located within a structure with at least 20,000 square feet of  
33 floor area.

34 c. The use shall not be located within five hundred (500) feet of the same type of use.

35 d. No more than one health & fitness club shall be permitted on site.

36 e. The hours of operation for any health & fitness club shall be no earlier than 5:00  
37 a.m. and no later than 9:00 p.m., unless approved by the Planning and Zoning  
38 Board upon a finding that such extended hours of operation will not adversely  
39 impact residential neighborhoods in proximity to the club.

- 1 (c) *Financial institutions*. A financial institution, where allowed as a principal use in a zoning  
2 district, shall comply with the district density, intensity and dimensional standards of the  
3 applicable zoning district for nonresidential development and with the following standards:
- 4 (1) If the financial institution includes an automated teller machine (ATM) in the exterior  
5 wall of the principal building or in a separate structure providing walk-up service, the  
6 use also shall comply with the accessory use standards in Section 67.13(b), Automated  
7 Teller Machine (ATM).
- 8 (2) Where drive-through service is permitted as accessory use, the drive-through service  
9 shall comply with the applicable accessory use standards in Sec. 67.13(c).
- 10 (d) *Microbreweries*. A microbrewery, where allowed as a principal use in a zoning district,  
11 shall comply with the district density, intensity and dimensional standards of the applicable  
12 zoning district for nonresidential development and with the following standards:
- 13 (1) At least three thousand five hundred (3,500) square feet of floor area shall be  
14 maintained for public use as a restaurant/bar, including tasting area, except that for  
15 microbreweries of less than seven thousand (7,000) square feet of total floor area, a  
16 minimum of fifty (50) percent of the total floor shall be maintained for such public  
17 use.
- 18 (2) No more than seventy-five (75) percent of the floor area shall be used for the brewery  
19 function, including, but not limited to, the brew house, boiling and water treatment  
20 areas, bottling and kegging lines, malt milling and storage, fermentation tanks,  
21 conditioning tanks and serving tanks.
- 22 (3) No outdoor storage shall be allowed including portable storage units, cargo containers,  
23 and tractor trailers.
- 24 (e) *Motor vehicle activities*. A motor vehicle activity, including general repair and service  
25 establishment, heavy repair and servicing, sales and service, car wash, gasoline station, and  
26 self-service car wash, where allowed as a principal use in a zoning district, shall comply with  
27 the district density, intensity and dimensional standards of the applicable zoning district for  
28 nonresidential development, and with the following standards:
- 29 (1) All motor vehicle activity uses shall comply with the following standards:
- 30 a. All hydraulic hoists, pits, lubricating, washing, repairs, and services not of an  
31 emergency nature or short-term diagnostic or minor repair work shall be conducted  
32 entirely within a building.
- 33 b. All merchandise and material for sale shall be displayed within an enclosed building.
- 34 c. Outside storage of inoperative or unregistered motor vehicles shall not be permitted  
35 on the premises.
- 36 d. Outside storage of motor vehicles which are being serviced may be stored in  
37 appropriate outside storage area for a period not to exceed eight weeks, provided  
38 that such storage areas are screened from view at the public right-of-way or adjacent  
39 property by at a minimum of a 5-foot high wall, fence, or other opaque barrier  
40 approved by the Planning Director. Motor vehicles towed from the scene of an  
41 accident may be held or stored in appropriate parking areas for a period not to exceed

- 1 three working days. Outside storage areas shall comply with any applicable  
2 accessory use standards in Sec. 67.13(b) & (c)(15).
- 3 e. Flammable materials shall be stored in storage area located within the building  
4 setback lines, in a manner satisfactory to the Indian River County Fire District and  
5 the Building Official, and screened from view from the public street or adjacent  
6 property by at a minimum of a 5-foot high wall, fence, or other opaque barrier  
7 approved by the Planning Director.
- 8 f. If a specific motor vehicle activity, such as car wash or sales and servicing use is  
9 combined with another motor vehicle activity or other use, the combined use shall  
10 comply with the standards applicable to each component use.
- 11 (2) Motor vehicle sales and service establishments that include outdoor areas for the display  
12 of motor vehicles for sale or rent shall meet the perimeter landscaping requirements for  
13 off-street parking areas pursuant to Sec. 72.12 of this Code.
- 14 (3) When a motor vehicle servicing, gasoline station becomes vacant for a period exceeding  
15 one year, the property owner shall be required to remove or treat in a safe manner,  
16 approved by the Indian River County Fire District and the Building Official, all  
17 flammable materials, storage tanks or areas.
- 18 (4) Motor vehicle servicing, car wash or motor vehicle servicing, self-service car wash  
19 facilities shall be designed and constructed to comply with National Pollutant Discharge  
20 Elimination System (NPDES) requirements for car washes to prevent the creation, and  
21 carrying off the premises, of airborne particles of water, chemicals, and dust. No wash-  
22 water runoff generated by the facility may be conveyed off site into stormwater or  
23 wastewater systems without pretreatment. Any wash-water pretreatment, disposal, or  
24 recycle system shall be designed pursuant to requirements in Chapter 78, Utilities, of the  
25 City Code and in a manner acceptable to the City Engineer.
- 26 (5) *Motor vehicle servicing, car wash in C-1 zoning district.* A car wash in the C-1 zoning  
27 district shall comply with the following additional standards:
- 28 a. The use shall be limited to parcels with frontage on U.S. Highway 1 and a minimum  
29 parcel size of 30,000 square feet.
- 30 b. The use shall not be located within 1,500 feet of an existing car wash facility located  
31 within the City limits, as measured from nearest points of the parcel property lines  
32 of the uses.
- 33 c. If abutting a residential zoning district, a six-foot (6') high brick or finished masonry  
34 wall with a five-foot (5') landscaped buffer shall be provided.
- 35 d. The facility shall be designed with a sufficient number of vehicular stacking spaces  
36 to comply with the standards in Chapter 63, Off-street Parking and Loading  
37 Requirements to avoid obstructions to vehicular movement along adjacent streets,  
38 through parking areas, and in front of buildings.
- 39 e. All automobile washing equipment shall be within an enclosed building except that  
40 vacuuming and air pump equipment may be located outside the building, subject to  
41 a limitation allowing operation of the exterior equipment only between the hours of  
42 7:00 a.m. to 9:00 p.m. and the equipment shall be screened from view from the

1 public street by hedge or other landscape material approved by the Planning  
2 Director.

3 (f) *Offices, veterinary services.* A veterinary service office, where allowed as a principal use in  
4 a zoning district, shall comply with the district density, intensity and dimensional standards  
5 of the applicable zoning district for nonresidential development and with the following  
6 standards:

7 (1) Those parts of structures in which animals are received (e.g., receiving area), groomed,  
8 or treated (e.g., treatment rooms, recovery rooms) shall be fully enclosed and  
9 sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

10 (2) Accessory uses may include retail sales and grooming services, as long as the accessory  
11 uses occupy no more than 25 percent of the total gross floor area.

12 (3) There shall be no boarding or breeding of animals at the facility.

13 (4) No crematory facilities are allowed.

14 (g) *Personal services.* A personal service establishment, where allowed as a principal use in a  
15 zoning district, shall comply with the district density, intensity and dimensional standards  
16 of the applicable zoning district for nonresidential development and with the following  
17 standards:

18 (1) *Dry-cleaning or laundry establishments.* A dry-cleaning or laundry drop-off  
19 establishment shall comply with the following standards:

20 a. The establishment shall not engage in dry cleaning work other than that brought  
21 in over the counter or by normal customer service delivery truck. Drive-through  
22 service is prohibited.

23 b. Only synthetic, non-flammable solvents shall be used in dry-cleaning and laundry  
24 operations.

25 c. Steam discharge from dry-cleaning or laundry operations shall be funneled into  
26 a suitable vacuum or steam tank for condensation and discharge into the sanitary  
27 sewer system and shall not be funneled to the exterior of the building.

28 (2) *Tattoo establishments.* A tattoo establishment shall comply with all federal, state, and  
29 local regulations.

30 (h) *Restaurants, bar or drinking places.* A drinking place, bar or lounge, wine or cigar bar,  
31 brewpub, or nightclub, where allowed as a principal use in a zoning district, shall comply  
32 with the district density, intensity and dimensional standards of the applicable zoning  
33 district for nonresidential development and with the following standards:

34 (1) *Separation of licensed premises from places of worship and schools.* The use shall not  
35 be located within 500 feet of a place of worship, public or private education institution,  
36 or residential district, as measured in a straight line from the main entrance of the  
37 building containing the licensed premises to the nearest point of the real property  
38 containing school facilities from the nearest point of the use and the property  
39 containing the place of worship or residential district zoning. This restriction shall not  
40 apply to bar or drinking place located in a designated commercial district or an  
41 establishment licensed on or before July 1, 1999.

- 1 (2) The bar or drinking place shall comply with the standards in Chapter 6, Alcoholic  
2 Beverages, of the City Code.
- 3 (3) If the bar or drinking place involves the sale, preparation, or service of food or  
4 beverages outside of an enclosed building, it shall comply with the accessory use  
5 standards for outdoor seating.
- 6 (4) Any live outdoor entertainment provided shall cease by 10:00 p.m.
- 7 (5) A wine or cigar bar may have adjacent retail package wine or beer sales.
- 8 (6) Alcohol sales or service shall be limited to on-premise consumption only.
- 9 (7) All required off-street parking pursuant to Sec. 63.03, Parking ratios shall be provided  
10 on the establishment, except in designated commercial districts.
- 11 (i) *Restaurants*. Restaurants, including carry-out, drive-in, fastfood, and specialty eating,  
12 where allowed as a principal use in a zoning district, shall comply with the district density,  
13 intensity and dimensional standards of the applicable zoning district for nonresidential  
14 development and with the following standards:
  - 15 (1) All restaurant uses, including carry-out, drive-in, fastfood, and specialty eating, shall  
16 comply with the following standards:
    - 17 a. *Alcohol beverage service*. If the restaurant involves the sales or service of alcohol  
18 beverage, it shall comply with the accessory use standards in Sec. 67.13(c)(1),  
19 Alcohol beverage service.
    - 20 b. *Outdoor table service*. If the restaurant involves the sale, preparation, or service  
21 of food or beverages outside of an enclosed building, it shall comply with the  
22 accessory use standards in Sec. 67.13(c)(16), Outdoor seating areas.
    - 23 c. In the Ocean Drive / Cardinal Drive Overlay District, the use shall not exceed  
24 6,000 sf in floor area.
  - 25 (2) *Restaurants, drive-in*. A drive-in restaurant, where allowed as a principal use in a zoning  
26 district shall also comply with the following standards:
    - 27 a. The drive-in service facilities shall be designed to avoid obstructions to pedestrian  
28 movement along sidewalks, through public use areas, or between parking spaces  
29 and building entrances.
    - 30 b. The drive-in service facilities shall be located at least 100 feet from any residential  
31 zoning district.
  - 32 (3) *Restaurants, fastfood*. A fastfood restaurant, where allowed as a principal use in a  
33 zoning district shall also comply with the following standards:
    - 34 a. The drive-through service facilities shall be located at least 100 feet from any  
35 residential zoning district.
    - 36 b. The drive-through service facilities shall be designed with a sufficient number of  
37 vehicular stacking spaces approved by the City Engineer and to avoid obstructions  
38 to vehicular movement along adjacent streets, through parking areas, and in front  
39 of buildings.



- 1 c. A bypass lane at least ten feet wide shall also be provided.
- 2 d. The drive-through service facilities shall be designed to avoid obstructions to
- 3 pedestrian movement along sidewalks, through public use areas, or between
- 4 parking spaces and building entrances.

5 (4) *Restaurants, specialty-eating*: A specialty-eating restaurant in a CAV zoning district  
6 shall also comply with the following standards:

- 7 a. The use shall not be located on a parcel larger than fifteen thousand (15,000) square
- 8 feet in the CAV-2 zoning district.
- 9 b. The use shall not be located within two hundred fifty (250) feet of a similar use in
- 10 the CAV-2 zoning district.
- 11 c. The use shall be located on a parcel adjacent an alley.
- 12 d. Any required parking shall be accessed from the alley.

13 (j) *Retail sales and services, general*. General retail sales and services establishments, where  
14 allowed as a principal use in a zoning district, shall comply with the district density,  
15 intensity and dimensional standards of the applicable zoning district for nonresidential  
16 development and where drive-through service is permitted as an accessory use, the drive-  
17 through service shall comply with the applicable accessory use standards in Sec.  
18 67.13(c)(8), Drive-through service.

19 (k) *Retail sales and services, restricted*. Restricted retail sales and services establishments,  
20 where allowed as a principal use in a zoning district, shall comply with the district density,  
21 intensity and dimensional standards of the applicable zoning district for nonresidential  
22 development and shall not have drive-through service as an accessory use.

23 **Sec. 67.07. – Use specific standards for principal nonresidential uses – institutional.**

24 (a) *Art and cultural centers*: An art and cultural center, where allowed as a principal use in a  
25 zoning district, shall comply with the district density, intensity and dimensional standards  
26 of the applicable zoning district for nonresidential development and with the following  
27 standards:

- 28 (1) In the CAV zoning district, the use shall not be located within five hundred (500) feet
- 29 of the same type of use.
- 30 (2) In the CAV zoning district, the use shall not be located on a parcel larger than fifteen
- 31 thousand (15,000) square feet.

32 (b) *Libraries*: A library, where allowed as a principal use in a zoning district, shall comply with  
33 the district density, intensity and dimensional standards of the applicable zoning district for  
34 nonresidential development and with the following standards:

- 35 (1) In the CAV zoning district, the use shall operate as a public, non-profit facility for the
- 36 loaning of literary, musical, artistic or reference materials related to the arts.
- 37 (2) In the CAV zoning district, the use shall not be located on a parcel larger than fifteen
- 38 thousand (15,000) square feet.

1 (c) *Museums*: A museum, where allowed as a principal use in a zoning district, shall comply  
2 with the district density, intensity and dimensional standards of the applicable zoning  
3 district for nonresidential development and with the following standards:

4 (1) In the CAV zoning district, the museum shall operate as a public, non-profit facility for  
5 exhibiting a collection of objects or materials related to the arts.

6 (2) In the CAV zoning district, the use shall not be located on a parcel larger than fifteen  
7 thousand (15,000) square feet.

8 **Sec. 67.08. – Use specific standards for principal nonresidential uses – public assembly.**

9 (a) *Exhibition or conference centers*. An exhibition or conference center, where allowed as a  
10 principal use in a zoning district, shall comply with the district density, intensity and  
11 dimensional standards of the applicable zoning district for nonresidential development and  
12 with the following standards:

13 (1) Dining and banquet facilities may be provided for employees, trainees, and conferees  
14 only, provided the gross floor area devoted to such facilities does not exceed 20 percent  
15 of the total floor area of the principal building.

16 (2) On-site recreational facilities such as fitness centers and swimming pools may be  
17 provided for use by employees, trainees, or conferees only.

18 (3) No products shall be sold on-site except those that are clearly incidental and integral to  
19 training programs and seminars conducted in the center (e.g., books, training manuals  
20 and videos, shirts, glasses and mugs, pens and pencils, and similar items bearing the  
21 logo of conference or seminar sponsors or participants).

22 (b) *Funeral homes*. A funeral home, where allowed as a principal use in a zoning district, shall  
23 comply with the district density, intensity and dimensional standards of the applicable  
24 zoning district for nonresidential development and with the following standards:

25 (1) All structures shall be set back at least 25 feet from any property line.

26 (2) A screening perimeter buffer shall be provided along all perimeters of the site.

27 (c) *Performance theaters*: A performance theater, where allowed as a principal use in a zoning  
28 district, shall comply with the district density, intensity and dimensional standards of the  
29 applicable zoning district for nonresidential development and with the following standards:

30 (1) In the CAV zoning district, the use shall operate as a public, non-profit facility that has  
31 as its purposes the promotion, instruction, study, and production of the theater as an art  
32 form.

33 (2) In the CAV zoning district, the use shall not be located on a parcel larger than fifteen  
34 thousand (15,000) square feet.

35 (d) *Places of worship*: A place of worship, where allowed as a principal use in a zoning district,  
36 shall comply with the district density, intensity and dimensional standards of the applicable  
37 zoning district for nonresidential development and with the following standards:

38 (1) In the CAV zoning district, the use shall not be located on a parcel larger than fifteen  
39 thousand (15,000) square feet.

1 **Sec. 67.09. – Use specific standards for principal nonresidential uses – utilities.**

- 2 (a) *Utilities, minor:* A minor utilities, where allowed as a principal use in a zoning district, shall  
3 comply with the district density, intensity and dimensional standards of the applicable  
4 zoning district for nonresidential development and with the following standards:
- 5 (1) In the POI zoning district, the use shall be within a completely enclosed building and  
6 comply with the following standards:
- 7 a. The building must be designed to appear like an occupied office building and  
8 comply with the design standards in Sec. 62.19, Building design standards.
- 9 b. The building shall be constructed with materials that prevent any noise, odor or  
10 activity associated with running and/or maintaining the utility from affecting  
11 adjacent property.
- 12 c. The building shall be placed on the site within required yard setbacks in a location  
13 furthest from abutting residential structures.
- 14 d. Chainlink fences are not permitted unless coated black or green and installed so  
15 that the fence blends into the required landscaping.
- 16 e. All utility services to and from the structure shall be installed underground.

17 **Sec. 67.10. – Use specific standards for principal nonresidential uses – transportation.**

- 18 (a) *Parking lots or garages (as a principal use).* A parking lot or garage operated as a principal  
19 use, where allowed as a principal use in a zoning district, shall comply with the district  
20 density, intensity and dimensional standards of the applicable zoning district for  
21 nonresidential development and with the following standards:
- 22 (1) Parking shall be the principal use of the parking lot or garage.
- 23 (2) Parking spaces may be rented for parking,
- 24 (3) Parking garages may have retail sales and service and office establishments may be  
25 located on the ground floor of the structure.
- 26 (4) No other business of any kind shall be conducted in the parking lot or garage, including  
27 repair, servicing, washing, display, or storage of vehicles or other goods.

28 **Sec. 67.11. – Use specific standards for principal nonresidential uses – recreational.**

- 29 (a) *Parks, plaza:* A plaza park, where allowed as a principal use in a zoning district, shall  
30 comply with the district density, intensity and dimensional standards of the applicable  
31 zoning district for nonresidential development and with the following standards:
- 32 (1) In the CAV zoning district, the use shall provide a natural or landscaped area for the  
33 display of outdoor art, but not provide active recreational uses.
- 34 (2) In the CAV zoning district, the use shall not be located on a parcel larger than fifteen  
35 thousand (15,000) square feet.

36 **Sec. 67.12. – Use specific standards for principal nonresidential uses – industrial.**

- 37 (a) *General performance standards for all industrial uses.*
- 38 (1) *Purpose:* The purpose of performance standards is to control industrial uses; to permit

1 potential nuisances to be measured factually and objectively; to ensure that all  
2 industries will provide methods to protect the community from hazards and nuisances  
3 which can be prevented by processes of control and nuisance elimination; and to protect  
4 industries from arbitrary exclusion based solely on the nuisance production by any  
5 particular type of industry in the past.

6 (2) *Applicability:*

- 7 a. Any establishment of new principal or accessory industrial use or changed to the  
8 established industrial principal or accessory use on a site or in a building.
- 9 b. If any existing use or building or other structure is extended, enlarged, moved,  
10 structurally altered or reconstructed, or any existing use of land is enlarged or  
11 moved, the performance standards for the district involved shall apply with respect  
12 to such extended, enlarged, moved or structurally altered or reconstructed building  
13 or other structure or portion thereof.
- 14 c. All existing uses, buildings, or other structures shall comply with the performance  
15 standards herein set forth.

16 (3) *Performance standards:*

17 a. *General provisions.*

- 18 i. All industrial uses shall conform to the standards of performance described  
19 within the provisions below and shall be so constructed, maintained, and  
20 operated so as not to be injurious or offensive to the adjacent premises by  
21 reason of the emission or creation of noise, vibration, smoke, dust, or other  
22 particulate matter, toxic, or noxious waste materials, odors, fire, and explosive  
23 hazard or glare.
- 24 ii. All businesses, services, or manufacturing or processing of materials, goods,  
25 or products shall be conducted within completely enclosed buildings.
- 26 iii. Storage may be permitted outdoors but shall be effectively screened by a wall,  
27 fence, or planting so that the materials shall not be visible from a public way  
28 or a residential area and shall be greater than 200 feet from the nearest  
29 residential district.

30 b. *Standards regulating nuisances.*

- 31 i. *Noise.* Any industrial use shall be operated to comply with the performance  
32 standards governing noise in Chapter 38, Article III, Noise Control, of the  
33 City Code.
- 34 ii. *Vibration.* Any industrial use shall be so operated that ground vibration  
35 inherently and recurrently generated is not perceptible without instruments at  
36 any point on the property line of the property on which the use is located.

- 37 (a) Vibration shall be measured at or beyond any adjacent lot line or  
38 residential district line as indicated in Table 67.2, Maximum Ground  
39 Transmitted Vibration, and such measurements shall not exceed the  
40 particle velocities so designated. The instrument used for these  
41 measurements shall be a three-component measuring system capable of

1 simultaneous measurement of vibration in three mutually perpendicular  
 2 directions.

3 (b) The maximum vibration is given as particle velocity, which may be  
 4 measured directly with suitable instrumentation or computed on the basis  
 5 of displacement and frequency. When computed, the following formula  
 6 shall be used:

7 Where:  $P.V. = 6.28 F \times D$

8 P.V. = Particle velocity, inches per second.

9 F = Vibration frequency, cycles per second.

10 D = Single amplitude displacement of the vibration, inches.

11 (c) The maximum particle velocity shall be the vector sum of the three  
 12 individual components recorded. Such particle velocity shall not exceed  
 13 the values given in Table 67.2, Maximum Ground Transmitted Vibration.

14 **Table 67.2: Maximum Ground Transmitted Vibration**

Particle Velocity Adjacent Lot Line	Inches/Second Residential District
0.10	0.02

15 (d) If the site is greater than 200 feet from the nearest residential district, the  
 16 particle velocity at the adjacent lot line may not exceed 0.20. Where  
 17 vibration is produced as discrete impulses, and such impulses do not  
 18 exceed a frequency of 100 per minute, then the values in Table 67.2 may  
 19 be multiplied by 2.

20 iii. *Air pollutants*: Including smoke, particulate matter, odor, and toxic matter.

21 (a) *Smoke*. Every use shall be so operated as to prevent the emission of  
 22 smoke as specified in "Rules of Department of Environmental  
 23 Regulations: Air Pollution."

24 (b) *Particulate matter including dust*. Every use shall be so operated as to  
 25 prevent the emission into the air of dust or other solid matter as specified  
 26 in "Rules of the Department of Environmental Regulation: Air  
 27 Pollution."

28 (c) *Odor*. Every use shall be so operated as to prevent the emission of  
 29 objectionable or offensive odors in such concentration as to be readily  
 30 perceptible at any point at or beyond the lot line of the property on which  
 31 the use is located as specified in "Rules of the Department of  
 32 Environmental Regulation: Air Pollution."

33 (d) *Toxic matter*. The ambient air quality standards for guiding the release  
 34 of airborne toxic materials across lot lines shall be in accordance with  
 35 "Rules of the Department of Environmental Regulation: Air Pollution."

- 1           iv. *Fire and explosive hazards:* All operations, activities, and uses shall be  
2           conducted so as to comply with the performance standards governing fire and  
3           explosion hazards prescribed by Indian River County Fire Rescue, and the  
4           State of Florida, and applicable technical codes.
- 5           v. *Glare:* Any operation or activity producing glare shall be conducted so that  
6           direct light from the source shall not cause illumination in excess of 0.5  
7           footcandles when measured in a residential district.

8   **Sec. 67.13. – Use specific standards for accessory uses.**

9   (a) *Purpose.* This Section provides standards for the establishment of accessory uses that are  
10   incidental and customarily subordinate to principal uses. The purpose of this Section is to  
11   allow a broad range of accessory uses, so long as such uses are located on the same site as the  
12   principal uses and comply with the standards set forth in this Section to reduce potentially  
13   adverse impacts on surrounding lands.

14   (b) *General standards for all accessory uses.*

15       (1) An accessory use shall not be established or constructed before the establishment or  
16       construction of the principal use.

17       (2) Outdoor storage is not permitted, unless permitted as an accessory use.

18       (3) Additional off-street parking may be required for the accessory use.

19   (c) *Standards for specific accessory uses.*

20       (1) *Alcohol beverage service.* Any restaurant, where allowed alcohol beverage service as an  
21       accessory use in a zoning district, shall comply with the following standards:

22           a. All restaurants, including carry-out, drive-in, fastfood, and specialty eating, shall  
23           comply with the standards in Chapter 6, Alcoholic Beverages, of the City Code.

24           b. Alcoholic beverage sales and service shall be for on-premise consumption only.

25           c. The establishment shall contain a full-service, operational kitchen used for cooking  
26           and preparing food, including a commercial refrigerator, freezer, and oven or stove  
27           with a hood, and fire suppression system.

28           d. Alcoholic beverages may be sold or served only when the kitchen is open, or has  
29           closed within one hour of the establishment's closing, and prepared food is  
30           available to patrons.

31           e. Any live entertainment shall occur only between the hours of 11:00 a.m. and 10:00  
32           p.m.

33       (2) *Animal boarding facilities.* A veterinary service office, where allowed animal boarding  
34       as an accessory use in a zoning district, shall comply with the following standards:

35           a. The veterinary service office and accessory animal boarding is located no closer  
36           than 200 feet from a residential district.

37           b. If abutting an existing residential use, either a fifty-foot (50') landscaped buffer or a  
38           six-foot (6') high brick or finished masonry wall with a five-foot (5') landscaped  
39           buffer shall be provided.

- 1 c. Those parts of shelter structures in which animals are received or reclaimed/adopted,  
2 boarded (e.g., cages, pens, kennels), treated (e.g., treatment rooms, recovery rooms),  
3 or euthanized (e.g., euthanasia and dead-animal storage rooms) shall be fully  
4 enclosed and sufficiently insulated so no unreasonable noise or odor can be detected  
5 off the premises.
- 6 d. Animal boarding to be limited to domestic animals.
- 7 e. Any animal run is fully screened to a height of six feet and set back from all  
8 property lines by at least 25 feet and the outdoor run is only utilized during the  
9 hours between 8:00 a.m. and 6:00 p.m.
- 10 f. All animals shall be housed within the required soundproof structure between the  
11 hours of 10:00 p.m. and 8:00 a.m. with no outdoor operations during these hours.
- 12 g. In the C-1 zoning district, the following additional standards shall apply:
- 13 i. Shall be located on a lot adjacent to US Highway 1 (SR 5).
- 14 ii. The site shall be a minimum of one acre.
- 15 (3) *Automated teller machines (ATM)*. An automated teller machine (ATM), where  
16 allowed as an accessory use in a zoning district, shall comply with the following  
17 standards:
- 18 a. An ATM designed for walk-up use and located in the exterior wall of a building  
19 shall be designed to avoid obstructions to pedestrian movement along sidewalks  
20 or walkways.
- 21 b. An ATM designed for drive-through use shall comply with the standards for  
22 drive-through service.
- 23 c. In a Park or Conservation District, the ATM shall be located inside the primary  
24 building for the principal use.
- 25 (4) *Banquet and meeting centers*. A banquet and meeting center, where allowed as an  
26 accessory use in a zoning district, to an accommodation, recreational, institutional, or  
27 public assembly use shall comply with the following standards:
- 28 a. In a Park or Conservation District, the banquet and meeting center shall be  
29 located inside the building for the principal use.
- 30 (5) *Beach services area*: A beach service area, where allowed as an accessory use in a  
31 zoning district, to accommodations uses, restaurants, or recreation facilities, water-  
32 dependent shall comply with the following standards:
- 33 a. *Purpose*. The purpose of this Section is to allow the provision of certain services  
34 on the beach to enhance the enjoyment of the beach by the public, so long as  
35 individual peace and quiet of the beach is not unreasonably disturbed, no  
36 permanent structures are placed on the beach, and providing the service does not  
37 harm the beach environment.
- 38 b. *Permit required*. A beach service business must obtain a permit from the City  
39 before providing the beach services on the beach. The permit must be renewed  
40 annually each calendar year. The applicant must provide the required information

- 1 on a form prescribed by the Planning Director.
- 2 c. *Permit application review and approval.* Permit applications submitted under this  
3 Section shall be reviewed and approved by the Planning Director in accordance  
4 with the following:
- 5 i. The permit application shall be on a form prescribed by the Planning Director.
- 6 ii. *Application fees.* The City Council shall establish application fees by  
7 resolution and may amend and update those fees as determined necessary.
- 8 iii. Any application for the beach service permit must be signed by the property  
9 owner.
- 10 iv. The applicant provides written and graphic documentation demonstrating  
11 compliance with the criteria of this section, as outlined in (c), below.
- 12 v. An application for a beach service area shall be reviewed by the Planning  
13 Director. If the application for the beach service area does not comply with  
14 the criteria of this Section, the beach service area application shall be denied.
- 15 d. *Permit requirements.* The following criteria for a beach service area shall be  
16 complied with at all times:
- 17 i. Beach service areas are used to provide recreational equipment, such as surf  
18 or paddle boards, float devices, and other similar recreational equipment, or  
19 beach furniture, such as beach chairs, tables, tents, beach cabanas, and other  
20 beach furniture as a service to hotel or motel patrons or as rental to visitors of  
21 a hotel, motel, restaurant or recreational facility.
- 22 ii. No permanent structures, including electrical or water service, shall be  
23 constructed on the beach, as part of the beach service area.
- 24 iii. All signs shall require a sign permit and comply with Chapter 38, Article I,  
25 Signs.
- 26 iv. Temporary tents or canopies, with a maximum square footage of 100 square  
27 feet, are permitted in the beach service area.
- 28 v. Small recreational fire pits are permitted with a permit from the Fire Marshall.
- 29 vi. All recreational equipment and beach furniture shall be removed from the  
30 beach at time of closing each day and stored off the beach in enclosed  
31 structure.
- 32 vii. No glass containers, plates, serving dishes, or other glassware shall be used.
- 33 viii. All trash or other debris shall be removed and properly disposed of daily.
- 34 ix. No loud music or other objectionable noise or amplification is permitted.
- 35 x. No motorized watercraft is permitted.
- 36 xi. During turtle season, March 1st through October 31st, every effort shall be  
37 made to limit items that sink into the sand or disrupt turtle nesting activity.
- 38 e. *Non-transferable.* A permit issued pursuant to this Section shall not be



1 transferred to another person through sale, leasing or rental of the premises on  
2 which the beach service area is located. A beach service area permit shall only be  
3 used by the applicant at the premises for which it was granted.

4 f. *Complaints.* Violations of any provision of this Section shall be enforced as  
5 provided in Chapter 60, Article II, Enforcement Provisions of the Land  
6 Development Regulations. If it is determined by the Planning Director that an  
7 existing beach service area has grown in intensity to a point where it is no longer  
8 in compliance with the permit requirements of this Section, then the beach service  
9 permit shall not be renewed and the beach service area shall cease.

10 (6) *Business offices (as accessory to a multifamily complex or commercial use).* A business  
11 office, where allowed as an accessory use in a zoning district, to a multifamily dwelling  
12 complex, group living, or commercial use subject to no mobile/manufactured home,  
13 trailer, or other vehicle is utilized as a permanent office space.

14 (7) *Commercial docking facilities.* A commercial docking facility, where allowed as an  
15 accessory use in a zoning district to a commercial use, the renting of docks, dock space,  
16 or boat slips is permitted subject to an approved code compliance certification or  
17 approved site plan application.

18 (8) *Clubhouses.* A clubhouse, where allowed as an accessory use in a zoning district, to a  
19 private club, residential dwelling development (multi-family complex or single family  
20 subdivision), or group living facilities shall comply with the following standards:

21 a. Food and alcoholic beverages may only be sold to members and their guests, and  
22 patrons actually using the social club facilities.

23 b. A clubhouse accessory to a residential dwelling development, such as a single  
24 family residential subdivision, single family attached residential platted over  
25 subdivision, or multi-family residential development, shall be proposed, reviewed,  
26 and developed in conjunction with the site plan or subdivision.

27 (9) *Dog-friendly dining areas.* A dog-friendly dining area, where allowed as an accessory  
28 use in a zoning district, to a restaurant use shall comply with the following standards:

29 a. *Purpose:* The purpose of this Section is to provide an exemption procedure to  
30 certain provisions of the Food and Drug Administration Food Code, as adopted by  
31 the Florida Division of Hotels and Restaurants, to allow patrons' dogs within  
32 designated outdoor portions of public food service establishments, in accordance  
33 with F.S. (2011) § 509.233.

34 b. *Definitions:* As used in this Section, the following terms shall be defined as set  
35 forth herein unless the context clearly indicates or requires a different meaning:

36 i. *Division* means the Division of Hotels and Restaurants of the State of Florida  
37 Department of Business and Professional Regulation.

38 ii. *Dog* means an animal of the subspecies *Canis lupus familiaris*.

39 iii. *Outdoor dining area or portion* means an area not enclosed in a building and  
40 which is intended or used as an accessory area to a restaurant or public food  
41 service establishment which provides food and/or drink to patrons for

- 1 consumption in such area.
- 2 iv. *Patron* means any guest or customer of a public food service establishment.
- 3 v. *Premises* means all of the area encompassing a public food service  
4 establishment.
- 5 vi. *Program* means the dog-friendly dining program established by this Section.
- 6 vii. *Public food service establishment* and *food service establishment* mean any  
7 building, vehicle, place, or structure, or any room, division, or area in or  
8 adjacent to a building, vehicle, place, or structure where food is prepared,  
9 served, or sold for immediate consumption on or in the vicinity of the  
10 premises; called for or taken out by customers; or prepared prior to being  
11 delivered to another location for consumption.
- 12 c. *Permit required.* No dog shall be allowed in a public food service establishment  
13 except as authorized by State and local law. A public food service establishment  
14 must obtain a permit from the City before allowing dogs in designated outdoor  
15 dining areas of the establishment, and the permit must be renewed annually  
16 concurrent with payment of the business tax. The permit application on a form  
17 prescribed by the Planning Director and must include the following information:
- 18 i. Name, mailing address, and telephone number of applicant.
- 19 ii. Name, location, mailing address, and Florida Division of Hotels and  
20 Restaurants-issued license number of the public food service establishment.
- 21 iii. Days of the week and hours of operation that the patrons' dogs will be  
22 permitted in the designated outdoor area.
- 23 iv. An accurate and to scale diagram of the outdoor area to be designated as  
24 available to patrons' dogs that includes the following information:
- 25 (a) Dimensions;
- 26 (b) The number and placement of tables, chairs, and restaurant equipment;
- 27 (c) Entryways and exits to the designated outdoor area;
- 28 (d) Boundaries of the designated area and excluded areas;
- 29 (e) Any fences or barriers; and
- 30 (f) Surrounding property lines, public rights-of-way, sidewalks, paths, etc.
- 31 d. *Permit application review and approval.* Permit applications submitted under this  
32 Section shall be reviewed and approved by the Planning Director in accordance  
33 with the following:
- 34 i. *Application fees.* The City Council shall establish application fees by  
35 resolution and may amend and update those fees as determined necessary.
- 36 ii. No permit shall be issued for any outdoor area which has not been authorized  
37 as an outdoor seating areas by a Code Compliance Certification or Site Plan  
38 approval and is in compliance with all applicable criteria of the City's LDR  
39 and regulations of the Division.

- 1           iii. For permits authorizing the program within the outdoor areas of a food  
2           service establishment located on any right-of-way or other property of the  
3           City or any other governmental entity, the Planning Director shall require the  
4           applicant to produce evidence of the following:
  - 5           (a) A valid right-of-way, sidewalk, or other permit, license, or lease  
6           showing the food service establishment has the right to occupy and use  
7           the area; and
  - 8           (b) A properly executed insurance endorsement providing commercial  
9           general liability insurance coverage in an amount no less than  
10           \$500,000.00 per occurrence and \$1,000,000.00 aggregate. The policy  
11           shall not have any exclusion for animals or animal bites. All insurance  
12           shall be from companies duly authorized to do business in the State of  
13           Florida. All liability policies shall be endorsed to provide that the City  
14           or any other appropriate governmental entity is an additional insured as  
15           to the operation of the outdoor dining area on such government property.
- 16        e. *Requirements.* A public food service establishment that allows dogs within a  
17        designated outdoor dining area shall comply with the following requirements:
  - 18        i. All food service establishment employees shall wash their hands promptly  
19        after touching, petting, or otherwise handling any dog.
  - 20        ii. Employees shall be prohibited from touching, petting, or otherwise handling  
21        dogs while serving food or beverages or handling tableware or before  
22        entering other parts of the food service establishment.
  - 23        iii. Patrons in the designated outdoor dining area shall be advised by appropriate  
24        signage at conspicuous locations that they should wash their hands before  
25        eating. Waterless hand sanitizer shall be provided at all tables in the  
26        designated outdoor area.
  - 27        iv. Employees and patrons shall be instructed that they shall not allow dogs to  
28        come into contact with serving dishes, utensils, tableware, linens, paper  
29        products, or any other items involved in food service operations.
  - 30        v. Patrons shall keep their dogs on a leash at all times and shall keep their dogs  
31        under reasonable control. Patrons shall not leave their dogs unattended for  
32        any period of time.
  - 33        vi. Dogs shall not be allowed on chairs, tables, or other furnishings.
  - 34        vii. No food service shall be provided to dogs.
  - 35        viii. Employees shall clean and sanitize all table and chair surfaces with an  
36        approved product between seating of patrons.
  - 37        ix. Employees shall remove all dropped food and spilled drink from the floor or  
38        ground as soon as possible but in no event less frequently than between  
39        seating of patrons.
  - 40        x. Employees and patrons shall remove all dog waste immediately and the floor  
41        or ground shall be immediately cleaned and sanitized with an approved

- 1 product. Dog waste shall not be washed into the storm drain. Employees shall  
2 keep a kit with the appropriate materials for this purpose near the designated  
3 outdoor dining area.
- 4 xi. A sign or signs informing employees and patrons of these regulations shall  
5 be posted on the premises in a conspicuous manner and place as determined  
6 by the Planning Director.
- 7 xii. A sign or signs shall be posted in a manner and place as determined by the  
8 Planning Director notifying the public that the designated outdoor dining area  
9 is available for the use of patrons and patrons' dogs.
- 10 xiii. Dogs shall not be permitted to travel through indoor or non-designated  
11 outdoor portions of the food service establishment, and ingress and egress to  
12 the designated outdoor portions of the food service establishment must not  
13 require entrance into or passage through any indoor area of the food service  
14 establishment.
- 15 f. The permit issued under this Section shall be conspicuously displayed in the  
16 designated outdoor area and presented for inspection upon request of any Code  
17 Enforcement Officer or other official of the City or the Division.
- 18 g. *Complaints.* Violations of any provision of this Section shall be enforced as  
19 provided in Chapter 60, Article II, Enforcement Provisions of the Land  
20 Development Regulations. In addition, all complaints and the responses to the  
21 complaints shall be reported to the Florida Division of Hotels and Restaurants as  
22 provided in F.S. (2011) § 509.233(5).
- 23 h. *Non-transferable.* A permit issued pursuant to this Section shall not be  
24 transferred to a subsequent owner upon the sale or transfer of a public food service  
25 establishment and automatically expires upon such sale or transfer.
- 26 i. *License number.* A copy of all approved applications and permits issued shall be  
27 provided to the Florida Division of Hotels and Restaurants and all applications,  
28 permits, and other related materials shall contain the appropriate division-issued  
29 license number for each public food service establishment.
- 30 (10) *Drive-through services.* A drive-through service, where permitted as an accessory use in  
31 a zoning district, to a general retail sales and service use, fastfood restaurant, or financial  
32 institution, the drive-through service shall comply with the following standards:
- 33 a. Drive-through service facilities shall be located at least 100 feet from any residential  
34 zoning district.
- 35 b. Drive-through service facilities shall be designed with a sufficient number of  
36 vehicular stacking spaces, approved by the City Engineer, and to avoid obstructions  
37 to vehicular movement along adjacent streets, through parking areas, and in front of  
38 buildings.
- 39 c. A bypass lane at least ten feet wide shall also be provided.

- 1           d. The drive-through service facilities shall be designed to avoid obstructions to  
2           pedestrian movement along sidewalks, through public use areas, or between parking  
3           spaces and building entrances.
- 4           (11) *Family daycare homes.* A family daycare home is allowed as an accessory use to a single-  
5           family dwelling, attached or detached provided it complies with all applicable State  
6           regulations.
- 7           (12) *Fuel distribution facilities.* Fuel distribution, including gasoline and diesel pumps, oil,  
8           and bottle gas distribution, where allowed as an accessory use in a zoning district, to  
9           general retail sales and services uses, such as convenience stores, grocery stores, and  
10          discount stores.
- 11          (13) *Home-based businesses.* A home-based business, where allowed as an accessory use in  
12          a zoning district, to any residential dwelling type shall comply with the following  
13          standards:
- 14           a. *Purpose.* The purpose of this Section is to ensure a home-based business conducted  
15           within any residential dwelling unit is a small and unobtrusive business that is  
16           clearly incidental and secondary to the principal residential use and is consistent  
17           and compatible with maintaining the quiet, low traffic character of a residential  
18           neighborhood. The standards provided in this Section are to be enforced in a  
19           manner consistent with the intent of F.S. 559.955.
- 20           b. *Permit application review and approval.* Permit applications submitted under this  
21           Section shall be reviewed and approved by the Planning Director in accordance  
22           with the following:
- 23                i. The permit application shall be on a form prescribed by the Planning Director.
- 24                ii. *Application fees.* The City Council shall establish application fees by  
25                resolution and may amend and update those fees as determined necessary.
- 26                iii. Any application for home occupation permit must be signed by the property  
27                owner.
- 28                iv. The applicant provides written and graphic documentation demonstrating  
29                compliance with the criteria of this Section, as outlined in (c), below.
- 30                v. An application for a home-based business shall be reviewed by the Planning  
31                Director. If the application for the home-based business does not comply with  
32                the criteria of this Section and the intent F.S. 559.955, the home-based  
33                business application shall be denied.
- 34           c. *Permit requirements.* The following criteria for a home-based business shall be  
35           complied with at all times:
- 36                i. Any employee of the home-based business working at the residential dwelling  
37                must also reside in the residential dwelling, except that up to a total of two  
38                employees or independent contractors not residing at the residential dwelling  
39                may work at the home-based business. The home-based business may have  
40                additional remote employees that do not work at the residential dwelling.

- 1           ii. No dwelling may be used for assembling employees for instruction or other  
2           purposes such as being dispatched to other locations.
- 3           iii. All activities of the home-based business shall be conducted from within the  
4           principal dwelling on a property and shall not exceed the lesser of 20 percent  
5           of the total floor area of the principal dwelling or 300 square feet, including  
6           storage areas.
- 7           iv. There shall be no outdoor storage of business equipment, materials, or  
8           merchandise.
- 9           v. No sign is displayed which would be visible from a street or adjacent  
10          residential properties.
- 11          vi. No commercial or heavy vehicle shall be parked or located on the premises.
- 12          vii. No use, equipment, material or process shall be used which is hazardous to  
13          public health, safety, or welfare of the surrounding residential uses.
- 14          viii. No uses, process, material or equipment shall be permitted which emits  
15          offensive noise, vibration, smoke, dust, or other particulate matter, odorous  
16          matter, heat, glare or other objectionable effects. Further, no equipment or  
17          process shall be used that creates visual or audible interference with off-  
18          premises audio/visual equipment or causes fluctuation in line voltage off the  
19          premises.
- 20          ix. No home occupation shall displace or impede the use of parking spaces  
21          required for the principal residential use.
- 22          x. Customers, clients and/or deliveries pertaining to the home occupation shall  
23          not be permitted. Any materials required to accomplish the home occupation  
24          shall be obtained by the owner off-site and brought to the site by the owner.  
25          Any finished products completed on a site shall be delivered by the owner to  
26          their intended recipient.
- 27          d. *Non-transferable.* A permit issued pursuant to this Section shall not be  
28          transferred to another person through sale, leasing or rental of the premises on  
29          which the home-based business is located; except that, in the case of the applicant's  
30          death, the surviving spouse or child residing at the premises may continue the  
31          home-based business; written notice shall be given to the City and, if in compliance  
32          with this Section, the permit shall be transferred. A home-based business permit  
33          shall only be used by the applicant at the premises for which it was granted.
- 34          e. *Complaints.* Violations of any provision of this Section shall be enforced as  
35          provided in Chapter 60, Article II, Enforcement Provisions of the Land  
36          Development Regulations. If it is determined by the Planning Director that an  
37          existing home-based business has grown in intensity to a point where it is no longer  
38          in compliance with the permit requirements of this Section, then the home-based  
39          business permit shall not be renewed and the home-based business shall cease.
- 40          (14) *Outdoor broadcast production areas.* Outdoor broadcast production areas, where  
41          permitted as an accessory use in a zoning district, to a broadcast studio, shall comply  
42          with the following standards:

- 1 a. The outdoor broadcast production area shall be used primarily for the creation of  
2 musical performances, radio or television programs, or motion pictures or other  
3 related broadcast studio activities, with or without live audiences,
- 4 b. The outdoor broadcast production area shall not be located in any required  
5 landscaped areas, or parking or vehicular circulation area.
- 6 c. The outdoor broadcast production area will not result in unreasonable and  
7 disruptive impacts on adjacent properties, in terms of noncompliance with Chapter  
8 38, Article III, Noise Control, of the City Code, odor, traffic with live audience  
9 events without sufficient parking on-site, debris and trash, the hours of operation,  
10 changes in traffic circulation patterns, interference with navigation signals or radio  
11 communication between the Airport and aircraft pursuant to Chapter 68, Airport  
12 Zoning or other relevant disruptive factors.

13 (15) *Outdoor motor vehicle servicing, repair or storage areas.* Outdoor motor vehicle  
14 servicing, repair, or storage area, where permitted as an accessory use in a zoning district,  
15 to a motor vehicle use, shall comply with the following standards:

- 16 a. The total area of outdoor motor vehicle servicing, repair, or storage area shall not  
17 exceed 25 percent of the lot.
- 18 b. Outdoor motor vehicle servicing, repair, or storage area shall be located to the side  
19 or rear of the principal building.
- 20 c. Outdoor storage area shall not be located in any front yard.
- 21 d. No motor vehicles or equipment shall be stored in those parts of the site intended for  
22 vehicular parking or vehicular or pedestrian circulation designated by the approved  
23 site plan.
- 24 e. Motor vehicles or equipment stored in an outdoor motor vehicle servicing, repair, or  
25 storage area intended shall be used in conjunction with the principal use.
- 26 f. The outdoor motor vehicle servicing, repair, or storage area shall be screened from  
27 view from all property lines and adjacent rights-of-way by any combination of an  
28 opaque fence, wall, and landscaped hedge that is at least six feet high. Screening  
29 walls shall complement the design of the primary structure and incorporates at least  
30 one of the predominant materials and one of the predominant colors used in the  
31 primary structure. Materials shall not be stored higher than the height of the  
32 screening.
- 33 g. The outdoor motor vehicle servicing, repair, or storage area shall be properly graded  
34 for drainage; surfaced with durable materials in accordance with accepted industry  
35 standards approved by the City Engineer; and maintained in good condition free of  
36 weeds, dust, trash, and debris. The City Engineer may approve the use of permeable  
37 surfaces that comply with sound engineering practices for storage areas subject to  
38 the following conditions:
  - 39 i. The permeable surface areas shall be designed by a professional engineer  
40 licensed in the State of Florida, who shall submit in the site plan application  
41 sealed construction drawings and other information, such as sub-surface soil

1 testing, required by the City Engineer to demonstrate compliance with this  
2 subsection and stormwater management provisions of this part.

3 ii. The permeable surface areas shall be designed to accepted industry and  
4 manufacturer's standards and specifications.

5 iii. The permeable pavement shall be maintained by the property owner pursuant  
6 to a continuing maintenance program approved by the City Engineer.

7 h. If the outdoor motor vehicle servicing, repair, or storage area is covered, then the  
8 covering shall include at least one of the predominant exposed roofing colors on the  
9 primary structure.

10 i. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

11 (16) *Outdoor motor vehicle, watercraft, or equipment display areas.* Outdoor motor vehicle  
12 or equipment display area, where permitted as an accessory use in a zoning district, to a  
13 motor vehicle sales or watercraft sales, shall comply with the following standards:

14 a. No motor vehicles, watercraft, or equipment intended for sale shall be stored or  
15 displayed in those parts of the site intended for vehicular parking or vehicular or  
16 pedestrian circulation designated by the approved site plan.

17 b. Motor vehicles, watercraft, or equipment displayed shall be in conjunction with the  
18 principal use.

19 c. The outdoor motor vehicle, watercraft, or equipment display area shall provide  
20 property and building perimeter landscaping areas in compliance with Chapter 72,  
21 Article II, Landscaping.

22 d. The outdoor motor vehicle, watercraft, or equipment display area shall be properly  
23 graded for drainage; surfaced with durable materials in accordance with accepted  
24 industry standards approved by the City Engineer; and maintained in good condition  
25 free of weeds, dust, trash, and debris. The City Engineer may approve the use of  
26 permeable surfaces that comply with sound engineering practices for storage areas  
27 subject to the following conditions:

28 i. The permeable surface areas shall be designed by a professional engineer  
29 licensed in the State of Florida, who shall submit in the site plan application  
30 sealed construction drawings and other information, such as sub-surface soil  
31 testing, required by the City Engineer to demonstrate compliance with this  
32 subsection and stormwater management provisions of this part.

33 ii. The permeable surface areas shall be designed to accepted industry and  
34 manufacturer's standards and specifications.

35 iii. The permeable pavement shall be maintained by the property owner pursuant  
36 to a continuing maintenance program approved by the City Engineer.

37 (17) *Outdoor retail display areas.* Outdoor retail display, where allowed as an accessory in  
38 a zoning district, to any retail and sales establishment, shall comply with the following  
39 standards:



- 1 a. Products displayed in an outdoor retail display area intended for sale or resale shall  
2 be limited to those sold on the premises in conjunction with the principal use.
- 3 b. Outdoor retail display areas located in the front of the principal building, provided:  
4 i. Retail display area shall be under a roof.  
5 ii. Retail display area shall not encroach into the required front or side yard,  
6 required landscaped areas, vehicle parking spaces, or vehicular or pedestrian  
7 circulation areas.
- 8 c. Outdoor retail display areas, such as an outdoor garden center, located to the side  
9 or rear of the principal building, provided:  
10 i. The total area of outdoor retail display area shall not exceed 25 percent of the  
11 total gross floor area of the building(s) containing the principal use(s) of the  
12 lot.  
13 ii. Outdoor storage area shall not be located in any required yard.  
14 iii. The outdoor display area shall be incorporated into the overall design of the  
15 principal structure on the site and may include a fence, except a chainlink  
16 fence shall not be used for outdoor display areas visible to right-of-way.  
17 iv. The outdoor display area shall be properly graded for drainage and incorporate  
18 textured surface treatment using durable materials, brick pavers, or other  
19 materials in accordance with accepted industry standards and approved by the  
20 City Engineer.  
21 v. If the outdoor display area is covered, then the covering shall include at least  
22 one of the predominant exposed roofing colors on the primary structure.  
23 vi. The outdoor display area shall be screened from an adjoining residential  
24 zoning district by a privacy fence or masonry wall that is at least six feet high.

25 (18) *Outdoor seating areas.* Outdoor seating, where allowed as an accessory in a zoning  
26 district, to any restaurant establishment, shall comply with the following standards:

- 27 a. The outdoor seating area is permitted in any required yard.
- 28 b. The outdoor seating area shall be properly graded for drainage and incorporate  
29 textured surface treatment using durable materials, brick pavers, or other materials  
30 in accordance with accepted industry standards and approved by the City Engineer.  
31 The outdoor seating area may include umbrella tables and open-walled shade  
32 structures with roof constructed of soft flameproof materials such as canvas intended  
33 to provide customers with protection from sun and rain.
- 34 c. The outdoor seating area shall be screened from an adjoining residential zoning  
35 district by a privacy fence or masonry wall that is at least six feet high.
- 36 d. Where alcoholic beverages are served, the perimeter of the outdoor seating area shall  
37 be defined in accordance with State alcoholic beverage regulations.
- 38 e. Hours of operation of the outdoor seating area shall be the same as those for the  
39 principal use, such as the restaurant. The outdoor seating area shall be closed  
40 between the hours of 10 p.m. and 7:00 a.m.

- 1 f. No sound production or reproduction machine or device (including, but not limited  
2 to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated,  
3 or played in the outdoor seating area at a volume that is any louder than necessary  
4 for the convenient hearing of persons within the outdoor seating area, and that would  
5 disturb the peace, quiet, or comfort of adjoining properties.

6 (19) *Outdoor storage areas.* Outdoor storage, where permitted as an accessory use in a zoning  
7 district, to any industrial use (except where such accessory use is expressly prohibited by  
8 district standards or the principal use standards), shall comply with the following  
9 standards:

- 10 a. The total area of outdoor storage areas shall not exceed 25 percent of the total gross  
11 floor area of the building(s) containing the principal use(s) of the lot.
- 12 b. Each outdoor storage area shall be incorporated into the overall design of the  
13 principal structure on the site, and shall be located to the side or rear of the principal  
14 structure.
- 15 c. Outdoor storage area shall not be located in any front yard.
- 16 d. The outdoor storage area shall be properly graded for drainage; surfaced with  
17 durable materials in accordance with accepted industry standards approved by the  
18 City Engineer; and maintained in good condition free of weeds, dust, trash, and  
19 debris. The City Engineer may approve the use of permeable surfaces that comply  
20 with sound engineering practices for storage areas subject to the following  
21 conditions:
- 22 i. The permeable surface areas shall be designed by a professional engineer  
23 licensed in the State of Florida, who shall submit in the site plan application  
24 sealed construction drawings and other information, such as sub-surface soil  
25 testing, required by the City Engineer to demonstrate compliance with this  
26 subsection and stormwater management provisions of this part.
- 27 ii. The permeable surface areas shall be designed to accepted industry and  
28 manufacturer's standards and specifications.
- 29 iii. The permeable pavement shall be maintained by the property owner pursuant  
30 to a continuing maintenance program approved by the City Engineer.
- 31 e. No materials may be stored in those parts of an outdoor storage area intended for  
32 vehicular parking or vehicular or pedestrian circulation designated by the approved  
33 site plan.
- 34 f. Products stored in an outdoor storage area intended for sale or resale shall be limited  
35 to those sold on the premises in conjunction with the principal use and any  
36 equipment stored in the outdoor storage area shall be used in conjunction with the  
37 principal use.
- 38 g. Each outdoor storage area shall be screened from view from all property lines and  
39 adjacent rights-of-way by any combination of an opaque fence, wall, and  
40 landscaped hedge that is at least six feet high. Screening walls shall complement  
41 the design of the primary structure and incorporates at least one of the predominant

1 materials and one of the predominant colors used in the primary structure. Materials  
2 shall not be stored higher than the height of the screening.

- 3 h. If the outdoor storage area is covered, then the covering shall include at least one  
4 of the predominant exposed roofing colors on the primary structure.
- 5 i. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

6 (20) *Outdoor watercraft servicing, repair or storage areas.* Outdoor watercraft servicing,  
7 repair, or storage area, where permitted as an accessory use in a zoning district, to a  
8 marina or watercraft servicing use, shall comply with the following standards:

- 9 a. The total area of outdoor watercraft servicing, repair, or storage area shall not  
10 exceed 25 percent of the lot.
- 11 b. Outdoor watercraft vehicle servicing, repair, or storage area shall be located to  
12 the side or rear of the principal building.
- 13 c. Outdoor storage area shall not be located in any front yard.
- 14 d. No watercraft or equipment shall be stored in those parts of the site intended for  
15 vehicular parking or vehicular or pedestrian circulation designated by the approved  
16 site plan.
- 17 e. The outdoor watercraft vehicle servicing, repair, or storage area shall be properly  
18 graded for drainage; surfaced with durable materials in accordance with accepted  
19 industry standards approved by the City Engineer; and maintained in good  
20 condition free of weeds, dust, trash, and debris. The City Engineer may approve the  
21 use of permeable surfaces that comply with sound engineering practices for storage  
22 areas subject to the following conditions:
  - 23 i. The permeable surface areas shall be designed by a professional engineer  
24 licensed in the State of Florida, who shall submit in the site plan application  
25 sealed construction drawings and other information, such as sub-surface soil  
26 testing, required by the City Engineer to demonstrate compliance with this  
27 subsection and stormwater management provisions of this part.
  - 28 ii. The permeable surface areas shall be designed to accepted industry and  
29 manufacturer's standards and specifications.
  - 30 iii. The permeable pavement shall be maintained by the property owner pursuant  
31 to a continuing maintenance program approved by the City Engineer.
- 32 f. Watercraft or equipment stored in an outdoor motor vehicle servicing, repair, or  
33 storage area intended shall be used in conjunction with the principal use.
- 34 g. The outdoor watercraft servicing, repair, or storage area shall be screened from  
35 view from all property lines and adjacent rights-of-way by any combination of an  
36 opaque fence, wall, and landscaped hedge that is at least six feet high. Screening  
37 walls shall complement the design of the primary structure and incorporates at least  
38 one of the predominant materials and one of the predominant colors used in the  
39 primary structure. Materials shall not be stored higher than the height of the  
40 screening.

1 h. If the outdoor watercraft servicing, repair, or storage area is covered, then the  
2 covering shall include at least one of the predominant exposed roofing colors on  
3 the primary structure.

4 i. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

5 (21) *Produce stands.* A produce stand, where allowed as an accessory use in zoning district,  
6 shall comply with the following standards:

7 a. Shall not exceed the lesser of 500 square feet in area or ten percent of the lot area.

8 b. Shall not be more than 15 feet in height.

9 c. Shall be located under a roof or canopy.

10 d. Shall be located on a site adjacent to an urban principal or minor arterial roadways.

11 e. Shall be located where adequate ingress, egress, and off-street parking facilities are  
12 provided.

13 f. Be limited to the retail sale of agricultural products.

14 g. Shall meet the regulations of the State Department of Health.

15 h. Any signs shall be subject to the sign standards in Chapter 38, Article I, Signs.

16 (22) *Restaurants.* A restaurant, including specialty eating, where allowed as an accessory  
17 use in a zoning district, to an accommodation, recreational, institutional, or public  
18 assembly use shall comply with the following standards:

19 a. In a Park or Conservation District, the restaurant or specialty eating  
20 establishment shall be a maximum of 2,500 square feet of floor area and be an  
21 accessory use to a museum, performance theater, active recreation park, or  
22 recreation facility.

23 (23) *Retail sales and service, restricted.* A restricted retail sales and service establishment,  
24 where allowed as an accessory use in a zoning district, to an accommodation,  
25 recreational, institutional, or public assembly use shall comply with the following  
26 standards:

27 a. In a Park or Conservation District, only pro shops or gift shops are allowed as  
28 accessory uses.

29 b. In a Park or Conservation District, a pro shop shall be a maximum of 1,500  
30 square feet of floor area and be an accessory use to a recreation facility or social  
31 club.

32 c. In a Park or Conservation District, a gift shop shall be a maximum of 1,500  
33 square feet of floor area and be an accessory use to a museum or performance  
34 theater.

35 **Sec. 67.14. – Use specific standards for accessory buildings and structures.**

36 (a) *Purpose.* This Section is to authorize the construction of accessory buildings or structures that  
37 are incidental and customarily subordinate to principal uses or buildings in each zoning  
38 district. The purpose is to allow a broad range of accessory buildings and structures, so long  
39 as such uses are located on the same site as the principal use or building and comply with the

1 accessory building and structure standards for each district to reduce potentially adverse  
2 impacts on surrounding lands.

3 (b) *General standards for all accessory buildings and structures.*

4 (1) *Relationship to principal structure.*

5 a. Except as otherwise authorized in Sec. 67.15(c)(11), Temporary use of an  
6 accessory structure as a principal dwelling after a catastrophe, an accessory  
7 structure shall not be established or constructed before the establishment or  
8 construction of the principal use or structure.

9 b. If the principal use or structure is destroyed or removed, the accessory use or  
10 structure shall no longer be allowed.

11 c. Walls and fences may be constructed prior to the construction of the principal use  
12 or structure.

13 (2) *Location of Accessory Uses and Structures.*

14 a. No accessory use or structure shall be located within any platted or recorded  
15 easement or over any known utility, where their foundation might impact such  
16 infrastructure or where they might prevent the operation and maintenance of public  
17 utilities.

18 b. Unless otherwise provided in Sec. 67.14(c), Standards for specific accessory  
19 buildings and structures, or Sec. 60.28(b), Exceptions and variations, accessory  
20 structures shall comply with the minimum yard standards applicable in the zoning  
21 district where the structure is located.

22 c. Any accessory structure shall comply with the location requirements of the  
23 applicable zoning district of which it is located.

24 (c) *Standards for specific accessory buildings and structures:*

25 (1) *Amateur ham radio antenna.* A ham radio antenna is allowed as an accessory structure,  
26 subject to the following standards:

27 a. The antenna shall not exceed a height of 70 feet above grade unless the ham radio  
28 operator can demonstrate that a greater height is necessary to reasonably  
29 accommodate the operator's amateur communications needs.

30 b. An antenna attached to a principal structure on the lot shall be located on a side or  
31 rear elevation of the structure.

32 c. A freestanding antenna shall be located in the rear yard, but not within five feet of  
33 any lot line.

34 (2) *Arbors or garden trellis.* An arbor or garden trellis is allowed as an accessory structure  
35 in any yard with a maximum height of 10 ft.

36 (3) *Art or sculptures.* A sculpture is allowed as an accessory structure in any yard with a  
37 maximum height of 6 ft.

38 (4) *Basketball goals.* A basketball goal is allowed as an accessory structure to a single-family  
39 residential use in the front or rear yard.

- 1 (5) *Bike racks.* A bike rack is allowed as an accessory structure in any yard.
- 2 (6) *Birdhouses.* A birdhouse is allowed as an accessory structure in any yard.
- 3 (7) *Clotheslines.* A clothesline is allowed as an accessory structure in residential zoning  
4 district in the rear yard.
- 5 (8) *Decks:* A deck is allowed as an accessory structure, provided the rules for allowable  
6 required yard encroachments in Table 60.1 are complied with.
- 7 (9) *Docks, private.* A private dock is allowed as an accessory structure in any yard, subject  
8 to the following standards:
- 9 a. Docks may extend into a waterway a maximum of 20 percent of the width of the  
10 waterway.
- 11 b. Mooring or dolphin poles may extend into a waterway a maximum of 30 percent of  
12 the width of the waterway. Watercraft lifts attached to a dock shall be permitted  
13 between the dock and the mooring or dolphin poles.
- 14 c. Watercraft moored to private docks shall not extend more than 30 percent of the  
15 width of the canal or waterway.
- 16 d. Forty percent (20 percent on either side of the centerline) of the width of the  
17 waterway shall remain unobstructed by docks, mooring or dolphin poles, watercraft  
18 lifts, or moored watercraft. Application of this standard shall not result in an  
19 unobstructed waterway less than 20 feet in width (ten feet on either side of the  
20 centerline).
- 21 e. Docks, mooring or dolphin poles, watercraft lifts, and moored watercraft shall be  
22 setback a minimum of 15 feet from the established riparian rights lines of the upland  
23 riparian property.
- 24 f. The width of the waterbody shall be from the mean low water mark or for properties  
25 with seawalls the measurement shall be from the waterward face of the seawall.
- 26 g. All waterway development activities shall be permitted only if also authorized by  
27 the appropriate Federal or State agency.
- 28 h. A license agreement shall be required for all waterway development activities on  
29 submerged lands owned by the City or private entities. The license agreement shall  
30 be executed by the entity in which the submerged lands' deed was granted to.
- 31 i. No watercraft shall be moored to a private seawall or dock, or be beached upon  
32 private property, without the permission of the owner thereof unless such mooring  
33 or beaching is of an emergency nature and is reasonably necessary to protect life,  
34 limb or property. In the event such emergency beaching or mooring is necessary,  
35 said conditions shall be corrected in not more than 72 hours, and the vessel removed.
- 36 j. The renting of docks, dock space, or moorings, or the rental of watercraft is  
37 prohibited unless permitted as a marina or commercial dock use in the applicable  
38 zoning district.
- 39 (10) *Docks, watercraft canopies.* A watercraft canopy is allowed as an accessory structure  
40 over a private dock or watercraft lift, subject to the following standards:

- 1 a. No overhead structure shall be constructed on any dock other than an  
2 approved watercraft canopy.
  - 3 b. The support or frame of a watercraft canopy shall be constructed of a corrosion-  
4 resistant material.
  - 5 c. Watercraft canopy supports shall be arranged in an open design so as to allow  
6 visibility through the sides with openings no smaller than four feet in any dimension.
  - 7 d. No watercraft canopy support or frame shall be of a solid or opaque design so as to  
8 create a wall. No watercraft canopy shall have wooden framing or supports. No  
9 shutter roll-up design shall be permitted.
  - 10 e. The canopy shall be fabric or a material which can be rolled and folded without  
11 damage.
  - 12 f. The canopy shall be attached to the watercraft canopy supports or frames in such a  
13 manner that it detaches in a wind load of 70 mph or greater.
  - 14 g. The watercraft canopy shall not extend horizontally more than 30 inches over or  
15 beyond any dock to which the canopy is attached, except to the rear of a boat slip  
16 where it may extend up to 48 inches past the end of the structure. Canopies attached  
17 to permanent structures that are built to the maximum projection, may extend up to  
18 30 inches beyond the structure.
  - 19 h. Watercraft canopies, their supports, and frames shall be maintained in good repair  
20 at all times. No canopy, canopy support, or frame shall be allowed to fall into  
21 disrepair or to become dilapidated, structurally dangerous, or unsafe. In the event  
22 a watercraft canopy, canopy support, or frame falls into disrepair, it shall be the  
23 responsibility of the dock owner to remove the structure.
  - 24 i. Only one watercraft canopy may be permitted per dock.
  - 25 j. No watercraft canopy, when measured at its highest point, shall extend more than  
26 14 feet above the seawall cap, or if no seawall exists, above the decking of the  
27 permanent structure. The boat canopy shall be attached to  
28 the watercraft canopy side supports or frames so that at least 75% of the area of each  
29 side of the boat canopy structure is left open and uncovered.
- 30 (11) *Driveways or parking lots.* A driveway or parking lot is allowed as an accessory structure,  
31 provided the driveway or parking lot complies with the rules for allowable required yard  
32 encroachments in Table 60.1 and the following standards:
- 33 a. For single family (attached or detached) or duplex residential uses, the following  
34 standards apply to driveways:
    - 35 1. The driveway shall be paved with a surface acceptable to the City Engineer.
    - 36 2. The driveway shall be set back a minimum of two feet from the side property  
37 lines.
  - 38 b. For residential uses other than single-family or duplex (attached or detached) and  
39 non-residential uses, the following standards apply to parking lots and driveways:

- 1           1. The parking lot shall be designed in conformance with the standards in Chapter  
2           63, Off-street parking requirements.
- 3           2. The parking lots and drive access shall be set back a minimum of five feet from  
4           the side property lines and ten feet from front property lines.
- 5       (12) *Equipment, mechanical.* Mechanical equipment is allowed as an accessory structure,  
6       provided the mechanical equipment complies with the rules for allowable required yard  
7       encroachments in Table 60.1.
- 8       (13) *Fermentation tanks or chillers.* A fermentation tank, chiller, boiler, brite or conditioning  
9       tank, and grain silo is allowed as an accessory structure to a microbrewery.
- 10       (14) *Flagpoles.* A flagpole is allowed as an accessory structure, provided the flagpole  
11       complies with the rules for allowable required yard encroachments in Table 60.1 and  
12       standards for flagpoles in Chapter 38, Article I, Signs.
- 13       (15) *Fountains.* A fountain is allowed as an accessory structure, provided the fountain  
14       complies with the rules for allowable required yard encroachments in Table 60.1.
- 15       (16) *Garages.* A garage is allowed as an accessory building to a residential use, subject to the  
16       following standards:
  - 17           a. Garages shall be located to the rear of the principal structure and comply with the  
18           applicable zoning district standards for accessory buildings.
  - 19           b. The structure shall be designed with the same architectural features or style of the  
20           principal structure.
  - 21           c. If the lot has access to an alley, the garage and driveway shall access the alley.
- 22       (17) *Generators.* A generator is allowed as an accessory structure, provided the generator  
23       complies with the rules for allowable required yard encroachments in Table 60.1.
- 24       (18) *Greenhouse.* A greenhouse is allowed as an accessory building, subject to compliance  
25       with the applicable zoning districts standards for accessory buildings and all incidental  
26       equipment and supplies related to a greenhouse use, including fertilizer and empty  
27       containers, are kept within the greenhouse or other accessory buildings.
- 28       (19) *Kiosks.* A kiosk is allowed as an accessory structure in any yard, provided pedestrian  
29       walkways and access are not impeded.
- 30       (20) *Lighting fixtures.* A lighting fixtures, such as a light pole or lamp post is allowed as an  
31       accessory structure in any yard, provided the exterior lighting shall be so arranged as to  
32       shield or deflect the light from abutting properties and cutoff lighting shall be used for  
33       any non-residential parking lot.
- 34       (21) *Mailboxes.* A mailbox is allowed as an accessory structure in any yard.
- 35       (22) *Patios and terraces.* A patio or terrace is allowed as an accessory structure, provided the  
36       patio or terrace complies with the rules for allowable required yard encroachments in  
37       Table 60.1.
- 38       (23) *Play structures.* A play structure is allowed as an accessory structure, subject to the  
39       following standards:



1 a. For residential uses, the play structure shall be located in the rear yard and five feet  
2 from any property line.

3 b. For nonresidential uses, the play structure shall not be located in any yard setback  
4 for the applicable zoning district.

5 (24) *Pools, spas, and screen enclosures.* A pool, spa or hot tub, and screen enclosure is  
6 allowed as an accessory structure, provided the pool, spa, and screen enclosure complies  
7 with the rules for allowable required yard encroachments in Table 60.1 and the pool or  
8 spa complies with all applicable standards in the Building Code—including, but not  
9 limited to, barrier requirements.

10 (25) *Rainwater cisterns.* A rainwater cistern is allowed as an accessory structure, subject to  
11 the following standards:

12 a. Be located directly adjacent to the principal structure on a lot.

13 b. Not be located within any required yards, unless the cistern is underground.

14 c. Be affixed to the principal structure or accessory building so as to capture rainwater  
15 from the structure's gutter system.

16 d. Not serve as signage.

17 (26) *Retaining walls.* A retaining wall is allowed as an accessory structure, provided the  
18 retaining wall complies with the rules for allowable required yard encroachments in  
19 Table 60.1 and the following standards:

20 a. Nothing in this Section or this Code shall be construed to prohibit or prevent the  
21 erection of a retaining wall on any property where the wall does not adversely affect  
22 the natural flow of surface water or create any other adverse effect on adjacent or  
23 adjoining land or development.

24 b. If a six-foot-high screening wall is required where it would be atop a retaining wall,  
25 the screening wall may be modified or waived by the Planning Director to allow an  
26 alternative size or type of screen to be installed above the retaining wall which  
27 satisfies the screening function.

28 c. A retaining wall along a property perimeter shall be constructed of stone, brick, or  
29 other decorative surface, or shall be screened by landscaping.

30 (27) *Satellite dishes.* A satellite dish is allowed as an accessory structure, subject to the  
31 following standards:

32 a. One satellite dish is permitted per lot or parcel of land.

33 b. No satellite dish shall be located in any required yard or the front yard of the  
34 principal structure.

35 c. The maximum antenna diameter shall be twelve (12) feet.

36 d. No satellite dish shall to exceed the maximum height limit for the applicable  
37 zoning district, except roof-mounted satellite dish which may be placed in the  
38 architectural embellishment of the building and shall be screened from adjacent  
39 properties and rights-of-way.

- 1 e. Screening shall be provided for the satellite dish to shield the satellite dish from  
2 view from abutting streets and adjacent property. Screening shall include a  
3 combination of fencing and shrubs approved by the Planning Director.
- 4 (28) *Signs*. A freestanding or temporary sign is allowed as an accessory structure, provided  
5 the freestanding or temporary sign complies with the rules for allowable required yard  
6 encroachments in Table 60.1 and standards for freestanding or temporary signs in  
7 Chapter 38, Article I, Signs.
- 8 (29) *Solar energy collection system*. A solar energy collection system is allowed as an  
9 accessory structure on any principal structure, subject to following standards.
- 10 a. The system may be located on the roof of a principal structure, on the side of such  
11 structures, on a pole, or on the ground in accordance with the standards in Sec. 62.40  
12 District density, intensity, and dimensional standards.
- 13 b. The system shall comply with the maximum height standards for the zoning district.
- 14 c. The area of the system shall not exceed one-half the footprint of the principal  
15 structure or 600 square feet, whichever is greater.
- 16 d. The property owner shall be responsible for negotiating with other property owners  
17 in the vicinity to establish any solar easement designed to protect solar access for  
18 the solar energy collection system, and shall record any such solar easement with  
19 the Indian River County Clerk of the Circuit Court and submit a copy to the City.
- 20 (30) *Storage sheds*. A storage shed is allowed as an accessory building, subject to the storage  
21 shed complying with the rules for allowable required yard encroachments in Table 60.1  
22 and complying with the applicable zoning district standards for accessory buildings.
- 23 (31) *Television or radio antennas*. A television or radio antenna is allowed to be attached to a  
24 principal structure provided it is located on a side or rear elevation of the structure and  
25 extends no more than 15 feet above the highest point of the structure.
- 26 (32) *Walkways or sidewalks*. A walkway, walking path, or sidewalk is allowed as an accessory  
27 structure, provided the walkway, walking path, or sidewalk complies with the rules for  
28 allowable required yard encroachments in Table 60.1.
- 29 (33) *Walls, fences and hedges*. A wall, fence or hedge is allowed as an accessory structure,  
30 provided the wall, fence, or hedge complies with the rules for allowable required yard  
31 encroachments in Table 60.1 and the following standards:
- 32 a. *Location*.
- 33 i. Except to the extent specifically provided otherwise, fences, walls, and hedges  
34 shall be permitted in any required yard.
- 35 ii. Fences or walls located along a side or rear lot or parcel line may be placed  
36 adjacent to the property line with required landscape strip pursuant to Sec.  
37 72.12 located inside the fence or wall.
- 38 iii. Fences or walls may be constructed on or over any dedicated public drainage  
39 or utility easements, where the City has issued a covenant of removal.

- 1           iv. Fences or walls, including any structural component, shall not be constructed  
2           within the public right-of-way.
- 3           v. No fences, walls, plantings, or other structures or obstructions shall be erected  
4           or maintained at any street intersection which may obstruct the view of the  
5           motorist or otherwise cause an obstruction to traffic flow pursuant to Sec.  
6           71.18, obstructions to vision at intersections. Additional restrictions on the  
7           height or location of fences, walls, or hedges may be imposed by the City  
8           Engineer, where necessary for purposes of vehicular and pedestrian safety
- 9           b. *Height.* Walls and fences shall be a maximum height of six feet in any required  
10          yard, except as specifically provided otherwise in this Code or as follows:
  - 11          i. Security fences erected around nonresidential uses - utilities, such as high  
12          voltage substations, pumping stations, telecommunications tower sites,  
13          public service utilities, and governmental or public utility-owned property,  
14          shall not exceed eight feet.
  - 15          ii. Wrought iron fences shall not exceed six feet in height except for columns,  
16          which may extend up to 12 inches above the fence height.
- 17          c. *Walls, fences, and hedges in front yard.* Where a wall or fence is erected in the  
18          required front yard, the following standards shall apply:
  - 19          i. Any wall or fence shall be located three feet from the public right-of-way  
20          line.
  - 21          ii. Any wall or fence shall not exceed three feet in height.
  - 22          iii. Chainlink fences are not permitted in the front yard.
  - 23          iv. Masonry walls are permitted in the required front yard, provided that there  
24          are no negative impacts to traffic safety as determined by City Engineer.
  - 25          v. Hedges located in the required front yard shall not extend into the public  
26          right-of-way.
  - 27          vi. A masonry wall or fence, located in the rear yard of a residential use, but in  
28          the require front yard of a corner or through lot, may permitted to a height of  
29          six feet by the Planning Director with a three foot landscape strip meeting  
30          the specifications of 72.16, landscaping specifications.
- 31          d. *Barbed wire.* The use of any form of barbed wire in or on fences is prohibited  
32          within the City, except as provided:
  - 33          i. Security fences erected around high voltage substations, pumping stations,  
34          telecommunications tower sites, public service utilities, and governmental or  
35          public utility-owned property.
  - 36          ii. Permitted barbed wire may exceed the height of the fence or wall by an  
37          additional foot and shall be placed so that it does not project outward over  
38          any public right-of-way or adjacent property.
  - 39          iii. Any fence with barbed wire shall be screened from view of the public right-  
40          of-way with a screening hedge.

1 e. *Construction.* All fences and walls shall be constructed with quality materials and  
2 workmanship. Fences and walls shall be built plumb and sturdy enough to  
3 withstand typical wind loads and stresses.

4 f. *Maintenance.* Walls and fences shall be maintained in good repair and in a plumb  
5 and upright position free of any graffiti, defects, damage, and discoloration.  
6 Missing boards, pickets or posts shall be replaced in a timely manner with material  
7 of the same type and quality.

8 (34) *Wells, irrigation.* An irrigation well is allowed as an accessory structure in any yard,  
9 provided it is approved by the City Engineer and shall not be located within a wellhead  
10 protection area.

11 **Sec. 67.15. – Use specific standards for temporary uses and structures.**

12 (a) *Purpose.* This Section allows for the establishment of certain temporary uses (including  
13 special events) of a limited duration and temporary structures, provided that such uses,  
14 structures, and events do not negatively affect adjacent land, are discontinued upon the  
15 expiration of a set time period, and do not involve the construction or alteration of any  
16 permanent building or structure.

17 (b) *General standards for all temporary buildings and structures.* Unless otherwise specified  
18 in this Code, any temporary use or structure shall:

19 (1) Obtain a temporary use permit (if required) and any other applicable City or State  
20 permits;

21 (2) Not be detrimental to property or improvements in the surrounding area or to the public  
22 health, safety, or general welfare;

23 (3) Be compatible with the principal uses taking place on the site;

24 (4) Not have substantial adverse effects or noise impacts on any adjoining permanent uses  
25 or nearby residential neighborhoods;

26 (5) Not include permanent alterations to the site;

27 (6) Meet all the setback requirements of the zoning districts;

28 (7) Comply with temporary signage standards in Chapter 38, Article I, Signs;

29 (8) Not maintain temporary signs associated with the temporary use or structure after the  
30 activity ends;

31 (9) Not violate the applicable conditions of approval that apply to a site or a use on the site;

32 (10) Not interfere with the normal operations of any permanent use located on the property;  
33 and

34 (11) Be located on a site containing sufficient land area to allow the temporary use, structure,  
35 or special event to occur and accommodate associated pedestrian, parking, traffic  
36 movement without disturbing environmentally sensitive lands.

37 (c) *Standards for specific temporary buildings and structures:*

38 (1) *Farmers' market (as a temporary use).* A farmers' market operating as a temporary use  
39 shall comply with the following standards:

- 1 a. Operate on one day per week on a single site.
- 2 b. Renew all applicable Temporary Use Permits once per calendar year.
- 3 c. Be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts,  
4 honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish,  
5 fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture,  
6 aquaculture, and horticulture products produced by the vendor/producer, including  
7 the sale of products made by the vendor/producer from such agriculture,  
8 aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices,  
9 cheeses) and incidental sales of crafts or similar home-made products made by the  
10 vendor/producer.
- 11 d. Provide adequate ingress, egress, and off-street parking areas.
- 12 (2) *Garage or yard sale.* A garage or yard sale is allowed as a temporary use provided it  
13 complies with the requirements in Subpart A, Chapter 62, Article V, Household Sales of  
14 the Code of Ordinances, as amended.
- 15 (3) *Mobile food establishment.* The following requirements apply to mobile food  
16 establishments:
  - 17 a. *General mobile food establishment operating requirements.* All mobile food  
18 establishments operating in the City of Vero Beach shall comply with the following  
19 requirements
    - 20 i. Mobile food establishments are not required to obtain any local licenses,  
21 registrations, permits or pay any operating fees from the City of Vero Beach.
    - 22 ii. Mobile food establishments shall comply with all requirements of the most  
23 current edition of the Florida Fire Prevention Code (FFPC) and the National  
24 Fire Protection Association (NFPA). Upon inspection, if the fire marshal or his  
25 designee determines any violations of the FFPC or NFPA exists, the mobile  
26 food establishment can be required to cease operations immediately.
    - 27 iii. The selling or distributing of alcoholic beverages from a mobile food  
28 establishment must be in accordance with Chapter 6, Alcoholic Beverages, of  
29 the Code of the City of Vero Beach. The establishment must also have a valid  
30 state license to sell alcoholic beverages, and be able to provide a copy upon  
31 request.
    - 32 iv. Under no circumstances shall grease or any waste materials be released into any  
33 stormwater system, tree landscaping area, sidewalks, streets, parking lots, or  
34 private/public property. Mobile food establishments shall be responsible to  
35 properly discard any waste material in accordance with federal, state, county,  
36 municipal, or any laws, rules, regulations, orders, or permits.
    - 37 v. Any person engaged in selling, preparing, or dispensing food from a mobile  
38 food dispensing vehicle shall obtain the appropriate approvals and licenses from  
39 the State of Florida Department of Business and Professional Regulations,

1 (DBPR), Florida Department of Health, and/or the Florida Department of  
2 Agriculture and Consumer Services before operating, and be able and willing  
3 to provide copies of all approvals and licenses upon request.

4 vi. The mobile food establishment shall make the mobile food dispensing vehicle  
5 available for routine inspections by the Fire Marshal, Building Inspector, or  
6 Code Enforcement Officer at any time requested and at any frequency deemed  
7 appropriate, while at location or in operation, to ensure compliance with all  
8 applicable federal, state, and local fire safety statutes, regulations and codes,  
9 and local regulations of this Section.

10 b. Mobile food establishments conducting business in conjunction with an approved  
11 temporary use permit for a special event, pursuant to Sec. 64.45(d), or events held  
12 on City-owned public property shall comply with all standards and requirements as  
13 established by the event coordinator, in addition to any applicable state regulatory  
14 agency's regulations and the general mobile food establishment operating  
15 requirements above.

16 c. *Mobile food dispensing vehicles.* Mobile food establishments operating from a  
17 mobile food dispensing vehicle may operate without a temporary use permit in the  
18 zoning districts allowed by Sec. 64.44, in accordance with the following standards:

19 i. The mobile food establishment shall only occur on non-residential use  
20 property with a minimum parking lot of 15 spaces with an approved parking  
21 area surface pursuant to Sec. 63.10. The host site of the mobile food  
22 establishment shall be in compliance with the required off-street parking  
23 ratios for the uses on the site pursuant to Sec. 63.04, Parking ratios.

24 ii. Limitation on the total number and hours of operation.

25 (a) Mobile food establishments shall not require the use of more than 20%  
26 of existing parking spaces on the site and shall not have more than two  
27 mobile food dispensing vehicles operating at any one time, except as  
28 may be permitted as part of an approved temporary use permit for special  
29 event as regulated in Sec. 64.45(d).

30 (b) Mobile food establishments shall only operate during business hours of  
31 the host location or property, except as may be permitted as part of an  
32 approved temporary use permit for special event as regulated in Sec.  
33 64.45(d).

34 iii. *Operating requirements.*

35 (a) Mobile food establishments shall have the written consent of the  
36 owner(s) of the property on which it is located. Such written permission  
37 shall be available upon request by the representative of any regulating  
38 agency.

39 (b) Mobile food establishments are responsible for all trash, debris, or litter  
40 generated from its operation. Mobile food dispensing vehicles shall be  
41 self-contained when operating, and provide their own required trash

1 and/or recycling receptacles, and receptacles for public use. Mobile food  
2 establishments shall remove all waste and trash at the end of each day of  
3 operation, and prior to vacating their location, and fully comply with  
4 F.A.C. Rule 61C-4.0161.

5 (c) Mobile food establishments operating at a site for a duration longer than  
6 three hours shall have an agreement which confirms that employees have  
7 access to a public restroom on the site of the establishment's location  
8 during the hours of operation.

9 (d) In addition to the location of the mobile food dispensing vehicle, a 10-  
10 foot by 10-foot area, covered or uncovered, may be permitted to  
11 accommodate seating and tables, if approved by the property owner.

12 iv. *Prohibitions.* Mobile food establishments operating a mobile food dispensing  
13 vehicle without a temporary use permit are prohibited from the following:

14 (a) Serving from a free-standing grill.

15 (b) Operating in a driveway, driveway aisle, loading zone, no parking zone,  
16 fire lane, blocking fire hydrants or any other fire protection devices and  
17 equipment, or American with Disabilities Act (ADA) accessible parking  
18 spaces and/or accessible ramps.

19 (c) Operating in a location that impedes on-site circulation of motor  
20 vehicles, obstruct or block the view of motor vehicles using driveways,  
21 the ingress or egress of a building, or emergency exits.

22 (d) Operating at abandoned or vacant business locations, and in any  
23 approved landscape buffer or stormwater retention area.

24 (e) Use of sound amplification in violation of Chapter 38, Article III, Noise  
25 Control of the Code of the City of Vero Beach.

26 (f) Using prohibited signs listed in Sec. 38.17, Prohibited signs, such as  
27 pennants, balloons, streamers, discs, festooning, tinsel, strings of  
28 ribbons, whirligigs, inflatable objects, cut out figures, beacons, and fixed  
29 aerial signage or similar attention-getting devices to attract customers.

30 (4) *Special events.* A special event shall comply with the following standards:

31 a. The special event shall only occur on non-residential use property.

32 b. *Limitation on the total number and length of special events.* No property shall have  
33 more than a cumulative total of three such events in any calendar year. The total  
34 number of days for all special events on the property shall not exceed 30 days in  
35 any calendar year, except for Christmas tree sales. Christmas tree sales may  
36 commence no earlier than November 16 and end no later than December 30.

37 c. *Permit conditions.* Every special events permit shall have the following conditions  
38 and any other conditions that may be required by the Planning Director or other  
39 appropriate authority to address a particular issue related to protecting the public  
40 health, safety, or general welfare of the public and the protection of the  
41 environment:

- 1           i. The activity, display and/or sales areas shall not interfere with the approved  
2           vehicular circulation system as specified on the approved site plan for the  
3           subject property.
- 4           ii. The area of activity, display, and/or sales areas shall not occupy more than ten  
5           percent of the required on-site parking spaces, except where the special event  
6           is conducted outside of normal business hours for the approved uses on the  
7           site.
- 8           iii. Applicable building, electrical, mechanical, and/or health permits shall be  
9           obtained for any temporary structures, utilities, and health and sanitation  
10          facilities.
- 11          iv. The maximum hours of operation shall be limited to the period from 7:00 a.m.  
12          to 10:00 p.m. daily, except may be as further limited by the Planning Director  
13          to protect the public health, safety, or general welfare, including limiting  
14          adverse impacts on adjacent residential uses.
- 15          v. Any tent used for an activity, display, or sales shall be approved by the Fire  
16          Marshal for fire resistance.
- 17          vi. All temporary structures and utilities for the special event shall be removed  
18          and the site returned to its original condition by no more than one day after  
19          the last day of the event.

20          (5) *Temporary construction-related structure or storage facility.*

- 21          a. All temporary construction-related structures and storage facilities shall not be  
22          moved onto the project site prior to the issuance of a building permit and shall be  
23          removed within 30 days after issuance of the final certificate of occupancy for the  
24          constructed development.
- 25          b. A temporary construction-related structure or storage facility may be placed on a  
26          property adjacent to the construction site if site constraints make it infeasible to  
27          locate the structures or facilities on the construction site, provided the adjacent site  
28          is restored to its previous condition within 60 days after issuance of the final  
29          certificate of occupancy of the constructed development.
- 30          c. Parking for employees of the temporary construction-related structure and storage  
31          facility shall be provided.
- 32          d. Construction site fencing may remain in place provided the building permit remains  
33          active and has not expired.

34          (6) *Temporary factory-fabricated portable building.* A temporary factory-fabricated  
35          transportable building shall comply with the following standards:

- 36          a. The building may be placed on a parcel and temporarily used only for the following  
37          uses:
  - 38                  i. Temporary on-site expansion of classroom space for an existing school or other  
39                  education use as an alternative means of meeting growing classroom needs or



- 1 pending implementation of City-approved plans for the permanent expansion  
2 of classroom space.
- 3 ii. Temporary on-site expansion of space for an existing community services use,  
4 government administrative offices, health care use, place of worship, or other  
5 community-serving institutional use (other than education uses) pending  
6 implementation of City-approved plans for the permanent expansion of existing  
7 facilities.
- 8 iii. Temporary on-site office space for construction management and security uses  
9 during construction of new development in accordance with City-approved  
10 plans.
- 11 iv. A temporary on-site space for real estate sales or leasing activities associated  
12 with a new development pending construction of the development.
- 13 v. Temporary on-site space for recreational use for a new residential development  
14 pending construction of permanent recreational facilities approved by the City  
15 as part of the development.
- 16 vi. A temporary building providing temporary quarters for the occupants of a  
17 principal dwelling or nonresidential building damaged or destroyed by a fire,  
18 hurricane, or other physical catastrophe while the dwelling or building is being  
19 repaired or reconstructed.
- 20 b. Except as otherwise provided in this Code, the temporary building may be located  
21 anywhere on the site except within the following areas:
- 22 i. Existing required landscaping or perimeter buffer areas;
- 23 ii. Areas designated as future required landscaping areas, whether or not  
24 vegetation currently exists; and
- 25 iii. Other areas designated on the site for open space, vehicular access, or parking.
- 26 c. Adequate off-street parking for the temporary building use shall be provided in  
27 accordance with the minimum standards for number of off-street parking spaces in  
28 Chapter 63, Off-Street Parking and Loading Requirements.
- 29 d. All permits required by applicable building, electrical, plumbing, and mechanical  
30 Codes shall be obtained before placement of the temporary building.
- 31 e. The temporary building shall be compatible with any existing buildings on the site  
32 in terms of exterior color. Bright, luminescent, or neon colors and highly reflective  
33 surfaces are prohibited.
- 34 f. Applicant shall have an active site plan application or approval for the development  
35 of the permanent facilities for the temporary building use.
- 36 g. The temporary building shall be removed from the site within 30 days after issuance  
37 of the final certificate of occupancy for the permanent expansion, new development,

1 permanent recreation facility, permanent facility, or repaired or reconstructed  
2 dwelling/building, as appropriate.

3 (7) *Temporary model sales home/unit.* A single model sales home/unit may be located on a  
4 new development site and temporarily used for sales or leasing uses associated with the  
5 development, subject to the following standards:

6 a. A model sales home shall be located on a parcel or building site approved as part of  
7 the site plan, and a model sales unit shall be located within a building approved as  
8 part of the development.

9 b. Adequate off-street parking for the real estate sales/leasing use of the model sales  
10 home/unit shall be provided, in accordance with the minimum standards for number  
11 of off-street parking spaces in Chapter 63, Off-Street Parking and Loading  
12 Requirements.

13 c. One model home may be constructed for every 20 parcels, or one model home for  
14 every 15 parcels if the model homes are contiguous to each other under construction,  
15 up to a maximum of three model homes for a subdivision.

16 d. A model sales home/unit may be used for temporary sales/leasing until such time as  
17 the last lot in the subdivision is developed.

18 e. On termination of the temporary real estate sales/leasing use of a model sales  
19 home/unit, the home/unit shall be converted into, or removed and replaced with, a  
20 permanent permitted use, and any excess parking shall be removed and landscaped  
21 in accordance with Chapter 72, Article II, Landscaping.

22 f. No model home may be constructed or occupied prior to preliminary plat approval  
23 by the City.

24 g. No model home may be converted to a single family unit and occupied until all  
25 subdivision improvements are accepted in accordance with Chapter 70,  
26 Subdivisions.

27 h. Temporary structures such as modular buildings may be allowed as a temporary  
28 sales office, only while the model home is being constructed in accordance with this  
29 section. There shall be no more than one temporary sales office per subdivision.

30 i. City water and wastewater facilities shall be operating.

31 j. A stabilized road access shall be in place.

32 k. A model sales home shall not be used for storage of building materials.

33 l. If the space for a required garage has been converted to space for purposes other  
34 than a garage, the space must be converted back to a residential garage and equipped  
35 with a standard garage door prior to the sale and use of the home as a dwelling unit.

36 (8) *Temporary not-for-profit car wash.* Temporary not-for profit car wash services shall  
37 comply with the following standards:

- 1 a. The use shall be limited to no more than one day per week and a total of 14 days per  
2 calendar year, per individual site.
- 3 b. The use shall comply with National Pollutant Discharge Elimination System  
4 (NPDES) requirements for mobile vehicle washing, including use of containment  
5 booms or storm drain covers and mats to prevent wastewater from entering a  
6 stormwater drain.
- 7 (9) *Temporary outdoor promotional activities and sidewalk sales.* The sale and promotion  
8 of goods and services made available by businesses located on the premises are permitted  
9 subject to the following:
- 10 a. Activities held on the adjacent public sidewalk may be held for up to three  
11 consecutive days up to three times per calendar year.
- 12 b. Activities that do not obstruct parking and are held on private property may be held  
13 for up to ten consecutive days up to three times per calendar year.
- 14 (10) *Temporary portable storage unit.* Temporary storage in a portable storage unit may be  
15 permitted to serve an existing use on the same parcel, subject to the following standards:
- 16 a. *Number.* No more than two units shall be located on a parcel.
- 17 b. *Size.* No unit shall be more than eight feet wide, 16 feet long, or eight feet high.
- 18 c. *Duration.*
- 19 i. No unit shall be placed on a parcel in a residential zoning district for more than  
20 7 consecutive days, or for more than 14 days within any calendar year.
- 21 ii. No unit shall be placed on a parcel in a nonresidential zoning district for more  
22 than 14 consecutive days, or for more than 28 days within any calendar year.
- 23 iii. In the C-1 zoning district, a portable storage unit may be placed on a parcel  
24 during the holiday season (October 15 to January 15).
- 25 d. *Location.*
- 26 i. In a residential zoning district, a unit may be placed only in a driveway or, if  
27 alley access to the rear of the lot exists, in the rear yard. If no driveway or alley  
28 access to the rear of the lot exists, a unit may be placed in the front yard of the  
29 lot provided Planning Director determines that such placement does not  
30 obstruct the free, convenient, and normal use of the public right-of-way.
- 31 ii. In a nonresidential district, a unit may be placed only in the rear yard or side  
32 yard. In no case may a unit be placed in the front yard, in any front parking lot  
33 of a commercial use, or in fire lanes, passenger loading zones, commercial  
34 loading areas, or public rights-of-way.
- 35 e. *Removal upon hurricane warning.* Notwithstanding the time limitations established  
36 in subparagraph [3] above, all portable storage units shall be removed immediately  
37 upon issuance of a hurricane warning by a recognized government agency.

- 1           f. *Maintenance and Security.*
- 2           i. The owner and operator of the lot containing a portable storage unit shall ensure
- 3           that the unit is in good condition, free from evidence of deterioration,
- 4           weathering, discoloration, rust, ripping, tearing, or other holes or breaks.
- 5           ii. The unit shall be kept locked when not being loaded or unloaded.
- 6           g. *Hazardous Materials Prohibited.* The owner and operator of the lot containing a
- 7           portable storage unit shall ensure that no hazardous material is stored within the unit.
- 8       (11) *Temporary use of an accessory structure as a principal dwelling after a catastrophe.* An
- 9       existing structure that is accessory to an existing principal dwelling that has been
- 10       damaged or destroyed by a fire, hurricane, or other physical catastrophe may be
- 11       temporarily used as the principal dwelling on the parcel while the damaged or destroyed
- 12       principal dwelling is being repaired or reconstructed, provided it meets the following
- 13       standards:
- 14       a. The building or inhabited part thereof shall meet all applicable building, health, and
- 15       other regulations for a habitable dwelling.
- 16       b. The building shall comply with any additional standards set forth in a Declaration
- 17       of Emergency issued by authorized officials in response to the catastrophe.
- 18       c. The building shall be removed or converted to an authorized accessory use within
- 19       30 days after issuance of the certificate of occupancy for the permanent principal
- 20       dwelling. In no case shall the building be used as the principal dwelling for more
- 21       than two years unless authorized by a longer time period set forth in a Declaration
- 22       of Emergency issued by authorized officials in response to the catastrophe.