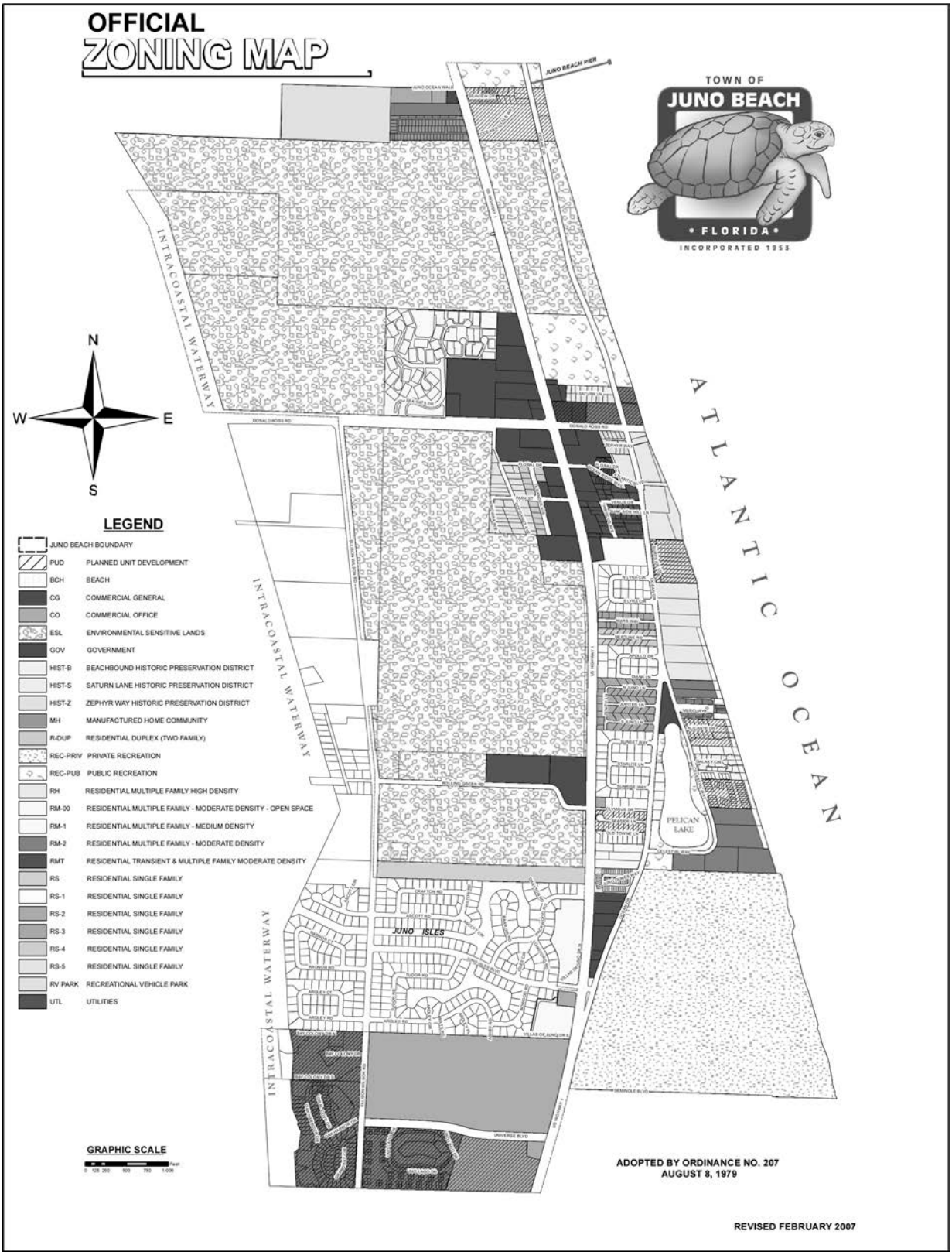
Chapter 34 - ZONING



FOOTNOTE(S):

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State Law reference— Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq.

ARTICLE I. - IN GENERAL

Sec. 34-1. - Short title.

This chapter shall be known and cited as the Town of Juno Beach Comprehensive Zoning Ordinance.

(Ord. No. 207, § 1.10, 8-8-1979)

Sec. 34-2. - Purpose.

The purpose of this chapter is to establish comprehensive controls for the development of land in the town based on the comprehensive plan for the town and enacted in order to protect, promote and improve the public health, safety, ~~morals~~ and ~~the~~ general welfare of the people. The objectives of this chapter are to provide for: efficiency and economy in the ~~process of~~ development process; the appropriate and best use of land; preservation, protection, development and conservation of the natural resources of land, water, and air; convenience, traffic and circulation of people and goods; the use and occupancy of buildings; healthful and convenient distribution of population; adequate public utilities and facilities; promotion of the civic amenities of beauty and visual interest; promotion of planned unit developments as a means of achieving better land use and design; and development in accordance with the comprehensive plan. To accomplish these purposes, the town council shall divide the entire town into districts of such number and shape as may be deemed best suited to carry out the purpose of this chapter, and within these districts may regulate, determine and establish:

(1) Height, number of stories, size, bulk, location, erection, construction, repair, reconstruction, alteration and use of buildings and other structures, for trade, profession, residence and other purposes;

(2) Use of land and water for trade, profession, residence and other purposes;

(3) Size of yards, and other open spaces;

(4) Percentage of lot that may be occupied;

(5) Density of population;

(6) Conditions under which various classes of nonconformities may continue, including authority to set fair and reasonable amortization schedules for the elimination of nonconforming uses;

(7) Use and types and sizes of structures in those areas subject to seasonal or periodic flooding and/or storm damage so that danger to life and property in such areas will be minimized;

(8) Performance standards for use of property and location of structures thereon;

(9) Architectural design of structures.

All such regulations shall be uniform throughout each district, but the regulations in one district may differ from those in other districts. For each district designated for the location of trades, callings, commercial enterprises, residences or buildings designated for specific use, regulations may specify those uses that shall be excluded or subjected to reasonable requirements of a special nature.

(Ord. No. 207, § 1.20, 8-8-1979)

Sec. 34-3. - Intent.

(a) The intent of this chapter is that it be inclusionary; permitted uses, accessory uses, and special exception uses specifically stated for each zoning district shall be the only uses permitted. Any use proposed within any given zoning district which is not a stated use within said district is expressly prohibited, subject to the provisions of Section 2-242.

(b) In addition, unless specifically stated to the contrary in this chapter, all other town ordinances, resolutions and other regulations shall be complied with.

(Ord. No. 207, § 1.30, 8-8-1979)

Sec. 34-4. - Definitions.

For the purposes of this chapter, the following terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the term "used for" shall include the meaning "designed for"; the term "structure" shall include the term "building"; the term "lot" shall include the terms "plot" and "tract"; the word "shall" is mandatory and not directory.

Accessory apartment means a second dwelling unit, either in, detached from, or added to a single-family detached dwelling, for use as a complete, independent living facility. Such a dwelling unit is an accessory use to the main dwelling unit, and shall not be counted when calculating density for property in the district if the accessory apartment is 750 square feet or less in living area. An accessory apartment shall have a maximum living area (air conditioned space) of 500 square feet when the lot area is less than 10,000 square feet, and shall be permitted a maximum 1,250 square feet of living area when the lot area is 10,000 square feet or more. However, the Saturn Lane Historic District shall be permitted a maximum living area of 750 square feet and shall have no minimum lot size requirement.

Accessory use or building means a subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or buildings; including public or private utilities serving the main use or building. Accessory use is also known as secondary use.

Acre means, for the purpose of calculating dwelling units, an area or parcel of land containing 43,560 square feet.

~~*Adult day care home* means a residence in which basic health services are provided for one to five adults, 18 years of age or older, not related by blood or marriage and who require such services for part of a 24-hour day. Such residence shall meet all licensing requirements of the state department of elder affairs and operate in accordance with F.A.C. ch. 58A-6.~~

Airline route means the distance measured on a map from one location to another.

Aisle means a roadway within a parking lot.

Alley means a right-of-way or easement which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration means any change in size, shape, occupancy, character, or use of a building or structure.

Architectural feature means a structural or decorative feature which enhances design quality and is consistent with the overall architectural design of the structure on which it is placed and all other structures on the site. Such architectural features include, without limitation, roof structures, wall caps, windows, varying forms, planters, and similar quality design features.

Area regulations means the regulations of building size, setbacks or yards, parking and loading requirements and similar regulations not determining use of property.

Assisted living facility means residences which may include a mixture of housing types and may have extended medical care, central kitchen, common dining room, nursing and medical facilities, as well as a chapel, library, and other accessory and incidental uses, as well as limited commercial uses serving exclusively the residents of the facility. Such facilities shall include but not be limited to adult extended care residences and nursing homes and shall not include substance abuse treatment providers licensed pursuant to F.S. ch. 397.

Attendant uses for resort hotel means those uses which are complementary to a resort hotel. Those uses are conference facilities, restaurants (enclosed), sidewalk cafes, open-air restaurants, travel agencies, health clubs, spas, beach equipment sales and rentals, snorkeling and scuba diving equipment sales and rentals, beach cabanas, vacation apparel, seaside arts and crafts, branch banks, retail liquor stores, drugstores, photo shops, bookstores, luggage shops, gift shops, real estate offices, and auto rental offices (with rental autos stored and serviced elsewhere off the site).

~~*Auto rental lot* means a lot or parcel of land on which passenger automobiles for active rental purposes only are stored or parked. Auto rental lot establishments are prohibited in all zoning districts within the town as such uses are not deemed to be acceptable retail establishments, which are permitted within certain zoning districts in the town.~~

~~*Auto sales* means an establishment engaged in the sale of motor vehicles. Auto sales establishments are prohibited in all zoning districts within the town as such uses are not deemed to be acceptable retail establishments, which are permitted within certain zoning districts in the town.~~

Average front yard setback means the calculation determined by measuring the distance between the front property line, and the corners of the front wall of the principal structure closest to the front property line. The walls of the principal structure may be angled with respect to the front property line, so long as the closest and farthest points of the wall (with respect to the front property line), when averaged, equal the average front yard setback. No structure wall shall encroach on the required minimum front yard setback.

Awning means a shelter projecting from the exterior wall of a building, typically constructed of flexible materials except for the supporting framework.

Awning, sidewalk, means a projecting structure, either temporary or permanent, which is composed of construction limited to an open framework and is typically covered by flexible material and is suspended from a supporting building over a public sidewalk or walkway.

Basement means a story situated under a building having exterior perimeter walls, a floor level two or more feet below the level of the contiguous exterior ground outside of the building, and having one-half or more of its floor-to-ceiling height below the average level of all the exterior ground of the lot comprising the subject building development site. A basement story shall not be considered a story with regards to height regulations contained in this chapter if said story does not exceed eight feet above the average mean elevation for the subject lot, and if designed or adapted to and used solely for the purpose of automobile parking and/or machinery and essential building utility services not involving habitable space. The exterior walls of said basement story shall be set back from all property lines as required for said building situated over the basement story, and minimum door openings in said basement walls shall be limited to those essential to permit one automobile entry access driveway and one automobile exit driveway for each separated under-building parking area, plus pedestrian lobby entries and required fire escape exit ways.

Basement, sub-, means a story which is located underground and does not exceed in height the lowest point of the public sidewalk abutting the property, or the public street if there is no public sidewalk; and is designed, adapted to or used for the purpose of auto storage and/or furnace and other utility purposes, provided that said furnace and other utilities are located within the projected confines of the outer walls of the main building properly located above ground level.

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves). Unless otherwise specified, the seaward limit of a beach is the mean low water line. The term "beach" is alternatively termed the "shore."

Boat means a craft or device for water transport, including but not limited to a boat, jet ski, or windsurfer board.

Boat trailer means a trailer used to haul and carry a boat.

Buildable area means the portion of the lot remaining after required yards have been provided.

Building. See Structure.

Building dimension means the horizontal length of any building wall in one elevation (the front, sides, or rear building wall of any structure). Attached building structures (for example, a row of townhouses) shall be considered as one building and one building dimension, regardless of whether the attached building structures are parallel to the property line, staggered, or some other configuration. The dimension shall be measured from the farthest extremes of said building wall, exclusive of balconies, porches, canopies, porte-cocheres, and other similar features.

Building facade means all windows, doors, and wall areas of a building in one plane or elevation.

Building footprint means the total ground floor area of a structure covered by a roof measured to the outside building walls, columns, and/or posts.

Building frontage means the building dimension of that portion of a building which faces upon and is generally parallel to a public or private street, aisle, or walkway, as applicable.

Building height means the vertical distance measured from the finished grade ~~established by the town from the crown of the adjacent neighborhood or platted subdivision street at its highest elevation abutting the property. If such elevation is less than 7.5 feet above mean sea level, USC and GS datum, then building height shall be measured from 7.5 feet above mean sea level, USC and GS datum,~~ to the highest exterior point of the building roof, exclusive of chimneys, aerials, and other similar appurtenances. See finished grade.

Building line means the line established by law on any legally platted lot beyond which no building shall extend, except as specifically provided by law.

Business services means establishments providing support services to other business concerns, Business services would include, but not necessarily be limited to, print shops, secretarial services, travel agencies, drafting, services, advertising agencies, etc.

Cabana (pool house) means an accessory structure typically used in connection with outdoor bathing, providing enclosed space for showering or changing clothes, with recreational cooking and/or bar facilities, but no sleeping rooms.

Canopy means a permanent, projecting roofed structure attached to and supported by a building wall, which may project over a traffic aisle or walkway.

Church or place of worship means a structure utilized by a religious organization for worship and religious training or education. In addition, a church or place of worship may be used for activities and programs for the enrichment of its organization members and the community, including but not limited to special events, social gatherings and recreational programs. Any accessory uses involving outdoor activities must be approved as special exception uses unless otherwise permitted elsewhere in this chapter (i.e., special events). A church or place of worship, for the purposes of this chapter, may include, in addition to the principal structure, accessory structures and/or dwelling units for church personnel located within an accessory structure.

Club, private, means buildings and/or facilities not open to the general public and operated for social or recreational purposes for members and their bona fide services which are customarily carried on as a business. A private club may provide living quarters for its bona fide employees only.

Coastal area means that area which lies east of A1A (Ocean Drive) as well as that area which lies west of Ellison Wilson Road.

Coastal construction control line or CCCL means that line which marks the most seaward extent of construction established in 1979 by the state bureau of beaches and shores and which is marked along the dune line by permanent survey markers.

Coastal high hazard area means those areas within the Federal Emergency Management Agency (FEMA) designated V zones which lie seaward of the coastal construction control line.

Coastal vegetation means native dune vegetation which preserves and protects beach and dunes from erosion. Examples of native dune vegetation include but are not limited to sea oats, sea grapes, railroad vine, and saw palmettos.

Code compliance official means any authorized agent or employee of the town whose duty is to ensure compliance with the provisions of this chapter, including, but not limited to, designated employees of the police~~, building,~~ and code enforcement~~, and public works~~ departments.

Commercial areas includes all areas in the town that have commercial uses and/or are commercially zoned properties as designated by this chapter.

Commercial center means a group of two or more commercial buildings.

Common area lots (RV park). See section 34-566(c) for definitions.

Common open space means that area of a development site which is unencumbered by buildings, other structures, driveways for vehicular access, or automobile parking areas and storage. This area shall include all yard areas as well as those other open land areas located within the planned unit development site.

Community association means an entity created by a recorded instrument providing for the operation and maintenance of commonly owned facilities or common open space and may consist of a property owners' association, a homeowners' association or a condominium association.

Community parks means active recreational areas typically over 15 acres in size that serve multineighborhood recreational needs.

Community residential home means a dwelling unit licensed to serve residents who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services, or a dwelling unit licensed by the agency for health care administration, which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social need of the residents, as defined in F.S. ch. 419. The community residential home is provided for pursuant to the requirements of F.S. ch. 419 and shall not include substance abuse treatment providers licensed pursuant to F.S. ch. 397.

Compatible or consistent means harmonious in the appearance of two or more external design features in the same vicinity. The term "compatibile" or "consistent" also means being in a state of order, agreement, or completeness in the relations of parts of a whole to each other.

Comprehensive plan means the official public document adopted by the town council as a policy guide to present and future land use decisions.

Convenience store means a retail establishment which is usually open for extended daily hours of business (12 to 24 hours), usually located as a single entity or in a strip building facility not dependent upon comparison shopping and by its manner of display and merchandising usually sells a limited selection of items and brands of prepackaged or prepared foods, ready-to-eat foods, snacks, gum, candy, beverages, dairy products or sundries, all of which are frequently purchased for immediate use. Such establishment described in this definition, developed with facilities for the dispensing of vehicular fuels, shall be defined as a fuel service station and regulated as a fuel service station.

Day Spa. See Health spa/gym

Development Review Committee (DRC) means a committee providing technical review of development applications consisting of representatives of the planning and zoning, building and police departments, in addition to providers of fire rescue and utility services.

~~*Design quality* means a design which provides interest and beauty to a structure, which may include but is not limited to variations in form, materials, building lines, etc.~~

Dining room means any building or part thereof, or any room or part thereof, in which food is dispensed or served for profit or gratis to a restricted and limited clientele consisting of tenants and residents of the same premises and their bona fide guests.

Director means the director of the town planning and zoning department, or his designee.

Display means the exhibition of an item, such as but not limited to goods, materials, merchandise, decorations, etc.

Dock means a structure built on pilings over water which is designed or used to provide anchorage for and access to one or more boats at anchorage. Necessary boat services such as water, phone, electricity and other utilities are considered a part of a dock; however, no cooking, sleeping or commercial activity shall be permitted or conducted on a dock.

Drive-in business means an establishment, other than a drive-in financial facility, where a patron is provided products or services without departing from his automotive vehicle.

Drive-in financial facility means a drive-in teller service, where the patron makes withdrawals or deposits or receives other financial services without departing from his automotive vehicle.

Drug store is an establishment that combines a pharmacy with the sale of products typically associated with a convenience store, and provides services such as photo processing or basic health assessments (such as vaccinations or minor examinations). This use is subject to the additional regulations set forth in article IV, division 15 of this chapter.

Dune means a mound or ridge of loose, typically sand-sized sediment, upland of the beach, and deposited by any natural or artificial means; the term "dune" may also include a beach ridge, dune ridge, chenier, etc.

Dune, crest of, means that line connecting points of highest elevation of the collective cross sections of a dune between its easternmost and westernmost minimum elevations.

~~*Dune line* means that line which is formed by connecting the points which establish the county coastal construction line (CCCL) as recommended by the state department of environmental protection and legally established by the state cabinet.~~

Dune restoration means the placement of sand on an eroded dune, together with revegetation.

Dune revegetation means the planting of dune vegetation on nonvegetated dune areas.

Dune walkover means a low wooden narrow platform which is pile-supported and elevated above the dune to provide access to the beach. A dune walkover shall not be subject to any setback requirements from the property lines.

Dwelling means a building or portion thereof designed or used exclusively for residential occupancy, but not including transient facilities.

Dwelling unit (DU) means a group of rooms designed, used exclusively or occupied as separate living quarters by a single family, but not including transient facilities.

Dwelling, single-family, means a detached building designed for or occupied exclusively by one family, but not including transient facilities.

Dwelling, two-family, means a detached building designed for or occupied exclusively by two families living independently of each other, but not including transient facilities.

Dwelling, multiple-family or multifamily, commonly known as an apartment house, means a building, or portion thereof, used or designed as a residence for three or more families living independently of each other, having individual living units with each unit having cooking facilities, but not including transient facilities.

Dwelling, townhouse, means a dwelling unit designed for or occupied exclusively by one family and attached to three or more other dwelling units of similar design and separated by one or more party walls. The attached townhouses as defined constitute a building cluster. This definition does not include transient facilities.

Excavation means any removal of earth in excess of six inches below the existing grade of surrounding land, for any reason whatsoever, except when excavation is to be made and earth restored to its original condition.

Family means one person or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of persons not more than three in number who are not so interrelated, occupying a dwelling as a single housekeeping unit. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of 18 years whose legal custody has been awarded to the state department of children and family services (DCF) or to a child-placing agency licensed by DCF, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family, nor shall this definition preclude the utilization of single-family residences as vacation rentals.

Family care home means a dwelling unit licensed to serve residents who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services; or a dwelling unit licensed by the agency for health care administration in which a living environment is provided for a payment, fee or grant for any of the residents receiving care, whether or not operated for profit, for one to six unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supporting staff as may be necessary to meet the physical, emotional and social needs of the residents and meeting all other criteria of F.S. ch. 419.

Family day care home means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include ~~those~~ household children under 13 years of age~~ who are related to the caregiver~~:

(1) A maximum of four children from birth to 12 months of age.

(2) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(3) A maximum of six preschool children if all are older than 12 months of age.

(4) A maximum of ten children if no more than five are preschool age and, of those five, no more than two are under 12 months of age.

Finished grade means the average elevation of the existing grade prior to land alteration ~~surface~~ of the lot on which a structure is proposed or located or from the crown of the adjacent neighborhood or platted subdivision street at its highest elevation abutting the property, whichever is greater. If such elevation is less than 7.5 feet above mean sea level, USC and GS datum, then building height shall be measured from 7.5 feet above mean sea level, USC and GS datum, to the highest exterior point of the building roof, exclusive of chimneys, aerials, and other similar appurtenances.

Floor area, total, means the sum of the gross horizontal area of all of the floors of a building measured from the exterior faces of exterior walls and/or supporting columns. Such area shall exclude a basement or subbasement as defined; open plaza, balcony or deck areas; and off-street parking within or under the building.

~~*Forest zone* means that area located further inland of the scrub zone, where trees, such as cabbage palms and sea grapes, and shrubs are dominant.~~

Foster care home means a residence licensed by the state department of children and family services which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of residents and serving either children or adult foster residents.

Frontage means ~~all the property on one side of a street or a place between two intersecting streets or places measured along the line of the street or place, or if the street or place is dead-ended, then all of the property abutting on one side between an intersection street or place and the dead-end of the street or place~~ all or a portion of a lot line which directly abuts a public or private right-of-way, excluding alleys and private driveways.

Fuel service station means a retail establishment which primarily sells, dispenses and installs gasoline and automotive lubricants and products. Such establishments may include the sale of typical convenience store items.

Garage, private, means a building or space used as an accessory to or part of a main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Garage, storage, means any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

Ground cover means material such as, but not limited to, grass, rocks, pebbles, mulch and tree bark.

Group home means one of the following: a foster care home, a family care home, or family day care home~~, or adult day care home~~. These group homes are provided for pursuant to the requirements of F.S. chs. 402, 419 and 429 and shall not include substance abuse treatment providers licensed pursuant to F.S. ch. 397.

Gym. See Health spa/gym

Habitable space means all that interior living space in a dwelling unit which is provided with heating and/or air conditioning facilities such as to render the space habitable in all seasons and weather.

Health spa/gym means an enclosed facility or spa providing equipment, classes, instruction, and similar assistance for conducting a variety of activities designed to improve health and physical fitness, including but not limited to, aerobic exercise and dancing, massage, weight lifting, running, swimming, racquetball, basketball, weight reduction and similar activities. Accessory uses, limited to patrons of the facility, include babysitting and food and beverage services.

Helistop means a designated public or private landing area used for the operation of motorcraft where no basing facilities are provided.

Holiday decorations means a display, including lighting and ornamentation, which is a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

~~*Homeowners' association* means an entity created by a recorded instrument providing for the operation and maintenance of commonly owned facilities or common open space~~.

Hot tub/whirlpool means a small swimming pool with a maximum of thirty-six (36) square feet in surface area.

Hotel/motel means a building or a group of buildings, or part thereof in which sleeping accommodations are offered to the public on a daily basis, regardless of the number of rooms, and which may include as well additional services such as restaurants, meeting rooms, and recreational facilities; as distinguished from transient residential facilities.

Impervious means land surfaces which do not allow the penetration of water including paved roads, sidewalks, driveways, parking lots and highly compacted areas including shell and clay.

Individual freestanding retail use means a retail use located in a freestanding building which contains only one retail business and which is not part of any retail center.

Interior lots (RV park). See section 34-566(c) for definitions.

~~*Jacuzzi* means a small swimming pool with a maximum of 36 square feet in surface area.~~

Landscape barrier means a design feature constructed within a landscape buffer which is intended to impede pedestrian or vehicular cross-movement and to provide an abrupt transition between otherwise incompatible land uses. A landscape barrier may consist of living plants (such as a hedge), structures (such as a wall or fence), changes in grade (such as a berm) or any combination thereof as determined by the town.

Landscape buffer means a continuous area of land which is adjacent to and abutting one or more property boundaries in which landscaping is used to provide a transition between, and to reduce any negative environmental, aesthetic or other impacts of, adjacent land uses.

Landscaped open space means open space which is covered and maintained with vegetation as required in the definition of "landscaping."

Landscaping means any of the following or combination thereof: materials such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and other materials such as rocks, pebbles, sand, wall or fences.

Limited home occupations means a home occupation which by its nature has no impact on the surrounding residential neighborhood, and requires no facilities other than those normally provided for a residential dwelling unit. Limited home occupations are typically those businesses that require only telephone, and/or internet service to conduct their transactions.

Lot means a parcel of land occupied or intended for occupancy by a building together with its accessory buildings, including the open space required under this chapter. For the purpose of this chapter, the term "lot" shall be taken to mean any number of contiguous lots or portions thereof not separated by a street or public way, upon which one or more main structures for a single use are erected or are to be erected.

Lot, corner, means a lot abutting upon two or more streets at their intersection.

Lot coverage means that percentage of the total area of a lot covered or occupied by the buildings or any part of the buildings, excluding therefrom any projections which are permitted by this chapter to extend into yard areas.

Lot depth means the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear lot line.

Lot, interior, means a lot other than a corner lot.

Lot lines means the lines bounding a lot as established by ownership.

Lot of record means a parcel of land as originally subdivided or subsequently resubdivided and properly recorded as a lot within a subdivision or plat.

Lot, through, means an interior lot having frontage on two streets.

Lot width means the distance measured along the front building line between the side lot lines of a lot.

Low-volume irrigation system or microirrigation means equipment or irrigation devices designed to provide small quantities of water on or below the soil surface as drops or tiny streams of spray through emitters or applicators placed along a water delivery line. Microirrigation includes methods or concepts such as bubbler, drip, trickler, mist, or microspray, and subsurface irrigation.

Manufactured home, as currently defined by Florida Statutes and as subsequently amended, means a mobile home fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act. This definition does not include modular housing placed on a standard foundation or travel trailers.

Manufactured home accessory building or structure, as currently defined in the National Fire Protection Association's (NFPA) 501A Standards, and as subsequently amended, means a building or structure that is an addition to or supplements the facilities provided in a manufactured home. It is not a self-contained,

separate, habitable building or structure. Examples are awnings, cabanas, garages, ramadas, storage structures, carports, fences, windbreaks, or porches.

Medical marijuana dispensary means a facility that is operated by an organization or entity holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are cultivated, delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all applicable laws, regulations, and ordinances.

Mechanical equipment means and includes but is not limited to heating, ventilating, air conditioning, and pool equipment machinery; fuel oil and propane tanks; accessory communications equipment such as signal sending and receiving dishes, etc.; public utility service fixtures, including telephone, telegraph, electricity, natural or propane gas, potable water, and sewer facilities; and elevator facilities.

Minor structure means and includes pile-supported, elevated dune and beach walkover structures, beach access ramps, walkways and stairways; viewing platforms; gazebos, boardwalks, slab patios, and other paved areas not exceeding 144 square feet in area; sand fences, privacy fences; and lifeguard support stands.

Municipally owned or operated refers to the municipality of the Town of Juno Beach.

Neighborhood parks means areas typically less than five acres which serve neighborhood-type recreational needs.

Nonconforming lot means a lot which was of lawful area and dimension when platted but, due to the creation of or revisions to this chapter, no longer conforms to the current regulations of the district or zone in which it is situated.

Nonconforming structure means a structure which was lawfully existing when constructed but which, due to the creation of or revisions to this chapter, no longer conforms to the area regulations of the district or zone in which it is situated.

Nonconforming use means a use which was permitted when instituted but which, due to the creation of or revisions to this chapter, no longer conforms to the current regulations of the use district on which it is situated.

Occupant means a business or entity occupying a building or building space. Such business or entity shall be considered as one occupant, regardless of the number of business tax receipts held by any one business or entity.

Offices, medical and dental means outpatient establishments offering patients medical services, examinations and treatments by professionals trained in healing or health-related practices, including, but not limited to, medical doctors, dentists, chiropractors, osteopaths, podiatrists, optometrists, or any similar profession licensed by the state, as well as those technicians and assistants who are acting under the supervision and control of an on-site licensed health care practitioner. These uses shall not include establishments where patients are provided services or otherwise lodged overnight and are subject to the additional regulations set forth in article IV, division 15 of this chapter.

Offices, professional, means establishments providing executive, management or professional services to the public, including but not limited to the following: advertising services; business offices of private companies; business offices of utility companies; public or nonprofit agencies; trade associations; employment offices (excluding day labor and labor pool services), professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning and similar professions; property and financial management; real estate; telecommunication services; and travel agencies.

Open space means that area of a lot which is unencumbered by buildings, accessory structures, driveways, or automobile parking areas, except for garden walls and fences and recreational equipment as provided herein. Such space is to be generally maintained in a natural or cultivated living landscape.

Ornamental feature for fence/wall means a feature added to a fence or wall which enhances its design quality, consistent with the overall architectural design of the structure on which it is placed and the principal

structures on the site. Such ornamental features shall include decorative columns or posts, varying forms, planters, and similar quality design features (excluding wall caps).

Outbuilding means a building located separately from other buildings in a development, but within the same legally described parcel, and in which there is only one occupant.

Outparcel means a separate legally described parcel within a commercial development and on which there is only one occupant.

Outpatient substance abuse treatment provider includes the following licensed facilities as specifically listed in F.S. § 397.311(18): (a) day or night treatment on an outpatient basis only; (b) detoxification services on an outpatient basis only; (c) medication-assisted treatment for opiate addition [addiction] on an outpatient basis only; and (d) outpatient treatment and intensive outpatient treatment.

Parapet means that portion of a wall which extends above the roofline.

Parking lot, public or private, means an open area or plot of land used for the storage or parking of motor vehicles to provide off-street parking, either for profit or gratis, for commercial or residential uses, other than single-family.

Parking required means those parking facilities determined as the minimum facilities necessary to comply with this chapter as set forth in the Schedule of Off-Street Parking Requirements in section 34-981(b)(5).

Perimeter lots (RV park)<u>. See section 34-566(c) for definitions.</u>

Perimeter wall/fence means a wall or fence delineating the outer boundary or fringe of a development site.

Person means and includes all natural persons, individuals, public or private corporations, firms, associations, joint ventures, partnerships, municipalities, governmental agencies, political subdivisions, public officers or any other entity whatsoever, or any combination of such, jointly or severally.

Pharmacy is an establishment primarily engaged in the retail sale of a variety of prescription and non-prescription drugs and medicines, prosthetic supplies, surgical instruments and supplies, and sale and/or rental of aids for invalids. This use is subject to the additional regulations set forth in article IV, division 15 of this chapter.

Pier means a structure extending into navigable water for use as a landing place, promenade or fishing.

~~*Pioneer zone* means the seaward side of the dune where grasses such as sea oats, vines such as railroad vine, and other low-lying plants are dominant.~~

Pool equipment machinery. See Mechanical equipment.

Principal entrance means the main access to a building through which the majority of patrons enter.

Proportional (tower). See Tower, proportional.

Rear building facade means the elevation of a building providing for restricted entry to employees and servicing only and/or which facade is different from the other facades and clearly represents the rear of the building.

~~*Recreational vehicle (RV)* means as defined by F.S. §§ 320.02(1)(b) and 513.01(9).~~

Residence, adult extended care, means a dwelling unit for elderly adults who may require extended medical care, and/or personal attention. Such unit shall exist only in a comprehensive adult care facility which shall include on-site health care facilities. Such residence is not considered a dwelling unit.

Residential areas includes all areas in the town so zoned by this chapter. Furthermore, for the purpose of this chapter, a residential condominium shall be deemed a residential area regardless of the zoning district in which it is located.

Residential substance abuse treatment provider includes the following licensed providers or facilities as specifically listed in F.S. § 397.311(18), providing overnight services: (a) day or night treatment with

community housing; (b) detoxification services; (c) medication-assisted treatment for opiate addition [addiction]; (d) outpatient treatment and intensive outpatient treatment; (e) additions [addictions] receiving facility; (f) intensive inpatient treatment facility; and (g) residential treatment facility. Residential substance abuse treatment providers may also provide outpatient substance abuse treatment services.

Resort hotel means a transient lodging facility which primarily services the persons who elect to stay at the facility for the purpose of using on-site and directly adjacent facilities, and who use the Atlantic Ocean and its beach as sources of relaxation.

Restaurant means every building or part thereof and all accessory buildings used in connection therewith or any place or location kept, used, or maintained as, advertised as, or held out to the public as a place where meals or foodstuffs are prepared and/or served, either gratuitously or for profit, to the general public.

Retail center means any shopping center, shopping plaza, or commercial freestanding building which contains two or more individual retail businesses.

Right-of-way means an area or strip of land either public or private, on which an irrevocable right of passage has been recorded, (whether by deed, dedication or easement~~), for the use of vehicles or pedestrians or both~~.

Sand preservation zone means an area of jurisdiction from the mean high water line of the Atlantic Ocean to a line 600 feet landward, for the purpose of maintaining the volume of beach sand within the beach/dune system.

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations or TVROs (television reception only satellite dish antennas). A satellite dish antenna is considered to be a structure as defined by the building code.

School, academic, means a use comprised of a structure, or portion thereof, designed or used for instructing one or more persons, either children or adults, in either general or specialized education and including accessory uses such as administrative offices, physical education facilities and group housing facilities for student or staff; provided, however, that instruction received by children or adults in their place of residence shall not constitute a school.

School, professional or studio-type, means a use comprised of a structure, or portion thereof, designed and used for the business of instructing one or more persons, either children or adults, in a specialized subject or subjects such as voice, language, dancing or modeling.

~~*Scrub zone* means that area landward of the pioneer zone where shrubs and other woody plants such as sea grapes and saw palmettos are dominant.~~

Secondary use means a subordinate and dependent use to the principal building use, i.e., automated bank teller machines (ATMs), book depositories, etc. The term "secondary use" is also known as "accessory use."

Shrubs means woody perennial plants of low stature characterized by persistent stems and branches springing from the base.

Sidewalk cafe means any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the sidewalk for use and consumption of food and beverages sold to the public from or in an adjoining indoor restaurant.

Sign means any lettering, number, pictures, illustrations, trademarks, logograms, posters, characters, illumination, decoration, or other device visible from a public or private roadway and/or sidewalk which is used to announce, direct attention to, identify, advertise or otherwise make anything known shall be classified as a sign regardless of whether it is freestanding or attached or painted to or on or in a building, structure, display board, screen surface or wall, or is projected thereon by artificial lighting.

Sign area means the entire area within a single continuous perimeter which encloses the extreme limits of the advertising message, announcement, display, logo, picture or any figure of a similar nature, together with any frame, background area of a sign, structural trim, or other material, color, or condition which forms an integral part of the display, excluding the necessary supports, bases or uprights on which such sign is placed; provided that such supporting structures shall not exceed the maximum allowable sign area and shall carry only street numbers. When a sign has two faces which are back to back with one another, only one face shall be counted toward the sign area.

Sign, artisan, means temporary signs advertising the work of tradesmen, mechanics, painters, and other artisans during the period such persons are performing work on the premises.

Sign, awning, means a shelter projecting from the exterior wall of a building and constructed of flexible materials except for the supporting framework.

Sign, banner, means a temporary sign possessing characters, letters, illustrations, ornamentations, or designed so as to attract attention by a scenic effect, excluding pennants, balloons, and flags with or without lettering or characters, streamers, wind-driven whirligigs, propellers or other devices, either with or without a frame. A banner sign shall be made of durable material, such as but not limited to plastic or vinyl, and have professional lettering/characters/design. The paint on said banner shall be weatherproof.

Sign base means the supporting structure of a sign. See Sign structure.

Sign, building identification wall, means a sign located on a principal building and such principal building wall, identifying the name of the building or main anchor or tenant therein.

Sign, cabinet, means a box-type sign where illumination is internally within the box/cabinet structure.

Sign, changeable copy, means lettering which is removable and not permanently affixed to a sign area.

Sign, construction, means a temporary sign on a building site advertising the builder, contractor, developer, architect, and engineer involved in the construction of the premises.

Sign copy means any words, letters, numbers, figures, designs or other symbolic representation incorporated into a sign.

~~*Sign, corner location,* means a sign on a building having two facades which face a street, aisle, or sidewalk (either publicly or privately owned), excluding the rear building facade.~~

Sign, development, means a temporary sign advertising an approved project, for a future occupant and/or the sale, leasing, or rental of the premises upon which it is placed or erected.

Sign, directional, means an on-premises sign designed to guide or direct pedestrians or vehicular traffic. Such sign may contain the name or logo of a building or development and/or directional words such as entrance, exit, etc. A directional sign is also known as an aid-to-traffic sign.

Sign display means the displaying of something, such as but not limited to goods and merchandise, decorations, etc.

Sign, emitting, means a sign which emits sound, odor, or visible matter, such as smoke or steam.

Sign, externally lit, means a sign that is externally lit with an artificial source of light.

Sign face means that portion of a sign which is the viewable sign area.

Sign, freestanding, means a sign which is permanently affixed in or upon the ground and is not attached nor a part of a building.

Sign, freestanding identification, means a sign which is freestanding within a setback along a street frontage and which identifies a building or development.

Sign, freestanding monument. See Sign, monument.

Sign, front entrance wall, means a sign placed on a front entrance wall feature such as a wall aligning both sides of an entrance way (as regulated by sections 34-905 and 34-906), an archway structure

extending over an entranceway, columns aligning an entrance way, or other similar entrance feature consistent with the architectural design of the principal structure.

Sign, generic business names, means words that describe the type of service or product provided, i.e., dentist, doctor, lawyer, shops, eateries, etc.

Sign grade means the ground level directly below a sign or immediately adjacent to its base or support. Where the ground level has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest curb of a public street, or the crown of such street if no curb exists.

Sign height means the vertical distance from the crown of the road to the top of the sign area for signs along the street frontage, and the vertical distance from grade to the top of the sign area, including any structural element for internal signs on the site. Architectural features may extend proportionally (see article IV, division 6 of this chapter) above this height limitation.

Sign, holiday decorations, means a display, including lighting and ornamentation, which is a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

Sign, illuminated, means a sign having an artificial source of light to make the sign's message readable, including internally and externally lit signs. (See article IV, division 6 of this chapter for permitted and prohibited forms of illumination.)

Sign, internally lit, means a sign that is internally lit with an artificial source of light whereby no glare or off-site saturation of light occurs. Internally lit individual letter signs include those signs which separately illuminate each letter of the sign, as opposed to illuminating more than one letter or word/logo from the same cabinet, continuous backlight or spotlight.

Sign, landscape/topiary, means a sign created/constructed from live plant materials (see section 34-1053(14)c).

Sign length (horizontal length) means the horizontal dimension of a sign.

Sign, logo, means a trademark or business name or symbol identifying a business or service which may be all or part of a sign.

Sign, monument, means a low-profile freestanding sign with a solid base on the ground, where the base does not exceed the height dimension of the sign area, or a low-profile freestanding sign with side support structures and no more than two feet air space from the ground to the bottom edge of the sign. Such base or support structures shall incorporate design and building materials that complement the architectural theme of the building on the premises.

Sign, neon, means a sign with tubing that is internally illuminated by neon or other electrically charged gas.

Sign, off-premises, means a sign used to advertise a business conducted, services available or rendered, or goods produced, which are not located on the site where the sign has been erected and/or displayed.

Sign, official, means a sign placed or erected by a governmental agency as a regulatory, aid-to-traffic or informational sign, in connection with control of vehicular or pedestrian traffic over a bridge, roadway, pathway or sidewalk or for other public purposes.

Sign, on-premises, means a sign used to advertise the business conducted, services available or rendered, or the goods produced, on the site where the sign has been lawfully erected.

Sign, ornamental, means a colorful fabric or vinyl banner-like ornament attached to a light pole, lamppost, column, building, etc., with brackets at the top and bottom of the ornament to maintain a fixed position. Such brackets must allow the ornament to flex with gusts of wind while maintaining a tightly stretched appearance.

Sign, painted, means a sign which is painted directly onto a building or structure.

Sign, permanent special event, means a freestanding monument sign which advertises no more than four special events at one time, for a retail building or center which is greater than 15,000 square feet in total floor area.

Sign, portable, means a sign which is capable of being carried or readily moved from one location to another and which is not permanent in nature. Such signs include, but are not limited to, A-frame signs, sandwich board signs, signs on wheels, or signs which lean onto a stationary object, building or structure.

Sign, roof, means a sign erected above the eave line or parapet wall, whichever is higher.

Sign, sale or rental, means temporary signs advertising the sale or rental of the premises upon which they are displayed or erected by the owner or broker or any other person interested in the sale or rental of said premises.

Sign setback means the minimum distance required for any edge of any sign to be located from the property line.

Sign structure means any edifice or framework which supports or is capable of supporting a sign.

Sign, temporary, means a sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or special events, or being displayed for a limited period of time.

Sign, walkway directional, means a flat sign hung from or attached to a walkway ceiling or structure at the beginning and end of each walkway corridor which identifies the occupants or types of occupants within that corridor.

Sign, walkway occupant identification, means a flat sign hung from or attached to a walkway ceiling or structure in front of the principal entrance to an occupant's space.

Sign, wall, means a single-faced sign attached to and parallel to the building facade. Such sign may include a wall sign, cabinet sign, awning sign, or canopy sign.

Sign, window, means any sign which is attached or painted, either permanently or temporarily, on the interior or exterior of a window or which is placed within 12 inches of the face of such window and is intended to be viewed from the outside.

Signs, identical, means two or more signs which are exactly alike, meaning same size and dimensions in sign area; same message configuration, design, and color; and same position and location on different elevations.

Signs, incidental, means signs for secondary uses which are located outside of the building, i.e., automated bank teller machines (ATMs), book depositories, etc.

Spa. See ~~Jacuzzi~~ Hot tub/whirlpool.

Special events means promotional events for commercial businesses, institutional and governmental uses, and charitable groups which may include grand openings, special holiday sales, sidewalk sales, charity drives, and other similar events. Special sales on merchandise or services, other than those identified herein, do not represent a special event.

Special exception means a use which may be allowed within a zoning district subject to the provisions of section 34-93.

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. In computing the height of a building, the height of a basement shall not be included if used for the purpose as provided in the definition of basement.

Street means a facility, either public or private, which affords the primary access to abutting property and is intended for general traffic circulation. A street includes the entire area between street lines (right-of-way line).

Street frontage means the width of a lot or parcel of land fronting upon a street.

Street line means the line between the street and abutting property. A street line is also referred to as a right-of-way line. (See section 34-896.)

Structural alterations means any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders or the rearrangement of any interior partitions affecting more than five percent of the floor area of a building.

Structure means anything constructed, assembled or erected~~, the use of which requires permanent location on the land~~ with a fixed location on the ground, or attached to something having a fixed location on the ground.

Structure, principal, means a building or structure in which is conducted the main or principal use of the lot on which said building is situated.

Subdivision/simple lot split. A subdivision shall be defined as stated in the town's subdivision regulations, which serve as an extension of this chapter; in supplementation to said regulations, a simple lot split (de minimus development) shall be considered the division/reconfiguration of a parcel of land, whether improved or unimproved, into three or less contiguous lots or parcels of land, designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivision, for the purpose, whether immediate or future, of transfer of ownership. In addition, if not defined in article IV of this chapter, any subdivision or simple lot split shall conform and be required to follow specified procedures and processes as outlined in the town's subdivision regulations.

Swimming pools means any pool which is constructed, used or maintained to provide recreational facilities for swimming, bathing or wading and which is capable of containing water to a depth greater than ~~18~~ twenty-four (24) inches, and all accessory buildings, equipment, and appurtenances thereto.

Temporary labor office means an office which provides on a fee basis the services of generally unskilled or semiskilled laborers on a daily or shortterm basis. Temporary labor offices are prohibited in all zoning districts within the town as such uses are not deemed to be acceptable business or professional offices, which are permitted within certain zoning districts in the town.

Tenant. See Occupant.

Tip-outs means the sliding portion of the recreational vehicle (RV) which extends beyond the typical eight- to 8.5-foot RV width.

Total floor area. See Floor area, total.

Tower means an open air or enclosed structural feature which is an integral part of the principal structure, and whose floor area, from outside wall to outside wall, is limited in size. Such structural feature is intended to provide additional scenic view opportunities.

Tower, proportional, means the height of the eave of the tower structure, or roof deck, if applicable, shall be no higher than 1.5 times the height of the eave of the principal structure. The roof of the tower may extend above this limit. As an example, if the height of an eave for a two-story principal building is at 18 feet, then the height of the tower eave or roof deck shall be no higher than 27 feet (18 × 1.5 = 27) above the average existing grade or crown of the road, whichever is applicable. The roof of the tower may extend above this limit.

Transient residential facility means any building, or part thereof, in which the right of use or occupancy of any unit circulates among various occupants for specific periods of time less than a full year during any given year, but not necessarily for consecutive years, in accordance with a fixed time schedule on a periodically recurring basis extending for more than one year. Such accommodations may not include any meals except for breakfast, and the total number of sleeping rooms in any one transient residential facility, not including the owner or operators, shall not exceed 15. The determination that a building, or part thereof, is a transient residential facility shall be made without regard to the form of ownership of the property or units therein, and it shall be immaterial whether the right of use or occupancy is derived from a leasehold or fee interest. Transient residential facilities are permitted only in the commercial general (CG), medical commercial (MC) and residential transient and multiple-family moderate density (RMT) zoning districts.

Tree means a woody plant having a height of not less than 12 feet and a canopy spread of not less than ten feet, and a clear trunk of not less than six feet at the time of planting.

Use means the purpose for which land or water or a structure thereon is designed, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by this chapter.

Utility trailer means a trailer used to haul and carry anything other than a boat.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area, and size of structure or size of yards, parking requirements and other area requirements and open spaces. Establishment or expansion of a use or density otherwise prohibited or not permitted shall not be allowed by variance.

~~*Vegetation line* means the extreme seaward boundary of natural, native terrestrial vegetation which spreads continuously inland. It includes the line of vegetation on the seaward side of dunes of mounds of sand typically formed along the line of highest wave action, and, where such vegetation line is clearly defined, the same shall constitute the vegetation line. In any area where there is no clearly marked vegetation line, recourse shall be had to the nearest clearly marked line of vegetation on each side of such area. The vegetation line for the unmarked area shall be the line of constant or average natural elevation connecting the two clearly marked lines of vegetation on each side. Such line shall not be affected by occasional springs of grass seaward from the dunes and shall not be affected by artificial fill, the addition or removal of turf, or by other artificial changes in the natural vegetation in the area. Where such changes have been made, and thus the vegetation line has been obliterated or has been created artificially, the line of vegetation shall be reconstructed as it originally existed, if such is practicable; otherwise, it shall be determined in the same manner as in other areas where there is no clearly marked vegetation line.~~

Vehicle means as defined by F.S. ch. 316.

Vehicle repair facility means a retail establishment where vehicle minor and/or vehicle major repairs are rendered.

Vehicle minor repair means installation of auto parts such as tires, batteries and similar items (e.g., brakes, mufflers, etc.) and provision of routine services such as tune-ups and lubrication, etc.

Vehicle major repair means body repair, painting, engine or transmission removal, valve and cylinder work, etc. Vehicle major repair facilities are prohibited in all zoning districts within the town as such uses are not deemed to be acceptable retail establishments, which are permitted within certain zoning districts in the town.

Viewing platform means a raised wooden deck area which may include railings, benches, and a roofed structure (e.g., tiki hut).

Vines means plants which normally require support to reach mature form.

Walkway means a surface ~~adjacent to a building~~ which is intended to be used by pedestrians.

Yard means a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure except roof overhang, from 30 inches above the general ground level of the graded lot upward, except as otherwise provided herein; provided, however, that fences, walls, vegetation, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. The term "court" means an uncovered open space enclosed on two or more sides by external walls of a building.

Yard, front, means a yard adjacent to a street and extending across the entire front of the lot to the face of the building wall closest to the front property line or the required front yard setback, whichever is greater. Through lots extending through blocks in such a way as to have frontage on two public or private streets shall provide front yards adjacent to each street. The depth of required front yards shall be measured perpendicular to a straight line joining the foremost points of the side lot lines. The foremost points of side

lot lines, in the case of rounded property corners, as at street intersections, or irregular corners, shall be assumed to be the points at which lines would have met without rounding or irregularity.

Yard, rear, means a yard extending between required side yards at the rear of the lot. In the case of lots having more than one front yard, remaining yards shall be considered side yards. Depth of a required rear yard shall be measured so that the yard established is a strip of the minimum depth required with its inner edge parallel to the rear lot line.

Yard, side, means a yard extending from the rear line of a required front yard to the opposite property line, or in cases where more than one front yard is required, as on a through lot, to the rear line of the second front yard. In the case of corner lots, all yards adjacent to streets shall be considered front yards. Width of a required side yard shall be measured so that the yard established is a strip of the minimum depth required with its inner edge parallel to the side lot line.

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

~~*Yard, water,* means a yard adjacent to a public body of water with a width of ten feet or greater, extending across the entire water side of the lot.~~

(Ord. No. 207, §§ 2.00—2.185, 8-8-1979; Ord. No. 355, 3-15-1989; Ord. No. 374, 11-15-1989; Ord. No. 383, 2-21-1990; Ord. No. 389, 5-16-1990; Ord. No. 393, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 434, 12-16-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 485, 9-4-1996; Ord. No. 487, 9-18-1996; Ord. No. 527, 11-15-2000; Ord. No. 538, 4-25-2001; Ord. No. 581, § 2(exh. A), 8-24-2005; Ord. No. 646, § 2, 4-13-2011; Ord. No. 668, § 2, 5-28-2014; Ord. No. 677, § 2, 11-18-2014)

Secs. 34-5—34-26. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 34-27. - Duties of director.

The director shall review the applicability of all sections of this chapter to any application for permits. He shall administer all zoning actions such as variances, interpretations, special exceptions, site plan and appearance reviews and any other procedures described in this chapter. It shall be the director's responsibility to present all applications and plans to the appropriate boards or commissions for action. It is further the director's duty to provide the council and each ~~agency~~ board with a staff report indicating his findings and recommendations. He shall further carry out the duties as outlined in other parts of this chapter.

(Ord. No. 207, § 8.10, 8-8-1979)

Sec. 34-28. - Planning and zoning board duties.

The planning and zoning board shall issue recommendations to the town council on all matters involving community planning, including, but not limited to, the comprehensive plan, site plan and

appearance reviews, preliminary plat reviews, and special exception uses. It shall exercise its power as defined in this chapter and as further established by F.S. ch. 163, part II. The planning and zoning board shall be the local planning agency required to be designated as such by F.S. § 163.3174.

(Ord. No. 207, § 8.20, 8-8-1979)

Sec. 34-29. - Town council responsibilities.

The town council is the legislative body which enacts this chapter. It is the final approving body for all amendments and plan approvals where indicated in this chapter and as further determined by F.S. ch. 163, part II. It is further the intent of this chapter that the duties of the town council in connection with this chapter shall include hearing and deciding questions of interpretation that may arise, as regards appeals and other appropriate instances. The procedure for deciding such questions shall be as stated in this chapter.

(Ord. No. 207, § 8.30, 8-8-1979)

Sec. 34-30. - Enforcement.

(a) The code compliance official of the town shall be responsible for the enforcement of this chapter. He shall diligently enforce the chapter, making necessary inspections to this end and investigating promptly all complaints, reporting his findings and actions to complainants and using his best endeavors to prevent violations and to detect and secure the correction of violations.

(b) If he shall find that any of the provisions of this chapter are being violated, he shall in writing notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land or structures, removal of illegal structural changes, discontinuance of any illegal work being done, and shall take or cause to be taken any other action authorized by this chapter or other laws of the town or the state to ensure compliance with, and prevent violations of, the provisions of this chapter.

(c) He shall maintain records of all official actions of his office with relation to administration, and of all complaints and actions taken with regard thereto, and of all violations discovered by whatever means, with remedial action taken and disposition of cases.

(Ord. No. 207, § 9.10, 8-8-1979)

Sec. 34-31. - Building permits required.

No structure shall be erected, moved, added to, or structurally altered without a valid and legally issued permit therefor, issued by the zoning administrative official or designee~~r~~, except such permit shall be construed to only allow uses and structures that are in conformance with the provisions of this chapter.

(Ord. No. 207, § 9.20, 8-8-1979)

Sec. 34-32. - Certificate of occupancy required; temporary certificate of occupancy.

(a) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued stating that the proposed use of the building or land conforms to the requirements of this chapter, as well as to the requirements of the building code of the town.

(b) A temporary certificate of occupancy may be issued for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public. All work must be completed before a final certificate of occupancy will be issued.

(c) The building department shall maintain a record of these certificates to be supplied to anyone upon request.

(d) Failure to obtain such a certificate shall be a violation of this chapter and punishable as provided in section 34-34.

(Ord. No. 207, § 9.30, 8-8-1979)

Sec. 34-33. - Construction and use as provided in applications, plans, permits and certificates of occupancy.

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the town authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this chapter, and punishable as provided in section 34-34.

(Ord. No. 207, § 9.40, 8-8-1979)

Sec. 34-34. - Violations and penalties.

(a) Violations of any of the provisions of this chapter or of any permit, site plan and appearance approval, variance or special exception granted hereunder, shall be punishable in the same manner as a misdemeanor by a fine not to exceed $500.00, or by imprisonment for not more than 60 days, or by both such fine and imprisonment, and, in addition, any violator shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(c) It shall also be a violation of this chapter for any person to destroy, move, remove or deface or obscure any sign or notice erected or posted pursuant to the requirements of this chapter.

(Ord. No. 207, § 9.50, 8-8-1979)

Sec. 34-35. - Other remedies in addition to violations and penalties.

(a) Legal remedies. In addition to the penalties and enforcement procedures provided in section 34-34, the town council may institute any lawful civil action or proceeding to prevent, restrain or abate:

    (1) The construction, erection, reconstruction, alteration, rehabilitation, expansion, continuation or use of any building or structure in violation of this chapter.

    (2) The occupancy of such building or structure on land or water.

    (3) The illegal act, conduct, business, or use of, in or about such premises.

(b) Other administrative remedies.

    (1) Cease and desist orders. The town council shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or

premises, or to his agent, lessee, tenant, contractor, or to any person using the land, building, or premises where such violation has been committed or shall exist.

(2) Revocation or suspension of building permits and certificates of occupancy; appeal.

a. Revocation. The town may revoke a building permit or certificate of occupancy in those cases where determination has been duly made that false statements or misrepresentations existed as to material facts in the application or plans upon which the permit or certificate was based.

b. Suspension. The town may suspend a building permit or certificate of occupancy in those cases where determination has been duly made that an error or omission on either the part of the permit applicant or government agency existed in the issuance of the permit or certificate approval. A valid permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.

c. Notice of appeal. All town decisions concerning the issuance, revocation, or suspension of a building permit or certificate of occupancy shall be stated in official written notice to the permit applicant. Any decision may be appealed to the board of adjustment.

(3) Code enforcement special magistrate. Violations of the provisions of this chapter, or of any permit, site plan and appearance approval, variance or special exception granted hereunder, are deemed to be violations of this Code, and as such are subject to the jurisdiction of the town's code enforcement special magistrate.

(c) Other lawful action. Nothing herein contained shall prevent the town from taking any other lawful action necessary to prevent or remedy any violation.

(Ord. No. 207, § 9.60, 8-8-1979)

Sec. 34-36. - Review and expiration of approvals.

(a) In the event the granting of a rezoning, special exception, variance, site plan and appearance, or other approval hereunder is made subject to conditions which must be satisfied within a designated time period, the failure of the developer or property owner to satisfy any such condition within the designated time period (or any extension previously granted) shall result in review of the approval by the town council. Upon such review, the town council may take the following actions:

(1) Institute appropriate proceedings to return the status of the subject property to its status prior to the approval. Such proceedings may include rezoning, revocation of special exceptions or variances and cancellation or revocation of permits.

(2) Suspend further development of the subject property until the condition is satisfied.

(3) Modify the conditions.

(4) Extend the time required for compliance.

(b) The developer or property owner may file an application with the director requesting an extension of any such condition at any time prior to the expiration of the designated time period. Upon receipt of such application, the director shall, in his discretion, either:

(1) Grant an extension not to exceed six months; or

(2) Deny the request, in which event the matter shall, upon the request of the developer or property owner, be reviewed by the town council as provided in subsection (a) of this section.

Provided, however, that the director shall not grant any extension if the approval could not be permitted under the laws in effect at the time the extension is requested.

(c) If a condition does not designate a time period for its completion/compliance, two years shall be deemed to be the designated time period, unless it is clear from the grant of approval that a different designated time period was intended by both the town and the developer or property owner.

(Ord. No. 207, § 9.70, 8-8-1979; Ord. No. 454, 11-16-1994)

Sec. 34-37. - Schedule of fees, charges, and expenses.

(a) The town council shall establish by resolution a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of occupancy, appeals, applications, and other matters pertaining to this chapter. The schedule of fees shall be on file in the office of the town clerk and may be altered or amended only by the town council. Fees collected are nonrefundable.

(b) In the event the applicant fails to pay all fees, charges, costs, and expenses relative to the property subject to an application or appeal pursuant to this section or pursuant to any other Code section, including, without limitation, application fees, appeal fees, local business taxes, utility fees, payments, and connection charges, code enforcement board fines, and/or plan review fees, the town shall suspend all action on the application or appeal until all applicable fees, charges, costs and expenses have been paid by the applicant.

(c) No development order application of any type shall be scheduled for consideration at any development review committee meeting or any workshop, regular meeting, special meeting, or public hearing of the planning and zoning board or town council unless all fines and liens owed to the town by the owner of the subject property and all fines and liens owed to the town by any agent, person or party representing the owner of the subject property with respect to the development order application under review have been paid and satisfied.

(Ord. No. 207, § 9.80, 8-8-1979; Ord. No. 406, 3-20-1991; Ord. No. 624, § 2, 8-26-2009)

Secs. 34-38—34-62. - Reserved.

DIVISION 2. - ZONING BOARD OF ADJUSTMENT AND APPEALS

Sec. 34-63. - Established; members.

There is hereby established a zoning board of adjustment and appeals (the "board of adjustment") for the town. The members of said board of adjustment shall be the duly elected mayor and councilmembers of the town. The mayor shall serve as the chairman of the board of adjustment.

(Ord. No. 207, § 12.00, 8-8-1979; Ord. No. 347, 10-19-1988)

Sec. 34-64. - Powers, duties, and functions.

(a) The board of adjustment shall have the power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in enforcement of any zoning ordinance or regulation. In exercising its power, the board of adjustment may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, decision or determination made by the administrative official in the enforcement of any zoning resolution or regulation adopted pursuant to this chapter and make such order, recommendation, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

(b) The board of adjustment shall further have the power to authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the provisions of this chapter will result in an unnecessary and undue hardship. A variance from the terms of this chapter shall not be granted unless the board of adjustment finds that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) The special conditions or circumstances do not result from the actions of the applicant;

(3) A granting of the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district;

(4) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter and would work unnecessary and undue hardship on the applicant;

(5) A prior application for the granting of the variance had not been submitted within the preceding 12 months.

In granting any variance, the board of adjustment shall prescribe appropriate conditions and safeguards in conformity with this chapter. The board of adjustment may also prescribe a reasonable time limit within which the action for which the variance is required shall commence, be completed, or both.

(Ord. No. 207, § 12.01, 8-8-1979; Ord. No. 347, 10-19-1988)

Sec. 34-65. - Meetings.

Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board may determine. All meetings shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record and be immediately filed with the town clerk, who shall maintain the records.

(Ord. No. 207, § 12.02, 8-8-1979; Ord. No. 347, 10-19-1988)

Sec. 34-66. - Procedures.

The board of adjustment shall be governed by the following procedures:

(1) Appeals to the board of adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the town council affected by any decision of the administrative official. Such appeal shall be taken within 30 days of the decision by the administrative official concerning the issue by filing with the administrative official and with the board of adjustment a notice of appeal specifying the grounds thereof. All notices of appeal shall be made by filing an application on forms provided by the town clerk. The clerk shall forthwith transmit to the board of adjustment all papers constituting the record upon which the decision appealed from was rendered.

(2) No application shall be considered or construed to be completely filed until the application fee, as determined from time to time by the town council, shall have been paid.

(3) The board of adjustment shall fix a reasonable time for the hearing of the appeal not to exceed 60 days from the date of filing of a complete application. The board of adjustment shall give public notice at least once in a newspaper of general circulation in the town, at least 15 days prior to the hearing, at the expense of the petitioner.

(4) At the hearing the petitioner may appear in person, by attorney authorized to practice in the state, or by any agent who has received from the petitioner and submitted to the board a written authorization for their appearance.

(5) A notice containing the same information in the published notice aforesaid shall be mailed by the town clerk on behalf of the board of adjustment, at the expense of the petitioner, to the property owners of record, their tenants or their agents, within a radius of 300 feet of the property described in the application.

(6) When an appeal is taken to the board of adjustment, all work and proceedings shall stop on the project or premises in question unless the administrative official from whom the appeal was taken shall certify in writing that a stay would cause immediate peril to life or property. In such case, work and proceedings shall not stop unless the board of adjustment or a court of competent jurisdiction issues a temporary restraining order after application to the board or court and notice to the administrative official from whom the appeal is taken.

(Ord. No. 207, § 12.03, 8-8-1979; Ord. No. 347, 10-19-1988)

Sec. 34-67. - Orders and decisions.

(a) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any officer or official upon zoning matters, or to grant a variance to the provisions of any existing zoning regulation.

(b) Orders and decisions of the board shall be in writing, a copy of which shall be kept by the board, one copy shall be forwarded to the town clerk and shall become a public record, and one copy shall be given to the petitioner.

(Ord. No. 207, § 12.04, 8-8-1979; Ord. No. 347, 10-19-1988)

Secs. 34-68—34-92. - Reserved.

DIVISION 3. - SPECIAL EXCEPTIONS

Sec. 34-93. - Procedures.

The town council may hear and decide only such special exceptions as the town council is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. Special exception procedures for planned unit developments are indicated in article V of this chapter. A special exception shall not be granted by the town council unless and until:

(1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested. The planning and zoning board shall consider the application and conduct a public hearing following the requirements of subsections (3) and (4) of this section on the request. The planning and zoning board shall recommend to the town council either approval, approval with modification, or disapproval of the special exception.

(2) After receiving the planning and zoning board's recommendation, the town council shall hold a public hearing following the requirements of subsections (3) and (4) of this section.

(3) Unless otherwise required by state statutes, notice of each public hearing required hereunder shall be published at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent shall be notified of the public hearing by mail at least 15 days in advance of the public hearing. Notice of each such hearing shall also be posted on the property for which a special exception is sought, and at the town center, at least 15 days prior to the public hearing.

(4) At the public hearing, the applicant may appear in person, or by appropriately designated agent or attorney. Before taking action on any special exception request the town council shall make written findings of fact addressing the issues of whether the requirements of the section of the chapter described in the application have been met, and whether satisfactory provision and arrangement has been made that the special exception use will, where applicable:

a. Provide for ingress and egress to the property and structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and access in case of fire or catastrophe;

b. Provide for parking and loading areas, refuse and service areas, with particular attention to subsection (4)a of this section and to their effects on surrounding property;

c. Provide for screening and buffering with respect to type, dimensions and location;

d. Provide for signs, if any, and proposed lighting;

e. Provide for required yards and other open space;

f. Not adversely affect the public interest;

g. Comply with specific requirements governing the special exception requested;

h. With conditions and safeguards attached, be generally compatible with adjacent properties and or property within the district;

i. Not generate excessive noise or traffic;

j. Not tend to create fire, disease or other equally or greater dangerous hazard;

k. Be in harmony and compatible with the present and/or future developments of the area concerned;

l. Conserve the value of buildings and encourage the most appropriate use of the land and water;

m. Provide adequate light and air;

n. Promote such distribution of population and such classification of land uses, development and utilization as will tend to facilitate and provide adequate provisions for public requirements, including but not limited to transportation, water flowage, water supply, drainage, sanitation, educational opportunities, and recreation;

o. Conform to the character of the district and its peculiar suitability for particular uses;

p. Be consistent with the needs of the town for land areas for specific purposes to serve the population and economic activities;

q. Protect the tax base; and not create a financial burden on the town; and

r. Not be disruptive to the character of neighborhoods nor adverse to playgrounds, parks, schools and recreation areas; nor adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare.

(5) Among other conditions and safeguards, the town council may prescribe reasonable time limits within which actions shall commence, be completed, or both.

(Ord. No. 207, § 10.00, 8-8-1979; Ord. No. 401, 9-17-1990)

Secs. 34-94—34-114. - Reserved.

DIVISION 4. - SITE PLAN AND APPEARANCE REVIEW

Sec. 34-115. - Intent and purpose.

The intent of site plan and appearance review is:

(1) To ensure the best use and the most appropriate development and improvement of each lot in the town;

(2) To protect the owners of lots to ensure that the use of surrounding lots will maintain or improve property values;

(3) To ensure the erection thereon of well-designed and proportioned structures built of appropriate materials;

(4) To preserve, as far as practicable the natural features and beauty of said property;

(5) To obtain harmonious architectural themes; to encourage and secure the erection of attractive structures thereon, with appropriate locations thereof on lots;

(6) To secure and maintain proper setbacks from streets and adequate open spaces between structures; and

(7) In general, to provide adequately for a high type and quality of improvement in said property, and thereby enhance the property values and the quality of life in the town.

(Ord. No. 207, § 11.10, 8-8-1979)

Sec. 34-116. - Required; criteria.

No construction or clearing of land may begin in any district prior to review and approval of the site plan and appearance. The review shall consist of:

(1) Consideration of the application by the development review committee (DRC), which may recommend approval, denial, or approval with modifications or conditions;

(2) Consideration of the application by the town planning and zoning board, which may recommend approval, denial, or approval with modifications or conditions; and

~~(2)~~(3) Final review and approval or denial, or approval with modifications by the town council. Single-family detached dwellings shall be subject to review and approval only by the town planning and zoning department. The criteria to be used in this review shall be to ascertain that the proposed site plan for new development meets the following criteria:

a. Site plan criteria.

1. Is in conformity with the comprehensive plan and is not detrimental to the neighboring land use;

2. Has an efficient pedestrian and vehicular traffic system, including pedestrian, bicycle, and automotive linkages and proper means of ingress and egress to the streets;

3. Has adequate provision for public services, including but not limited to access for police, fire and solid waste collection;

4. Complies with the provisions of chapter 20, article III, regarding potable water, sanitary sewer, solid waste, drainage, recreation and open space, and road facilities;

5. Is planned in accordance with natural characteristics of the land, including but not limited to slope, elevation, drainage patterns (low areas shall be used for lakes or drainage easements), natural vegetation and habitats, and unique physical features;

6. Preserves environmental features and native vegetation to the maximum extent possible, and complies with the Environmentally Sensitive Lands Ordinance;

7. Protects estuarine areas when concerning marina siting, drainage plans, alteration of the shoreline, provisions for public access and other concerns related to water quality and habitat protection;

8. Complies with all sections of this chapter.

b. Appearance review criteria.

1. Is of an architectural style representative of or reflecting the vernacular of Old Florida style which is indigenous to the town and which is commonly known and identified by its late Victorian (Key West Cracker), Spanish revival (Mediterranean), Modern (early to mid-20th century), or combination thereof style of architecture. Summarized briefly, common features of the vernacular of Old Florida style that identify the Victorian (Key West Cracker), and Spanish revival (Mediterranean) architectural style include wood or concrete block with stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as but not limited to exposed soffits, individualized vent and louver shapes, reliefs, and detailed window and door treatments; lush landscaping with private yards; and use of porches, balconies and patios. Common features of the vernacular of Old Florida Style that identify the Modern (early to mid-20th century) architectural style include clean geometric lines, often at right angles; an emphasis on function; materials such as glass, steel, iron, and concrete; and the use of natural light though large and expansive windows;

2. Is of a design and proportion which enhances and is in harmony with the area;

3. Elevator and stairwell shafts and other modern operations and features of a building shall be either completely concealed or shall incorporate the elements of the architectural style of the structure; rooftop equipment and elevator and mechanical penthouse protrusions shall be concealed; and parking garages and other accessory structures shall be designed with architectural features and treatments so that they are well proportioned and balanced and in keeping with the architectural style of the principal structure;

4. Shall have all on-site structures and accessory features (such as but not limited to light fixtures, benches, litter containers, including recycling bins, traffic and other signs, letter boxes, and bike racks) compatible in design, materials, and color;

5. Shall have a design in which buildings over 40 feet in height shall appear more horizontal or nondirectional in proportion rather than vertical, accomplished by the use of architectural treatments as described in these criteria;

6. Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized; <u>and</u>

7. Complies with the town's community appearance standards (see article IV, division 14 of this chapter).

(Ord. No. 207, § 11.20, 8-8-1979; Ord. No. 517, 12-1-1999; Ord. No. 678, § 2, 12-10-2014)

Sec. 34-117. - Submission requirements.

Each site plan and appearance approval request shall include the items stated in the town's site plan and appearance approval checklist which is part of the town's development application form, as it may be

amended by the director from time to time. The development application form is available at the office of the planning and zoning department. All plans submitted pursuant to this division shall require a state registered architect, engineer, and landscape architect seal with signature as defined by Florida Statute.

(Ord. No. 207, § 11.30, 8-8-1979)

Sec. 34-118. - Minor amendment to a previously approved site plan and appearance approval.

A minor amendment to a previously approved site plan and appearance approval may be approved by the director. The director shall make a written determination as to the approval, denial, or approval with modifications and/or conditions within 30 calendar days after the director has determined that the application and required supporting materials have been filed and are complete. A minor amendment shall be approved only if it meets the following requirements:

(1) Any increase in the total floor area of any principal structure does not exceed ten percent, and there is no increase in the number of principal structures or in the number of residential dwelling units as specified by the previously approved site plan. However, a decrease in the total floor area of any building, or reduction of the number of principal structures, stories, or units as specified by the approved site plan may be approved as a minor amendment.

(2) There is no change in the boundary of the approved plan.

(3) Rearrangement of uses or locations on a property may be permitted unless they conflict with a specific provision herein or condition of the approved site plan.

(4) There is a relocation of no more than ten percent of the total building footprint on a site. For example, if there are two buildings on a site and each has 5,000 square feet of building footprint, then the total building footprint for the site is 10,000 square feet.

If one building relocates 500 square feet and the other building relocates 1,000 square feet, then the total relocation is 1,500 square feet out of 10,000 square feet. This is a relocation of 15 percent of the total building footprint and would qualify as a major amendment under this provision.

(5) Any increase in traffic generation shall be by no more than ten percent above that established by the site plan previously approved by town council. However, the county's traffic performance standards as specified in section 7.9 of the county Unified Land Development Code must be adhered to.

(6) There is no increase in negative impacts on adjacent properties.

(7) There is no major alteration in the architectural design. Major alteration in design shall mean any change in the character of the structure. However, an amendment to a previously approved site plan that was not reviewed under the current appearance criteria in section 34-116(2)b may be amended in architectural design to conform with the current appearance standards and not be considered a major alteration.

(Ord. No. 207, § 11.40, 8-8-1979; Ord. No. 434, 12-16-1992)

Sec. 34-119. - Expiration of approval.

(a) A site plan and appearance approval shall be valid for two years from the date of such approval. If commencement or completion of development has not begun prior to the date of two years following the approval date, said site plan and appearance approval shall become null and void. Commencement of development shall consist of receipt of a validly issued building permit and the first building inspection approval for a minimum of one principal structure or completion of 25 percent of the total cost of the infrastructure (water, sewer, roads, and drainage) on the site. Infrastructure costs

for the project shall be reviewed and approved by the town engineer prior to final engineering plan approval.

(b) Prior to the expiration of the two-year period, a one-year extension to commence development may be applied for with the town council. An extension may be granted upon a determination by the town council that the applicant has made a good faith effort to commence construction but has been prevented from doing so for reasons beyond the control of the applicant. The town council may, at the request of the applicant and in the exercise of its discretion, grant additional extension(s) pursuant to this paragraph when warranted by the totality of the circumstances.

(Ord. No. 207, § 11.50, 8-8-1979; Ord. No. 623, § 2, 8-26-2009)

Secs. 34-120—34-136. - Reserved.

DIVISION 5. - AMENDMENTS

Sec. 34-137. - Town council authority to amend the regulations and districts in this chapter.

The town council may amend the regulations and districts established in this chapter, subject to the requirements and procedures set forth in this division.

(Ord. No. 207, § 13.00, 8-8-1979; Ord. No. 450, 5-11-1994)

Sec. 34-138. - Initiation of procedure.

(a) Except as provided herein, the zoning regulations set forth in this chapter may be amended, supplemented, changed or repealed in the same manner as other ordinances of the town, subject to applicable law. In addition, the planning and zoning board shall hold a public hearing on such matters. The public hearing shall be noticed in a newspaper of general circulation in the town a minimum of five days prior to the hearing.

(b) A petition to designate a zoning classification or rezone any land within the town may be filed by the town or by the owner or authorized agent of the owner of property within the town. After the director has determined that a petition has been properly filed and is complete with all required supporting materials, the planning and zoning board shall set a date for a public hearing on the petition. The public hearing shall take place within 60 days of the determination by the director that a petition has been properly filed and is complete. All requirements of F.S. ch. 166 shall be followed in providing notice for a public hearing on such petition.

(c) In addition to any statutory notice requirements applicable to a petition to designate a zoning classification or to rezone any property within the town, the town shall, as a courtesy, notify all property owners within 300 feet of the property subject to such a petition. The courtesy notices required by this section shall be sent by mail or provided by hand delivery. In addition to the courtesy notices described herein, the town shall require the property owner to post the notice on the property subject to a petition for rezoning. The notice shall be approved by the director and shall state:

    (1) The proposed zoning district;

    (2) The hearing dates when the petition is scheduled to be heard by the town planning and zoning board and by the town council, which date shall be at least 15 days after the date the notice is mailed and posted on the property; and

    (3) That a copy of the rezoning petition is on file for inspection in the town planning and zoning department.

Except as otherwise required by F.S. ch. 166, failure of the town to provide either courtesy notices or to post a rezoning notice on the subject property shall not invalidate any action taken by the town on a petition.

(Ord. No. 207, § 13.10, 8-8-1979; Ord. No. 341, 8-17-1988; Ord. No. 365, 5-17-1989; Ord. No. 408, 4-17-1991)

Sec. 34-139. - Public hearing—Before planning and zoning board; action following hearing.

(a) At the public hearing described in section 34-138, the petitioner may appear in person, or by appropriately designated agent or attorney. If the petitioner requests a postponement and a new notice is required, the petitioner shall pay the costs of such new notice.

(b) Following the public hearing, the planning and zoning board shall, by motion, adopt its recommendations, which may include changes from the original proposal as a result of the hearing, and transmit such recommendations to the town council. The planning and zoning board's failure to adopt recommendations by motion shall be treated as no recommendation.

(Ord. No. 207, § 13.30, 8-8-1979)

Sec. 34-140. - Same—Before the town council; public notice.

The town council shall set a date for its public hearing, which shall not be more than 90 days from the date the planning and zoning board considered the request.

(Ord. No. 207, § 13.40, 8-8-1979)

Sec. 34-141. - Same—Petitioner representation; postponement; action following hearing.

(a) At the public hearing described in section 34-140, the petitioner may appear in person, or by appropriately designated agent or attorney. If the petitioner requests a postponement and a new notice is required, the petitioner shall pay the costs of such new notice.

(b) Following the public hearing, the town council may grant the petition, deny the petition, or grant the petition with conditions or modifications; provided, however, that:

    (1) No land shall be rezoned that was not described in the public notice; and

    (2) No land may be rezoned to a less restrictive use or different classification than that described in the public notice.

(Ord. No. 207, § 13.50, 8-8-1979)

Sec. 34-142. - Limitations.

(a) The planning and zoning board shall not recommend, nor the town council pass, any amendment except on substantial proof that it is in accordance with the comprehensive plan and sound zoning practice, and will serve to promote the purposes of zoning as provided by state law. Criteria which follow principles of sound zoning practice include but are not limited to:

    (1) If the proposed change is consistent with the established land use pattern;

    (2) If the proposed change would create a related district to adjacent and nearby districts;

(3) If the proposed change would naturally alter the population density pattern and thereby reasonably maintain, or concurrently increase the availability of public facilities such as utilities, streets, etc.;

(4) If the proposed change would be consistent with the comprehensive plan;

(5) If changed or changing conditions make the passage of the proposed amendment necessary;

(6) If the proposed change will maintain or positively influence living conditions in the neighborhood;

(7) If the proposed change will maintain or improve traffic conditions, or otherwise address traffic-related public safety issues;

(8) If the proposed change will maintain or improve drainage conditions;

(9) If the proposed change will relatively maintain, or allow for appropriate light and air conditions to adjacent areas;

(10) If the proposed change will maintain or improve property values in the adjacent area;

(11) If the proposed change will promote the improvement of development of adjacent property in accordance with existing regulations;

(12) If the proposed change benefits the public welfare as opposed to resulting in a grant of special privilege to an individual owner;

(13) If there are substantial reasons why the property requires a change from existing zoning;

(14) Whether the change suggested is to scale, or appropriately balanced with the needs of the neighborhood or the town;

(15) After using reasonable diligence, the petitioner can demonstrate there is a reasonable lack of alternative sites available in the town for the proposed use.

(b) No amendment to rezone property shall contain conditions, limitations, or requirements not applicable to all other property in the district to which the particular property is rezoned.

(c) Except where the proposal for the rezoning of property involves an extension of an existing use boundary, no change in the zoning classification of land shall be considered which involves less than 40,000 square feet of area and 200 feet of street frontage unless otherwise provided for herein.

(d) If the recommendation of the planning and zoning board is adverse to any proposed change, such change shall not become effective except by the affirmative vote of a majority of the entire membership of the town council.

(e) Whenever the town council has changed the zoning classification of property, the town council shall not then accept or consider a petition for rezoning of all or any part of the same property for a period of one year from the effective date of the amendment changing the zoning classification.

(f) Whenever the town council has denied a petition for rezoning of property, the town council shall not thereafter:

(1) Accept or consider any further petition for substantially the same rezoning of all or part of the same property for a period of 18 months from the date of such denial; or

(2) Accept or consider any petition for any other kind of rezoning on all or any part of the same property for a period of one year from the date of such action.

(g) Nothing contained in subsection (e) or (f) of this section shall prevent the initiation of amendments by the town, provided that such amendments meet the requirements of subsections (a)—(d) of this section.

(Ord. No. 207, § 13.60, 8-8-1979)

Secs. 34-143—34-167. - Reserved.

DIVISION 6. - IMPACT FEES

Sec. 34-168. - Imposed.

It is hereby found and determined that the public interest, convenience, health and safety require the establishment of police and general administrative services impact fees for new construction within the town. The construction of publicly owned governmental buildings or facilities shall be exempt from such impact fees.

(Ord. No. 207, § 14.00, 8-8-1979; Ord. No. 398, 9-17-1990; Ord. No. 452, 11-8-1995)

Sec. 34-169. - Police services.

(a) Residential property. All owners of residential property within the town shall, prior to the issuance of a building permit, pay to the town the sum of $32.32 per dwelling unit for new construction as a police services impact fee.

(b) Nonresidential property. All owners of nonresidential property within the town, including, but not limited to, hotels, motels, and commercial buildings, shall, prior to the issuance of a building permit, pay to the town the sum of $0.0824 per square foot for new construction as a police services impact fee.

(c) Expenditure of funds. All funds collected hereunder shall be deposited into an interest-bearing account to be known as the police services fund, with all interest to accrue to the benefit of the town. Funds deposited therein shall be expended only for the purposes of the improvement and expansion of police services and the acquisition of related equipment within the town.

(Ord. No. 207, § 14.19, 8-8-1979; Ord. No. 345, 10-19-1988)

Sec. 34-170. - General administrative services.

(a) Residential property. All owners of residential property within the town shall, prior to the issuance of building permit, pay to the town the sum of $298.35 per dwelling unit for new construction as a general administrative services impact fee.

(b) Nonresidential property. All owners of nonresidential property within the town, including, but not limited to, hotels, motels, and commercial buildings, shall, prior to the issuance of a building permit, pay to the town the sum of $0.5134 per square foot for new construction as a general administrative services impact fee.

(c) Expenditure of funds. All funds collected hereunder shall be deposited into an interest-bearing account to be known as the general administrative services fund with all interest to accrue to the benefit of the town. Funds deposited therein shall be expended only for the purposes of the improvement and expansion of government services, park and recreation services, maintenance services, code enforcement services and general administrative services and the acquisition of related equipment within the town.

(d) Credits or waivers. The town council may provide the owner of residential or nonresidential property with a credit or a waiver as to said administrative services impact fee for on-site or recreational facilities.

(Ord. No. 207, § 14.20, 8-8-1979; Ord. No. 345, 10-19-1988)

Sec. 34-171. - Automatic adjustment.

The impact fees assessed hereunder shall adjust on January 1 of each year beginning January 1, 1997, by a percentage equal to the percentage change in the Engineering News-Record Construction Cost Index over the 12-month period ending November 30 of the previous year. The adjustment shall occur automatically, without any action required by the town council. In the event the Engineering News-Record Construction Cost Index is no longer published, the town council may, by resolution, substitute an index they determine to be comparable to the Engineering News-Record Construction Cost Index, and such index shall thereupon be the basis for all future adjustments to the impact fees assessed herein.

(Ord. No. 207, § 14.21, 8-8-1979)

Sec. 34-172. - Imposition of increases.

(a) There are hereby assessed the impact fees stated herein on all development issued a building permit for which a complete application was made on or after January 1, 1996. For those land uses which do not require a building permit, the impact fees stated herein are hereby assessed on the final development order approved for which a complete application was made on or after January 1, 1996.

(b) For applications which are pending on January 1, 1996, or January 1 of any subsequent year, the building permit must be issued within 30 days of the date the application is approved for issuance of the building permit; and the construction must proceed in good faith or the impact fees stated herein, or as may be automatically adjusted, will be assessed. It is the responsibility of the applicant for the building permit to ensure the permit is issued once the application is approved for issuance. For the purpose of this section, construction shall be presumed to be proceeding in good faith if an inspection is scheduled on completed work prior to 180 days following the issuance of the building permit or the previous approved inspection, as the case may be. For the purpose of this section, the application shall be considered to have been approved for issuance of the building permit when the building official has completed review of the application and the plans and specifications, determined that the Florida Building Code, as amended, is met, and is prepared to issue the building permit upon payment of all fees.

(c) There are hereby assessed impact fees stated herein, or as may be automatically adjusted, on all development for which the building permit application was made prior to June 1, 1995, or June 1 of any subsequent year, and for which the building permit expired, lapsed, or was abandoned or canceled, and then renewed on or after January 1, 1996, or January 1 of any subsequent year.

(Ord. No. 207, § 14.22, 8-8-1979)

Sec. 34-173. - Encumbrance; expenditure; refund.

(a) Funds collected hereunder shall be encumbered within six years of the date of payment and spent within nine years of the date of payment or refund shall be made provided the requirements of subsection (b) of this section are met.

(b) The then-present owner must petition the town for the refund within one year following the end of the sixth or ninth year, as the case may be, from the date on which the impact fee was paid. The petition must contain the following:

    (1) A notarized statement that the petitioner is the current fee simple owner of the property and is entitled to the refund, and the basis for the refund;

    (2) A copy of the dated receipt issued for payment of the impact fees; or other proof of the date and amount of payment of the fees for the development;

    (3) A certified copy of the latest recorded deed; and

(4) A copy of the most recent ad valorem tax bill.

(c) Within three months from the date of receipt of a petition for refund, the town shall advise the petitioner of the status of the fee requested for refund. For the purpose of this section, fees collected shall be deemed to be encumbered and spent on the basis of the first fee in shall be the first fee out. In other words, the first money placed in the impact fee fund account shall be deemed to be the first money taken out of that account when withdrawals have been made.

(d) When the money requested is still in the trust fund after the petition has been made and has not been encumbered by the end of the calendar quarter immediately following six years from the date the fees were paid or has not been spent by the end of the calendar quarter immediately following nine years from the date the fees were paid, the money shall be returned with interest accrued at the rate of six percent per annum.

(Ord. No. 207, § 14.23, 8-8-1979)

Sec. 34-174. - Appeal from provisions.

Any appeal from the application of the town's impact fee provisions shall be made in writing to the town manager within 30 days of the decision or action complained of. An adverse decision by the town manager may be appealed to the town council by filing a written appeal with the town manager stating the basis for such relief within ten days of the town manager's decision. The town council shall not modify or reject the town manager's decision if it is supported by competent substantial evidence.

(Ord. No. 207, § 14.24, 8-8-1979)

Sec. 34-175. - Periodic review.

As often as the town council may deem necessary, but in any event at least every five years, the terms and provisions of this division shall be reviewed.

(Ord. No. 207, § 14.25, 8-8-1979)

Secs. 34-176—34-203. - Reserved.

DIVISION 7. - APPLICATION FEES

Sec. 34-204. - Imposed.

Any party submitting an application pursuant to this chapter shall pay a nonrefundable application fee, plus any additional costs as specified in section 34-205.

(Ord. No. 207, § 15.00, 8-8-1979; Ord. No. 344, 10-19-1988)

Sec. 34-205. - Set by resolution.

The town manager shall provide to the town council an application fee schedule to be adopted by resolution, which shall be amended from time to time to meet the impact of the cost of such application procedures for the town.

(Ord. No. 207, § 15.01, 8-8-1979; Ord. No. 344, 10-19-1988)

Sec. 34-206. - Reduction or waiver.

The town manager shall have the discretion to reduce or waive said application fees when deemed to be in the best interest of the town.

(Ord. No. 207, § 15.02, 8-8-1979; Ord. No. 344, 10-19-1988)

Secs. 34-207—34-209. - Reserved.

DIVISION 8. - ZONING RELIEF PROCEDURE

Sec. 34-210. - Zoning relief procedure.

(a) Purpose and applicability. In order to address possible or alleged violations of federal and state laws, subsequent to implementation of Chapter 34, "Zoning," of the Code of Ordinances or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.

(b) Application. A person or entity shall request relief under this section prior to filing a lawsuit, by completing a zoning relief request form, which is available from the town's planning and zoning department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(c) Notice. The town shall display a notice of the request for zoning relief on the town's public notice bulletin board and shall maintain copies available for review in the planning and zoning department and the town clerk's office. The notice shall advise the public that a request for zoning relief under federal or state law is pending. The location, date and time of the applicable public hearing shall be included in the notice. A notification containing this information shall also be mailed by the town clerk at least 15 days prior to the public hearing to the property owners of record, their tenants or their agents, within a radius of 300 feet of the property described in the request, if the request is site-specific.

(d) Application and hearing. A hearing officer appointed by the town in accordance with subsection (k) of this section shall have the authority to consider and act on requests for zoning relief submitted to the planning and zoning department. A public hearing shall be held by the hearing officer on the request for relief within 45 days of receipt of a completed application, unless the applicant agrees in writing to extension of the hearing date. A final written determination shall be issued by the hearing officer no later than 30 days after the conclusion of the public hearing. The final written determination may: (i) grant the relief requested, (ii) grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request, or (iii) deny the request. Any determination shall be final, in writing, and shall state the reasons for the decision. The final written determination shall be provided to the town and sent to the applicant by certified mail, return receipt requested.

(e) Additional information. If necessary, prior to the public hearing, the town may request additional information from the applicant, specifying in sufficient detail what information is required. In the event a request for additional information is made to the applicant by the town, the 45 day time period to hold a public hearing shall be extended to 90 days to include the time necessary to seek and review the additional information. The applicant shall have 15 days after the date the information is requested to provide the additional information. If the applicant fails to timely respond with the requested additional information, the town shall notify the applicant and proceed with scheduling a public hearing; however, the applicant and the town may extend the time period for conducting the hearing by mutual agreement. The hearing officer will issue a final written determination regarding the relief requested

as required in subsection (d) of this section, based on the information in the town's possession at the time of the public hearing.

(f) Criteria. In determining whether the zoning relief request shall be granted or denied, the applicant shall be required to establish:

(1) The applicant is a potential claimant under federal or state law, including applicable legal precedent; and

(2) The applicant believes in good faith that the town, through implementation of its Code, has intentionally or unintentionally violated federal or state law, for the reasons stated in the zoning relief request; and

(3) The applicant satisfies the standard for relief set forth in the applicable federal or state statute(s) or legal precedent.

(g) Exhaustion required. Completion of the zoning relief procedures shall be a supplement to and not a substitute for any other pre-litigation dispute resolution processes available by law to the town or the applicant. Completion of the zoning relief procedures shall constitute the exhaustion of all administrative remedies available from the town.

(h) Effect while pending. While an application for zoning relief or appeal of a determination of same is pending before the town, the town will not enforce the Code, rules, policies, and procedures which are the subject of the request against the applicant, except that the town may seek relief through the code enforcement procedures of Article VI "Code Enforcement" of Chapter 2 "Administration" or through injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(i) Appeals. The applicant or the town manager may appeal the decision of the hearing officer on a request for zoning relief to the town council in accordance with the following procedures:

(1) The denial or other disputed determination of a request for zoning relief pursuant to this section may be appealed to the town council by filing a notice of appeal, on a form provided by the town manager, within 30 days of the date of the issuance of the final written determination by the hearing officer in accordance with subsection (d).

(2) After receipt of the notice of appeal, the appeal will be placed on a town council agenda for a hearing within 60 days, with public notice provided as required by subsection (c). At the hearing, the applicant and the town may present evidence and testimony relating to the issues appealed, and the standard of review for such appeal shall be de novo.

(3) At the hearing, the town council shall grant the appeal, deny the appeal or grant the appeal subject to conditions.

(j) Additional provisions for zoning relief. The following provisions shall be applicable:

(1) The town shall display a notice in its public notice bulletin board and on its website advising the public of this zoning relief procedure and that applications for zoning relief may be obtained from the planning and zoning department.

(2) An applicant may apply for zoning relief on his or her own behalf, or may be represented at all stages by a representative designated by the applicant.

(3) The town shall provide such assistance and accommodation as is required pursuant to federal and state law, in connection with a disabled person's request for zoning relief, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure that the process is accessible.

(k) Hearing officer. The town manager shall appoint one or more hearing officers for a three-year term. A hearing officer shall be: (1) a retired judge who has served in either the circuit court or a higher Florida court or as a federal district judge or circuit federal judge, or (2) a retired hearing officer of the State of Florida; or (3) a practicing member of the Florida Bar with at least five years of experience in the field of land use. A hearing officer shall not reside or own property within or otherwise be employed by the town. If more than one hearing officer is appointed, each hearing officer shall be assigned to particular

applications on a rotating basis. The town manager shall notify each hearing officer of each such rotating assignment.

(Ord. No. 668, § 3, 5-28-2014)

Secs. 34-211—34-235. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 34-236. - Official zoning map.

(a) The town is hereby divided into zones, or districts, as shown on the official zoning map which is hereby adopted by reference and declared to be a part of this chapter.

(b) The official zoning map shall be identified by the signature of the mayor attested by the town clerk, and bearing the seal of the town under the following words: "This is to certify that this is the official zoning map referred to in section 1 of Ordinance No. 207 of the town together with the date of the adoption of this ordinance."

(c) If, in accordance with the provisions of this chapter and F.S. ch. 163, part II, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the town council with an entry on the official zoning map as follows: "On (date), by official action of the town council, the following (change) (changes) were made in the official zoning map," which entry shall be signed by the mayor and attested by the town clerk. No amendment to this chapter which involves matters portrayed on the official zoning map shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided under section 34-34. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map shall be located in a secure place under the jurisdiction of the town clerk and shall be the final authority.

(Ord. No. 207, § 3.10, 8-8-1979)

Sec. 34-237. - Replacement of official zoning map.

(a) In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the town council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the town clerk, and bearing the seal of the town under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted August 8, 1979, as part of Ordinance No. 207 of the Town of Juno Beach, Florida."

(b) Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. No. 207, § 3.11, 8-8-1979)

Sec. 34-238. - Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways, shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(3) Boundaries indicated as approximately following town limits shall be construed as following such town limits;

(4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, or ocean mean high-water line, or intracoastal right-of-way line and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; except where such moving would change the zoning status of a lot or parcel; and in such case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel;

(5) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines and to be at the limit of the jurisdiction of the town, unless otherwise indicated;

(6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1)—(5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the legal description of the property;

(7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1)—(6) of this section, the board of adjustment shall interpret the district boundaries;

(8) Where a district boundary line divides a lot which was a single ownership at the time of passage of this chapter, the town council may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot;

~~(9) All territory which may hereafter be annexed to the town shall be considered to be zoned RS residential single-family detached until otherwise classified.~~

(Ord. No. 207, § 3.20, 8-8-1979)

Sec. 34-239. - Application of regulations.

Except as hereinafter provided:

(1) No building shall be erected, added on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations established by this chapter for the district in which the building or land is located.

(2) The minimum yards and other open spaces, including the intensity of use provisions contained in this chapter for each building erected, added on to, reconstructed or structurally altered subsequent to the enactment of this chapter shall not be encroached upon or considered as a

compliance with yard or open space requirements or intensity of use requirements for any other building or adjoining building.

(3) Every building erected, added on to, reconstructed or structurally altered subsequent to the enactment of the ordinance from which this chapter is derived shall be located on a lot fronting on a street.

(Ord. No. 207, §§ 3.30—3.33, 8-8-1979)

Sec. 34-240. - Unity of title declaration.

Where it is found necessary in order to obtain a building site of sufficient size and dimension to meet the minimum yard requirements, setback distances or plot area applicable thereto, that separate lots, plots, parcels or portions thereof must be combined, added or joined to the whole or portion of any other recorded lot, parcel, or acreage, the applicant for such building permit shall first place on record as public document in the official records of the clerk of the circuit court of the county an instrument hereinafter referred to as a unity of title declaration. Such unity of title declaration shall be in a form and content sufficient to unequivocally state that the aforesaid combination of separate lots, plots, parcels, acreage, or portions thereof, shall be regarded as unified under one title as an indivisible building site. The unity of title declaration will further state that the said property shall henceforth be considered as one plot or parcel of land and that no portion thereof shall be sold, assigned, transferred, conveyed or devised separately, and that any sale shall be in its entirety as one plot or parcel of land. The declaration shall further state that the declarer agrees that the unity of title declaration shall constitute a covenant to run with the land and further state that it shall be binding upon the declarer, his heirs, successors and assigns and all parties claiming under the declarer, until such time as the unity of title declaration may be released in writing under the order of the town council.

(Ord. No. 207, § 3.34.1, 8-8-1979)

Sec. 34-241. - Unity of control covenant.

In lieu of the unity of title declaration provided for in section 34-240, the applicant may execute and record a unity of control covenant, which shall be a covenant stipulating that lots, plots, parcels or portions thereof shall be developed according to a single site plan or master plan providing unified control. Such covenant shall be executed by all property owners and shall otherwise be subject to the same requirements and conditions as a unity of title declaration.

(Ord. No. 207, § 3.34.2, 8-8-1979)

Sec. 34-242. - Interpretation of use restrictions.

When uncertainty exists concerning the allowance of a specific use in a specific zoning district, the following procedure shall be used to determine its appropriateness:

(1) If the use is specifically listed as permitted in any zoning district, then it is interpreted to be prohibited in any district in which it is not listed.

(2) If the specific use is not listed in any zoning district, the director shall make a determination whether similar uses are listed within certain districts and whether this use would likewise be appropriate to these districts. The director shall consider the intent and purpose of the district in making this determination. The director's decision may be appealed to the board of zoning adjustment.

(3) In the event of a conflict or inconsistency between different provisions of this chapter, the more restrictive shall apply.

(Ord. No. 207, § 3.35, 8-8-1979)

Sec. 34-243. - Establishment of zoning districts.

For the purpose of protecting, promoting and improving the public health, safety, morals and the general welfare of the people, the town hereby establishes the following districts:

District Abbreviation	Zoning District	Applicable Code Division
RS	Residential Single-Family	Article III, division 2
RM-1	Residential Multiple-Family—Medium Density	Article III, division 3
RM-2	Residential Multiple-Family—Moderate Density	Article III, division 4
RMT	Residential Transient and Multiple-Family—Moderate Density	Article III, division 5
RH	Residential Multiple-Family—High-Density	Article III, division 6
RM-OO	Residential Multiple-Family—Moderate Density—Open Space Option	Article III, division 7
HIST-S	Saturn Lane Historic Preservation District	Article III, division 8
HIST-Z	Zephyr Way Historic Preservation District	Article III, division 9
HIST-B	Beachbound Historic Preservation District	Article III, division 10
R-DUP	Residential Duplex (Two-Family)	Article III, division 11
RV PARK	Recreational Vehicle Park	Article III, division 12
MH	Manufactured Home Community	Article III, division 13
CG	Commercial General	Article III, division 14
CO	Commercial Office	Article III, division 15
BCH	Beach	Article III, division 16

REC-PUB	Public Recreation	Article III, division 17
REC-PRIV	Private Recreation	Article III, division 18
UTL	Utilities	Article III, division 19
GOV	Government	Article III, division 20
INS	Institutional	Article III, division 21
MC	Medical Commercial Zoning District	Article III, division 22

(Ord. No. 207, § 4.00, 8-8-1979; Ord. No. 454, 11-16-1994; Ord. No. 668, § 4, 5-28-2014)

Secs. 34-244—34-263. - Reserved.

DIVISION 2. - RESIDENTIAL SINGLE-FAMILY (RS-1, -2, -3, -4, -5) ZONING DISTRICT

Sec. 34-264. - Purpose.

The purpose of the RS residential single-family districts is to provide for areas of the town which shall be exclusively used for single-family detached homes, and, further, that all the amenities and quality of life normally associated with single-family use are protected and enhanced in these districts. Further purposes of these districts include preserving the character of the existing neighborhoods and the enhancement of property values.

(Ord. No. 207, § 4.11, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 466, 12-14-1994; Ord. No. 485, 9-4-1996)

Sec. 34-265. - Uses permitted.

Permitted uses in the RS residential single-family districts are:

(1) Single-family detached dwellings.

(2) Group homes (see article IV, division 11 of this chapter).

(3) Public safety facilities such as fire and/or police stations.

(Ord. No. 207, § 4.12, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 466, 12-14-1994; Ord. No. 485, 9-4-1996)

Sec. 34-266. - Accessory uses.

Accessory uses in the RS residential single-family districts are:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Private swimming pools.

(4) Other accessory uses customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(5) Limited home occupations (see article IV, division 10 of this chapter).

(Ord. No. 207, § 4.13, 8-8-1979; Ord. No. 393, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 466, 12-14-1994; Ord. No. 485, 9-4-1996)

Sec. 34-267. - Special exception uses.

Special exception uses in the RS residential single-family districts are:

(1) Public and private utility structures.

(2) Churches, synagogues, and other houses of worship.

(3) Planned unit development—residential only (single-family detached). (See article V of this chapter.)

(4) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.14, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 466, 12-14-1994; Ord. No. 485, 9-4-1996)

Sec. 34-268. - Site plan review requirements.

A site plan review is required of all uses other than individual single-family detached dwellings, which shall be subject to review only by the town planning and zoning department.

	RS-1 Sea View Ridge (Apollo Dr.) (Diana Ln.) Ocean View Ridge (Sunset Way) (Starlight Ln.) (Sunrise Way) (Olympus Dr. & South And East) Tomkus Subdivision	RS-2 First Addition (N. & S. Juno Ln.) (Jupiter Ln.) (Zenith Ln.)	RS-3 Malbo Subdivision (Mars Way)	RS-4 Juno Heights (Neptune Rd.)	RS-5 New Palm Beach Height (Cocoanut Ave.)

	(N. & S. Lyra Cir.)				
Minimum lot area	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	5,500 sq. ft.	6,500 sq. ft.
Minimum lot width	75 ft.	75 ft.	75 ft.	75 ft.	65 ft.
Minimum lot depth	100 ft.	90 ft.	80 ft.	90 ft.	100 ft.
Maximum density	4 units/acre	4 units/acre	5 units/acre	5 units/acre	5 units/acre
Minimum front setback	25 ft.[(A), (B), (C)]	15 ft.[(A), (B), (C)]	20 ft.[(A), (B), (C)]	20 ft.[(A), (B), (C)]	25 ft.[(A), (C)]
Minimum side setback	10 ft.[(A)]	15 ft. total, 5 ft. per side[(A)]	15 ft. total, 5 ft. per side[(A)]	15 ft. total, 5 ft. per side[(A)]	7.5 ft.[(A)]
Minimum rear setback	10 ft.[(B)]	10 ft.[(B)]	10 ft.[(B)]	10 ft.[(B)]	12 ft.
Maximum height	2 stories, 30 ft.[(D)]	2 stories, 30 ft.[(D)]	2 stories, 30 ft.[(D)]	2 stories, 30 ft.[(D)]	2 stories, 30 ft.[(D)]
Maximum tower height	None, but must be in proportion with rest of building	None, but must be in proportion with rest of building	None, but must be in proportion with rest of building	None, but must be in proportion with rest of building	None, but must be in proportion with rest of building
Maximum tower area	225 sq. ft.	225 sq. ft.	225 sq. ft.	225 sq. ft.	225 sq. ft.
Maximum coverage	35%	35%	35%	35%	35%
Minimum ocean setback	50 ft. west of CCCL	50 ft. west of CCCL	50 ft. west of CCCL	50 ft. west of CCCL	50 ft. west of CCCL

Minimum living area (habitable space)					
1-bedroom	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
2-bedroom	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.
3-bedroom	1,400 sq. ft.	1,400 sq. ft.	1,400 sq. ft.	1,400 sq. ft.	1,400 sq. ft.
Maximum building dimension	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Minimum landscaping requirement	25%	25%	25%	25%	25%
Minimum parking requirements	2 spaces/unit(C)	2 spaces/unit(C)	2 spaces/unit(C)	2 spaces/unit(C)	2 spaces/unit(C)
Loading	N/A	N/A	N/A	N/A	N/A
High-rise setback	N/A	N/A	N/A	N/A	N/A
Minimum accessory structure setback	5 ft.(E)	5 ft.(E)	5 ft.(E)	5 ft.(E)	5 ft.(E)
Accessory structure maximum height	12 ft.*	12 ft.*	12 ft.*	12 ft.*	12 ft.**
Accessory structure maximum	12 ft.**(F)	12 ft.**(F)	12 ft.**(F)	12 ft.**(F)	12 ft.**(F)

building dimension					

NOTES:

*Screened pool enclosures are included.

**Screened pool enclosures are excluded.

(A)Corner lots: section 34-899 is modified for the RS districts as follows: One street side: minimum 20-foot setback***; Other street side: min. required front yard setback (see table above).

***In the RS-2 district (first addition subdivision): A minimum 15-foot setback shall be required on both street sides when such corner lot abuts Zenith Lane.

***Yard facing U.S. Highway 1 and/or Ocean Drive shall be set back a minimum of 20 feet.

***In the RS-5 district: a minimum 15 foot setback.

(B)Through lots: section 34-900 is modified for the RS districts as follows: Those through lots which have frontage on both U.S. Highway 1 and a local residential street shall have the principal building setback the required front yard setback on both frontages. However, accessory structures in yards facing U.S. Highway 1 may be set back according to the accessory structure setback requirements for a side and rear yard. Those lots in the RS-2 district (first addition subdivision) which front on both North Juno Lane and Diana Lane shall have the front yard setback requirement apply to the North Juno Lane frontage, while the frontage facing Diana Lane shall be treated and regulated as a rear yard.

(C)A minimum 19-foot-long driveway or parking area is required in front of a garage or carport for stacking depth.

(D)Building height is measured from average existing grade (prior to land alteration) at the structure's proposed location or from the crown of the road at its highest elevation abutting the property, whichever is greater.

(E)If accessory structure is in the front yard, the front yard setback shall apply. However, see note (B) for exception.

(F)If accessory structure is set back a minimum of ten feet from the side or rear property line, then section 34-873 shall apply and there shall be no maximum building dimension requirement.

(Ord. No. 207, § 4.15, 8-8-1979; Ord. No. 371, 7-19-1989; Ord. No. 421, 2-19-1992; Ord. No. 466, 12-14-1994; Ord. No. 485, 9-4-1996)

Secs. 34-269—34-284. - Reserved.

DIVISION 3. - RESIDENTIAL MULTIPLE-FAMILY—MEDIUM DENSITY (RM-1) ZONING DISTRICT

Sec. 34-285. - Purpose.

The purpose of the RM-1 residential multiple-family—medium density district is to maintain a generally spacious residential environment, while permitting a desirable variety of housing types. Population density and building heights are low enough to be compatible with neighboring single-family development.

(Ord. No. 207, § 4.21, 8-8-1979; Ord. No. 469, 5-10-1995)

Sec. 34-286. - Uses permitted.

Permitted uses in the RM-1 residential multiple-family—medium density district are as follows:

(1) Single-family detached dwellings.

(2) Two-family dwellings.

(3) Three-family dwellings.

(4) Four-family dwellings.

(5) Clustered single-family dwellings (townhouses).

(6) Group homes (see article IV, division 11 of this chapter).

(7) Community residential homes (see article IV, division 11 of this chapter).

(8) Public safety facilities such as fire and/or police stations.

(Ord. No. 207, § 4.22, 8-8-1979; Ord. No. 469, 5-10-1995)

Sec. 34-287. - Accessory uses.

Accessory uses in the RM-1 residential multiple-family—medium density district are as follows:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Private swimming pools and/or cabanas.

(4) Other accessory uses customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(5) Limited home occupations. (see article IV, division 10 of this chapter)

(6) Accessory apartments.

(Ord. No. 207, § 4.23, 8-8-1979; Ord. No. 393, 5-16-1990; Ord. No. 469, 5-10-1995)

Sec. 34-288. - Special exception uses.

Special exception uses in the RM-1 residential multiple-family—medium density district are as follows:

(1) Planned development district—residential (see article V of this chapter).

(2) Public and private utility structures.

(3) Public or private academic schools.

(4) Churches, synagogues and other houses of worship.

(5) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.24, 8-8-1979; Ord. No. 469, 5-10-1995)

Sec. 34-289. - Site plan and appearance review requirements.

A site plan and appearance review is required of all uses other than individual single-family detached dwellings, which shall be subject to review only by the town planning and zoning department.

(Ord. No. 207, § 4.25, 8-8-1979; Ord. No. 371, 7-19-1989; Ord. No. 469, 5-10-1995)

Sec. 34-290. - Building site area regulations.

The following building site area regulations shall apply to the RM-1 residential multiple-family—medium density district:

(1) Minimum total area:

Single-family detached	10,000 sq. ft.
Two-family	10,000 sq. ft.
Townhouse, cluster	20,000 sq. ft.
Multiple-family	20,000 sq. ft.

(2) Minimum lot width:

Single-family detached	75 ft. total
Two-family	75 ft. total
Townhouse, cluster	100 ft. total
Multiple-family	100 ft. total

(3) Minimum lot depth:

Single-family detached	100 ft. total
Two-family	100 ft. total
Townhouse, cluster	150 ft. total

Multiple-family	150 ft. total

(4) Density:*

Single-family detached	4 dwelling units/gross acre
Two-family	8 dwelling units/gross acre
Townhouse	8 dwelling units/gross acre
Multiple-family	8 dwelling units/gross acre

(5) Front yard setback:**

Single-family detached	30 ft. from the street line*****
Two-family	30 ft. from the street line*****
Townhouse, cluster	30 ft. from the street line
Multiple-family	30 ft. from the street line

(6) Side yard setback:***

Single-family detached	10 ft. per side
Two-family	10 ft. per side
Townhouse, single unit	0 ft. per side
Townhouse, cluster	35 ft. total with one side having a minimum of 15 ft.
Multiple-family	35 ft. total with one side having a minimum of 15 ft.

(7) Rear yard setback:****

Single-family detached	10 ft.
Two-family	10 ft.
Townhouse, single unit	0 ft.
Multiple-family	20 ft.

(8) Ocean setback: 50 feet west of the Coastal Construction Control Line (CCCL).

(9) High-rise setback: not applicable.

(10) Minimum floor space per dwelling unit:

1-bedroom unit	1,000 sq. ft. habitable space
2-bedroom unit	1,200 sq. ft. habitable space
3- (or more) bedroom unit	1,400 sq. ft. habitable space

(11) Maximum building height:

Single-family detached	2 stories not to exceed 30 ft.
Two-family	2 stories not to exceed 30 ft.
Townhouse	3 stories not to exceed 40 ft.
Multiple-family	3 stories not to exceed 40 ft.

(12) Maximum building dimension: 150 feet for all types of permitted principal structures. This maximum dimension shall not include parking and attached accessory structures less than 25 feet in height.

(13) Distance between principal structures on same property. The minimum distance between principal structures on the same lot shall be 30 feet.

(14) Maximum lot coverage:

Single-family detached	35%
Two-family	35%
Townhouse, cluster	40%
Multiple-family	40%

(15) Minimum landscaped open space:

Single-family detached	25% of lot area
Two-family	20% of lot area
Townhouse, single unit	not applicable
Townhouse, cluster	20% of lot area
Multiple-family	20% of lot area

(16) Maximum tower height:

Single-family detached	None, but must be in proportion with rest of building
Two-family	None, but must be in proportion with rest of building
Townhouse, single unit	None, but must be in proportion with rest of building
Townhouse, cluster	None, but must be in proportion with rest of building
Multiple-family	None, but must be in proportion with rest of building

(17) Maximum tower area:

Single-family detached	225 sq. ft.
Two-family	225 sq. ft.
Townhouse, single unit	225 sq. ft.
Townhouse, cluster	225 sq. ft.
Multiple-family	225 sq. ft.

(18) Minimum parking: See article IV, division 4 of this chapter. For multifamily developments: two spaces per dwelling unit for the first 20 units; 1.75 spaces for the next 21-50 dwelling units; and 1.5 spaces for each dwelling unit in excess of 50. Also, one guest space for every seven dwelling units.

(19) Loading: not applicable.

*Except for a planned unit development (PUD), in which case the average density per gross acre may be increased as set forth in section 34-1333(b)(4).

*Two additional dwelling units per gross acre may be permitted for up to every five acres that a minimum ten-foot-wide beach access easement is irrevocably dedicated for public use. (For example, if an eight-acre site provides two ten-foot-wide public beach access easements with the required improvements, then the project may be permitted an additional two dwelling units per gross acre for the total eight acres). The easement shall be located, constructed, and improved at a minimum with a paved walkway and a wooden dune walkover structure over the dune, covered and uncovered seating benches on the walkover, landscaping, irrigation, and lighting as determined by the town, and shall be at the expense of the property owner.

**See also section 34-873.

***See also section 34-899.

****See also section 34-900.

*****A 20-foot setback from the street line (R-O-W line) shall be permitted when a minimum 45-foot right-of-way is provided in front of the property.

(Ord. No. 207, § 4.26, 8-8-1979; Ord. No. 469, 5-10-1995)

Secs. 34-291—34-308. - Reserved.

DIVISION 4. - RESIDENTIAL MULTIPLE-FAMILY—MODERATE DENSITY (RM-2) ZONING DISTRICT

Sec. 34-309. - Purpose.

The purpose of the RM-2 residential multiple-family—moderate density district is to provide for a variety of housing types at a moderate population density which are compatible with neighboring housing areas of lower density.

(Ord. No. 207, § 4.31, 8-8-1979; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-310. - Uses permitted.

Permitted uses in the RM-2 residential multiple-family—moderate density district are as follows:

(1) Single-family detached dwellings.

(2) Two-family dwellings.

(3) Multiple-family dwellings.

(4) Clustered single-family dwellings (townhouses).

(5) Group homes (see article IV, division 11 of this chapter).

(6) Community residential homes (see article IV, division 11 of this chapter).

(7) Public safety facilities such as fire and/or police stations.

(Ord. No. 207, § 4.32, 8-8-1979; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-311. - Accessory uses.

Accessory uses in the RM-2 residential multiple-family—moderate density district are as follows:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Private swimming pools and/or cabanas.

(4) Other accessory uses customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(5) Limited home occupations (see article IV, division 10 of this chapter).

(6) Accessory apartments.

(Ord. No. 207, § 4.33, 8-8-1979; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-312. - Special exception uses.

Special exception uses in the RM-2 residential multiple-family—moderate density district are as follows:

(1) Planned unit development—residential (see article V of this chapter).

(2) Public and private utility structures.

(3) Public or private academic schools.

(4) Churches, synagogues and other houses of worship.

(5) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.34, 8-8-1979; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-313. - Site plan and appearance review requirements.

A site plan and appearance review is required of all uses other than individual single-family detached dwellings, which shall be subject to review only by the town planning and zoning department.

(Ord. No. 207, § 4.35, 8-8-1979; Ord. No. 371, 7-19-1989; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-314. - Building site area regulations.

The following building site area regulations shall apply to the RM-2 residential multiple-family—moderate density district:

(1) Minimum total area:

Single-family detached	10,000 sq. ft.
Two-family	10,000 sq. ft.
Townhouse, cluster	20,000 sq. ft.
Multiple-family	20,000 sq. ft.

(2) Minimum lot width:

Single-family detached	75 ft. total
Two-family	75 ft. total
Townhouse, cluster	100 ft. total
Multiple-family	100 ft. total

(3) Minimum lot depth:

Single-family detached	100 ft. total
Two-family	100 ft. total

Townhouse, cluster	150 ft. total
Multiple-family	150 ft. total

(4) Density:*

Single-family detached	4 dwelling units/gross acre
Two-family	8 dwelling units/gross acre
Townhouse	12 dwelling units/gross acre
Multiple-family	12 dwelling units/gross acre

(5) Front yard setback:**

Single-family detached	30 ft. from the street line*****
Two-family	30 ft. from the street line*****
Townhouse, cluster	30 ft. from the street line
Multiple-family	30 ft. from the street line

(6) Side yard setback:***

Single-family detached	10 ft. per side
Two-family	10 ft. per side
Townhouse, single unit	0 ft. per side
Townhouse, cluster	35 ft. total with one side having a minimum of 15 ft.

Multiple-family	35 ft. total with one side having a minimum of 15 ft.

(7) Rear yard setback:****

Single-family detached	10 ft.
Two-family	10 ft.
Townhouse, single unit	0 ft.
Townhouse, cluster	30 ft.
Multiple-family	30 ft.

(8) Ocean setback: 50 feet west of the Coastal Construction Control Line (CCCL).

(9) High-rise setback: not applicable.

(10) Minimum floor space per dwelling unit:

1-bedroom unit	1,000 sq. ft. habitable space
2-bedroom unit	1,200 sq. ft. habitable space
3- (or more) bedroom unit	1,400 sq. ft. habitable space

(11) Maximum building height:

Single-family detached	2 stories not to exceed 30 ft.
Two-family	2 stories not to exceed 30 ft.
Townhouse	3 stories not to exceed 40 ft.
Multiple-family	3 stories not to exceed 40 ft.

a. Upon request, the town may increase the maximum building height by up to one story and a maximum of ten feet in height where parking is provided under 75 percent of the building's floor area. The town shall consider the following criteria when making a decision to approve or deny an increase in building height:

1. The proportion, scale and massing of the proposed structure as it relates to the proportion, scale and massing of other structures within the zoning district and within neighboring areas;

2. The general character of the surrounding developed properties and established patterns of development; and

3. The physical characteristics of the subject property, including, but not limited to, the slope and elevation, as they relate to the physical characteristics of other properties within the zoning district and within neighboring areas.

b. The town's evaluation of such criteria shall not include matters related solely to design, style, architectural theme or other purely aesthetic issues.

(12) Maximum building dimension: 150 feet for all types of permitted principal structures. This maximum dimension shall not include parking and attached accessory structures less than 25 feet in height.

(13) Distance between principal structures on same property: The minimum distance between principal structures on the same lot shall be 30 feet.

(14) Maximum lot coverage:

Single-family detached	35%
Two-family	35%
Townhouse, cluster	50%
Multiple-family	50%

(15) Minimum landscaped open space:

Single-family detached	20% of lot area
Two-family	20% of lot area
Townhouse, single unit	not applicable
Townhouse, cluster	15% of lot area
Multiple-family	15% of lot area

(16) Maximum tower height:

Single-family detached	None, but must be in proportion with rest of building
Two-family	None, but must be in proportion with rest of building
Townhouse, single unit	None, but must be in proportion with rest of building
Townhouse, cluster	None, but must be in proportion with rest of building
Multiple-family	None, but must be in proportion with rest of building

(17) Maximum tower area:

Single-family detached	225 sq. ft.
Two-family	225 sq. ft.
Townhouse, single unit	225 sq. ft.
Townhouse, cluster	225 sq. ft.
Multiple-family	225 sq. ft.

(18) Minimum parking: see article IV, division 4 of this chapter. For multifamily developments: two spaces per dwelling unit for the first 20 units; 1.75 spaces for the next 21-50 dwelling units; and 1.5 spaces for each dwelling unit in excess of 50. Also, one guest space for every seven dwelling units.

(19) Loading: see section 34-985.

*Except for a PUD, in which case the average density per gross acre may be increased as set forth in section 34-1333(b)(4).

*Two additional dwelling units per gross acre may be permitted for up to every five acres that a minimum ten-foot-wide beach access easement is irrevocably dedicated for public use. (For example, if an eight-acre site provides two ten-foot-wide public beach access easements with the required improvements, then the project may be permitted an additional two dwelling units per gross acre for the total eight acres). The easement shall be located, constructed, and improved at a minimum with a paved walkway and a wooden dune walkover structure over the dune, covered and uncovered seating benches on the walkover, landscaping, irrigation, and lighting as determined by the town, and shall be at the expense of the property owner.

**See also section 34-873.

***See also section 34-899.

****See also section 34-900.

*****A 20-foot setback from the street line (R-O-W line) shall be permitted when a minimum 45-foot right-of-way is provided in front of the property.

(Ord. No. 207, § 4.36, 8-8-1979; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997; Ord. No. 592, § 2(Exh. A), 5-24-2006)

Secs. 34-315—34-331. - Reserved.

DIVISION 5. - RESIDENTIAL, TRANSIENT AND MULTIPLE-FAMILY—MODERATE DENSITY (RMT) ZONING DISTRICT

Sec. 34-332. - Purpose.

The purpose of the RMT residential, transient and multiple-family—moderate density district is to provide for a variety of housing types at a moderate population density which are compatible with neighboring housing areas of lower density and which may include transient facilities.

(Ord. No. 207, § 4.41, 8-8-1979; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-333. - Uses permitted.

Permitted uses in the RMT residential, transient and multiple-family—moderate density district are as follows:

(1) Single-family detached dwellings.

(2) Two-family dwellings.

(3) Multiple-family dwellings.

(4) Clustered single-family dwellings (townhouses).

(5) Group homes (see article IV, division 11 of this chapter).

(6) Community residential homes (see article IV, division 11 of this chapter).

(7) Public safety facilities such as fire and/or police stations.

(Ord. No. 207, § 4.42, 8-8-1979; Ord. No. 434, 12-16-1992; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-334. - Accessory uses.

Accessory uses in the RMT residential, transient and multiple-family—moderate density district are as follows:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Swimming pools for tenants and guests.

(4) Limited home occupations (see article IV, division 10 of this chapter).

(5) Accessory apartments.

(Ord. No. 207, § 4.43, 8-8-1979; Ord. No. 393, 5-16-1990; Ord. No. 434, 12-16-1992; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-335. - Special exception uses.

Special exception uses in the RMT residential, transient and multiple-family—moderate density district are as follows:

(1) Planned unit development—residential (see article V of this chapter).

(2) Public and private utility structures.

(3) Public or private academic schools.

(4) Churches, synagogues and other houses of worship.

(5) Transient residential facilities.

(6) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.44, 8-8-1979; Ord. No. 434, 12-16-1992; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-336. - Site plan and appearance review requirements.

A site plan and appearance review is required of all uses other than individual single-family detached dwellings, which shall be subject to review only by the town planning and zoning department.

(Ord. No. 207, § 4.45, 8-8-1979; Ord. No. 371, 7-19-1989; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-337. - Building site area regulations.

The following building site area regulations shall apply to the RMT residential, transient and multiple-family—moderate density district:

(1) Minimum total area:

Single-family detached	10,000 sq. ft.
Two-family	10,000 sq. ft.
Townhouse, cluster	20,000 sq. ft.
Multiple-family	20,000 sq. ft.

Transient facility	20,000 sq. ft.

(2) Minimum lot width:

Single-family detached	75 ft. total
Two-family	75 ft. total
Multiple-family	100 ft. total
Transient facility	100 ft. total

(3) Minimum lot depth:

Single-family detached	100 ft. total
Two-family	100 ft. total
Townhouse, cluster	150 ft. total
Multiple-family	150 ft. total
Transient facility	150 ft. total

(4) Density:*

Single-family detached	4 dwelling units/gross acre
Two-family	8 dwelling units/gross acre
Townhouse	12 dwelling units/gross acre
Multiple-family	12 dwelling units/gross acre

Transient facility	15 dwelling units/gross acre

(5) Front yard setback:**

Single-family detached	30 ft. from the street line*****
Two-family	30 ft. from the street line*****
Townhouse, cluster	30 ft. from the street line
Multiple-family	30 ft. from the street line
Transient facility	30 ft. from the street line

(6) Side yard setback:***

Single-family detached	10 ft. per side
Two-family	10 ft. per side
Townhouse, single unit	0 ft. per side
Townhouse, cluster	35 ft., with one side having a minimum of 15 ft.
Multiple-family	35 ft. total with one side having a minimum of 15 ft.
Transient facility	35 ft. with one side having a minimum of 15 ft.

(7) Rear yard setback:****

Single-family detached	10 ft.
Two-family	10 ft.

Townhouse, single unit	0 ft.
Townhouse, cluster	30 ft.
Multiple-family	30 ft.
Transient facility	30 ft.

(8) Ocean setback: 50 feet west of the Coastal Construction Control Line (CCCL).

(9) High-rise setback: not applicable.

(10) Minimum floor space per dwelling unit:

One-bedroom unit	1,000 sq. ft. habitable space
Two-bedroom unit	1,200 sq. ft. habitable space
Three- (or more) bedroom unit	1,400 sq. ft. habitable space
Transient facility occupancy unit	300 sq. ft. habitable space

(11) Maximum building height:

Single-family detached	2 stories not to exceed 30 ft.
Two-family	2 stories not to exceed 30 ft.
Townhouse	3 stories not to exceed 40 ft.
Multiple-family	3 stories not to exceed 40 ft.
Transient facility	3 stories not to exceed 40 ft.

a. Upon request, the town may increase the maximum building height by up to one story and a maximum of ten feet in height where parking is provided under 75 percent of the building's

floor area. The town shall consider the following criteria when making a decision to approve or deny an increase in building height:

1. The proportion, scale and massing of the proposed structure as it relates to the proportion, scale and massing of other structures within the zoning district and within neighboring areas;
2. The general character of the surrounding developed properties and established patterns of development; and
3. The physical characteristics of the subject property, including, but not limited to, the slope and elevation, as they relate to the physical characteristics of other properties within the zoning district and within neighboring areas.

b. The town's evaluation of such criteria shall not include matters related solely to design, style, architectural theme or other purely aesthetic issues.

(12) Maximum building dimension: 150 feet for all types of permitted principal structures. This maximum dimension shall not include parking and attached accessory structures less than 25 feet in height.

(13) Distance between principal structures on same property: The minimum distance between principal structures on the same lot shall be 30 feet.

(14) Maximum lot coverage:

Single-family detached	35%
Two-family	35%
Townhouse, cluster	50%
Multiple-family	50%
Transient facility	50%

(15) Minimum landscaped open space:

Single-family detached	20% of lot area
Two-family	20% of lot area
Townhouse, single unit	Not applicable
Townhouse, cluster	15% of lot area
Multiple-family	15% of lot area

Transient facility	15% of lot area

(16) Maximum tower height:

Single-family detached	None, but must be in proportion with rest of building
Two-family	None, but must be in proportion with rest of building
Townhouse, single unit	None, but must be in proportion with rest of building
Townhouse, cluster	None, but must be in proportion with rest of building
Multiple-family	None, but must be in proportion with rest of building

(17) Maximum tower area:

Single-family detached	225 sq. ft.
Two-family	225 sq. ft.
Townhouse, single unit	225 sq. ft.
Townhouse, cluster	225 sq. ft.
Multiple-family	225 sq. ft.

(18) Minimum parking: see article IV, division 4 of this chapter. For a transient residential facility: one space for each occupancy unit. For multifamily developments: two spaces per dwelling unit for the first 20 dwelling units; 1.75 spaces for the next 21-50 dwelling units; and 1.5 spaces for each dwelling unit in excess of 50. Also, one guest space for every seven dwelling units.

(19) Loading: see section 34-985.

*Except for a PUD, in which case the average density per gross acre may be increased as set forth in section 34-1333(b)(4).

*Two additional dwelling units per gross acre may be permitted for up to every five acres that a minimum ten-foot-wide beach access easement is irrevocably dedicated for public use. (For example, if an eight-acre site provides two ten-foot-wide public beach access easements with the required improvements, then the

project may be permitted an additional two dwelling units per gross acre for the total eight acres). The easement shall be located, constructed, and improved at a minimum with a paved walkway and a wooden dune walkover structure over the dune, covered and uncovered seating benches on the walkover, landscaping, irrigation, and lighting as determined by the town, and shall be at the expense of the property owner.

**See also section 34-873.

***See also section 34-899.

****See also section 34-900.

*****A 20-foot setback from the street line (R-O-W line) shall be permitted when a minimum 45-foot right-of-way is provided in front of the property.

(Ord. No. 207, § 4.46, 8-8-1979; Ord. No. 469, 5-10-1995; Ord. No. 592, § 2(Exh. A), 5-24-2006; Ord. No. 494, 9-24-1997)

Secs. 34-338—34-362. - Reserved.

DIVISION 6. - RESIDENTIAL MULTIPLE-FAMILY—HIGH-DENSITY (RH) ZONING DISTRICT

Sec. 34-363. - Purpose.

The purpose of the RH residential multiple-family—high-density district is to provide for a variety of dwelling types. Permitted population density falls in the lower range of what is generally considered high-density development.

(Ord. No. 207, § 4.51, 8-8-1979; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 491, 2-12-1997)

Sec. 34-364. - Uses permitted.

Permitted uses in the RH residential multiple-family—high-density district are as follows:

(1) Single-family detached dwellings.

(2) Two-family dwellings.

(3) Multiple-family dwellings.

(4) Clustered single-family dwellings (townhouses).

(5) Churches, synagogues and other houses of worship.

(6) Group homes (see article IV, division 11 of this chapter).

(7) Community residential homes (see article IV, division 11 of this chapter).

(8) Public safety facilities such as fire and/or police stations.

(Ord. No. 207, § 4.52, 8-8-1979; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 491, 2-12-1997)

Sec. 34-365. - Accessory uses.

Accessory uses in the RH residential multiple-family—high-density district are as follows:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Private swimming pools and/or cabanas.

(4) Other accessory uses customarily incidental to permitted or approved special exception uses.

(5) Limited home occupations (see article IV, division 10 of this chapter).

(6) Accessory apartments.

(Ord. No. 207, § 4.53, 8-8-1979; Ord. No. 393, 5-16-1990; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 491, 2-12-1997)

Sec. 34-366. - Special exception uses.

Special exception uses in the RH residential multiple-family—high-density district are as follows:

(1) Planned unit development—residential (see article V of this chapter).

(2) Public and private utility structures.

(3) Public or private academic schools.

(4) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.54, 8-8-1979; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 491, 2-12-1997)

Sec. 34-367. - Site plan and appearance review requirements.

A site plan and appearance review is required of all uses other than individual single-family detached dwellings, which shall be subject to review only by the town planning and zoning department.

(Ord. No. 207, § 4.55, 8-8-1979; Ord. No. 371, 7-19-1989; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 491, 2-12-1997)

Sec. 34-368. - Building site area regulations.

The following building site area regulations shall apply to the RH residential multiple-family—high-density district:

(1) Minimum total area:

Single-family detached	10,000 sq. ft.
Two-family	10,000 sq. ft.
Townhouse, cluster	20,000 sq. ft.

Multiple-family	40,000 sq. ft.

(2) Minimum lot width:

Single-family detached	75 ft. total
Two-family	75 ft. total
Townhouse, cluster	100 ft. total
Multiple-family	150 ft. total

(3) Minimum lot depth:

Single-family detached	100 ft. total
Two-family	100 ft. total
Townhouse, cluster	200 ft. total
Multiple-family	200 ft. total

(4) Density:*

Single-family detached	4 dwelling units/gross acre
Two-family	8 dwelling units/gross acre
Townhouse	18 dwelling units/gross acre
Multiple-family	18 dwelling units/gross acre

(5) Front yard setback:**

Single-family detached	30 ft. from the street line*****
Two-family	30 ft. from the street line*****
Townhouse, cluster	30 ft. from the street line
Multiple-family	30 ft. from the street line

(6) Side yard setback:***

Single-family detached	10 ft. per side
Two-family	10 ft. per side
Townhouse, single unit	0 ft. per side
Townhouse, cluster	35 ft., with one side having a minimum of 15 ft.
Multiple-family	35 ft., with one side having a minimum of 15 ft.

(7) Rear yard setback:****

Single-family detached	10 ft.
Two-family	10 ft.
Townhouse, single unit	0 ft.
Townhouse, cluster	30 ft.
Multiple-family	30 ft.

(8) Ocean setback: 50 feet west of the Coastal Construction Control Line

(9) High-rise setback: for multiple-family, all buildings shall be set back so as to provide at least a 30-foot setback from all property lines. There shall be added an additional five feet of setback at ground level for each additional story beyond the first two stories. Such setbacks need not exceed 60 feet. For those lots having a width of 200 feet or less as recorded in the office of the county property appraiser at the time of adoption of the ordinance from which this chapter is derived, maximum setbacks need not exceed 50 feet. However, the maximum building dimension on such lots shall not exceed 150 feet.

(10) Minimum floor space per dwelling unit:

One-bedroom unit	1,000 sq. ft. habitable space
Two-bedroom unit	1,200 sq. ft. habitable space
Three- (or more) bedroom unit	1,400 sq. ft. habitable space

(11) Maximum building height:

Single-family detached	2 stories not to exceed 30 ft.
Two-family	2 stories not to exceed 30 ft.
Townhouse	3 stories not to exceed 40 ft.
Multiple-family	12 stories not to exceed 130 ft.
Accessory structure	12.5 ft.

(12) Maximum building dimension: the maximum dimension of any structure or group of attached structures shall not exceed 150 feet; provided, however, that along the building face having the maximum dimension, said dimension may be increased to not more than 175 feet.

(13) Distance between structures on same property: The minimum distance between principal structures on the same lot for single-family detached, two-family, and townhouse structures shall be 30 feet. For high-rise multiple-family the minimum distance between principal structures on the same lot shall be equal to the average building heights up to a maximum of 120 feet. For high-rise multiple-family: the minimum distance between a principal structure and an accessory structure shall be 30 feet and a minimum distance between accessory structures shall be 15 feet.

(14) Maximum lot coverage:

Single-family detached	35%

Two-family	35%
Townhouse, cluster	50%
Multiple-family	50%

(15) Minimum landscaped open space:

Single-family detached	20% of lot area
Two-family	20% of lot area
Townhouse, single unit	not applicable
Townhouse, cluster	15% of lot area
Multiple-family	15% of lot area

(16) Maximum tower height:

Single-family detached	None, but must be in proportion with rest of building
Two-family	None, but must be in proportion with rest of building
Townhouse, single unit	None, but must be in proportion with rest of building
Townhouse, cluster	None, but must be in proportion with rest of building
Multiple-family	None, but must be in proportion with rest of building

(17) Maximum tower area:

Single-family detached	225 sq. ft.
Two-family	225 sq. ft.

Townhouse, single unit	225 sq. ft.
Townhouse, cluster	225 sq. ft.
Multiple-family	225 sq. ft.

(18) Minimum parking: see article IV, division 4 of this chapter. For multifamily developments: two spaces per dwelling unit for the first 20 dwelling units; 1.75 spaces for the next 21-50 dwelling units; and 1.5 spaces for each dwelling unit in excess of 50. Also, one guest space for every seven dwelling units.

(19) Loading: see section 34-985.

(20) A1A vehicular access restrictions: Properties along State Road A1A from Loggerhead Park to the northern town limits shall not be allowed a motorized vehicular driveway connection onto State Road A1A. Provided, however, that this shall not prohibit an access used for emergency purposes only.

*Except for a PUD, in which case the average density per gross acre may be increased as set forth in section 34-1333(b)(4).

*Two additional dwelling units per gross acre may be permitted for up to every five acres that a minimum ten-foot-wide beach access easement is irrevocably dedicated for public use. (For example, if an eight-acre site provides two ten-foot-wide public beach access easements with the required improvements, then the project may be permitted an additional two dwelling units per gross acre for the total eight acres). The easement shall be located, constructed, and improved at a minimum with a paved walkway and a wooden dune walkover structure over the dune, covered and uncovered seating benches on the walkover, landscaping, irrigation, and lighting as determined by the town, and shall be at the expense of the property owner.

**See also section 34-873.

***See also section 34-899.

****See also section 34-900.

*****A 20-foot setback from the street line (R-O-W line) shall be permitted when a minimum 45-foot right-of-way is provided in front of the property.

(Ord. No. 207, § 4.56, 8-8-1979; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 491, 2-12-1997)

Secs. 34-369—34-394. - Reserved.

DIVISION 7. - RESIDENTIAL MULTIPLE-FAMILY—MODERATE DENSITY OPEN SPACE OPTION (RM-OO) ZONING DISTRICT

Sec. 34-395. - Purpose.

The purpose of the RM-OO residential multiple-family—moderate density open space option district is to provide for a variety of housing types at a moderate population density or to provide for a resort hotel and its attendant uses, either of which are compatible with the natural terrain and neighboring housing areas. This zoning district contains natural terrain in the form of a portion of the coastal ridge which represents an asset to the town's overall appearance. To maintain or increase this asset, it is also the purpose of this district to provide the option of increased open space and encourage the preservation or improvement of the natural terrain in exchange for a decrease in dwelling unit density and an increase in building height for single-building residential or resort hotel developments.

(Ord. No. 207, § 4.141, 8-8-1979; Ord. No. 224, 2-25-1981; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-396. - Uses permitted.

Permitted uses in the RM-OO residential multiple-family—moderate density open space option district are as follows:

(1) Single-family detached dwellings.

(2) Two-family dwellings.

(3) Multiple-family dwellings.

(4) Clustered single-family dwellings (townhouse).

(5) Group homes (see article IV, division 11 of this chapter).

(6) Community residential homes (see article IV, division 11 of this chapter).

(7) Public safety facilities such as fire and/or police stations.

(Ord. No. 207, § 4.142, 8-8-1979; Ord. No. 224, 2-25-1981; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-397. - Accessory uses.

Accessory uses in the RM-OO residential multiple-family—moderate density open space option district are as follows:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Private swimming pools and/or cabanas.

(4) Other accessory uses customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(5) Limited home occupations (see article IV, division 10 of this chapter).

(6) Accessory apartments.

(Ord. No. 207, § 4.143, 8-8-1979; Ord. No. 393, 5-16-1990; Ord. No. 224, 2-25-1981; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-398. - Special exception uses.

Special exception uses in the RM-OO residential multiple-family—moderate density open space option district are as follows:

(1) Planned unit development—residential.

(2) Public and private utility structures.

(3) Public or private academic schools.

(4) Churches, synagogues and other houses of worship.

(5) A single building in excess of three stories which reduces the overall density of dwelling units but increases the open space and preserves or enhances the natural terrain. An additional building in excess of three stories may be permitted for every four acres above a minimum of four acres.

(6) Resort hotel and attendant uses. Attendant uses shall not be permitted unless there is a resort hotel. A resort hotel structure may contain attendant uses, or the attendant uses may be located in a separate structure or structures or in combination with the resort hotel.

(7) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.144, 8-8-1979; Ord. No. 224, 2-25-1981; Ord. No. 295, 2-19-1986; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 478, 2-28-1996; Ord. No. 494, 9-24-1997)

Sec. 34-399. - Site plan and appearance review requirements.

A site plan and appearance review is required of all uses other than individual single-family detached dwellings, which shall be subject to review only by the town planning and zoning department.

(Ord. No. 207, § 4.145, 8-8-1979; Ord. No. 224, 2-25-1981; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 494, 9-24-1997)

Sec. 34-400. - Building site area regulations.

The following building site area regulations shall apply to the RM-OO residential multiple-family—moderate density open space option district:

(1) Minimum total area:

Single-family detached	10,000 sq. ft.
Two-family	10,000 sq. ft.
Townhouse, cluster	20,000 sq. ft.
Multiple-family	20,000 sq. ft.
Resort hotel and attendant uses	11.5 acres

(2) Minimum lot width:

Single-family detached	75 ft. total
Two-family	75 ft. total
Townhouse, cluster	100 ft. total
Multiple-family	100 ft. total
Resort hotel and attendant uses	630 ft. (north/south dimension)

(3) Minimum lot depth:

Single-family detached	100 ft. total
Two-family	100 ft. total
Townhouse, cluster	150 ft. total
Multiple-family	150 ft. total
Resort hotel and attendant uses	730 ft. (east/west dimension)

(4) Density:*

Single-family detached	4 dwelling units/gross acre
Two-family	8 dwelling units/gross acre
Townhouse	12 dwelling units/gross acre
Multiple-family	12 dwelling units/gross acre
Resort hotel and attendant uses	Maximum number of resort hotels in the RM-OO zoning district is 1; minimum number of guest units (rooms or suites) in the resort hotel is 200.

(5) Setbacks for special exception in section 34-398(5): the single building shall be set back so as to provide at least a 35-foot setback from all property lines. There shall be added an additional five feet of setback for each additional story beyond the first three stories. Such setbacks need not exceed 60 feet.

(6) Setback for special exception in section 34-398(6):

a. The resort hotel and all other structures must be set back a minimum of 100 feet from the south property line, 200 feet from the west property line, 50 feet west of the Coastal Construction Control Line (CCCL), and 100 feet from the north property line. If a public promenade is incorporated into the site plan adjacent to the Ocean Drive right-of-way, the town council may grant approval to located the promenade, all or portions of the primary hotel structure and attendant uses structures within the 50-foot setback from the Coastal Construction Control Line in accordance with section 34-1123 and where not otherwise prohibited by law. Modification of the south, west and north minimum setbacks may be granted only by the town council. Prior to a decision by the town council, the following conditions shall be met:

1. Review and recommendations by the planning and zoning board;

2. A public hearing with due public notice as provided in F.S. ch. 163 for all zoning actions.

b. Setback modifications may be approved only if such modifications will not be detrimental to the natural characteristics of the site or to existing and potential adjacent land uses, and will contribute to a higher quality site plan than can be achieved with 76 required minimum setbacks. The town council shall consider the effects of such impacts as light, air, appearance, fire protection and security.

(7) Front yard setback:**

Single-family detached	30 ft. from the street line*****
Two-family	30 ft. from the street line*****
Townhouse, cluster	30 ft. from the street line
Multiple-family	30 ft. from the street line

(8) Side yard setback:***

Single-family detached	10 ft. per side
Two-family	10 ft. per side

Townhouse, single unit	0 ft. per side
Townhouse, cluster	35 ft. total with one side having a minimum of 15 ft., a total of 20 ft.; any combination which totals 20 ft. (e.g., 10 ft. per side, or zero ft. on one side, 20 ft. on the other)
Multiple-family	35 ft. total with one side having a minimum of 15 ft.

(9) Rear yard setback:****

Single-family detached	10 ft.
Two-family	10 ft.
Townhouse, single unit	0 ft.
Townhouse, cluster	30 ft.
Multiple-family	30 ft.

(10) Ocean setback: 50 feet west of the Coastal Construction Control Line (CCCL).

(11) Minimum floor space per dwelling unit:

One-bedroom unit	1,000 sq. ft. habitable space
Two-bedroom unit	1,200 sq. ft. habitable space
Three- (or more) bedroom unit	1,400 sq. ft. habitable space
Resort hotel guest unit	325 sq. ft. habitable space

(12) Maximum building height:*

Single-family detached	2 stories not to exceed 30 ft.
Two-family	2 stories not to exceed 30 ft.
Townhouse	3 stories not to exceed 40 ft.
Multiple-family	3 stories not to exceed 40 ft.
Resort hotel	12 stories not to exceed 130 ft.
	Building height is measured from the crown of Ocean Drive or the lowest point of the grade surrounding the finished building, whichever is lower
Attendant structures to a resort hotel	2 stories not to exceed 25 ft., as measured above

a. Upon request, the town may increase the maximum building height by up to one story and a maximum of ten feet in height where parking is provided under 75 percent of the building's floor area. The town shall consider the following criteria when making a decision to approve or deny an increase in building height:

   1. The proportion, scale and massing of the proposed structure as it relates to the proportion, scale and massing of other structures within the zoning district and within neighboring areas;

   2. The general character of the surrounding developed properties and established patterns of development; and

   3. The physical characteristics of the subject property, including, but not limited to, the slope and elevation, as they relate to the physical characteristics of other properties within the zoning district and within neighboring areas.

b. The town's evaluation of such criteria shall not include matters related solely to design, style, architectural theme or other purely aesthetic issues.

*The datum used to determine the building height need not be the crown of the road. Instead, it may be the average elevation of the crest of the dune. This will be determined during the site plan review process.

(13) Maximum building dimension:

a. Resort hotel: 150 feet. Underground parking shall not have maximum dimension limitations but shall be subject to review and approval by the town council with respect to distance and appearance from the property lines. Underground parking may be shared by the resort hotel and attendant structures. The town council shall consider the effects of such impacts as light, air, appearance, fire protection and security.

b. All other uses: 150 feet for all types of permitted principal structures. This maximum dimension shall not include parking and attached accessory structures less than 25 feet in height.

(14) Distance between structures on same property:

a. For a resort hotel and attendant facilities, the minimum distance between structures shall be subject to review and approval by the town council, which shall consider the effects of such impacts as, light, air, appearance, fire protection and security. All other uses: the minimum distance between principal structures on the same lot shall be 30 feet.

b. For all other uses: a minimum 75-foot distance shall be provided between a structure greater than 50 feet in height and any other principal structure on the same property, and the minimum distance between principal structures on the same lot which are 50 feet in height or less shall be 30 feet.

(15) Maximum lot coverage:

Single-family detached	35%
Two-family	35%
Townhouse, cluster	50%
Multiple-family	50%

(16) Minimum landscaped open space:

Single-family	20% of lot area
Two-family	20% of lot area
Townhouse, single unit	Not applicable
Townhouse, cluster	15% of lot area
Multiple-family	15% of lot area

(17) Maximum tower height:

Single-family detached	None, but must be in proportion with rest of building
Two-family	None, but must be in proportion with rest of building

Townhouse, single unit	None, but must be in proportion with rest of building
Townhouse, cluster	None, but must be in proportion with rest of building
Multiple-family	None, but must be in proportion with rest of building

(18) Maximum tower area:

Single-family detached	225 sq. ft.
Two-family	225 sq. ft.
Townhouse, single unit	225 sq. ft.
Townhouse, cluster	225 sq. ft.
Multiple-family	225 sq. ft.

(19) Minimum parking:

a. Resort hotel:

1. 1.25 spaces per each guest unit, plus one space for each three seats offered to the public for restaurant and lounge purposes. Additional parking for attendant facilities located with the resort hotel and in adjacent structures shall be calculated at one space per 200 gross square feet of building area. Additional parking for employees must be provided on the basis of one space per employee of the largest number employees in any one shift at the resort hotel.

2. The resort hotel must have underground parking to accommodate a minimum of one-third of the required spaces for the resort hotel.

3. The top of the roof of any underground parking structure is not to exceed the lowest point of the crown of the road of Ocean Drive adjacent to the property.

b. Minimum parking: see article IV, division 4 of this chapter. For multifamily developments: two spaces per dwelling unit for the first 20 units; 1.75 spaces for the next 21-50 dwelling units; and 1.5 spaces for each dwelling unit in excess of 50. Also, one guest space for every seven dwelling units.

(20) Loading: see section 34-985.

(21) A1A vehicular access restrictions: Properties along State Road A1A from Loggerhead Park to the northern town limits shall not be allowed a motorized vehicular driveway connection onto State Road A1A. Provided, however, that this shall not prohibit an access used for emergency purposes only.

*Except for a PUD and Special Exception Use No. 5. In the case of a PUD, the average density per gross acre may be increased as set forth in section 34-1333(b)(4). For special exception use No. 5, the total number of dwelling units on a site must be decreased from the maximum permissible (12 units/acre) by a factor of 0.15 units × the number of additional floors × the total gross acreage of the site. A single building may not exceed 12 stories.

*Two additional dwelling units per gross acre may be permitted for up to every five acres that a minimum ten-foot-wide beach access easement is irrevocably dedicated for public use. (For example, if an eight-acre site provides two ten-foot-wide public beach access easements with the required improvements, then the project may be permitted an additional two dwelling units per gross acre for the total eight acres). The easement shall be located, constructed, and improved at a minimum with a paved walkway and wooden dune walkover structure over the dune, covered and uncovered seating benches on the walkover, landscaping, irrigation, and lighting as determined by the town, and shall be at the expense of the property owner.

**See also section 34-873.

***See also section 34-899.

****See also section 34-900.

(Ord. No. 207, § 4.146, 8-8-1979; Ord. No. 224, 2-25-1981; Ord. No. 433, 12-2-1992; Ord. No. 469, 5-10-1995; Ord. No. 478, 2-28-1996; Ord. No. 494, 9-24-1997; Ord. No. 592, § 2(Exh. A), 5-24-2006)

Secs. 34-401—34-428. - Reserved.

DIVISION 8. - SATURN LANE HISTORIC PRESERVATION DISTRICT (HIST-S)

Sec. 34-429. - Purpose.

The purpose of the HIST-S Saturn Lane historic preservation district is to protect and maintain an area in town worthy of historical and architectural preservation so that present and future residents and visitors may experience the unique historical features and architectural styles of the town. Further purposes of this district include the enhancement of property values, the reduction or elimination of nonconformities, the preservation of scenic views, and the rehabilitation of the Saturn Lane district.

(Ord. No. 207, § 4.201, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-430. - Uses and structures permitted.

Permitted uses and structures in the HIST-S Saturn Lane historic preservation district are as follows:

(1) Single-family residential dwelling unit.

(2) Public safety facilities such as fire and/or police stations.

(3) Group homes (see article IV, division 11 of this chapter).

(Ord. No. 207, § 4.202, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-431. - Accessory structures and/or uses permitted.

Accessory structures and/or uses in the HIST-S Saturn Lane historic preservation district are as follows:

(1) Accessory apartments.

(2) Private nurseries and greenhouses.

(3) Private garages.

(4) Private swimming pools.

(5) Other accessory uses and/or structures customarily incidental to permitted uses.

(6) Limited home occupations (see article IV, division 10 of this chapter).

(Ord. No. 207, § 4.203, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-432. - Applicability of chapter sections.

All sections of this chapter shall apply to the HIST-S Saturn Lane historic preservation district, except as otherwise provided in this division.

(Ord. No. 207, § 4.204, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-433. - Expansion of nonconforming structures.

Notwithstanding the provisions of article VI of this chapter, any structure made nonconforming as of the effective date of the ordinance from which this chapter is derived shall be permitted to expand its first floor structural footprint so long as:

(1) The structure is expanded into a conforming front, side, or rear yard setback; and

(2) All other regulations of this district are complied with.

However, an addition to a nonconforming structure, above the first floor level, is permitted to match an existing, nonconforming first floor footprint, so long as the front yard setback is met. (See article VI of this chapter.)

(Ord. No. 207, § 4.205, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-434. - Street lot lines.

The street lot line shall be defined as the edge of the Saturn Lane right-of-way and Ocean Drive right-of-way.

(Ord. No. 207, § 4.206, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-435. - Corner lots.

The corner lot provision of this chapter is modified for lots in the Sea Dunes subdivision. The lots adjacent to the Ocean Drive right-of-way shall maintain a minimum ten-foot front yard setback from the Ocean Drive lot line, and a minimum 25-foot setback from the Saturn Lane lot line.

(Ord. No. 207, § 4.207, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-436. - Extension of porches and balconies.

Porches, balconies, and similar structures may not extend into any front, side or rear yard setback, other than in the additional ten-foot front yard setback above the first floor level. Yard setback encroachments that may be authorized in sections 34-902 and 34-903 are expressly prohibited in the HIST-S Saturn Lane historic preservation district.

(Ord. No. 207, § 4.208, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-437. - Future subdivision of land.

All new lots subdivided in the Sea Dunes subdivision shall utilize the Saturn Lane lot line as the front lot line, in addition to meeting the minimum lot size, width and depth requirements. The Ocean Drive lot line shall not be utilized as a front lot line.

(Ord. No. 207, § 4.209, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-438. - Design criteria.

All development and construction shall be representative of and generally consistent with and complementary to the Old Florida cottage style of architecture (detailed in section 34-442) and which is commonly known and identified by its late Victorian architectural style, Spanish Revival architectural style, or combination thereof. Summarized briefly, distinguishing features of the Old Florida cottage style of architecture include wood or concrete block stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as exposed soffits and individualized vent and louver shapes; lush landscaping with private yards; and use of porches and patios. All additions, alterations, and new construction shall be of a design and proportion which is in harmony with the existing structures in the district. The facade of a two-unit dwelling which is constructed and visible from the street shall appear in design as a single-family dwelling, similar to the design of existing two-unit dwellings.

(Ord. No. 207, § 4.210, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-439. - Site plan and appearance review requirements.

Site plan review by the planning and zoning department shall be required for all new construction, additions, and alterations to existing structures.

(Ord. No. 207, § 4.211, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 434, 12-16-1992; Ord. No. 454, 11-16-1994)

Sec. 34-440. - Appeals.

(a) Design criteria and architectural standards. A decision by the director interpreting design criteria and architectural standards regulations may be appealed by an applicant by presenting his appeal to the planning and zoning board for review, and to the town council for a final decision on the appeal.

(b) Other development regulations. Any other decision made by the director interpreting any other regulation set forth in the Saturn Lane historic preservation district shall be appealed to the board of adjustment.

(Ord. No. 207, § 4.212, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-441. - Administration and enforcement of regulations.

Any construction requiring a building permit shall be reviewed by the director prior to the issuance of a building permit. Any improvement which does not require a building permit, for example painting a structure or installing a screen door shall be required to comply with these regulations. Any improvement which does not comply with these regulations shall be deemed a code violation, and shall be subject to removal or modification, as appropriate.

(Ord. No. 207, § 4.213, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-442. - Architectural standards for Saturn Lane historic preservation district.

To maintain the historic character and architectural features of the Old Florida cottage style represented in the Saturn Lane historic preservation district, and to maintain and enhance property values, the following materials and design features are permitted for all additions, alterations, and new construction. Materials and design features other than those listed in this section shall be considered on a case-by-case basis by the town to determine, based on the intent and purpose of the Saturn Lane historic preservation district, if such materials or design features closely resemble the natural materials and are complementary to the architectural style and character of Saturn Lane.

(1) Building wall materials:

*Concrete block and stucco (CBS).

*Board and batten (vertical wood siding).

*Lap board (horizontal wood siding).

*Cedar shingles.

*Wood frame with stucco finish.

(2) Garden wall and fence materials and treatments:

*Hedges.

*Concrete block and stucco (CBS).

*Decorative concrete ornamentation.

*Lattice (PVC or wood).

*Decorative wood pickets.

*Gates and fences: wrought iron, wood, PVC, aluminum.

*Wood that is not pressure treated must be painted or sealed. Any wood with ground contact (i.e., posts) must be pressure treated.

*Chainlink is prohibited.

*The color of all fences and walls shall be compatible with the color of the principal structure. Natural wood color is considered compatible.

(3) Landscaping features encouraged:

*Hedges.

*Arbors.

*Trellises.

*Fountains.

*Decorative concrete, stone, or brick patio/walkway.

*Wood decking/walkway (must be pressure treated).

*Xeriscape landscaping.

(4) Porches and awnings:

*Concrete block and stucco (CBS) or wood framing.

*Porches may be open to the air, screened in, or enclosed with lattice.

*Porches enclosed with any glass or solid material are discouraged when visible from the street.

*Porch roof materials shall match principal building, unless a flat roof which may be tar and gravel or other acceptable material.

*Awnings must be of durable materials (may include fabric/vinyl).

*Awnings must be upgraded, replaced, or removed if torn, faded or in disrepair.

(5) Roof materials and treatments:

*Tile roof.

*Asphalt shingle roof (min. 210 pounds per square) (straight cuts only, not to simulate other materials, i.e., wood shingles, tile, slate, and so forth).

*Metal roof.

*Built-up aggregate surface roof (tar and gravel), permitted only for roofs with a pitch less than 3 to12.

*Simple gable and hip roofs are permitted. Flat roofs are permitted but shall not extend over more than 30 percent of roof area.

*Roof pitch shall conform to existing buildings in the district.

*Bahama chimneys, cupolas, weather vanes, and decorative wood corners and detailing are encouraged.

*Rafters at overhangs shall be exposed (open soffits).

(6) Shutters and window treatments:

*Side-mounted and Bahama shutters (wood, aluminum, vinyl or PVC).

*Awnings (see subsection (4) of this section).

*Mullions are encouraged on windows.

(7) Door materials and treatments:

*Painted and stained wood.

*Embossed masonite (exterior grade only).

*Wood frame screen doors.

*Painted aluminum screen doors are encouraged over natural aluminum finish color.

*Windows in doors are encouraged to use mullions when visible from the street (i.e., French doors, sliding glass doors with mullions).

*If windows in doors do not use mullions, at a minimum such windows shall have a colored frame (i.e., a sliding glass door shall have a white frame, instead of the natural aluminum finish).

(8) Vents and louvers:

*Decorative concrete, wood or painted aluminum ornamentation (exposed screening is not permitted).

(9) Colors:

*Pastel, colonial, and neutral base (i.e., white, off-white, light earth tones).

*Trim may be any color, but must be compatible with building base color.

*Roof color shall be solid and compatible with building color scheme.

(10) Accessory structures:

*Materials, design, and color shall match principal structure.

(11) Historic preservation districts:

Building Site Area Regulations
Sea Dunes (Saturn Lane)

Minimum lot area	4,500 sq. ft.
Minimum lot width	50 ft.
Minimum lot depth	90 ft.
Maximum density	10 units/acre (excluding accessory apartment)
Minimum front setback	*(See below)**
Minimum side setback	5 ft. per side
Minimum rear setback	5 ft.
Maximum height	2 stories, 30 ft.
Maximum tower height	None, but must be in proportion with rest of building
Maximum tower area	225 sq. ft.

Maximum lot coverage	35%
Ocean setback	50 ft. west of CCCL
Minimum living area:	
1-bedroom	500 sq. ft.
2-bedroom	750 sq. ft.
3-bedroom	1,000 sq. ft.
Maximum living area accessory apartment	750 sq. ft.
Maximum building dimension	60 ft.
Landscaping requirement	25%
Parking requirements	2 spaces/unit****
Loading	N/A
High-rise setback	N/A
Accessory structure setback	5 ft.***
Accessory structure maximum height	12 ft.

*Lots 2, 19, 20: 25 feet.

*Lots 3, 17, 18: 20 feet.

*Lots 4, 5, 15, 16: 15 feet.

*Lots 6, 14: Ten feet.

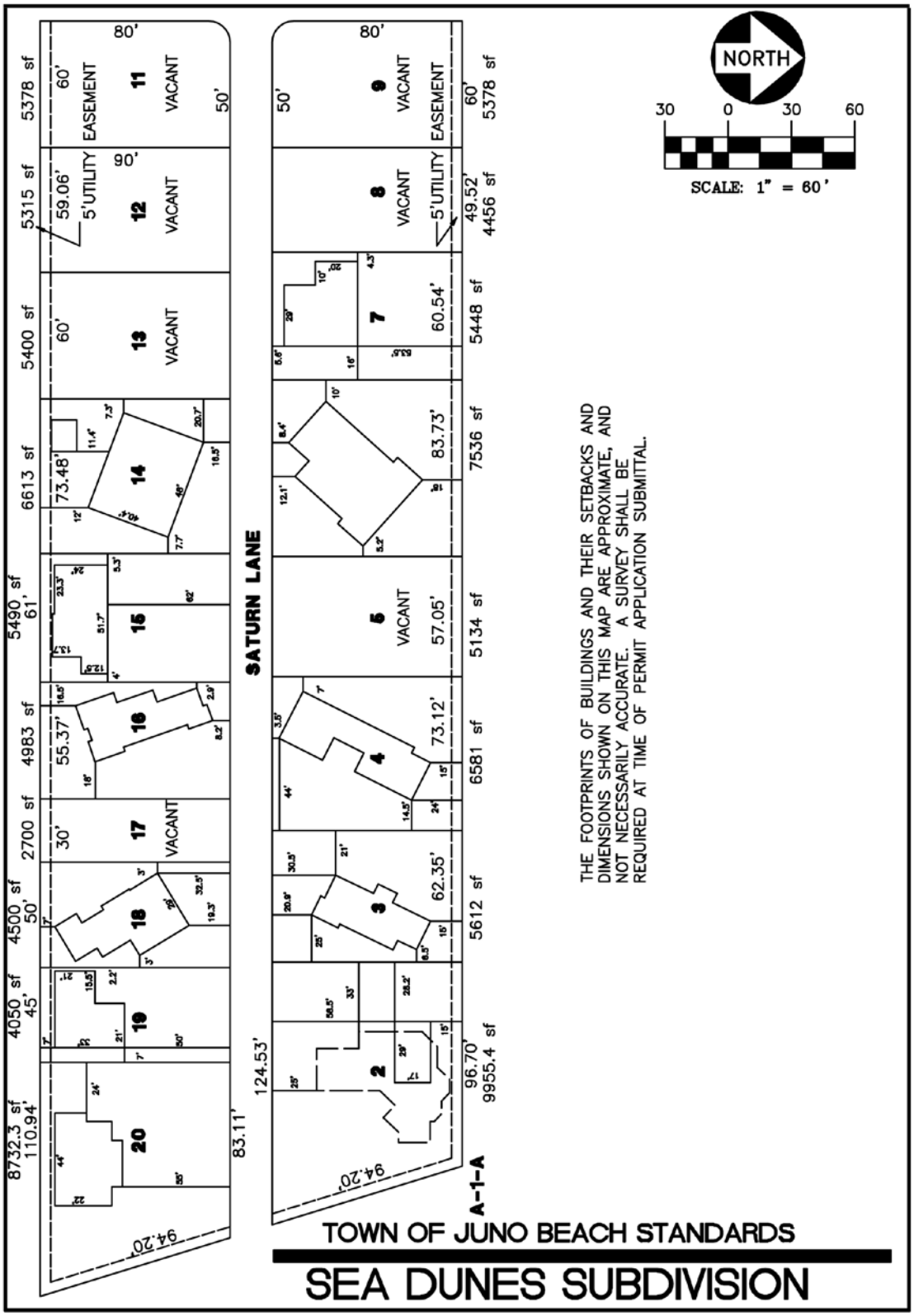
*Lots 7, 8, 9, 11, 12, 13: Five feet.

**All floors above the first floor level shall be set back an additional five feet from the first floor front yard setback, with the exception of Ocean Drive.

***If accessory structure is in the front yard, the front yard setback shall apply.

*****If the accessory apartment is 500 square feet or less, one parking space shall be required.

(Ord. No. 207, § 4.215, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994; Ord. No. 632, § 2, 10-28-2009)



Secs. 34-443—34-467. - Reserved.

DIVISION 9. - ZEPHYR WAY HISTORIC PRESERVATION (HIST-Z) ZONING DISTRICT

Sec. 34-468. - Purpose.

The purpose of the HIST-Z Zephyr Way historic preservation district is to protect and maintain an area in town worthy of historical and architectural preservation so that present and future town residents and visitors may experience the unique historical features and architectural styles of the town. Further purposes of this district include the enhancement of property values, the reduction or elimination of nonconformities, the preservation of scenic views, and the rehabilitation of the Zephyr Way historic preservation district.

(Ord. No. 207, § 4.301, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-469. - Uses and structures permitted.

Permitted uses and structures in the HIST-Z Zephyr Way historic preservation district are as follows:

(1) Single-family residential dwelling units.

(2) Public safety facilities such as fire and/or police stations.

(3) Group homes (see article IV, division 11 of this chapter).

(Ord. No. 207, § 4.302, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-470. - Accessory structures and/or uses permitted.

Accessory structures and uses in the HIST-Z Zephyr Way historic preservation district are as follows:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Private swimming pools.

(4) Other accessory uses and/or structures customarily incidental to permitted uses.

(5) Limited home occupations (see article IV, division 10 of this chapter).

(Ord. No. 207, § 4.303, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-471. - Applicability of chapter sections.

All sections of this chapter shall apply to the HIST-Z Zephyr Way historic preservation district, except as otherwise provided in this division.

(Ord. No. 207, § 4.304, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-472. - Expansion of nonconforming structures.

Notwithstanding the provisions of article VI of this chapter, any structure made nonconforming as of the effective date of the ordinance from which this chapter is derived shall be permitted to expand its first floor structural footprint so long as:

(1) The structure is expanded into a conforming front, side, or rear yard setback; and

(2) All other regulations of this district are complied with.

However, an addition to a nonconforming structure, above the first floor level, is permitted to match an existing, nonconforming first floor footprint. (See article VI of this chapter.)

(Ord. No. 207, § 4.305, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-473. - Street lot lines.

The street lot line shall be defined as the edge of the Zephyr Way right-of-way, Ocean Drive right-of-way, and Donald Ross Road right-of-way.

(Ord. No. 207, § 4.306, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-474. - Corner lots.

The corner lot provision of this chapter is modified for lots in the Surfside subdivision. Lots fronting on three or more streets shall be required to have only one street frontage meet the minimum front yard setback, which shall average 20 feet. Yard setbacks for any additional street frontage are required to meet a minimum ten foot setback, in lieu of the required average 20-foot front yard setback.

(Ord. No. 207, § 4.307, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-475. - Extension of porches and balconies.

Porches, balconies, and similar structures may not extend into any front, side or rear setback. Yard setback encroachments that may be authorized in sections 34-902 and 34-903 are expressly prohibited in this district.

(Ord. No. 207, § 4.308, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-476. - Design criteria.

All development and construction shall be representative of and generally consistent with and complementary to the Old Florida cottage style of architecture (detailed in section 34-480) and which is commonly known and identified by its late Victorian architectural style, Spanish Revival architectural style, or combination thereof. Summarized briefly, distinguishing features of the Old Florida cottage style of architecture include wood or concrete block stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as exposed soffits and individualized vent and louver shapes; lush landscaping with private yards; and use of porches and patios. All additions, alterations, and new construction shall be of a design and proportion which is in harmony with the existing structures in the district.

(Ord. No. 207, § 4.309, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-477. - Site plan and appearance review requirements.

Site plan review by the planning and zoning department shall be required for all new construction, additions, and alterations to existing structures.

(Ord. No. 207, § 4.310, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 434, 12-16-1992; Ord. No. 454, 11-16-1994)

Sec. 34-478. - Appeals.

(a) Design criteria and architectural standards. A decision by the director interpreting design criteria and architectural standards regulations may be appealed by an applicant by presenting his appeal to the planning and zoning board for review, and to the town council for a final decision on the appeal.

(b) Other development regulations. Any other decision made by the director interpreting any other regulation set forth in the Zephyr Way historic preservation district shall be appealed to the board of adjustment.

(Ord. No. 207, § 4.311, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-479. - Administration and enforcement of regulations.

Any construction requiring a building permit shall be reviewed by the director prior to the issuance of a building permit. Any improvement which does not require a building permit, for example painting a structure or installing a screen door shall be required to comply with these regulations. Any improvement which does not comply with these regulations shall be deemed a code violation, and shall be subject to removal or modification, as appropriate.

(Ord. No. 207, § 4.312, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-480. - Architectural standards for Zephyr Way historic preservation district.

To maintain the historic character and architectural features of the Old Florida cottage style of Zephyr Way and to maintain and enhance property values, the following materials and design features are permitted for all additions, alterations, and new construction. Materials and design features other than those listed in this section shall be considered on a case by case basis by the town to determine, based on the intent and purpose of this zoning district, if such materials or design features closely resemble the natural materials and are complementary to the architectural style and character of Zephyr Way.

(1) Building wall materials:

*Concrete block and stucco (CBS).

*Board and batten (vertical wood siding).

*Lap board (horizontal wood siding).

*Wood frame with stucco finish.

(2) Garden wall and fence materials and treatments:

*Hedges.

*Concrete block and stucco (CBS).

*Decorative concrete ornamentation.

*Lattice (PVC or wood).

*Decorative wood pickets.

*Gates and fences; wrought iron, wood, PVC, aluminum.

*Chainlink is prohibited.

*Wood that is not pressure treated must be painted or sealed. Any wood with ground contact (i.e., posts) must be pressure treated.

*The color of all fences and walls shall be compatible with the color of the principle structure. Natural wood color is considered compatible.

(3) Landscaping features encouraged:

*Hedges.

*Arbors.

*Trellises.

*Fountains.

*Decorative concrete, stone, or brick patio/walkway.

*Wood decking/walkway (must be pressure treated).

*Xeriscape landscaping.

(4) Porches and awnings:

*Concrete block and stucco (CBS) or wood framing.

*Porches may be open to the air, screened in, or enclosed with lattice.

*Porches enclosed with any glass or solid material are discouraged when visible from the street.

*Porch roof materials shall match principal building, unless a flat roof which may be tar and gravel or other acceptable material.

*Awnings must be of durable materials (may include fabric/vinyl).

*Awnings must be upgraded, replaced, or removed if torn, faded or in disrepair.

(5) Roof materials and treatments:

*Tile roof.

*Asphalt shingle roof (min. 210 pounds per square) (straight cuts only, not to simulate other materials, i.e., wood shingles, tile, slate, and so forth).

*Built-up aggregate surface roof (tar and gravel), permitted only for roofs with a pitch less than 3 to12.

*Simple gable and hip roofs are permitted. Flat roofs are permitted but shall not extend over more than 30 percent of roof area.

*Roof pitch shall conform to existing buildings in the district.

*Bahama chimneys, cupolas, weather vanes, and decorative wood corners and detailing are encouraged.

*Rafters at overhangs shall be exposed (open soffits).

(6) Shutters and window treatments:

*Side-mounted and Bahama shutters (wood, aluminum, vinyl or PVC).

*Awnings (see subsection (4) of this section).

*Mullions are encouraged on windows.

(7) Door materials and treatments:

*Painted and stained wood.

*Embossed masonite (exterior grade only).

*Wood frame screen doors.

*Painted aluminum screen doors are encouraged over natural aluminum finish color.

*Windows in doors are encouraged to use mullions when visible from the street (i.e., French doors, sliding glass doors with mullions).

*If windows in doors do not use mullions, at a minimum such windows shall have a colored frame (i.e., a sliding glass door shall have a white frame, instead of the natural aluminum finish).

(8) Vents and louvers:

*Decorative concrete, wood or painted aluminum ornamentation (exposed screening is not permitted).

(9) Colors:

*Pastel and neutral base (i.e., white, off-white, light earth tones).

*Trim may be any color, but must be compatible with building base color.

*Roof color shall be solid and compatible with building color scheme.

(10) Accessory structures: materials, design, and color shall match principal structure.

(11) Historic preservation districts:

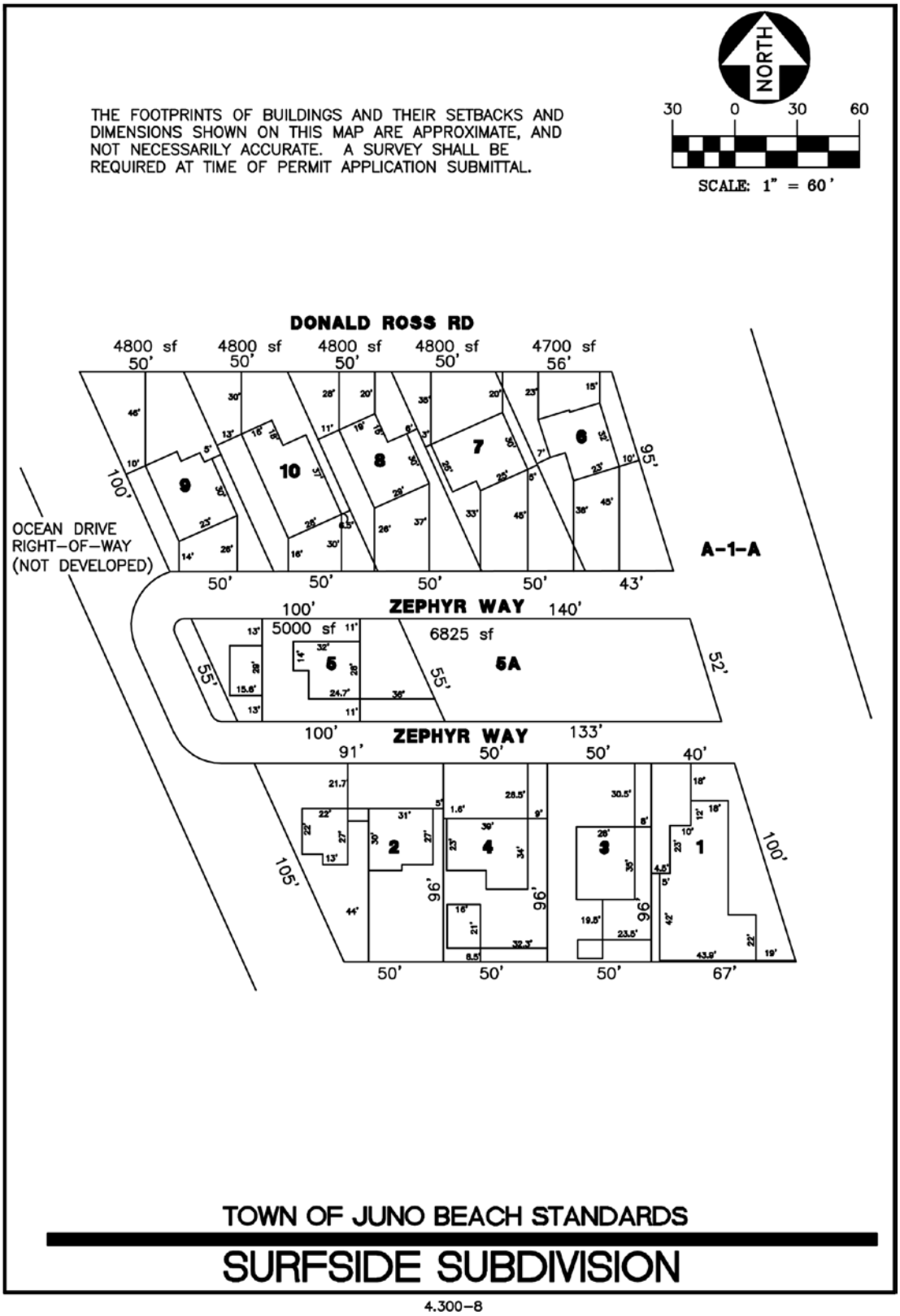
Building Site Area Regulations
Surfside (Zephyr Way)

Minimum lot area	4,750 sq. ft.
Minimum lot width	50 ft.
Minimum lot depth	95 ft.
Maximum density	10 units/acre
Minimum front setback	20 ft. average, minimum 14 ft.
Minimum side setback	5 ft. per side

Minimum rear setback	5 ft.
Maximum height	2 stories, 30 ft.
Maximum tower height	None, but must be in proportion with rest of building
Maximum tower area	225 sq. ft.
Maximum lot coverage	35%
Ocean setback	50 ft. west of CCCL
Minimum living area:	
1-bedroom	500 sq. ft.
2-bedroom	750 sq. ft.
3-bedroom	1,000 sq. ft.
Maximum living area accessory apartment	N/A
Maximum building dimension	60 ft.
Landscaping requirement	25%
Parking requirements	2 spaces/unit
Loading	N/A
High-rise setback	N/A
Accessory structure setback	5 ft.***
Accessory structure maximum height	12 ft.

***If accessory structure is in the front yard, the front yard setback shall apply.

(Ord. No. 207, § 4.314, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)



4.300–8

Secs. 34-481—34-498. - Reserved.

DIVISION 10. - BEACHBOUND HISTORIC PRESERVATION (HIST-B) ZONING DISTRICT

Sec. 34-499. - Purpose.

The purpose of the HIST-B Beachbound historic preservation district is to protect and maintain an area in town worthy of historical and architectural preservation so that present and future town residents and visitors may experience the unique historical features and architectural styles of the town. Further purposes of this district include the enhancement of property values, the reduction or elimination of nonconformities, the preservation of scenic views, and the rehabilitation of the Beachbound district.

(Ord. No. 207, § 4.401, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-500. - Uses and structures permitted.

Permitted uses and structures in the HIST-B Beachbound historic preservation district are as follows:

(1) Single-family residential dwelling unit.

(2) Public safety facilities such as fire and/or police stations.

(3) Group homes (see article IV, division 11 of this chapter).

(Ord. No. 207, § 4.402, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-501. - Accessory structures and/or uses permitted.

Accessory structures and uses in the HIST-B Beachbound historic preservation district are as follows:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Private swimming pools.

(4) Other accessory uses and/or structures customarily incidental to permitted uses.

(5) Limited home occupations (see article IV, division 10 of this chapter).

(Ord. No. 207, § 4.403, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-502. - Applicability of chapter sections.

All sections of this chapter shall apply to the HIST-B Beachbound historic preservation district, except as otherwise provided in this division.

(Ord. No. 207, § 4.404, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-503. - Expansion of nonconforming structures.

Notwithstanding the provisions of article VI of this chapter, any structure made nonconforming as of the effective date of the ordinance from which this chapter is derived shall be permitted to expand its first floor structural footprint so long as:

(1) The structure is expanded into a conforming front, side, or rear yard setback; and

(2) All other regulations of this district are complied with. However, an addition to a nonconforming structure, above the first floor level, is permitted to match an existing, nonconforming first floor footprint. (See article VI of this chapter.)

(Ord. No. 207, § 4.405, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-504. - Street lot lines.

The street lot line shall be defined as the edge of the Galaxy Circle right-of-way and Celestial Way right-of-way.

(Ord. No. 207, § 4.406, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-505. - Side yard setback.

The side yard setbacks shall total a minimum of 13 feet, with no side being less than five feet.

(Ord. No. 207, § 4.407, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-506. - Corner lots.

The corner lot provision of this chapter shall apply to this division.

(Ord. No. 207, § 4.408, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-507. - Extension of porches and balconies.

Porches, balconies, and similar structures may not extend into any front, side or rear setback. Yard setback encroachments that may be authorized in sections 34-902 and 34-903 are expressly prohibited in the HIST-B Beachbound historic preservation district.

(Ord. No. 207, § 4.409, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-508. - Location of garden walls and fences.

Along Galaxy Circle, walls and fences are prohibited to run parallel with Galaxy Circle when located in the front yard.

(Ord. No. 207, § 4.410, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-509. - Design criteria.

All development and construction shall be representative of and generally consistent with and complementary to the Old Florida cottage style of architecture (detailed in section 34-513) and which is commonly known and identified by its late Victorian architectural style, Spanish Revival architectural style, or combination thereof. Summarized briefly, distinguishing features of the Old Florida cottage style of architecture include wood or concrete block stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as exposed soffits and individualized vent and louver shapes; lush landscaping with private yards; and use of porches and patios. All additions, alterations, and new construction shall be of a

design and proportion which is in harmony with the existing structures in the HIST-B Beachbound historic preservation district.

(Ord. No. 207, § 4.411, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-510. - Site plan and appearance review requirements.

Site plan review by the planning and zoning department shall be required for all new construction, additions, or alterations to existing structures.

(Ord. No. 207, § 4.412, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 434, 12-16-1992; Ord. No. 454, 11-16-1994)

Sec. 34-511. - Appeals.

(a) Design criteria and architectural standards. A decision by the director interpreting design criteria and architectural standards regulations may be appealed by an applicant by presenting his appeal to the planning and zoning board for review, and to the town council for a final decision on the appeal.

(b) Other development regulations. Any other decision made by the director, interpreting any other regulation set forth in the Beachbound historic preservation district shall be appealed to the board of adjustment.

(Ord. No. 207, § 4.413, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-512. - Administration and enforcement of regulations.

Any construction requiring a building permit shall be reviewed by the director prior to the issuance of a building permit. Any improvement which does not require a building permit, for example painting a structure or installing a screen door shall be required to comply with these regulations. Any improvement which does not comply with these regulations shall be deemed a code violation, and shall be subject to removal or modification, as appropriate.

(Ord. No. 207, § 4.414, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)

Sec. 34-513. - Architectural standards for Beachbound historic preservation district.

To maintain the historic character and architectural features of the Old Florida cottage style of Beachbound and to maintain and enhance property values, the following materials and design features are permitted for all additions, alterations, and new construction. Materials and design features other than those listed in this section shall be considered on a case by case basis by the town to determine, based on the intent and purpose of this zoning district, if such materials or design features closely resemble the natural materials and are complementary to the architectural style of Beachbound.

(1) Building wall materials:

*Concrete block and stucco (CBS).

*Board and batten (vertical wood siding).

*Lap board (horizontal wood siding).

*Wood frame with stucco finish.

(2) Garden wall and fence materials and treatments:

*Hedges.

*Concrete block and stucco (CBS).

*Decorative concrete ornamentation.

*Lattice (PVC or wood).

*Decorative wood pickets.

*Gates and fences; wrought iron, wood, PVC, aluminum.

*Wood that is not pressure treated must be painted or sealed. Any wood with ground contact (i.e., posts) must be pressure treated.

*Chainlink is prohibited.

*The color of all fences and walls shall be compatible with the principal building color. Natural wood color is considered compatible.

(Along Galaxy Circle, walls and fences are prohibited to run parallel with Galaxy Circle when located in the front yard.)

(3) Landscaping features encouraged:

*Hedges.

*Arbors.

*Trellises.

*Fountains.

*Decorative concrete, stone, or brick patio/walkway.

*Wood decking/walkway (must be pressure treated).

*Xeriscape landscaping.

(4) Porches and awnings:

*Concrete block and stucco (CBS) or wood framing.

*Porches may be open to the air, screened in, or enclosed with lattice.

*Porch roof materials shall match principal building, unless a flat roof which may be tar and gravel or other acceptable material.

*Awnings must be of durable materials (may include fabric/vinyl).

*Awnings must be upgraded, replaced, or removed if torn, faded or in disrepair.

(5) Roof materials and treatments:

*Tile roof.

*Asphalt shingle roof (min. 210 pounds per square) (straight cuts only, not to simulate other materials, i.e., wood shingles, tile, slate, and so forth).

*Built-up aggregate surface roof (tar and gravel), permitted only for roofs with a pitch less than 3 to12.

*Simple gable and hip roofs are permitted. Flat roofs are permitted but shall not extend over more than 30 percent of roof area.

*Roof pitch shall conform to existing buildings in the district.

*Bahama chimneys, cupolas, weather vanes, and decorative wood corners and detailing are encouraged.

*Rafters at overhangs shall be exposed (open soffits).

(6) Shutters and window treatments:

*Side-mounted and Bahama shutters (wood, aluminum, vinyl or PVC).

*Awnings (see subsection (4) of this section).

(7) Door materials and treatments:

*Painted and stained wood.

*Embossed masonite (exterior grade only).

*Wood frame screen doors.

*Painted aluminum screen doors are encouraged over natural aluminum finish color.

*Windows in doors are encouraged to use mullions (i.e., French doors).

(8) Vents and louvers:

*Decorative concrete, wood or painted aluminum ornamentation (exposed screening is not permitted).

(9) Colors:

*Tropical pastel (i.e., white, light pink, grey, yellow, green).

*Trim may be any color, but must be compatible with building base color.

*Roof color shall be solid and compatible with building color scheme.

(10) Accessory structures: materials, design, and color shall match principal structure.

(11) Historic preservation districts:

Building Site Area Regulations
Beachbound (Galaxy Circle)

Minimum lot area	4,000 sq. ft.
Minimum lot width	50 ft.
Minimum lot depth	48 ft.

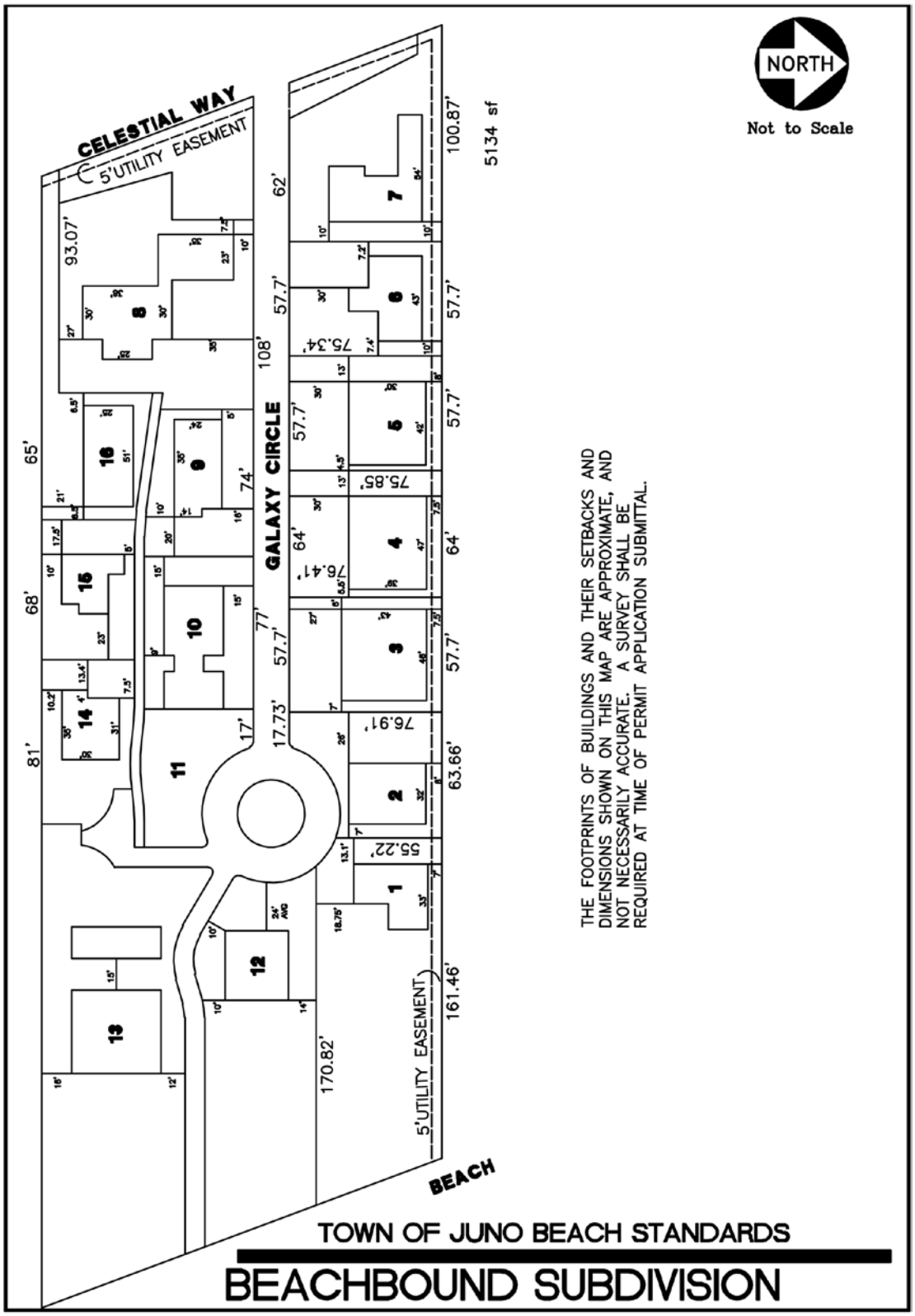
Maximum density	10 units/acre
Minimum front setback	15 ft.****
Minimum side setback	13 ft. total, 5 ft. per side
Minimum rear setback	9 ft.****
Maximum height	1-story, 15 ft.
Maximum tower height	None, but must be in proportion with rest of building
Maximum tower area	225 sq. ft.
Maximum lot coverage	35%
Ocean setback	50 ft. west of CCCL
Minimum living area:	
1-bedroom	700 sq. ft.
2-bedroom	700 sq. ft.
3-bedroom	1,000 sq. ft.
Maximum living area accessory apartment	N/A
Maximum building dimension	60 ft.
Landscaping requirement	25%
Parking requirements	1 space/unit
Loading	N/A
High-rise setback	N/A
Accessory structure setback	5 ft.***

Accessory structure maximum height	15 ft.

***If accessory structure is in the front yard, the front yard setback shall apply.

****Lots 9, 10, 11, 14, 15, 16: Nine feet set back from three-foot walkway; lots 14, 15, 16: Nine feet set back from Wexford Court property line.

(Ord. No. 207, § 4.416, 8-8-1979; Ord. No. 409, 5-15-1991; Ord. No. 454, 11-16-1994)



4.400–8

Secs. 34-514—34-534. - Reserved.

DIVISION 11. - TWO-FAMILY RESIDENTIAL DUPLEX (R-DUP) ZONING DISTRICT

Sec. 34-535. - Purpose.

The purpose of the R-DUP two-family residential duplex district is to provide for an area in the town which shall be used exclusively for single-family detached or two-family homes.

(Ord. No. 207, § 4.501, 8-8-1979; Ord. No. 467, 12-14-1994; Ord. No. 485, 9-4-1996)

Sec. 34-536. - Uses permitted.

Permitted uses in the R-DUP two-family residential duplex district are as follows:

(1) Single-family residences.

(2) Two-family dwellings.

(3) Group homes (see article IV, division 11 of this chapter).

(4) Public safety facilities such as fire and/or police stations.

(Ord. No. 207, § 4.502, 8-8-1979; Ord. No. 467, 12-14-1994; Ord. No. 485, 9-4-1996)

Sec. 34-537. - Accessory uses.

Accessory uses in the R-DUP two-family residential duplex district are as follows:

(1) Private nurseries and greenhouses.

(2) Private garages.

(3) Private swimming pools and/or cabanas.

(4) Accessory uses customarily incident to the permitted uses.

(5) Limited home occupations (see article IV, division 10 of this chapter).

(Ord. No. 207, § 4.503, 8-8-1979; Ord. No. 467, 12-14-1994; Ord. No. 485, 9-4-1996)

Sec. 34-538. - Special exception uses.

Special exception uses in the R-DUP two-family residential duplex district are as follows:

(1) Public and private utility structures.

(2) Churches, synagogues, and other houses of worship.

(3) Planned unit development—residential only (single-family detached). (See article V of this chapter.)

(4) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.504, 8-8-1979; Ord. No. 467, 12-14-1994; Ord. No. 485, 9-4-1996)

Sec. 34-539. - Site plan and appearance review requirements.

A site plan and appearance review is required of all uses other than individual single-family detached dwellings, which shall be subject to review only by the town planning and zoning department.

Building Site Area Requirements
Residential Zoning District (R-DUP)

Minimum lot area:	
Single-family	8,750 sq. ft.
Two-family	17,500 sq. ft.
Minimum lot width	70 ft.
Minimum lot depth	100 ft.
Maximum density	5 units/acre
Minimum front setback	25 ft.[(a)(b)]
Minimum side setback:	
Single-family	7.5 ft.[(a)]
Two-family	15 ft.
Minimum rear setback	12 ft.
Maximum height	2 stories, 30 ft.[(d)]
Maximum tower height	None, but must be in proportion with rest of building
Maximum tower area	225 sq. ft.
Maximum lot coverage	35%
Minimum ocean setback	50 ft. west of CCCL
Minimum living area, two-family	
(Habitable space):	

1-bedroom	800 sq. ft. per unit[c]
2-bedroom	1,000 sq. ft. per unit[c]
3-bedroom	1,200 sq. ft. per unit[c]
Maximum building dimension	100 ft.
Minimum landscaping requirement	25%
Minimum parking requirements	2 spaces/unit[b]
Minimum accessory structure setback	5 ft.[e]
Accessory structure maximum height	12 ft.*
Accessory structure maximum building dimension	12 ft.*[f]

NOTES:

*Screened pool enclosures are excluded.

[a]Corner lots: section 34-899 is modified for the RS districts as follows: one street side: minimum 15 feet setback; other street side: minimum required front yard setback (see table in section 34-539).

[b]A minimum 19-foot-long driveway or parking area is required in front of a garage or carport for stacking depth.

[c]The minimum living area (habitable space) for single-family homes in the R-DUP district shall be the same as in the R-DUP district: one-bedroom, 1,000 sq. ft.; two-bedroom, 1,200 sq. ft.; and three-bedroom, 1,400 sq. ft.

[d]Building height is measured from average existing grade (prior to land alteration) at structure's proposed location or from the crown of the road at its highest elevation abutting in the property, whichever is greater.

[e]If the accessory structure is in the front yard, the front yard setback shall apply.

[f]If the accessory structure is set back a minimum of ten feet from the side or rear property line, then section 34-873 shall apply and there shall be no maximum building dimension requirement.

(Ord. No. 207, § 4.505, 8-8-1979; Ord. No. 467, 12-14-1994; Ord. No. 485, 9-4-1996)

Secs. 34-540—34-556. - Reserved.

DIVISION 12. - RECREATIONAL VEHICLE PARK (RV PARK) ZONING DISTRICT

Sec. 34-557. - Purpose.

The purpose of the RV Park recreational vehicle park district is to create an area for the use of recreational vehicles (RVs), as defined by and according to F.S. §§ 320.01(1)(b) and 513.01(9).

(Ord. No. 207, § 4.601, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Sec. 34-558. - Uses permitted.

Permitted uses in the RV Park recreational vehicle park district are recreational vehicles (RVs) within an RV park.

(Ord. No. 207, § 4.602, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Sec. 34-559. - Accessory uses.

(a) Generally. Accessory uses in the recreational vehicle park district are as follows:

(1) Clubhouse/recreational building.

(2) Rental office for RV lots.

(3) Manager's office.

(4) Bathhouses.

(5) Laundry rooms.

(6) Storage area/storage building.

(7) Private swimming pools or cabanas.

(8) Cooking/barbecue grill structure.

(b) Individual lots within RV park. Accessory uses for individual lots within the recreational vehicle park district are as follows:

(1) Screen room (three-sided only, RV shall form fourth side).

(2) Storage building.

(3) Porches (open air or enclosed with nonglazed windows; three-sided only, RV shall form fourth side).

(4) Deck.

(5) Cooking/barbecue grill structure.

(Ord. No. 207, § 4.603, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Sec. 34-560. - Special exception uses.

Special exception uses in the RV Park recreational vehicle park district are as follows: satellite dish antennas (see article IV, division 13 of this chapter).

Sec. 34-561. - Site plan and appearance review requirements.

A site plan and appearance review is required of all RV parks. However, individual RV lots within the park which are to have an RV remain on a lot consecutively for six months or more, or accessory structures which are to be affixed to the ground permanently, shall be subject to review by the town planning and zoning department.

(Ord. No. 207, § 4.604, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Sec. 34-562. - Building permit requirements.

All RVs remaining on a lot consecutively for six months or more at a time shall be required to obtain the following building permits: tiedown permit, plumbing permit, and electrical permit. In addition, during hurricane season, June 1—November 30, any RV that is on a lot unoccupied or unattended by the owner for more than five consecutive days shall be required to be tied down and a tiedown building permit obtained. A survey of the property, signed and sealed by a surveyor registered in the state, shall be submitted when applying for a building permit.

(Ord. No. 207, § 4.605, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Sec. 34-563. - Materials.

All materials to be used for an RV or accessory structure shall be constructed of metal or wood frame with aluminum, stainless steel, vinyl, and or fiberglass siding. However, an accessory storage building may also be made of commercially molded plastic if permitted by the Florida Building Code. Permanent cooking/barbecue grill structures may be made of brick, stone, metal or masonry block and shall meet Florida Building Code requirements.

(Ord. No. 207, § 4.606, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Sec. 34-564. - Nonconforming status.

(a) As of the effective date of the ordinance from which this chapter is derived, all RVs which are properly tied down and accessory structures with valid building permits shall be considered structures, as defined in this chapter, provided they are documented by an as-built survey submitted to the town within 90 days of the effective date of the ordinance from which this chapter is derived. Therefore, article VI of this chapter shall apply to these structures. All as-built surveys shall meet the requirements of F.A.C. ch. 61G17-6.

(b) In addition, a lot, as recorded in the public records prior to the effective date of the ordinance from which this chapter is derived, which does not meet the minimum lot size, lot width, or lot depth requirements shall be permitted to have an RV and accessory structures erected on the property, provided the remaining building site area requirements are adhered to.

(c) However, all designated "C" lots on the original condominium documents of Yogi by the Sea, as recorded in the official record book 4693, page 1853, of the public records of the county, shall be permitted to be amended and recorded in the public records after the effective date of the ordinance from which this chapter is derived, even though the minimum lot size, width or depth requirements are

not met, provided the lot boundaries are as shown on the unrecorded surveyor's exhibit to the Declaration of Condominium, prepared by Benchmark Land Surveying and Mapping, Inc., as revised on May 12, 1988. In addition, any of these lots which do not meet the minimum lot size, lot width, or lot depth requirements shall be permitted to have an RV and accessory structures erected on the property, provided the remaining building site area requirements are adhered to.

(d) The existing Juno Ocean Walk RV Park (as recorded in the official record book 4693, page 1853, of the public records of the county as Yogi by the Sea condominium) shall have the following lot designations for setback purposes:

(1) Perimeter lots (section A).

(2) Interior lots (section C).

(3) Common area lots (sections B, D, E, and F).

(Ord. No. 207, § 4.607, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Sec. 34-565. - Building site area requirements for RV park.

The following building site area requirements for RV parks shall apply:

(1) Minimum RV park lot area: 20 acres

(2) Minimum lot width: 300 feet

(3) Minimum lot depth: 300 feet

(4) Maximum density: 12 RV units/acre

(5) Height of accessory structure: Two stories, 30 feet (max.)

(6) Common area open space: 15 percent minimum

(7) Perimeter landscape buffer or barrier: A minimum 15-foot-wide landscape buffer or barrier, as determined by the town during site plan and appearance review, shall be provided along the entire perimeter of the property.

(8) RV park storage area requirements: Only the following items are permitted to be stored in this area: RVs, automobiles, car trailers, boats on trailers, and utility trailers. In order to allow for ingress/egress during emergency situations, no permitted items shall exceed 45 feet in total length. All permitted items must have a current registration and license tag. Also, RV park dumpsters and golf carts are permitted in this area.

(9) All other requirements not stated herein shall comply with F.A.C. ch. 64E-15.

(Ord. No. 207, § 4.608, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Sec. 34-566. - Building site area requirements for individual lots within RV park.

(a) The following building site area requirements for individual lots within an RV park shall apply:

Minimum lot area	1,500 sq. ft.
Minimum lot width	30 ft.

Minimum lot depth	50 ft.
Minimum front setback:	
Perimeter lots	15 ft.[(a), (f)]
Interior lots	0 ft.[(b)]
Common area lots	5 ft.[(a)]
Minimum side setback	5 ft.[(h)]
Minimum rear setback:	
Perimeter lots	15 ft.[(c), (g)]
Interior lots	3 ft.
Common area lots	0-foot setback[(c)]
Maximum height	1-story, 14.5 ft.[(d)]
Maximum lot coverage	60%
Minimum ocean setback	50 ft. west of CCCL
RV and building dimension (maximum length)	45 ft.
Minimum landscaping requirement	The side setbacks shall be preserved as permeable surfaces to provide for drainage. Only a maximum 2-foot-wide path of pervious or semi-pervious materials may be used in a single row in this area.
Minimum parking requirements	1 space/unit (8 ft. × 18 ft.)
Minimum accessory structure setback	Same as for RV[(e)]

Maximum accessory structure height:	
Screen room/porch	Not to exceed height of RV
Storage building	9 ft.
Maximum accessory structure floor area:	
Screen room/porch	400 sq. ft.
Storage building	36 sq. ft.

NOTES:

[a] Section 34-899 shall not apply to these lots. Therefore, when a lot has frontage on two streets, the street frontage in which the hitch (the hooking device to transport the RV) faces shall be considered the front yard and the other street frontage shall be considered a side yard.

[b] Section 34-899 shall apply, except for those lots which abut a ten-foot-wide driveway easement, the yard facing that ten-foot-wide driveway easement shall have a front yard setback of ten feet. Those lots which do not abut a ten-foot-wide driveway easement shall have a minimum front yard setback requirement of five feet. Section 34-899 shall not apply to these interior lots; therefore, the street or driveway easement frontage in which the hitch (the hooking device to transport the RV) faces shall be considered the front yard and the other street frontage shall be considered a side yard.

[c]Those lots whose rear yard faces an adjacent lot shall be required to have a rear yard setback of five feet.

[d]RV and building height is measured from the finished floor elevation of the concrete foundation. Existing concrete foundations shall not be raised in height.

[e]All accessory structures shall be freestanding structures, not permanently attached to the RV and must not protrude beyond the front corner of the RV walls; however, protrusion may occur between tip-outs. No plumbing, air conditioning unit or ducts are permitted within an accessory structure. Electricity, however, shall be permitted to serve an accessory structure. Accessory structures, other than storage buildings, are permitted only when an RV is located on the lot. When an RV is removed from a lot, all accessory structures, other than storage buildings and cooking/barbecue grill structures, must also be removed. A freestanding air conditioning unit shall be considered an accessory structure (see definition of accessory structure in section 34-4).

[f]Those lots with a lot depth of 50 feet or less shall be permitted a five-foot front yard setback.

[g]Those lots whose rear yard faces and is adjacent to common area shall be permitted a zero-foot rear yard setback.

[h]Those lots whose side yard faces and is adjacent to common area (excluding roadways) at least ten feet wide shall be permitted a zero-foot side yard setback. Those lots whose side or rear yards face common

area of less than ten feet wide shall be required to maintain a ten-foot-wide open area; these lots may reduce their setbacks to the extent that they maintain a ten-foot-wide open and unobstructed area.

(b) All other requirements not stated herein shall comply with F.A.C. ch. 64E-15.

(c) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Common area lots means individual lots whose rear yard faces and is adjacent to common area, excluding any perimeter buffer common area.

Electrical permit means a permit required for hooking up an RV to electricity. A maximum of two 50-amp cord cap connections are the only acceptable electrical hookup for an RV. (In other words, the electrical hookup must be a plug in.)

Interior lots means individual lots that are not perimeter or common area lots.

Perimeter lots means individual lots that are adjacent to the perimeter property lines and/or perimeter landscape buffer or barrier of the development.

Plumbing permit means a permit required for hooking up an RV to a water and sewer connection.

Recreational vehicle (RV) means as defined by F.S. §§ 320.01(1)(b) and 513.01(9). However, in addition, all RVs must be temporary in that the wheels remain on the RV, all electrical and plumbing hookups must be plug in, and all skirting on RVs must be temporary.

Tip-outs means the sliding portion of the RV which extends beyond the typical eight to 8.5 feet RV width.

(Ord. No. 207, § 4.609, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 491, 2-12-1997; Ord. No. 527, 11-15-2000)

Secs. 34-567—34-595. - Reserved.

DIVISION 13. - MANUFACTURED HOME COMMUNITY (MH) ZONING DISTRICT

Sec. 34-596. - Purpose.

The purpose of the MH manufactured home community district is to create an environment suitable for single-family manufactured homes.

(Ord. No. 207, § 4.701, 8-8-1979; Ord. No. 482, 4-10-1996; Ord. No. 485, 9-4-1996)

Sec. 34-597. - Uses permitted.

Permitted uses in the MH manufactured home community district are as follows:

(1) Single-family manufactured homes within a manufactured home community.

(2) Group homes (see article IV, division 11 of this chapter).

(Ord. No. 207, § 4.702, 8-8-1979; Ord. No. 482, 4-10-1996; Ord. No. 485, 9-4-1996)

Sec. 34-598. - Accessory uses.

Accessory structures for community or individual lots in the MH manufactured home community district may be of conventional block or frame construction or manufactured construction. Permitted accessory uses are:

(1) Manufactured home community:

a. Clubhouse/recreational building.

b. Manager's office.

c. Laundry rooms.

d. Storage area/storage building.

e. Private swimming pools or cabanas.

(2) Individual lots within manufactured home community:

a. Manufactured home accessory building or structure, as defined by the National Fire Protection Association Standards, NFPA 501A.

b. ~~Private spa/Jacuzzi~~ Hot tub/whirlpool.

c. Limited home occupations (see article IV, division 10 of this chapter).

(Ord. No. 207, § 4.703, 8-8-1979; Ord. No. 482, 4-10-1996; Ord. No. 485, 9-4-1996)

Sec. 34-599. - Special exception uses.

Special exception uses in the MH manufactured home community district are as follows: satellite dish antennas (see article IV, division 13 of this chapter).

Sec. 34-600. - Site plan and appearance review requirements.

A site plan and appearance review is required of all manufactured home communities. However, individual manufactured home lots within the community shall be subject to review by the town planning and zoning department.

(Ord. No. 207, § 4.704, 8-8-1979; Ord. No. 482, 4-10-1996; Ord. No. 485, 9-4-1996)

Sec. 34-601. - Nonconforming status.

Within a manufactured home community zoning district, an individual lot, as recorded in the public records prior to the effective date of the ordinance from which this chapter is derived, which does not meet the minimum lot size, lot width, or lot depth requirements shall be permitted to have a manufactured home and accessory structures erected on the property, provided the remaining building site area requirements are adhered to.

(Ord. No. 207, § 4.705, 8-8-1979; Ord. No. 482, 4-10-1996; Ord. No. 485, 9-4-1996)

Sec. 34-602. - Building site area requirements for manufactured home community.

The following building site area requirements for manufactured home communities shall apply to the MH manufactured home community district:

Minimum lot area for mobile home park	5 acres
Minimum lot width	300 ft.
Minimum lot depth	700 ft.
Maximum density	12 units/acre
Perimeter landscape buffer or barrier	A minimum 15-foot-wide landscape buffer or barrier, as determined by the town during site plan and appearance review, shall be provided along the entire perimeter of the property.

(Ord. No. 207, § 4.706, 8-8-1979; Ord. No. 482, 4-10-1996; Ord. No. 485, 9-4-1996)

Sec. 34-603. - Building site area requirements for individual lots within manufactured home community.

The following building site area requirements for individual lots within manufactured home communities shall apply to the MH manufactured home community district:

Minimum lot area	3,000 sq. ft.
Minimum lot width	40 ft.*
Minimum lot depth	75 ft.*
Minimum front setback	3 ft.*[(a)]
Minimum side setback	5 ft.*[(a)]
Minimum rear setback	10 ft.*
Maximum height	1-story, 18 ft.[(b)]
Maximum lot coverage	75%
Minimum living area (habitable space)	600 sq. ft.

Maximum building dimension	100 ft.
Minimum landscaping requirement	20%
Minimum ocean setback	50 ft. west of CCCL
Minimum parking requirements	1 space/unit (8 ft. wide by 18 ft. deep)
Minimum setback for accessory structure constructed entirely of materials that do not support combustion	0 ft., provided a minimum 3-foot separation is maintained from a structure on an adjacent property[(c)]
Minimum setback for accessory structure constructed of combustible materials	5 ft.[(c)]
Accessory structure maximum height	Height of manufactured home[(b)]

NOTES:

*Lots that are designed to have the longest portion of the manufactured home (length) run parallel with the front property line shall have the following minimum requirements:

Minimum lot width: 90 ft.

Minimum lot depth: 25 ft.

Minimum front setback: 3 ft.[(a)]

Minimum side setback: 10 ft.[(a)]

Minimum rear setback: 5 ft.

[(a)]Corner lots: section 34-899 shall apply to this district. One street side: minimum three-foot setback; other street side: minimum three-foot setback. If adjacent to an arterial or collector street, the arterial or collector street side setback shall be a minimum of ten feet.

[(b)]Building height is measured from average existing grade (prior to land alteration) at the structure's proposed location or from the crown of the road at its highest elevation abutting the property, whichever is greater.

[(c)]If accessory structure is in the front yard, the front yard setback shall apply. However, a storage building shall be located only in the rear one-third depth of the lot.

(Ord. No. 207, § 4.707, 8-8-1979)

Secs. 34-604—34-624. - Reserved.

DIVISION 14. - COMMERCIAL GENERAL (CG) ZONING DISTRICT

Sec. 34-625. - Purpose.

(a) The purpose of the CG commercial general district is to provide attractive and efficient retail shopping and personal service uses, to be developed either as a planned unit or in individual parcels. Retail drive-in businesses are not permitted. To enhance the general character of the district and its compatibility with its residential surroundings, this district is also suitable for professional, administrative, and general sales offices together with certain commercial uses designed primarily to serve employees in the district.

(b) Certain preferred uses are identified in the district and provided incentives to encourage their development. The purpose of the preferred uses is to encourage an environment which is particularly compatible and complementary to the adjacent residential area. The town desires a traditional town center atmosphere in its commercial areas, so as to link the commercial areas with the residential areas by both aesthetics and vehicular/pedestrian access, and to encourage residents to patronize such businesses.

(Ord. No. 207, § 4.61, 8-8-1979; Ord. No. 302, 6-25-1986; Ord. No. 375, 11-15-1989; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997)

Sec. 34-626. - Uses permitted.

Permitted uses in the CG commercial general district are as follows:

(1) Retail and service establishments, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

(2) Business services.

(3) Department stores.

(4) Churches, synagogues or other houses of worship.

(5) Nonprofit cultural centers.

(6) Professional offices (greater than 40,000 gross floor area (GFA)).

(7) Medical and dental offices.

(8) Health spa/gym (greater than 20,000 GFA).

(9) Banks and financial institutions (greater than 50,000 GFA).

(10) Professional or studio-type schools (greater than 50,000 GFA).

(11) Public safety facilities such as fire and/or police stations.

(12) Day care centers, if not adjacent to a residential use or residentially zoned property.

(13) Adult entertainment establishments.

(14) Outpatient substance abuse treatment provider.

(Ord. No. 207, § 4.62, 8-8-1979; Ord. No. 302, 6-25-1986; Ord. No. 375, 11-15-1989; Ord. No. 434, 12-16-1992; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997; Ord. No. 644, § 2, 1-12-2011; Ord. No. 668, § 4, 5-28-2014)

Sec. 34-627. - Preferred permitted uses.

Preferred permitted uses in the CG commercial general district are as follows:

(1) Professional offices (40,000 gross floor area (GFA) or less).

(2) Residential (single-family and/or multifamily dwellings). A maximum 75 percent of the total gross floor area on the site may be used for residential.

(3) Health spa/gym (20,000 GFA or less).

(4) Banks and financial institutions (50,000 GFA or less).

(5) Retail deli, bakery, and sandwich shop.

(6) Retail landscape nursery with outdoor displays.

(7) Temporary festive outdoor markets (only fruits, vegetables, plants, flowers, arts, and handcrafted items shall be sold). Maximum two-year temporary permit, renewable at the discretion of the town council.

(8) Professional or studio type schools (50,000 GFA or less).

(9) Transient residential facilities (maximum 30 units or less for timeshare and maximum 15 rooms or less for bed and breakfast).

(10) Hotel/motel (150 rooms/units or less).

(Ord. No. 207, § 4.62.1, 8-8-1979; Ord. No. 302, 6-25-1986; Ord. No. 375, 11-15-1989; Ord. No. 434, 12-16-1992; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997; Ord. No. 581, § 2(exh. A), 8-24-2005; Ord. No. 644, § 3, 1-12-2011; Ord. No. 668, § 4, 5-28-2014)

Sec. 34-628. - Accessory uses.

Accessory uses in the CG commercial general district are as follows:

(1) Off-street parking and loading.

(2) Signs.

(3) Drive-in financial facilities.

(4) Accessory uses customarily incident to the permitted or approved special exception uses.

(5) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.63, 8-8-1979; Ord. No. 302, 6-25-1986; Ord. No. 375, 11-15-1989; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997)

Sec. 34-629. - Special exception uses.

Special exception uses in the CG commercial general district are as follows:

(1) Public parking garages

(2) Public and private utility structures.

(3) Fuel service stations (see section 34-869).

(4) Supplemental off-site parking.

(5) Public and private academic schools.

(6) Assisted living facilities (see article IV, division 12 of this chapter).

(7) Transient residential facility (greater than 30 units for timeshare).

(8) Convenience stores (see section 34-868).

(9) Vehicle minor repair facility (see section 34-870).

(10) Hotel/motel (greater than 150 rooms/units).

(11) Day care centers, if adjacent to a residential use or residentially zoning property.

(12) Uses utilizing optional building site area development modifications identified in section 34-632.

(13) Restaurants and drinking establishments.

(Ord. No. 207, § 4.64, 8-8-1979; Ord. No. 302, 6-25-1986; Ord. No. 375, 11-15-1989; Ord. No. 434, 12-16-1992; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997; Ord. No. 581, § 2(exh. A), 8-24-2005; Ord. No. 644, § 4, 1-12-2011; Ord. No. 668, § 4, 5-28-2014)

Sec. 34-630. - Site plan and appearance review requirements.

A site plan and appearance review is required for all uses.

(Ord. No. 207, § 4.65, 8-8-1979; Ord. No. 302, 6-25-1986; Ord. No. 375, 11-15-1989; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997)

Sec. 34-631. - Building site area regulations.

The following building site area regulations shall apply to the CG commercial general district:

(1) Minimum total area: 40,000 square feet.

(2) Minimum lot width: 150 feet.

(3) Minimum lot depth: 150 feet.

(4) Density: When applied to residential uses in this district, the maximum densities shall be those which are in effect for the RH zoning district, i.e., 18 dwelling units per gross acre for multiple-family dwellings. The maximum density for transient residential facilities and hotel/motel facilities within this district shall be 30 guest units per gross acre.

(5) Setbacks:

a. The following setback schedule shall apply, and all properties adjoining or adjacent to property with a residential or "R" zoning district designation shall incorporate a minimum of a 15-foot landscaped buffer within such adjoining yard or setback:

Setback Distance Requirements from Property Line			
Total Lot Area	Front	Side	Rear
1.5 acres or less	25′	20′	20′
More than 1.5 acres to 3 acres	35′	20′*	20′*

More than 3 acres	45′	20′*	20′*
* Where the rear or side setback adjoins property with a residential or "R" zoning district designation, the required setback shall be increased from 20 feet to 30 feet.			

b. For all buildings higher than two stories, all stories above the first two stories shall be set back a minimum of five feet from the first story building facade and shall include an architecturally compatible roof treatment or element along such building line break (see graphic representation in Exhibit 2 appended to the end of this section).

(6) Ocean setbacks: 50 feet west of the Coastal Construction Control Line (CCCL).

(7) High-rise setback: see subsection (5) of this section.

(8) Maximum building height:

a. For buildings having two stories, the maximum building height shall not exceed 30 feet. For buildings having three stories, the maximum building height shall not exceed 45 feet. No building shall exceed three stories, except for those buildings which contain a minimum of one floor of residential space which shall be permitted a maximum of four stories and 60 feet in height.

b. For properties with a total lot area exceeding two acres, all structures within 60 feet of a rear or side property line adjoining property with an "R" or residential zoning district designation shall not exceed the maximum building height for the adjacent residential property (see graphic representation of this concept in Exhibit 1 and Exhibit 2 appended to the end of this section).

c. A minimum 20-foot building separation shall be required between all principal structures on site.

(9) Maximum building dimension: 200 feet.

(10) Maximum lot coverage: 40 percent.

(11) Minimum landscaped open space: 15 percent of total lot area. All building sides shall be required to install foundation planting materials along a minimum of 40 percent of the length of each facade. Such foundation plantings shall be at least four feet deep, as measured from the edge of the building.

(12) Minimum parking:

a. See article IV, division 4 of this chapter. In addition, a minimum of two parking spaces shall be required per residential dwelling unit for permitted residential uses.

b. A shared parking study shall be required for all mixed use projects proposing less than the amount of parking otherwise required. The town council, in the exercise of its discretion, may approve a shared parking plan if the study clearly demonstrates that all uses included in the shared parking will not require more than the proposed amount. Projects utilizing shared parking shall not designate spaces for any specific use within the project, with the exception of approved valet parking as provided in subsection (12)d of this section.

c. Parking shall be located behind the principal buildings and screened from the roadway by structures and/or a heavily landscaped buffer unless the town council determines, in the exercise of its discretion, that this requirement shall create an unsafe or hazardous condition on site. In such event, the town council may allow parking in other locations on site.

d. Any use proposing valet parking shall submit a plan to the town council for review and approval. Such plan shall be reviewed in conjunction with site plan review. Valet parking shall not utilize more than 30 percent of the required on-site parking for the approved use or uses. The valet parking plan shall address each of the following:

1. The location of the valet parking booth or area;
2. The location and number of parking spaces to be utilized for valet parking;
3. Evidence that the business owns the parking spaces proposed for valet use or a copy of any agreement or lease that provides the business with the right to use spaces owned by another individual or entity for valet parking;
4. The impacts of valet parking on the shared parking plan for the project (if one exists) and on patrons who do not utilize such service;
5. The hours of operation; and
6. The location and text of any signage associated with the valet parking operation and assigned spaces.

(13) Loading: see section 34-985; however, if it can be proven that a preferred permitted use requires only typical nine-foot by 19-foot parking space to service the majority of loading needs, then said preferred permitted use shall be permitted a nine-foot by 19-foot loading space. If the use changes in the future, then the new use will have to meet the requirements of section 34-985 or, if the new use is a preferred permitted use, demonstrate that the majority of loading needs may be serviced by the existing loading space.

(14) Specific requirements for preferred permitted uses:

a. A temporary festive outdoor market must be of a design which creates a festive outdoor market atmosphere. This atmosphere shall be created by a site plan which integrates the site with the rest of the town by creating real streets on the site, creating a public square on which goods may be sold, and other similar means so as to create a traditional town center atmosphere. The majority of outdoor displays must be covered, but may be open aired. Such covered structures shall be made of high quality materials such as wooden posts, and the roofs may be of canvas, metal, or other high-quality materials, Such outdoor displays shall be of the Old Florida style of architecture as required in article II, division 4 of this chapter.

b. If the quality and merits of a site plan for preferred permitted use warrant it, the town council may waive requirements in article IV, division 7 of this chapter. However, the landscape buffer requirements, along with barriers, trees and shrubs, on the sides and rear property lines shall not be waived.

(15) Minimum architectural treatments: All sides of any building within the CG zoning district shall be designed with a variety of treatments matching the general architectural theme of the project. The intent of this requirement is to have all sides of the building appear as the front facade, including those fronting a roadway, alley or parking area.

EXHIBIT 1

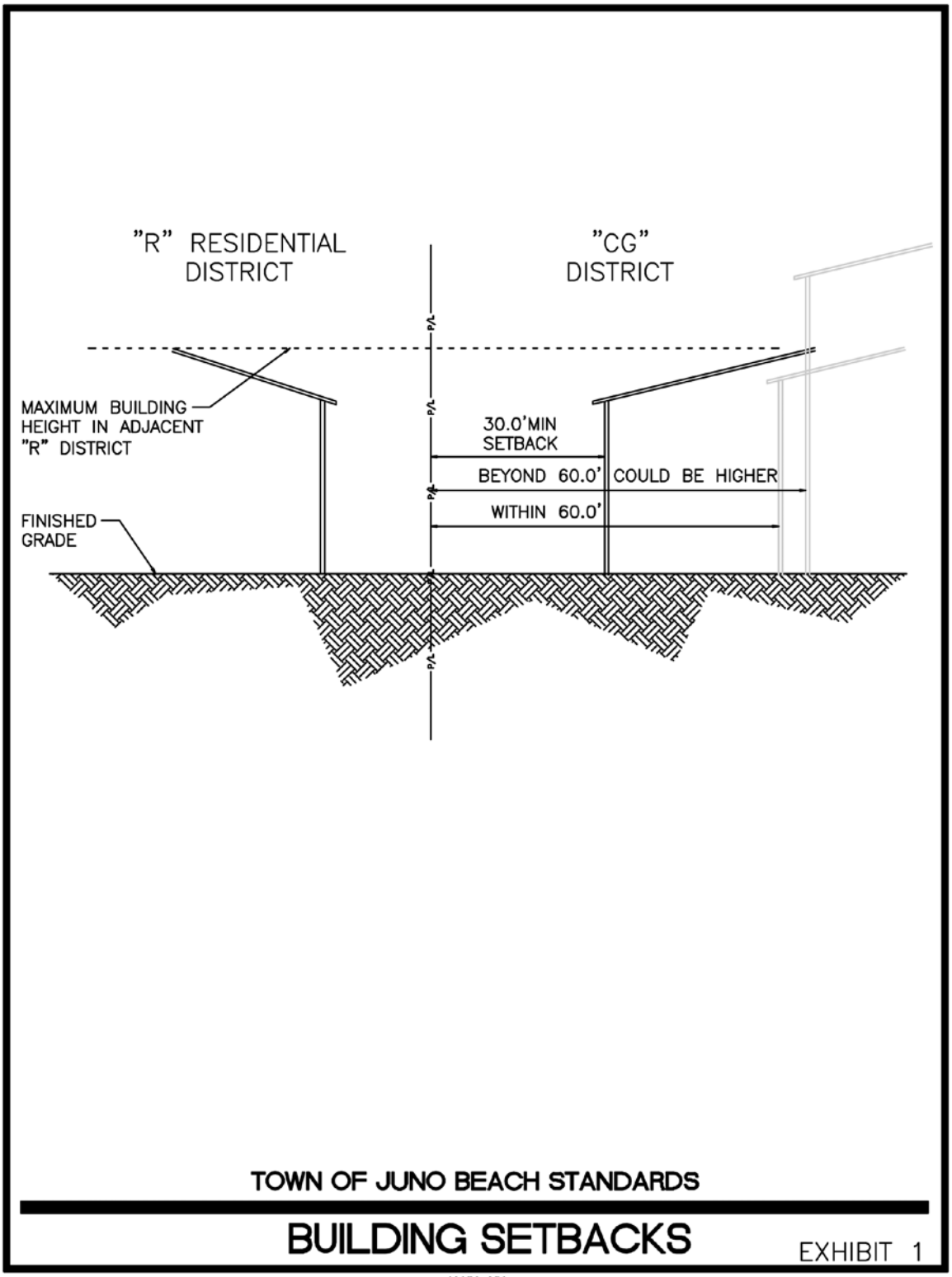
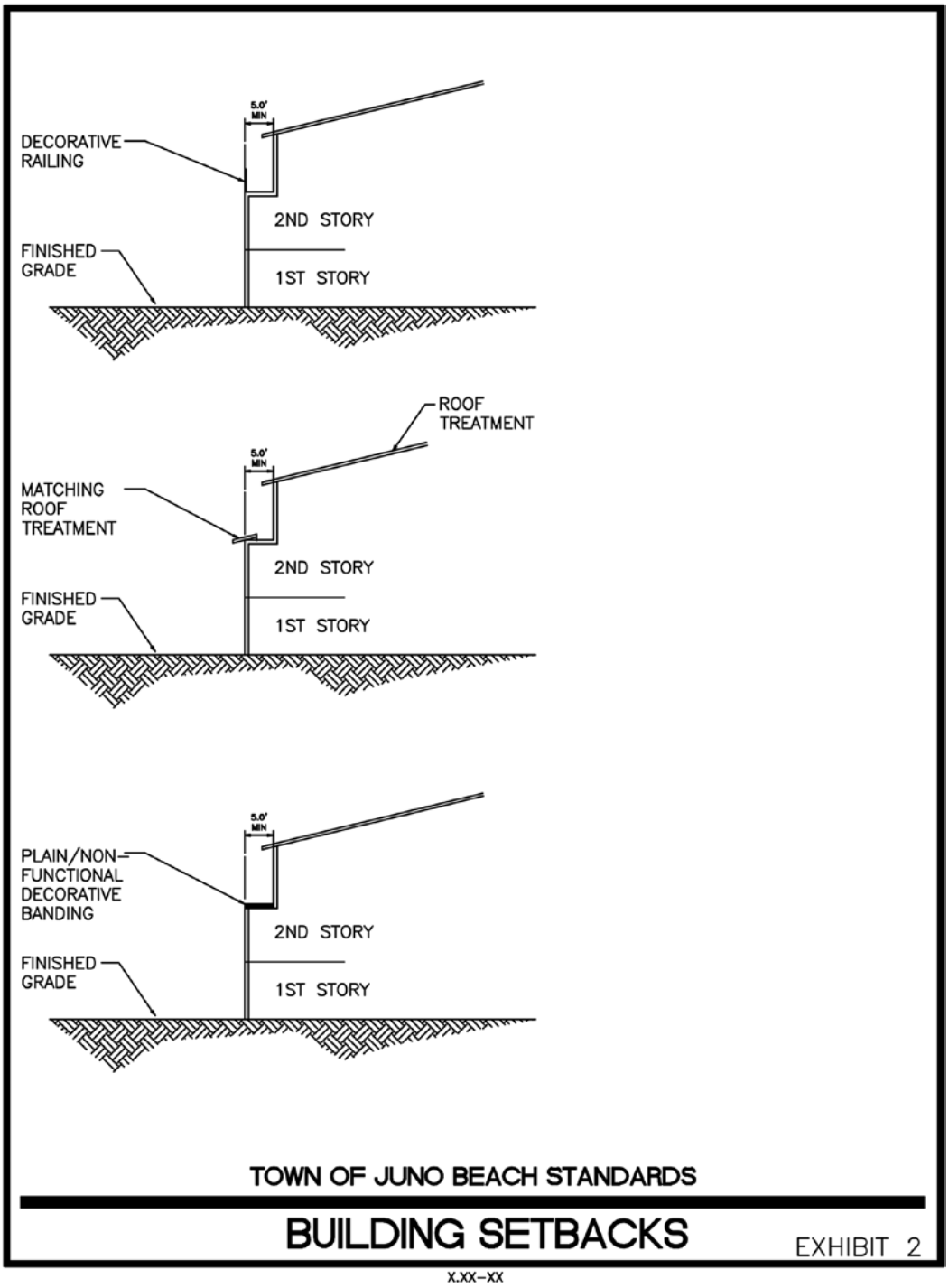

"R" RESIDENTIAL DISTRICT
"CG" DISTRICT
MAXIMUM BUILDING HEIGHT IN ADJACENT "R" DISTRICT
FINISHED GRADE
30.0'MIN SETBACK
BEYOND 60.0'
COULD BE HIGHER
WITHIN 60.0'
TOWN OF JUNO BEACH STANDARDS
BUILDING SETBACKS
EXHIBIT 1
X.XX–XX

EXHIBIT 2



(Ord. No. 207, § 4.66, 8-8-1979; Ord. No. 302, 6-25-1986; Ord. No. 375, 11-15-1989; Ord. No. 434, 12-16-1992; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997; Ord. No. 581, § 2(exh. A), 8-24-2005)

Sec. 34-632. - Site area development modification option.

(a) Purpose and intent.

(1) The ~~medical commercial (MC)~~ commercial general (CG) district incorporates the predominant business corridor along U.S. Highway 1, which serves as a gateway to the town. In order to foster quality development patterns and practices along this corridor, the town council may consider modifications to the building site area regulations specifically identified in this section. Any of the identified modifications shall be requested in the form of a special exception to the town council during site plan review and shall be subject to any additional conditions necessary to address the criteria set forth in section 34-93. No applicant shall be entitled to such modifications by right; rather, the applicant shall be required to demonstrate that the proposed project meets the purpose and intent of this section.

(2) The purpose of this potential flexibility is to provide for creative and innovative designs and approaches by the applicant that will clearly promote a sustainable and livable mixed use environment within the district.

(3) The potential modifications are intended to provide a vehicle for quality, innovative development and redevelopment within the town's commercial corridors. Consequently, all applicants requesting such modification shall provide for the enhancement of the physical appearance of landscaping, architecture, signage and site development over and above the site plan appearance standards generally applicable within the town (see section 34-116).

(4) Each applicant shall also identify the public benefits derived from the proposed development, such as the promotion of public use, the preservation of natural resources, and the integration of the project with the town's extensive natural environment.

(b) Applicability. The provisions for modifications to the site area development requirements set forth herein shall be made by special exception, and may be applied to any proposed development order application within the ~~MC~~ CG district that involves any mix of uses (i.e., retail/office; retail/residential; office/residential, etc.).

(c) Boundaries. The site area development modification shall apply within the ~~MC medical commercial~~ CG commercial general zoning district.

(d) Conflict with applicable regulations. Where the provisions of the modifications are in conflict with other zoning regulations applicable to the property, the provisions of this section shall control, and are subject to town council approval.

(e) Performance standards. All development within the ~~MC~~ CG district shall comply with the rules and regulations of all agencies having jurisdiction within the town and with all applicable requirements of this chapter.

(f) Additional criteria. All applicants seeking development approval in accordance with the ~~MC~~ CG district shall comply with the standards of the district, and with the town council's approval, as modified herein. Furthermore, all applicants shall demonstrate the following:

(1) The proposed development is consistent with the goals, objectives and policies of the town comprehensive plan.

(2) The proposed development is consistent with the purpose and intent of this section as set forth in subsection (a) of this section, including, but not limited to, innovative and enhanced architecture, landscaping, and public use areas.

(3) The proposed development includes adequate, safe and appropriate public facilities and services.

(4) The proposed development provides for pedestrian and vehicular interconnection between adjacent projects as well as a public focal point and/or public gathering place which shall include a water, landscape or art feature.

(5) The proposed development is not detrimental to existing land uses or the native ecosystems within the district.

(g) Potential building site area regulation modifications.

(1) Minimum total lot area: 10,000 square feet; and the creation of any new lots must meet the minimum requirement of 40,000 square feet.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 100 feet.

(4) Setbacks: See section 34-631(5); covered arcades, cafes, awnings and walkways may extend up to eight feet into a required front or side yard setback provided that the property adjacent to such yard or setback does not have a residential or "R" zoning district designation.

(5) Maximum building height: See section 34-631(8). No building shall exceed 60 feet in height. Notwithstanding the foregoing, the town council may approve five stories within this overall height limitation for buildings with a mix of uses, including a residential component, provided that the town council determines that the applicant has demonstrated that the proposed project meets the purpose and intent of this section.

(6) Maximum building dimension: 300 feet.

(7) Maximum lot coverage: 45 percent.

(8) Minimum landscaped open space: 15 percent. Additionally, all building sides shall be required to install foundation planting materials along a minimum of 30 percent of the length of each facade. Such foundation plantings shall be at least four feet deep, as measured from the edge of the building.

(9) Parking:

a. See section 34-631(12) for parking standards. A minimum of 90 percent of the parking provided for a project shall be located behind the principal buildings and screened from the roadway by structures and/or a heavily landscaped buffer.

b. Preferred permitted nonresidential uses may be permitted up to a 25 percent reduction in the number of spaces required pursuant to section 34-981(b)(5) provided that the town council determines that the applicant has demonstrated that the proposed project meets the purpose and intent of this section. This reduction in required parking shall not be available in conjunction with a shared parking plan.

(10) Signage: Mixed use developments may be entitled to utilize both the commercial and residential sign standards (see article IV, division 6 of this chapter).

(Ord. No. 207, §§ 4.67—4.67.7, 8-8-1979; Ord. No. 302, 6-25-1986; Ord. No. 375, 11-15-1989; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997; Ord. No. 581, § 2(exh. A), 8-24-2005; Ord. No. 668, § 4, 5-28-2014)

Secs. 34-633—34-652. - Reserved.

DIVISION 15. - COMMERCIAL OFFICE (CO) ZONING DISTRICT

Sec. 34-653. - Purpose.

The purpose of the CO commercial office district is to provide attractive and efficient office space together with appropriately related retail and service functions. Furthermore, this district is created to ensure compatibility with surrounding residential uses of all types.

(Ord. No. 207, § 4.71, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997)

Sec. 34-654. - Uses permitted.

Permitted uses in the CO commercial office district are as follows:

(1) Business or professional offices.

(2) Banks and financial institutions.

(3) Churches, synagogues and other houses of worship.

(4) Nonprofit cultural centers.

(5) Medical and dental ~~clinics~~ offices.

(6) Business and professional training facilities.

(7) Public safety facilities such as fire and/or police stations.

(8) Residential (single-family and/or multifamily dwellings). A maximum 75 percent of the total gross floor area on the site may be used for residential.

(9) Outpatient substance abuse treatment provider.

(Ord. No. 207, § 4.72, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997; Ord. No. 668, § 4, 5-28-2014)

Sec. 34-655. - Accessory uses.

Accessory uses in the CO commercial office district are as follows:

(1) Garage, off-street parking and loading.

(2) Signs.

(3) Drive-in financial facilities.

(4) Helistop.

(5) Newsstands, restaurants, dining rooms with or without kitchens, lounges, beauty shops, barbershops, and similar personal service uses for the convenience of personnel, trainees and bona fide guests of uses permitted.

(6) Accessory uses customarily incident to the permitted or approved special exception uses.

(7) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.73, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997)

Sec. 34-656. - Special exception uses.

Special exception uses in the CO commercial office district are as follows:

(1) Public and private utility structures.

(2) Assisted living facilities (see article IV, division 12 of this chapter).

(3) Planned unit developments (see article V of this chapter).

(4) Community shopping centers.

(Ord. No. 207, § 4.74, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997; Ord. No. 668, § 4, 5-28-2014)

Sec. 34-657. - Site plan and appearance review requirements.

A site plan and appearance review is required for all uses in the CO commercial office district.

(Ord. No. 207, § 4.75, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997)

Sec. 34-658. - Building site area regulations.

The following building site area regulations shall apply to the CO commercial office district:

Minimum total lot area	15,000 sq. ft. for any freestanding building, or 12,000 sq. ft. in mixed use areas where residential uses are provided.
Minimum lot width	100 ft.
Minimum lot depth	150 ft., or 120 ft. in mixed use areas where residential uses are permitted.
Density	When applied to a residential use permitted as special exception use in this district, the maximum densities shall be those which are in effect for the RH district, e.g., 18 dwelling units per gross acre for a multiple-family dwelling.
Front yard setback**	30 ft. from the street line
Side yard setback***	10 ft. per side
Rear yard setback****	15 ft.
Ocean setback	50 ft. west of the Coastal Construction Control Line (CCCL)
Maximum building height	6 stories not to exceed 90 ft.
Maximum building dimension	300 ft.; this dimension excludes breezeways and enclosed passageways.
High-rise setback	For structures of more than one story there shall be added to the basic setbacks (front, sides and rear) an additional 5 ft. at ground level for each additional story

Maximum lot coverage	50%
Minimum landscaped open space	10% of total lot area
Minimum parking	See article IV, division 4 of this chapter. However, one parking space shall be required per residential dwelling unit and one guest parking space shall be required for every three residential dwelling units.
Loading	See section 34-985

**See also section 34-873.

***See also section 34-899.

****See also section 34-900.

(Ord. No. 207, § 4.76, 8-8-1979; Ord. No. 476, 12-13-1995; Ord. No. 491, 2-12-1997; Ord. No. 516, 8-14-1999; Ord. No. 625, § 2, 8-26-2009)

Secs. 34-659—34-689. - Reserved.

DIVISION 16. - BEACH (BCH) ZONING DISTRICT

Sec. 34-690. - Purpose.

The purpose of the BCH beach district is to preserve the flora, fauna and overall natural environment in those areas determined in the comprehensive plan to be environmentally sensitive and in need of protection.

(Ord. No. 207, § 4.81, 8-8-1979)

Sec. 34-691. - Uses permitted.

No structures are permitted in the BCH beach district other than:

(1) Dune walkover structures;

(2) Government-owned minor structures.

(Ord. No. 207, § 4.82, 8-8-1979)

Sec. 34-692. - Accessory uses.

Accessory uses are not applicable in the BCH beach district.

(Ord. No. 207, § 4.83, 8-8-1979)

Sec. 34-693. - Special exception uses.

Special exception uses are not applicable in the BCH beach district.

(Ord. No. 207, § 4.84, 8-8-1979)

Sec. 34-694. - Site plan and appearance review requirement.

Site plan and appearance review requirements are not applicable in the BCH beach district.

(Ord. No. 207, § 4.85, 8-8-1979)

Sec. 34-695. - Building site area regulations.

Building site area regulations are not applicable in the BCH beach district.

(Ord. No. 207, § 4.86, 8-8-1979)

Secs. 34-696—34-718. - Reserved.

DIVISION 17. - PUBLIC RECREATION (REC-PUB) ZONING DISTRICT

Sec. 34-719. - Purpose.

The purpose of the REC-PUB public recreation district is to create an environment especially suited for public recreation.

(Ord. No. 207, § 4.91, 8-8-1979; Ord. No. 468, 12-14-1994)

Sec. 34-720. - Uses permitted.

Permitted uses in the REC-PUB public recreation district are as follows:

(1) Ball parks.

(2) Tennis courts.

(3) Playgrounds.

(4) Swimming and fishing.

(5) Boating.

(6) Golfing.

(7) Hiking, walking, jogging.

(8) Bicycling.

(9) Shuffleboard.

(10) Handball and racquetball.

(11) Any other similar recreational use.

(12) Public safety facilities such as fire and/or police stations.

(Ord. No. 207, § 4.92, 8-8-1979; Ord. No. 468, 12-14-1994)

Sec. 34-721. - Accessory uses.

Accessory uses in the REC-PUB public recreation district are as follows:

(1) Accessory uses customarily incident to the permitted uses.

(2) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.93, 8-8-1979; Ord. No. 468, 12-14-1994)

Sec. 34-722. - Site plan approval criteria.

Due to the potential for townwide impact of public recreation uses, the following criteria shall be considered by the planning and zoning board and town council in addition to those required in section 34-116 for all site plans proposed in the REC-PUB public recreation zoning district:

(1) Whether or not the proposed development will adversely affect groundwater and surface waters;

(2) Whether the proposed development is compatible with land categorized as environmentally sensitive;

(3) Whether the proposed development is compatible with adjacent land which is considered environmentally sensitive, considering buffers and mitigation areas along such adjacencies;

(4) Whether or not the proposed development will constitute a nuisance;

(5) Whether the proposed development will enrich human life in its educational and cultural dimensions;

(6) Whether or not the proposed development will positively affect the economy or will create a positive image that will influence the future of the town; and

(7) Weighing and balancing the affects and influences the proposed plan presents, whether the plan promotes the general improved economic development, as well as recreation value of the town.

(Ord. No. 207, § 4.94, 8-8-1979; Ord. No. 468, 12-14-1994; Ord. No. 517, 12-1-1999)

Sec. 34-723. - Site plan and appearance review requirements.

A site plan and appearance review is required for all uses in the REC-PUB public recreation district.

(Ord. No. 207, § 4.95, 8-8-1979; Ord. No. 468, 12-14-1994)

Sec. 34-724. - Building site area regulations.

The following building site area regulations shall apply to the REC-PUB public recreation district:

(1) Recreational uses shall be permitted only upon authorization by the town council upon recommendation by the planning and zoning board through the special exception use procedure as set forth in section 34-93. Accessory uses to a permitted use are not required to go through the special exception use procedure.

(2) A1A vehicular access restrictions: Properties along State Road A1A from Loggerhead Park to the northern town limits shall not be allowed a motorized vehicular driveway connection onto State Road A1A; provided, however, that this shall not prohibit an access used for emergency purposes.

(Ord. No. 207, § 4.96, 8-8-1979; Ord. No. 433, 12-2-1992; Ord. No. 468, 12-14-1994)

Secs. 34-725—34-746. - Reserved.

DIVISION 18. - PRIVATE RECREATION (REC-PRIV) ZONING DISTRICT

Sec. 34-747. - Purpose.

The purpose of the REC-PRIV private recreation district is to establish and protect certain areas for limited private recreational uses.

(Ord. No. 207, § 4.101, 8-8-1979; Ord. No. 465, 12-14-1994)

Sec. 34-748. - Uses permitted.

Permitted uses in the REC-PRIV private recreation district are golf courses.

(Ord. No. 207, § 4.102, 8-8-1979; Ord. No. 465, 12-14-1994)

Sec. 34-749. - Accessory uses.

Accessory uses in the REC-PRIV private recreation district are as follows:

(1) Accessory uses customarily incident to the permitted uses, including, but not limited to:

a. Caretaker housing (including but not limited to housing for maintenance superintendent, club manager, and their families).

b. Private clubhouses.

c. Maintenance buildings.

d. Private restaurants.

e. Pro shops.

f. Swimming pools.

g. Tennis courts.

h. Croquet courts.

i. Driving ranges and golf practice areas.

(2) Private utility structures.

(Ord. No. 207, § 4.103, 8-8-1979; Ord. No. 465, 12-14-1994)

Sec. 34-750. - Special exception uses.

Special exception uses in the REC-PRIV private recreation district are as follows:

(1) Satellite dish antennas (see article IV, division 13 of this chapter).

(2) Public utility structures.

(Ord. No. 207, § 4.104, 8-8-1979; Ord. No. 316, 3-18-1987; Ord. No. 465, 12-14-1994)

Sec. 34-751. - Site plan and appearance review requirements.

A site plan and appearance review is required for all uses in the REC-PRIV private recreation district.

(Ord. No. 207, § 4.105, 8-8-1979; Ord. No. 465, 12-14-1994)

Sec. 34-752. - Building site area regulations.

(a) The following building site area regulations shall apply to the REC-PRIV private recreation district:

Minimum total area	140 acres
Density	Not applicable
Front yard setback	50 ft.
Side yard setback	70 ft.
Rear yard setback	70 ft.
Ocean setback	50 ft. west of Coastal Construction Control Line (CCCL)
Maximum building height	3 stories, 45 ft.
Maximum building dimension	200 ft.
High-rise setback	Not applicable
Maximum lot coverage	5%

Minimum landscaped open space	95%
Minimum parking	1 space for each 300 sq. ft. of clubhouse gross floor area.
Loading	See section 34-985
Landscape buffer and landscape barrier	During site plan and appearance review the town may require a minimum 25-foot-wide landscape buffer and/or landscape barrier along any property line, as deemed necessary and appropriate by the town.

(b) Specific requirements for private utilities:

(1) All private utility structures shall be required to be screened with landscaping or other appropriate material in order to be completely screened from view from all streets and adjacent properties. In addition, there shall be no noise, smell, or other nuisance generated from a private utility structure. All private utility structures, other than submersible wells which are no greater than 25 square feet in area and three feet in height, shall be located a minimum of 250 feet from the side and rear property lines, and a minimum 50 feet from the front property line.

(2) Submersible wells no greater than 25 square feet in area and three feet in height shall be set back a minimum 15 feet from any property line.

(Ord. No. 207, § 4.106, 8-8-1979; Ord. No. 465, 12-14-1994)

Secs. 34-753—34-772. - Reserved.

DIVISION 19. - UTILITIES (UTL) ZONING DISTRICT

Sec. 34-773. - Purpose.

The purpose of the UTL utilities district is to create an environment especially suited for operating and maintaining essential utility facilities.

(Ord. No. 207, § 4.111, 8-8-1979)

Sec. 34-774. - Uses permitted.

Permitted uses in the UTL utilities district are as follows: essential services and service structures relating to potable water, sanitary sewers, stormwater drainage, solid waste, telephone, gas, electric, cable television and any other related utility systems.

(Ord. No. 207, § 4.112, 8-8-1979)

Sec. 34-775. - Accessory uses.

Accessory uses in the UTL utilities district are as follows: accessory uses customarily incident to the permitted uses.

(Ord. No. 207, § 4.113, 8-8-1979)

Sec. 34-776. - Special exception uses.

A special exception is required for all uses in the UTL utilities district.

(Ord. No. 207, § 4.114, 8-8-1979)

Sec. 34-777. - Site plan and appearance review requirements.

A site plan and appearance review is required for all uses in the UTL utilities district.

(Ord. No. 207, § 4.115, 8-8-1979)

Sec. 34-778. - Building site area regulations.

The following building site area regulations* shall apply to the UTL utilities district:

Minimum total area	10,000 sq. ft.
Minimum lot width	100 ft.
Minimum lot depth	75 ft.
Density	Not applicable
Front yard setback**	30 ft.
Side yard setback***	15 ft. per side
Rear yard setback****	15 ft.
Ocean setback	50 ft. west of the Coastal Construction Control Line (CCCL)
High-rise setback	Not applicable
Maximum building height	35 ft. except water tower may be 150 ft.
Maximum building dimension	100 ft.

Maximum lot coverage	60%
Minimum landscaped open space	15%
Minimum parking	See article IV, division 4 of this chapter
Loading	Not applicable

*Utility uses and their related accessory uses shall be permitted only upon authorization by the town council upon recommendation by the planning and zoning board through the special exception use procedure. See section 34-93 for said procedure.

**See also section 34-873.

***See also section 34-899.

****See also section 34-900.

(Ord. No. 207, § 4.116, 8-8-1979)

Secs. 34-779—34-809. - Reserved.

DIVISION 20. - GOVERNMENT (GOV) ZONING DISTRICT

Sec. 34-810. - Purpose.

The purpose of the GOV government district is to create an environment especially suited for the conduct of essential government functions.

(Ord. No. 207, § 4.121, 8-8-1979)

Sec. 34-811. - Uses permitted.

Permitted uses in the GOV government district are as follows:

(1) Governmental office buildings.

(2) Police stations.

(3) Fire stations.

(4) Courthouses.

(5) Public works.

(6) Other public safety facilities.

(Ord. No. 207, § 4.122, 8-8-1979)

Sec. 34-812. - Accessory uses.

Accessory uses in the GOV government district are as follows:

(1) Accessory uses customarily incident to the permitted uses.

(2) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.123, 8-8-1979)

Sec. 34-813. - Special exception uses.

A special exception is required for all uses other than accessory uses in the GOV government district.

(Ord. No. 207, § 4.124, 8-8-1979)

Sec. 34-814. - Site plan and appearance review requirements.

A site plan and appearance review is required for all uses in the GOV government district.

(Ord. No. 207, § 4.125, 8-8-1979)

Sec. 34-815. - Building site area regulations.

The following building site area regulations* shall apply to the GOV government district:

Minimum total area:	10,000 sq. ft.
Minimum lot width:	100 ft.
Minimum lot depth:	75 ft.
Density:	Not applicable
Front yard setback:**	30 ft.
Side yard setback:***	15 ft. per side
Rear yard setback:****	15 ft.
Ocean setback:	50 ft. west of the Coastal Construction Control Line (CCCL)
High-rise setback:	Not applicable

Maximum building height:	35 ft. except firemen's training tower which may be 50 ft.
Maximum building dimension:	200 ft.
Maximum lot coverage:	60%
Minimum landscape, open space:	15% of lot area
Minimum parking:	1 space for every 300 sq. ft. of office space one space for every 500 sq. ft. of assembly space
Loading:	See section 34-985

*All uses shall be permitted only upon authorization by the town council upon recommendation by the planning and zoning board .

**See also section 34-873.

***See also section 34-899.

****See also section 34-900.

(Ord. No. 207, § 4.126, 8-8-1979)

Secs. 34-816—34-838. - Reserved.

DIVISION 21. - INSTITUTIONAL (INS) ZONING DISTRICT

Sec. 34-839. - Purpose.

The purpose of INS institutional district is to create an environment especially suited for institutional facilities.

(Ord. No. 207, § 4.131, 8-8-1979)

Sec. 34-840. - Uses permitted.

Permitted uses in the INS institutional district are as follows:

(1) Academic schools.

(2) Colleges.

(3) Churches, synagogues and other houses of worship.

(4) Hospitals.

(5) Medical and dental clinics.

(6) Sanitoriums.

(7) Public safety facilities such as fire and/or police stations.

(8) Day care.

(Ord. No. 207, § 4.132, 8-8-1979)

Sec. 34-841. - Accessory uses.

Accessory uses in the INS institutional district are as follows: accessory uses customarily incident to the permitted uses.

(Ord. No. 207, § 4.133, 8-8-1979)

Sec. 34-842. - Special exception uses.

Special exception uses in the district are as follows: satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 207, § 4.134, 8-8-1979)

Sec. 34-843. - Site plan and appearance review requirements.

A site plan and appearance review is required for all uses in the INS institutional district.

(Ord. No. 207, § 4.135, 8-8-1979; Ord. No. 371, 7-19-1989)

Sec. 34-844. - Building site area regulations.

The following building site area regulations shall apply to the INS institutional district:*

Minimum total area	10,000 sq. ft.
Minimum lot width	100 ft.
Minimum lot depth	75 ft.
Density	Not applicable
Front yard setback**	30 ft.

Side yard setback***	15 ft. per side
Rear yard setback****	15 ft.
Ocean setback	50 ft. west of the Coastal Construction Control Line (CCCL).
High-rise setback	For all buildings in excess of 30 ft., excluding steeples and spires, for each additional ten ft. in height, an additional ten ft. in height, an additional five ft. of setback shall be required on all property line.
Maximum building height	50 ft.
Maximum building dimension	200 ft.
Maximum lot coverage	50%
Minimum landscaped open space	15% of lot area
Minimum parking	See article IV, division 4 of this chapter
Loading	See section 34-985

*See also section 34-873.

**See also section 34-899.

***See also section 34-900.

(Ord. No. 207, § 4.136, 8-8-1979)

Secs. 34-845—34-849. - Reserved.

DIVISION 22. - MEDICAL COMMERCIAL (MC) ZONING DISTRICT

Sec. 34-850. - Purpose.

The purpose of the medical commercial (MC) district is to provide appropriate zoning locations where medical facilities may be established when the need exists, in addition to compatible commercial use such as retail shopping and personal service uses. Retail drive-in businesses are not permitted.

(Ord. No. 668, § 4, 5-28-2014)

Sec. 34-851. - Permitted uses.

Permitted uses in the medical commercial (MC) district are as follows:

(1) Retail and service establishments, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

(2) Business services.

(3) Department stores.

(4) Churches, synagogues or other houses of worship.

(5) Nonprofit cultural centers.

(6) Professional offices.

(7) Medical and dental offices.

(8) Health spa/gym.

(9) Banks and financial institutions.

(10) Professional or studio-type schools.

(11) Public safety facilities such as fire and/or police stations.

(12) Day care centers, if not adjacent to a residential use or residentially zoned property.

(13) Adult entertainment establishments.

(14) Retail deli/bakery.

(15) Residential (single-family and/or multifamily dwellings). A maximum of 75 percent of the total gross floor area on the site may be used for residential.

(16) Hotel/motel (150 rooms/units or less).

(17) Retail landscape nursery with outdoor displays.

(18) Temporary festive outdoor markets (only fruits, vegetables, plants, flowers, arts, and handcrafted items shall be sold). Maximum two-year temporary permit, renewable at the discretion of the town council.

(19) Outpatient substance abuse treatment provider.

(20) Residential substance abuse treatment provider, subject to a maximum permitted density of 18 dwelling units per acre.

(21) Assisted living facilities (see article IV, division 12 of this chapter).

(22) Transient residential facility (greater than 30 units for timeshare).

(Ord. No. 668, § 4, 5-28-2014)

Sec. 34-852. - Accessory uses.

Accessory uses in the medical commercial (MC) district are as follows:

(1) Off-street parking and loading.

(2) Signs.

(3) Drive-in financial facilities.

(4) Accessory uses customarily incidental to the permitted or approved special exception uses.

(5) Satellite dish antennas (see article IV, division 13 of this chapter).

(Ord. No. 668, § 4, 5-28-2014)

Sec. 34-853. - Special exception uses.

Special exception uses in the medical commercial (MC) district are as follows:

(1) Public parking garages.

(2) Public and private utility structures.

(3) Fuel service stations (see section 34-869).

(4) Supplemental off-site parking.

(5) Public and private academic schools.

(6) Convenience stores (see section 34-868).

(7) Vehicle minor repair facility (see section 34-870).

(8) Hotel/motel (greater than 150 rooms/units).

(9) Day care centers, if adjacent to a residential use or residentially zoned property.

(10) Restaurants and drinking establishments.

(11) Uses utilizing optional building site area development modifications identified in section 34-856.

(12) Medical marijuana dispensaries (see section 34-875).

(Ord. No. 668, § 4, 5-28-2014; Ord. No. 677, § 3, 11-18-2014)

Sec. 34-854. - Site plan and appearance review requirements.

Site plan and appearance review is required for all uses.

(Ord. No. 668, § 4, 5-28-2014)

Sec. 34-855. - Building site area regulations.

The following building site area regulations shall apply to the medical commercial (MC) district:

(1) Minimum total area: 40,000 square feet.

(2) Minimum lot width: 150 feet.

(3) Minimum lot depth: 150 feet.

(4) Setbacks:

a. The following setback schedule shall apply, and all properties adjoining or adjacent to property with a residential or "R" zoning district designation shall incorporate a minimum of a 15-foot landscaped buffer within such adjoining yard or setback:

Setback Distance Requirements from Property Line			
Total Lot Area	Front	Side	Rear
1.5 acres or less	25′	20′	20′
More than 1.5 acres to 3 acres	35′	20′*	20′*
More than 3 acres	45′	20′*	20′*
* Where the rear or side setback adjoins property with a residential or "R" zoning district designation, the required setback shall be increased from 20 feet to 30 feet.			

b. For all buildings higher than two stories, all stories above the first two stories shall be set back a minimum of five feet from the first story building facade and shall include an architecturally compatible roof treatment or element along such building line break (see graphic representation in Exhibit 2 to section 34-631 of this Code).

(5) High-rise setback: See subsection (4) of this section.

(6) Maximum building height:

a. For buildings having two stories, the maximum building height shall not exceed 30 feet. For buildings having three stories, the maximum building height shall not exceed 45 feet. No building shall exceed three stories, except for those buildings which contain a minimum of one floor of residential space which shall be permitted a maximum of four stories and 60 feet in height.

b. For properties with a total lot area exceeding two acres, all structures within 60 feet of a rear or side property line adjoining property with an "R" or residential zoning district designation shall not exceed the maximum building height for the adjacent residential property (see graphic representation of this concept in Exhibit 1 and Exhibit 2 to section 34-631 of this Code).

c. A minimum 20-foot building separation shall be required between all principal structures on site.

(7) Maximum building dimension: 200 feet.

(8) Maximum lot coverage: 40 percent.

(9) Minimum landscaped open space: 15 percent of total lot area. All building sides shall be required to install foundation planting materials along a minimum of 40 percent of the length of each facade. Such foundation plantings shall be at least four feet deep, as measured from the edge of the building.

(10) Minimum parking:

a. See article IV, division 4 of this chapter. In addition, a minimum of two parking spaces shall be required per residential dwelling unit for permitted residential uses.

b. Parking shall be located behind the principal buildings and screened from the roadway by structures and/or a heavily landscaped buffer unless the town council determines, in the exercise of its discretion, that this requirement shall create an unsafe or hazardous condition on site. In such event, the town council may allow parking in other locations on site.

c. Any use proposing valet parking shall submit a plan to the town council for review and approval. Such plan shall be reviewed in conjunction with site plan review. Valet parking shall not utilize more than 30 percent of the required on-site parking for the approved use or uses. The valet parking plan shall address each of the following:

1. The location of the valet parking booth or area;

2. The location and number of parking spaces to be utilized for valet parking;

3. Evidence that the business owns the parking spaces proposed for valet use or a copy of any agreement or lease that provides the business with the right to use spaces owned by another individual or entity for valet parking;

4. The impacts of valet parking on the shared parking plan for the project (if one exists) and on patrons who do not utilize such service;

5. The hours of operation; and

6. The location and text of any signage associated with the valet parking operation and assigned spaces.

(11) Loading: see section 34-985.

(12) Minimum architectural treatments: All sides of any building within this district shall be designed with a variety of treatments matching the general architectural theme of the project. The intent of this requirement is to have all sides of the building appear as the front facade, including those fronting a roadway, alley or parking area.

(Ord. No. 668, § 4, 5-28-2014)

Sec. 34-856. - Site area development modification option.

(a) Purpose and intent.

(1) The medical commercial (MC) district incorporates the predominant business corridor along U.S. Highway 1, which serves as a gateway to the town. In order to foster quality development patterns and practices along this corridor, the town council may consider modifications to the building site area regulations specifically identified in this section. Any of the identified modifications shall be requested in the form of a special exception to the town council during site plan review and shall be subject to any additional conditions necessary to address the criteria set forth in section 34-93. No applicant shall be entitled to such modifications by right; rather, the applicant shall be required to demonstrate that the proposed project meets the purpose and intent of this section.

(2) The purpose of this potential flexibility is to provide for creative and innovative designs and approaches by the applicant that will clearly promote a sustainable and livable mixed use environment within the district.

(3) The potential modifications are intended to provide a vehicle for quality, innovative development and redevelopment within the town's commercial corridors. Consequently, all applicants requesting such modification shall provide for the enhancement of the physical appearance of landscaping, architecture, signage and site development over and above the site plan appearance standards generally applicable within the town (see section 34-116).

(4) Each applicant shall also identify the public benefits derived from the proposed development, such as the promotion of public use, the preservation of natural resources, and the integration of the project with the town's extensive natural environment.

(b) Applicability. The provisions for modifications to the site area development requirements set forth herein shall be made by special exception, and may be applied to any proposed development order application within the MC district that involves any mix of uses (i.e., retail/office; retail/residential; office/residential, etc.).

(c) Boundaries. The site area development modification shall apply within the MC medical commercial zoning district.

(d) Conflict with applicable regulations. Where the provisions of the modifications are in conflict with other zoning regulations applicable to the property, the provisions of this section shall control, and are subject to town council approval.

(e) Performance standards. All development within the MC district shall comply with the rules and regulations of all agencies having jurisdiction within the town and with all applicable requirements of this chapter.

(f) Additional criteria. All applicants seeking development approval in accordance with the MC district shall comply with the standards of the district, and with the town council's approval, as modified herein. Furthermore, all applicants shall demonstrate the following:

(1) The proposed development is consistent with the goals, objectives and policies of the town comprehensive plan.

(2) The proposed development is consistent with the purpose and intent of this section as set forth in subsection (a) of this section, including, but not limited to, innovative and enhanced architecture, landscaping, and public use areas.

(3) The proposed development includes adequate, safe and appropriate public facilities and services.

(4) The proposed development provides for pedestrian and vehicular interconnection between adjacent projects as well as a public focal point and/or public gathering place which shall include a water, landscape or art feature.

(5) The proposed development is not detrimental to existing land uses or the native ecosystems within the district.

(g) Potential building site area regulation modifications.

(1) Minimum total lot area: 10,000 square feet; and the creation of any new lots must meet the minimum requirement of 40,000 square feet.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 100 feet.

(4) Setbacks: See section 34-631(5); covered arcades, cafes, awnings and walkways may extend up to eight feet into a required front or side yard setback provided that the property adjacent to such yard or setback does not have a residential or "R" zoning district designation.

(5) Maximum building height: See section 34-631(8). No building shall exceed 60 feet in height. Notwithstanding the foregoing, the town council may approve five stories within this overall height limitation for buildings with a mix of uses, including a residential component, provided that the town council determines that the applicant has demonstrated that the proposed project meets the purpose and intent of this section.

(6) Maximum building dimension: 300 feet.

(7) Maximum lot coverage: 45 percent.

(8) Minimum landscaped open space: 15 percent. Additionally, all building sides shall be required to install foundation planting materials along a minimum of 30 percent of the length of each facade.

Such foundation plantings shall be at least four feet deep, as measured from the edge of the building.

(9) Parking:

a. See section 34-631(12) for parking standards. A minimum of 90 percent of the parking provided for a project shall be located behind the principal buildings and screened from the roadway by structures and/or a heavily landscaped buffer.

b. Preferred permitted nonresidential uses may be permitted up to a 25 percent reduction in the number of spaces required pursuant to section 34-981(b)(5) provided that the town council determines that the applicant has demonstrated that the proposed project meets the purpose and intent of this section. This reduction in required parking shall not be available in conjunction with a shared parking plan.

(10) Signage: Mixed use developments may be entitled to utilize both the commercial and residential sign standards (see article IV, division 6 of this chapter).

Secs. 34-856—34-866. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

DIVISION 1. - GENERALLY

Sec. 34-867. - Accessory uses.

Accessory uses shall be clearly supplementary and incidental to the principal use of the lot and shall be located on the same lot as the principal use to which it is subordinate.

(Ord. No. 207, § 5.31, 8-8-1979; Ord. No. 450, 5-11-1994)

Sec. 34-868. - Convenience stores.

(a) No more than three of any combination of convenience store and fuel service station shall be located within 5,500 feet of one another. For example, if three of any combination of convenience store and fuel service station (e.g., two convenience stores and one fuel service station, or three fuel service stations and no convenience store) are clustered in a group, each within 5,500 feet of one another, then a fourth convenience store or fuel service station must be located greater than 5,500 feet from at least one member of the cluster. For the purposes of this section, all measurements of distances shall be along a straight airline route from the nearest point on any property line of any property used as a convenience store or fuel service station. (See illustration following section 34-869.)

(b) There shall be a minimum distance of 500 feet shortest airline measurement between the nearest points on a parcel of land occupied for convenience store purposes and to be occupied by a house of worship.

(c) The proposed facility shall not have as a part of its operation amusement devices which may be operated by coin, currency or tokens.

(Ord. No. 207, § 5.32, 8-8-1979; Ord. No. 376, 11-15-1989; Ord. No. 450, 5-11-1994)

Sec. 34-869. - Fuel service stations.

(a) No more than three of any combination of convenience store and fuel service station shall be located within 5,500 feet of one another. For example, if three of any combination of convenience store and fuel service station (e.g., two convenience stores and one fuel service station, or three fuel service stations and no convenience store) are clustered in a group, each within 5,500 feet of one another, then a fourth convenience store or fuel service station must be located greater than 5,500 feet from at least one member of the cluster. For the purposes of this section, all measurements of distance shall be along a straight airline route from the nearest point on any property line of any property used as a convenience store or fuel service station. (See illustration following this section.)

(b) There shall be a minimum distance of 500 feet shortest airline measurement between the nearest points on a parcel of land occupied for fuel service station purposes which sells alcoholic beverages and a parcel to be occupied by a house of worship.

(c) The proposed facility shall not have as a part of its operation amusement devices which may be operated by coin, currency or tokens.

(d) All outdoor displays of merchandise are prohibited.

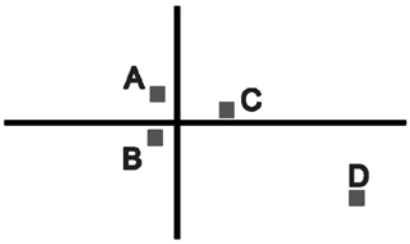
(e) A raised curb of at least six inches in height shall be erected along all street property lines, except for driveway openings.

(f) Curb breaks are limited to two per street frontage.

(g) All fuel pumps, tanks, vents, pump islands and pump island canopies shall conform to setback requirements for the district except that no such pumps, tanks, vents, pump islands or pump island canopies shall be located closer than 25 feet to any side property line.

(h) Off-street loading spaces which are provided for delivery of materials, merchandise, fuel oils, or any similar accessory or product, shall be located in such a manner on the site that they are completely separate from the customer parking area and access drives and aisles thereto.

(Ord. No. 207, § 5.33, 8-8-1979; Ord. No. 376, 11-15-1989; Ord. No. 450, 5-11-1994)



$\overline{AB}$ = 700 FEET

$\overline{BC}$ = 600 FEET

$\overline{AC}$ = 600 FEET

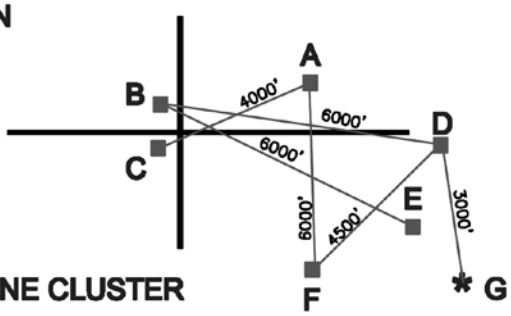
IF ONE OF THE FOLLOWING > 5,500 FEET THEN "D" (FUEL SERVICE STATION OR CONVENIENCE STORE) MAY BE PROPOSED AT THIS LOCATION:

$\overline{AD}$ = 5,600 FEET

$\overline{BD}$ = 4,800 FEET

$\overline{CD}$ = 4,300 FEET

* AD > 5,500 FEET, SO "D" MAY BE LOCATED AT THIS LOCATION



$\overline{A\ B\ C}$ = ONE CLUSTER

$\overline{D\ E\ F}$ = ONE CLUSTER

$\overline{*G}$ = NOT PERMITTED, BECAUSE IS LOCATED WITHIN 5,500 FEET OF THE THREE MEMBER CLUSTER OF (D E F).

TOWN OF JUNO BEACH STANDARDS

FUEL SERVICE STATION OR CONVENIENCE STORE

5.30–3

Sec. 34-870. - Vehicle minor repair facilities.

(a) No more than two vehicle minor repair facilities shall be located within 8,000 feet of each other. For the purposes of this section, all measurements of distances shall be along a straight airline route from the nearest point on any property line of any property used as a vehicle minor repair facility.

(b) A raised curb of at least six inches in height shall be erected along all street property lines, except for driveway openings.

(c) Repairs shall be restricted to the enclosed bay areas, except when emergency repairs are required to transfer vehicles into the enclosed bay areas.

(d) Quarterly testing and monitoring of environmental conditions on site shall be performed for review and approval by the town and appropriate environmental agencies.

(e) Adsorbents shall be kept on site for oil spills, or a contract with a private vendor shall be provided to ensure that oil, grease and other spillage will be serviced.

(Ord. No. 207, § 5.34, 8-8-1979; Ord. No. 376, 11-15-1989; Ord. No. 450, 5-11-1994)

Sec. 34-871. - Swimming pools.

(a) Swimming pools shall be set back at least 15 feet from the front property line and five feet from the side and rear property lines measured to the water's edge. Swimming pools may be enclosed by screening in the side and rear yards, providing a minimum five-foot setback is provided from the side and rear property lines to the screen enclosure. Screen enclosures for zero lot line homes may be placed on the property line on the zero setback side and must be set back five feet from the other side and rear property line. Screen enclosures for townhouses may be placed on the property lines on the zero setback sides and must be set back five feet from the rear property line.

(b) Furthermore, hot tubs/whirlpools or pools within zero lot line communities may encroach into the minimum one-foot setback from the property line of the zero wall of the adjacent home, provided the following conditions are met:

(1) If a planned unit development (PUD), no 25 percent reduction is applied to the minimum one-foot setback from the zero wall.

(2) The hot tub/whirlpool or pool must have a maximum depth of 30 inches below grade within five feet of zero wall.

(3) The hot tub/whirlpool or pool must be completely against the adjacent house wall and extend no closer than five feet to each end of the adjacent house wall. Beyond the house wall, in rear or front yard, the five-foot side and rear yard setbacks must be adhered to.

(4) Pools, fountains, hot tubs/whirlpools, etc., that have jets, blowers, waterfalls, mechanical equipment, or any other mechanisms that generate noise, must be completely sound-insulated from adjacent houses with a minimum two-inch thick urethane insulation or better against all surfaces within two feet of the zero line.

(c) In addition, hot tubs/whirlpools or pools within individual townhouse lots may encroach into the required side yard setback to a minimum of one foot from the side property line, provided the following conditions are met:

(1) If a PUD, no 25 percent reduction is applied to the minimum one-foot setback from the side property line.

(2) Pools, fountains, hot tubs/whirlpools, etc., that have jets, blowers, waterfalls, mechanical equipment, or any other mechanisms that generate noise, must be completely sound insulated from the adjacent property with a minimum two-inch thick urethane insulation or better around the noise generator within five feet of the property line.

(3) A minimum five-foot-high wall or fence, consistent with the architecture of the building, shall be installed along the side property lines to screen the pool or hot tub/whirlpool from the adjacent properties.

(Ord. No. 207, § 5.35, 8-8-1979; Ord. No. 388, 4-18-1990; Ord. No. 450, 5-11-1994; Ord. No. 485, 9-4-1996)

Sec. 34-872. - Tennis courts, shuffleboard courts.

Tennis courts, shuffleboard courts and similar uses not to be enclosed by a structure may be constructed within yard areas except the required front yard, as prescribed by this chapter; provided, however, that any walls or fences shall conform with section 34-905. However, in no instance shall any tennis court or shuffleboard court be closer than ten feet to a lot line. In determining the percentage of coverage of a lot by buildings, tennis courts, shuffleboard courts and similar uses shall not be counted in such computation.

(Ord. No. 207, § 5.36, 8-8-1979; Ord. No. 450, 5-11-1994)

Sec. 34-873. - Setback of accessory structures.

Accessory structures shall provide a minimum of ten feet from rear and side lot lines and shall be set back by the required front setback in the district which is applicable.

(Ord. No. 207, § 5.100, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-874. - Hurricane and flood damage protection.

To minimize hazards to life and damage to property in portions of the town exposed to severe wave action during hurricanes or other periods of extraordinary wind-driven high tides and to portions exposed to flooding as a result of such occurrences or heavy rainfall, and to qualify for protection under the National Flood Insurance Program of the Federal Emergency Management Agency, Department of Housing and Urban Development, the following special requirements are enacted. For the purposes of these regulations, it is assumed that all of the area within the town is subject to either coastal damage due to such wave action or to flooding, or both. The laws and ordinances concerning land use and control and other measures designed to reduce flood losses shall take precedence over any conflicting laws, ordinances or codes. Upon certification by the administrator of the National Flood Insurance Program that any area within the town is not so subject to either of these perils, it is intended that the special requirements herein shall not be applied to such area. In the absence of such certification, the following special requirements shall apply: first floor slab shall be not less than 7.5 feet above mean sea level; building permit applications require special review.

(Ord. No. 207, § 5.110, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-875. - Medical marijuana dispensaries.

In addition to all applicable laws, regulations and ordinances and any other requirements that may be imposed by the town council, any medical marijuana dispensary operating within the town as a special exception shall comply with each of the following requirements:

(a) Loitering. A medical marijuana dispensary shall provide adequate seating for its patrons and shall not allow its patrons to stand, sit (including in a parked car) or gather or loiter outside of the building in which the dispensary operates, including any parking areas, sidewalks or adjacent rights-of-way, for any period of time longer than reasonably required to arrive and depart. The

dispensary shall post conspicuous signs on the building that no loitering is allowed on the property.

(b) Drive through service. A medical marijuana dispensary shall not have a drive-through. All dispensing, payment and receipt of products shall occur inside the dispensary building.

(c) Vending or delivery service. A medical marijuana dispensary shall not conduct any form of off-site delivery service, nor shall it utilize any type of vending machine for the dispensing of medical marijuana.

(d) On premises consumption. No consumption of medical marijuana shall occur on the premises on which a medical marijuana dispensary is located, including the parking areas, sidewalks or adjacent rights-of-way.

(e) Alcoholic beverages. No consumption of alcohol shall occur on the premises on which a medical marijuana dispensary is located, including the parking areas, sidewalks or adjacent rights-of-way.

(f) Outside display. There shall be no outside display of products, wares or merchandise.

(g) Hours of operation. A medical marijuana dispensary shall only operate between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 12:00 p.m., on Saturday.

(h) Other activities. Other than the processing and dispensing of medical marijuana as permitted by law, no dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other service or product, specifically including medical services and drug paraphernalia as defined by state law.

(i) Security measures. A medical marijuana dispensary shall be equipped with:

(1) A silent alarm that notifies the police department or a private security agency that a break in or robbery is occurring;

(2) A security camera at each point of ingress and egress capable of recording and retrieving images that is operational during and after business hours; and

(3) A drop safe or cash management device that provides minimum access to the dispensary's cash receipts.

(Ord. No. 677, § 4, 11-18-2014)

Secs. 34-876—34-895. - Reserved.

DIVISION 2. - LOT REGULATIONS

Sec. 34-896. - Street lot lines.

The front lot line, side street line or rear street line of any lot shall be the right-of-way line (the street line) of the abutting street.

(Ord. No. 207, § 5.12, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-897. - Lot area.

All lot, yard and bulk regulations for both the principal and accessory uses shall be calculated within the confines of a contiguous platted lot.

(Ord. No. 207, § 5.13, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-898. - Intersection vision.

As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and of property at all street intersections, no obstruction to vision (other than an existing structure) between 30 inches and six feet in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines 30 feet distance from their point of intersection.

(Ord. No. 207, § 5.14, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-899. - Corner lots.

(a) Where any lot is located on any street intersection or where two or more intersecting street lines outline any lot, or where any lot is located upon any corner, one side of the lot facing a street shall be determined to be the front street line of the lot by the orientation of the building facing a street and the other side of the lot facing a street shall be determined to be the street side of the lot. The required street side yard shall have the same setback as the front street yard of such lot, and shall have the same provisions, requirements and restrictions as a required front street yard.

(b) The provisions of this section shall apply to the street side yard for a corner lot.

(Ord. No. 207, § 5.16, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-900. - Through lots.

Where any lot extends the entire depth or width of a block and has frontage on more than one street at opposite ends of the lot, one side of the lot facing a street shall be determined to be the front street line of the lot by the orientation of the building facing a street and the other side of the lot facing a street shall be determined to be the rear street frontage. The required rear street yard shall have the same setback as the front of such lot, and shall have the same provisions, requirements and restrictions as a required front yard.

(Ord. No. 207, § 5.17, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-901. - Restriction on use of required yards.

(a) Every part of a required front, side and rear yard must be open to the sky and unobstructed except for accessory buildings in a rear or side yard, garden walls and fences, as permitted, and except for the ordinary projection of open porches, balconies, steps, sills, belt courses, cornices. (See sections 34-902(1) and 34-903.)

(b) Metal storage accessory buildings shall be permitted only in the following zoning districts: CG commercial general, CO commercial office, UTL utility, RV Park recreational vehicle park, and MH manufactured home community. All metal storage buildings shall have skirting and landscaping around the entire base of the structure, except in the RV park and MH zoning districts, where only skirting shall be required if landscaping is not possible.

(Ord. No. 207, § 5.18, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 393, 5-16-1990; Ord. No. 494, 9-24-1997)

Sec. 34-902. - Yard restrictions—General, all districts.

The following restrictions shall apply to all districts:

(1) Chimneys, cornices, bay windows and balconies may extend 24 inches from the main building into the yard area, and eaves may extend 36 inches from the main building into the yard area. Chimneys and bay windows shall not exceed ten feet in horizontal dimension measured parallel to the building wall, and the total lineal dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.

(2) First floor entrance platforms, open terraces or steps may extend six feet into the front yard or street area provided no closed part shall exceed four feet in height above the average lot level.

(3) Any mechanical equipment, excluding public utility fixtures, including telephone, telegraph, electric and water and sewer facilities, which makes any noise shall be located a minimum of five feet from any property line. When a nonresidential or multifamily use is located adjacent to any residential use, then such mechanical equipment shall be located a minimum of ten feet from any property line.

(Ord. No. 207, § 5.19, 8-8-1979; Ord. No. 382, 2-21-1990; Ord. No. 383, 2-21-1990)

Sec. 34-903. - Same—RM-1, RM-2, RMT, RM-OO and RH districts.

The following restrictions shall apply to the RM-1, RM-2, RMT, RM-OO and RH districts:

(1) Cornices, chimneys and fire escapes may extend 48 inches from the main building into any yard areas.

(2) Areaways, ramps, or steps may extend into side or rear yard area within 24 inches from adjacent property line.

(3) Canopies or architectural features covering driveway access to any building may extend ten feet into the required yard.

(4) Balconies may extend up to 72 inches only into yards which are 30 feet or more in width. Balconies may not extend into yards of less than 30 feet.

(5) Canopies and/or architectural features covering a yard adjacent to a public or private alley may extend up to the adjacent right-of-way line of the alley.

(Ord. No. 207, § 5.20, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 454, 11-16-1994; Ord. No. 485, 9-4-1996)

Sec. 34-904. - Same—CG and CO districts.

The following restrictions shall apply to the CG and CO districts:

(1) Cornices, solid canopies, or architectural features may extend 48 inches into the required yard area.

(2) Marquees or canvas-covered fireproof canopies, no wider than entrance ways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and said installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(Ord. No. 207, § 5.21, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 426, 8-12-1992)

Sec. 34-905. - Walls and fences.

Walls or fences may be located or constructed within the required yard areas or on the lot line and shall conform to the following regulations except where special requirements are set forth for specific screening purposes elsewhere in this chapter:

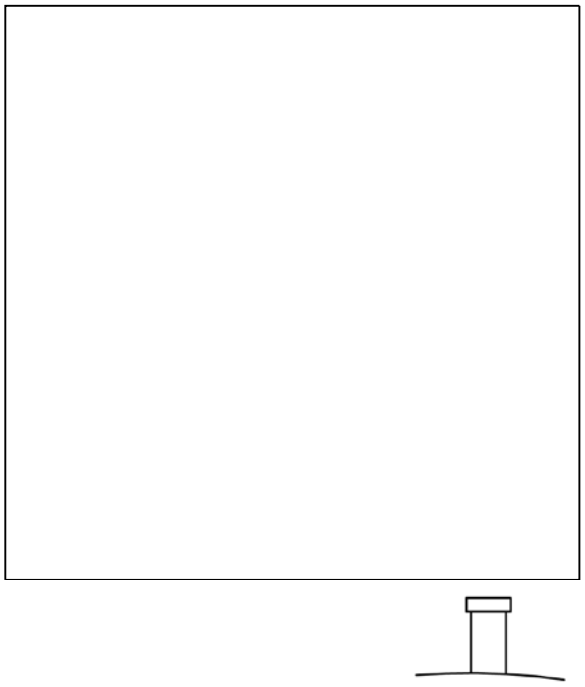
(1) Maximum height of walls and fences:

Front yard*	4 ft.
Side and rear yard (residential)**	6 ft.
Side and rear yard (nonresidential)**	8 ft.

*Swimming pools in the front yard shall be permitted a maximum five-foot-high wall or fence in order to meet safety code requirements. Lots fronting on U.S. Highway 1 shall be permitted to have a maximum six-foot-high wall or fence.

**Corner and through lots (yards facing a street) shall conform to the front yard maximum height requirement, unless otherwise specified in other sections of this chapter.

The height shall be measured from the exterior side (side facing the adjacent property) of the wall or fence from the top of the wall or fence to the finished grade at any given point along the wall or fence.

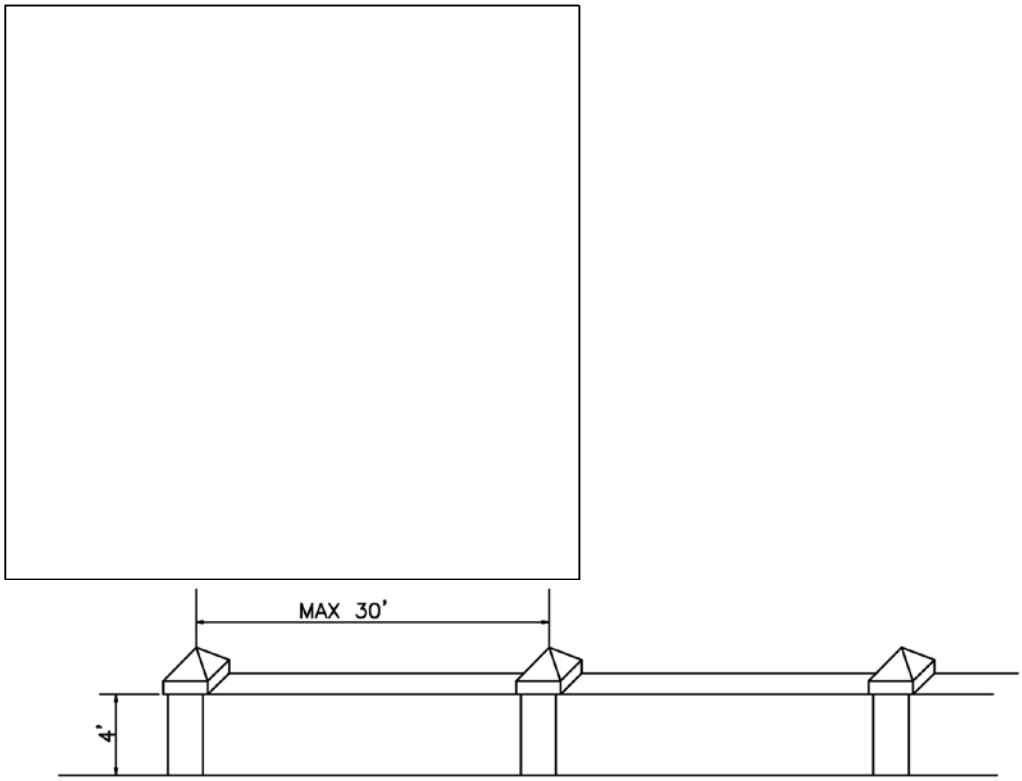


Walls or fences for dangerous areas, such as utility plants or substations, may exceed the height limitation upon approval by the town council.

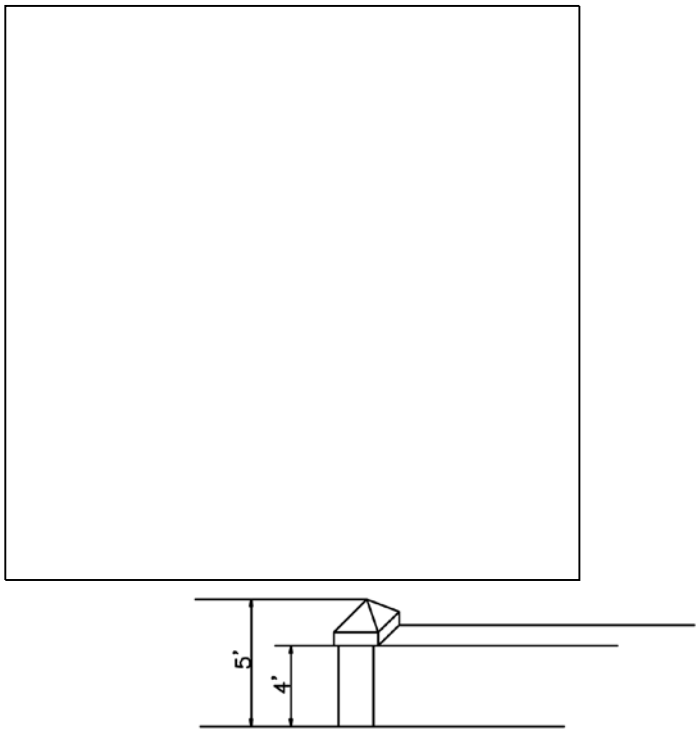
(2) General regulations.

a. Design, color, and materials must be compatible with the principal structures on site. Natural wood is considered a compatible color.

b. Perimeter walls/fences around a development, excluding an individual single-family lot, must have an ornamental feature at least every 30 linear feet.



c. Ornamental features, excluding wall caps, may exceed the height limitation upon approval by the director.



d. All front yard walls and fences must have continuous landscaping along the street side of the wall or fence, unless it is an open wall/fence (such as railings), in which case, the landscaping may be on either side of the wall/fence.

e. All wood fences shall have a minimum one-half-inch thick boards, have two-inch by four-inch pressure treated back rails (support structure), and have four-inch by four-inch pressure treated posts (0.40 pounds per cubic foot treatment for in ground use). Fasteners, clips and anchors shall be hot-dipped galvanized, coated to resist rust, or stainless steel.

f. The finished side of a fence (the side that does not have the supports) shall face the street and any adjacent property. Only in those cases where the adjacent property has an existing fence, hedge or other structure which would hide the unfinished side of the fence shall the finished side not be required to face the adjacent property.

g. Chainlink fences are prohibited in the front yard. In addition, all chainlink fences shall be hot-dipped galvanized, vinyl coated, or aluminum, in order to resist rust.

h. Walls and fences must be maintained properly or removed when dilapidated, in need of paint, or in disrepair.

(3) Combination wall/fence. Metal picket-style fences may be attached to a retaining wall, subject to the following conditions:

a. The wall does not exceed to the maximum total height provided for in this section when measured from the exterior grade.

b. The combined wall and fence does not exceed the maximum total height provided for in this section when measured from the interior grade.

c. The interior grade is continually landscaped to the extent that the landscaping is visible for at least two feet in height when viewed from the exterior of the property.

d. The design, color and materials must be compatible with the principal structures on site.

e. All other requirements of this section are satisfied.

(Ord. No. 207, § 5.22, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 416, 9-25-1991; Ord. No. 454, 11-16-1994; Ord. No. 645, § 2, 1-12-2011)

Sec. 34-906. - Building site area regulations for individual townhouse units.

All individual townhouse units within a townhouse cluster shall comply with the following regulations:

Minimum total area	750 sq. ft.
Minimum lot width	16 ft.
Minimum lot depth	30 ft.
Maximum lot coverage	80%

(Ord. No. 207, § 5.23, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-907. - Landscape buffers and landscape barriers separating CG commercial general and all residential zoning districts.

Whenever a commercial development in the CG commercial general zoning district abuts a residential development, the design and height of the landscape buffer and barrier shall take into account the following:

(1) The building styles and building heights of the residential district and the building styles and building heights of the commercial district;

(2) The location of traffic areas and service areas (e.g., truck deliveries, pickups, dumpster, etc.) of the commercial development, vis-a-vis those of residential development;

(3) The design of delivery and service area (covered vs. open, exterior vs. interior); and

(4) The relationship of the finished floor elevations of the residential commercial structures.

The minimum height of the landscape barrier shall be at least six feet. Greater heights may be required in accordance with the criteria cited herein. If a single wall is constructed, it must be set back from the property line to accommodate landscaping material on the side facing the residential development. If a proposed structure is in excess of eight feet, it must be terraced or accompanied by a berm on the side of the residential development. The maximum height of a landscape barrier shall not exceed 16 feet, exclusive of trees used as part of the landscape barrier.

(Ord. No. 207, § 5.24, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-908. - Screening—Mechanical equipment.

All mechanical equipment, including but not limited to heating, ventilating, air conditioning, and pool equipment machinery; fuel oil and propane tanks; accessory communications equipment such as signal sending and receiving dishes, etc.; public utility service boxes and similar fixtures, including telephone, telegraph, electric, natural or propane gas, potable water, and sewer facilities; and elevator facilities shall be screened from public view on all sides when feasible, or to the maximum extent possible. Such screening

may include any combination of landscaping and opaque materials. Building materials to be utilized for screening purposes shall be consistent with the architectural design of the principal structure. Screening shall extend at least one foot above the object to be screened.

(Ord. No. 207, § 5.25, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-909. - Same—Solid waste disposal facilities.

All dumpsters or other solid waste containers shall be screened on all four sides from public view. Both sides and the rear of such facilities shall be screened by an opaque concrete wall, or similar quality material. The front of a screen enclosure shall be gated and shall consist of durable materials with a solid surface consistent with the overall design of the project. Walls shall be landscaped with shrubs and hedges planted at two foot intervals, unless there are physical limitations on the site which prevent this. All landscaping and materials utilized to screen an enclosure shall be consistent with the overall design of the principal structures located on the site. Screening shall extend at least one foot above the facility to be screened. All dumpsters or other solid waste containers shall be placed on a concrete pad appropriate to the size of the container, and enclosures shall appropriately house all dumpsters, garbage and recycle bins on site.

(Ord. No. 207, § 5.26, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 454, 11-16-1994; Ord. No. 512, 7-28-1999)

Sec. 34-910. - Storage areas for nonresidential and multiple-family uses.

All storage areas shall be screened on all four sides from public view. Both sides and the rear of the screening enclosure shall consist of an opaque concrete wall, pressure treated wood, or similar quality material. The front of the screen enclosure shall be gated and shall consist of durable materials with a solid surface consistent with the overall design of the project. Dependent upon the location of an enclosure, landscaping may be required in addition to the opaque screening material. All materials utilized in the screen enclosure shall be consistent with the overall design of the principal structures located on the site. A roof may be required on the enclosure at the discretion of the town. All enclosures shall be placed on a concrete pad or asphalt.

(Ord. No. 207, § 5.27, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-911. - Required ingress and egress points for commercial uses and commercially zoned properties.

All commercially zoned properties or properties developed or utilized for commercial purposes shall be required to have ingress and egress points open directly onto collector or arterial roadways (as defined in the Unified County Land Development Code). Additional ingress and egress points shall be permitted to open directly onto any public roadway.

(Ord. No. 207, § 5.28, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-912. - Simple lot split/subdivision.

(a) A simple lot split (see definition) shall hereby be known as a de minimus development. Application and procedures for any de minimus development shall be administered and maintained by the director of planning and zoning, and may be amended from time to time by the town council (requiring approval by the town council). An application shall be reviewed and obtain acceptance of the director of planning and zoning, town engineer, and town manager who shall make professional recommendation to the

town council regarding any application. Although the application may be amended, it shall always contain approval and acceptance signature lines and, where appropriate, seal spaces for the town officials and town council mentioned in this section.

(b) Requirements/criteria for de minimus development. All subdivision requirements shall be adhered to as per the adopted town subdivision regulations. In supplementation to said regulations, for a de minimus development the following shall apply/be required:

(1) The director shall consider a proposed de minimus development for recommendation upon the submission of the following materials:

a. An application form provided by the town accompanied by the application fee established for this process, which shall be the same as the base fee for subdivisions and platting (identified in Resolution 93-23[N], including waiver requirements of section 34-206).

b. Four paper copies of the proposed de minimus development.

c. A statement from the appropriate provider indicating whether water and/or sanitary sewer service, capacity of power, as well as other utilities/services are available to the property.

d. Legal descriptions including the acreage and square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared, including any existing or required easements and/or restrictions. Such survey shall be prepared by a professional land surveyor registered in the state. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application; and a metes and bounds description shall accompany each description.

e. The director shall provide a copy of all materials to the town engineer for review, comments and acceptance/denial. The town engineer may require drainage, topographic or other specific information, as necessary.

f. If the proposed de minimus development meets the conditions of this section and otherwise complies with all applicable laws and ordinances including, but not limited to, this chapter and the town subdivision regulations; and meets with the approval of the town engineer, then the director shall make recommendation of the de minimus development to the town council based upon the criteria set forth herein.

(2) Each proposed lot must conform to the following standards:

a. Each proposed lot must conform to the requirements of this chapter and shall maintain and provide necessary easements consistent with easement requirements as established by the town's subdivision regulations;

b. Each lot shall abut a public or private street for the required minimum lot width for the zoning district where the lots are located, or otherwise stated in the town's subdivision regulations;

c. If any lot abuts a right-of-way that does not conform to the design specifications provided in the town's subdivision regulations, the owner may be required to dedicate the appropriate width necessary to meet the minimum design requirement;

d. The proposed de minimus development shall be consistent with surrounding lots. In determining consistency and compatibility with surrounding lots, the town council may consider, among other things, whether the existing or platted lots have been divided; and whether the majority of existing or platted lots are comparable in size or configuration along the same street within 250 feet of the subject lot;

e. No further division of an approved de minimus development is permitted under this section, unless a development plan and plat/replat is prepared and submitted in accordance with the town's subdivision regulations, and this chapter;

f. At any time, the director of planning and zoning may require approval and acceptance for a proposed de minimus development from other agencies, including but not limited to the

county, department of transportation, South Florida Water Management District, department of environmental protection, or other agencies, as deemed necessary; and

g. A de minimus development cannot be approved if property taxes are not current for any part or parent of a subject petition.

(Ord. No. 207, § 5.29, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 536, 5-9-2001)

Secs. 34-913—34-948. - Reserved.

DIVISION 3. - ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 34-949. - Intent; findings of fact; definitions.

(a) Legislative intent. This division is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks and other commercial uses. Proper separation of adult entertainment uses prevents the creation of skid row areas that result from the concentration of these uses and their patrons. It is the intent of this division to limit the secondary effects of adult entertainment uses as set out in subsection (b) of this section. The standards in this division are intended to ensure that residential districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential districts, religious uses, educational uses, parks and other commercial uses within viable, unblighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.

(b) Findings of fact. Based on the evidence and testimony which was presented originally to the board of county commissioners, at the time that the county adopted Ordinance No. 88-31 in reference to adult entertainment establishments, which is hereby incorporated herein by reference, and based upon the evidence and testimony presented at first reading and at the public hearing before the town council, including the findings incorporated in the Adult Entertainment Study for City of New York (November 1994) prepared by the Department of City Planning; Seattle Washington Director's Report of Department of Construction and Land Use on Proposed Land Use Code Text Amendment Adult Cabarets (1989); A Study of Land Use Regulation of Adult Entertainment Establishments prepared by the Springfield, Missouri, Department of Community Development (November, 1986); Report of St. Paul, Minnesota, entitled Effects on Surrounding Area of Adult Entertainment Businesses (June, 1978); Study and Recommendations for Adult Entertainment Businesses in the Town of Islip, New York, Department of Planning and Development (1980); and United States Attorney General's Commission on Pornography (1986), A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values, conducted by the Division of Planning, Department of Metropolitan Development, City of Indianapolis, January 1984; the town council hereby finds that:

(1) Commercial establishments exist or may exist within the unincorporated areas of the county, the town and adjacent municipalities, where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or devices which depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold;

(2) Such commercial establishments are or may be located within the town, or are so close in proximity to the town that the same may seek location within the town for such purpose and wherein such establishments the following occurs:

a. The superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;

b. Dancers, entertainers or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or

c. Lap dancing;

(3) The activities described in subsections (b)(1) and (2) of this section occur at commercial establishments for the purpose of making a profit, and as such, are subject to regulation within and by the town, in the interest of the health, safety, morals and general welfare of the people of the town;

(4) This competitive commercial exploitation of such nudity and seminudity is adverse to the public's interest and the quality of life, tone of commerce, and total community environment in the town;

(5) When the activities described in subsections (b)(1) and (2) of this section are presented in commercial establishments within the town, other activities which are illegal, immoral or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property;

(6) When the activities described in subsections (b)(1) and (2) of this section are present in commercial establishments, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, particularly the kinds detailed in subsection (5) of this section, and ultimately lead residents and businesses to move to other locations;

(7) There is a direct relationship between the display or depiction of specified anatomical areas in subsection (2) of this section and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the occurrence of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce and total community environment in the town;

(8) There will be an increased demand on the town's limited law enforcement resources as a result of these secondary effects and increase in criminal activities associated with adult entertainment establishments located in or near the town;

(9) Existing retail centers over 50,000 square feet within the town maintain on-site management/leasing offices and monitor the conduct of tenants which will assist the town in controlling criminal activity and reducing the secondary effects of adult entertainment establishments; and

(10) Locating adult entertainment establishments in existing and future large retail centers within the town will reduce certain secondary effects and visual blight which often accompany such establishments as they will be less visible to the general public, and such retail centers regulate their own aesthetics and signage. In order to minimize the visibility and visual blight, such establishments should be prohibited from locating in outbuildings and on outparcels of retail centers.

(c) Supplemental definitions. In addition to the definitions in section 34-4 of this chapter, the following supplemental definitions shall apply in the interpretation of this division:

Adult arcade means any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this section, the term "adult arcade" is included within the definition of adult theater.

Adult bookstore/adult video store means an establishment which sells, offers for sale or rents adult material for commercial gain; unless the establishment demonstrates either:

(1) The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than 40 percent of the gross income from the sale or rental of goods or services at the establishment; or

(2) The individual items of adult material offered for sale or rental comprise less than ten percent of the individual items, as stock in trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.

Adult booth means a small enclosed or partitioned area inside an adult entertainment establishment which is:

(1) Designed or used for the viewing of adult material by one or more persons; and

(2) Is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a peep show booth or other booth used to review adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.

Adult dancing establishment means an establishment where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing.

Adult entertainment establishment means any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes specified anatomical areas for viewing by patrons, including, but not limited to: massage establishments, whether or not licensed pursuant to F.S. ch. 480, tanning salons, modeling studios or lingerie studios. Excluded from this definition are any educational institutions where the exposure of specified anatomical areas is associated with a curriculum or program.

Adult material means any one or more of the following, regardless of whether it is new or used:

(1) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, videocassettes, slides or other visual representations; recordings or other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult motel means any hotel, motel, boardinghouse, roominghouse or other place of temporary loading which includes the word "adult" in any name it uses or which otherwise advertises the presentation of adult material. The term "adult motel" is included within the definition of adult theater.

Adult theater means an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof or an open-air area used for viewing of adult material. Adult motels, adult arcade, adult hotel and adult motion picture theater are included within the definition of adult theater. An establishment which has adult booths is considered to be an adult theater.

Adult video store. See Adult bookstore.

Commercial establishment means any business, location or place which conducts or allows to be conducted on its premises any activity for commercial gain.

Commercial gain means operated for pecuniary gain, which shall be presumed for any establishment which has received a business tax receipt. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss.

Educational institution means a premises or site within a municipality or within the unincorporated area of the county, upon which there is an institution of learning, whether public or private, which conducts regular classes and/or courses of study required for accreditation by or membership in the state department of education, Southern Association of Colleges and Secondary Schools, the state council of independent schools, or a similar accrediting organization. The term "educational institution" includes a premises or site upon which there is a day care center, nursery school, kindergarten, elementary school, junior high school, senior high school, professional institution of higher education including a community college, junior college, four-year college or university, libraries, art galleries and museums open to the public or any special

institution of learning. The term "educational institution," however, does not include a premises or site upon which there is a vocational institution operated for commercial gain.

Employee means any person who works, performs or exposes his specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business establishment, or premises. The term "employee" shall include any person who pays any form of consideration to an owner or manager of an establishment for the privilege to work, perform or expose his specified anatomical areas within the establishment.

Establishment means the site or premises on which the adult entertainment establishment is located, including the interior of the establishment, or portion thereof, upon which certain activities or operations are being conducted for commercial gain.

Park means a tract of land within a municipality or unincorporated area which is:

(1) Kept for ornament and/or primarily recreation, and which is open to the public whether or not the land is publicly owned; or

(2) Land privately owned which is kept for ornament and/or primarily recreation purposes and which is limited to surrounding landowners. A playground shall be considered a park.

Person includes an individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation and all other or any other similar entity.

Religious institution means a premises or site which is used primarily or exclusively for religious worship and related religious activities. A church, ecclesiastical or denominational organization or established place of worship, retreat site, camp or similar facility owned or operated by a bona fide religious group for religious activities shall be considered a religious institution.

Residential zoning district, for the purpose of this division only, includes any residential zoning districts in unincorporated Palm Beach County, adjacent municipalities and the following zoning districts in the town:

RS	Residential single-family
RM-1	Residential multiple-family—medium density
RM-2	Residential multiple-family—moderate density
RMT	Residential transient and multiple-family—moderate density
RH	Residential multiple-family—high density
RM-OO	Residential multiple-family—moderate density, open space option
HIST-S	Saturn Lane historic preservation district
HIST-Z	Zephyr Way historic preservation district
HIST-B	Beachbound historic preservation district
R-DUP	Residential duplex (two-family)

RV PARK	Recreational vehicle park
MH	Manufactured home community

Specified anatomical areas means:

(1) Less than completely and opaquely covered:

a. Human genitals and pubic region;

b. Cleavage of human buttocks; or

c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or any wearing apparel, provided the areola is not so exposed.

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means:

(1) Human genitals in a state of sexual stimulation, arousal or tumescence;

(2) Acts of human analingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellatio, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast; or

(4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

(Ord. No. 207, §§ 5.370—5.373, 8-8-1979; Ord. No. 354, 2-15-1989; Ord. No. 450, 5-11-1994; Ord. No. 514, 6-23-1999)

Sec. 34-950. - Applicable zoning districts.

Adult entertainment establishments may be permitted in retail centers of a minimum size of 50,000 square feet located in the CG commercial general zoning district and medical commercial (MC) zoning district provided the locational criteria of section 34-951 are met. Such establishments may not be located in outbuildings or on outparcels of such retail centers.

(Ord. No. 207, § 5.374, 8-8-1979; Ord. No. 450, 5-11-1994; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-951. - Distance requirements for location.

(a) No person shall cause or permit the operation of any proposed or existing adult entertainment establishment within 250 feet from the existing specified uses:

(1) Another adult entertainment establishment.

(2) Church or religious institution.

(3) Educational institution.

(4) Park.

(5) Residential zoning district.

(b) The subsequent approval of a religious institution, educational institution, park or residentially zoned land within these distances shall not require an existing adult entertainment establishment to relocate; however, such establishment shall be considered a nonconforming use.

(c) Method of measurement. The location distances set forth shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed adult entertainment establishment to the nearest point on the property line of such religious institution, educational institution, park, residential zoning district or another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects.

(Ord. No. 207, § 5.375, 8-8-1979; Ord. No. 450, 5-11-1994)

Sec. 34-952. - Variances not applicable.

Variances to the locational standards of section 34-951 shall not be included within the scope of approval for the issuance of variances by the town, pursuant to the procedure for variances under section 34-64(b), and shall not be allowed.

(Ord. No. 207, § 5.376, 8-8-1979; Ord. No. 450, 5-11-1994)

Sec. 34-953. - Application process.

Any person desiring to operate an adult entertainment establishment in the town shall submit an application for the same to the town's planning and zoning director. A signed and sealed survey prepared by a licensed state surveyor shall also be submitted showing a 250-foot radius around the proposed structure or bay housing the proposed use. An affidavit, signed by both the surveyor and the applicant, shall accompany the survey indicating whether the locational criteria of section 34-951 have been met. Zoning approval or denial shall be issued within 14 days of submittal of a completed application. An aggrieved party has the right to immediately appeal a denial of zoning approval by the filing of a petition for writ of certiorari or other available relief within the timeframe provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure. Notwithstanding conformance with the zoning requirements of this division, no certificate of occupancy or completion shall be issued unless and until the proposed operator complies with and receives a license pursuant to the Palm Beach County Adult Entertainment Code, Ordinance No. 88-31, as amended.

(Ord. No. 207, § 5.377, 8-8-1979; Ord. No. 450, 5-11-1994)

Secs. 34-954—34-979. - Reserved.

DIVISION 4. - PARKING REQUIREMENTS

Sec. 34-980. - Purpose and intent.

The regulations and requirements of this division are intended to minimize traffic congestion and facilitate vehicular and pedestrian safety by providing guidelines for the provision of off-street and on-street parking for all uses in all zoning districts of the town.

(Ord. No. 207, § 5.40.1, 8-8-1979; Ord. No. 485, 9-4-1996; Ord. No. 517, 12-1-1999)

Sec. 34-981. - General requirements; off-street parking plan.

(a) General requirements.

(1) All parking facilities which are required under this chapter shall be continued for as long as a use requiring parking is continued.

(2) Any building or structure existing as of the date of the adoption of this chapter, may be renovated, altered or repaired without providing additional parking facilities if there is no increase in the number of dwelling units, square footage in nonresidential developments, or change in use which requires more parking than the existing use. Any additional number of dwelling units, square footage in nonresidential developments, or change in use which requires more parking than the existing use shall meet the requirements of this chapter.

(3) A site plan drawn to scale showing parking shall be submitted to and reviewed by the planning and zoning board and approved by the town council before a permit is issued for the construction of or use of the building, structure, or facility being considered. This plan shall show the location, and accurately designate the number of required spaces, their size or sizes, access aisles, driveways, and their relation to the site plan. Landscaping of parking areas shall comply with the landscape requirements of article IV, division 7 of this chapter.

(4) Parking facilities shall be maintained for as long as the use for which they are provided is continued.

(b) Off-street parking plan.

(1) Coordination. The building size and parking plan shall be coordinated for the following uses: three or more attached single-family residential, multiple-family residential, and nonresidential including but not limited to commercial, institutional, governmental, and recreational. Coordinating the parking layout, number of spaces and size of structures shall consist of the following two planning steps:

a. Step 1. The minimum number of parking spaces shall be determined from the schedule of off-street parking required according to the intended use or uses and the corresponding number of spaces required. The minimum parking area shall then be determined by assuming each off-street parking space will occupy 200 square feet and the parking plan will meet required minimum aisles and backing space.

b. Step 2. Additional parking may be created by then reducing the size of the parking space according to the off-street parking standards set forth in subsection (b)(5) of this section (standard stall dimensions, compact stall dimensions, and disabled parking stall dimensions).

(2) Compact car spaces. Compact car spaces shall be permitted only for office developments greater than 25,000 square feet in gross floor area, and the percentage of compact car spaces shall not exceed 15 percent of the total number of spaces provided. Furthermore:

a. The location of compact car spaces shall be neither more nor less convenient than larger car spaces. Compact spaces shall be well-marked and quickly distinguished from standard spaces. Compact car spaces should not be sprinkled here and there in such a way that the individual parking the larger car is deceived by the size of any empty space, finding it too small for use.

b. Compact spaces shall be identified in one of two ways:

1. By signs only; or
2. By signs and color-coded stall lines. A line can be painted at the entry to the smaller stall. The line is to be parallel to the aisle and mark the point beyond which the car should not extend.

(3) Disabled parking and sign detail. All parking regulations for persons with disabilities shall be governed by F.S. §§ 316.1957, 316.1958, 316.1959, and 553.501 et seq.

(4) Vehicular and pedestrian access.

a. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street area shall not exceed a maximum of 30 feet.

b. Nonresidential developments approved after the effective date of the ordinance from which this chapter is derived shall be required to provide an internal accessway and/or alleyway connecting the approved development with adjacent future nonresidential development, providing for vehicular (automobile and bicycle) and pedestrian traffic. Existing nonresidential developments adjacent to new nonresidential developments shall be encouraged to provide internal cross access. Such cross access shall be provided in a recordable instrument in a form acceptable to the town attorney. A nonresidential development adjacent to a residential development may be required to provide a vehicular and/or pedestrian accessway if the residential development desires such connection.

c. An efficient and safe pedestrian and vehicular (automobile and bicycle) traffic system shall be provided throughout the parking and other vehicular use areas.

d. The design, number and placement of such drives, accessways, and alleyways shall be subject to review by the planning and zoning board and approval by the town council, and, if applicable, county and state authorities having jurisdiction over such matters.

(5) Schedule of off-street parking requirements.

a. Generally. The schedule of off-street parking requirements is as follows. The town encourages the use of angled parking for its residents.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS
JUNO BEACH, FLORIDA

Use	Space Required Per Unit (unless otherwise specified in a particular zoning district)
Accessory apartment	1 space per dwelling unit if 750 sq. ft. or less; 2 spaces per dwelling unit if greater than 750 sq. ft.
Single- and two-family dwellings and townhouses	2 spaces per dwelling unit. In addition, for developments with 3 or more attached units, one guest space shall be required for every 7 units.
Multiple-family dwelling	2 spaces per dwelling unit for the initial 20 units; 1.75 spaces for each from 21 through 50; 1.50 spaces for units 51 and more. In addition, one guest space shall be required for every 7 units.

Churches and other places of worship	1 space per three fixed seats (schools and gymnasiums calculated separately).
Beach, swimming, tennis, golf and yacht clubs	1 space per each 300 sq. ft. of clubhouse space plus 20 spaces for each swimming pool, 2 spaces for each tennis court, 2 spaces for each golf hole and one space for each boat slip.
Beauty shops, barbershops, medical and dental clinics and/or offices, outpatient substance abuse treatment providers, other personal services	1 parking space per 200 sq. feet of gross floor area.
Commercial retail establishments (excluding convenience stores)	1 parking space per 200 sq. ft. of gross floor area.
Convenience stores	1 space per 300 sq. ft. of gross floor area.
Trust companies	1 space per 300 sq. ft. of gross floor area.
Commercial banks, savings and loan associations	1 space per 300 sq. ft. of gross floor area; stacking lane of 5 cars per window.
Business and professional offices	1 space per 300 sq. ft. of gross floor area.
Furniture stores (over 5,000 sq. ft. of gross floor area)	1 space per 600 sq. ft. of gross floor area.
Furniture stores (under 5,000 sq. ft. of gross floor area)	1 space per 350 sq. ft. of gross floor area.
Transient residential facilities	1 space per each occupancy unit.
Hotel/motel	1.25 spaces per each occupancy unit plus one space for each three seats offered to the public for restaurant and lounge purposes and one space per 100 sq. ft. of meeting space. Additional spaces may be required for retail shops, beauty shops and barbershops, athletic clubs, etc. if expected to attract additional outside traffic.

Restaurants, nightclubs and/or other eating places	1 space per 90 sq. ft. of gross floor area. For restaurants and shopping plazas with restaurants, a minimum of 60% of the required spaces shall occur on the back yard of the site, not on the street side.
Libraries, museums	1 space per 500 sq. ft. of gross floor area.
Schools (public or private)	
Grades K—8	1 parking space per employee plus 20 visitor spaces
Grades 9—12	1 parking space per employee, one space per every four students, and 25 visitor spaces.
Assisted living facilities	1 parking space for each adult extended care residence plus one parking space per four patient beds or residents plus one space per employee, including nurses and staff doctor, on shift of greatest employment.
Residential substance abuse treatment providers	1 parking space per four patient beds or residents plus one space per employee on shift of greatest employment.

b. Exceptions. If a proposed use is not listed or if special circumstances exist for a particular use which causes it not to need the required minimum spaces or if shared parking is desired, a parking study acceptable to the town planning and zoning department shall be submitted for review by the planning and zoning board and approval by town council.

1. If the number of required spaces is reduced, the area that would have been used for parking shall be reserved as landscape open space. The number of spaces reduced multiplied by 200 square feet (see subsection (b)(1)a of this section) shall be required to be maintained as landscape open space and shall not be counted toward the minimum landscape open space requirement.

2. A shared parking plan shall be enforced through written agreement, unity of title, or unity of control.

c. Parking in the side and rear yard. If a minimum of 75 percent of all parking spaces on site are located in the side and rear yard areas, then the total parking space requirement may be reduced by 15 percent.

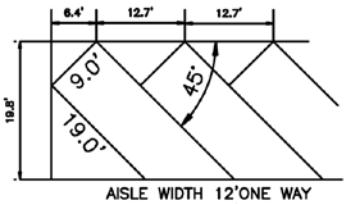
(c) On-street parking. Any new development constructed upon an entirely new roadway shall be permitted, at the discretion of the town, to have on-street parking directly fronting a lot provided said roadway is designed for continuous and successive on-street parking. Such on-street parking shall count toward fulfilling the off-street parking requirement.

(d) Parking dimensions for on-street and off-street parking. The parking dimensions for standard stalls, compact car stalls and disabled stalls shall be as specifically set in Exhibits A, B and C, respectively, at the end of this section. Based on the frequency of use, the planning and zoning director may recommend to the planning and zoning board and to the town council that guest spaces, excess spaces, and infrequently used parking spaces be provided in grassed areas, or other acceptable material, with a stabilized sub-base.

(e) Bicycle parking facilities.

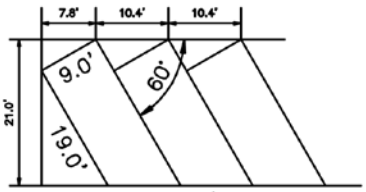
(1) Bicycle parking facilities with a minimum of eight bicycle parking spaces, in a design acceptable to the town, shall be provided for each nonresidential development. In a mixed-use or shopping center development, a minimum of eight bicycle parking spaces shall be provided for each anchor tenant. The bicycle parking facilities shall be located close to the principal building entrance and shall be sheltered. The number of required bicycle parking spaces may be increased or decreased by the town, based upon its review of the proposed project and the reasonable amount of expected bicycle parking space needs. Shower and locker facilities, sufficient in amount to accommodate need, are encouraged in all nonresidential developments greater than 10,000 square feet in gross floor area.

(2) All multifamily and three or more attached single-family residential developments shall be required to provide bicycle storage facilities. Such storage facilities shall be fully enclosed within a structure and shall be of a sufficient size to accommodate expected storage needs.



AISLE WIDTH 12'ONE WAY
AISLE WIDTH 22'TWO WAY

45°ANGLE PARKING



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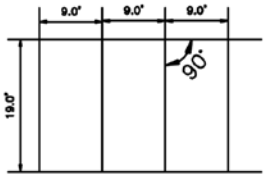
AISLE WIDTH 22'TWO WAY

60°ANGLE PARKING



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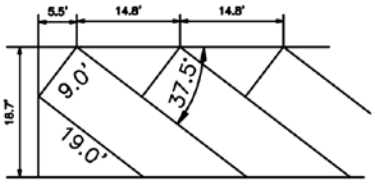
90° PARKING



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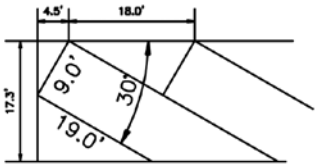
37.5°ANGLE PARKING



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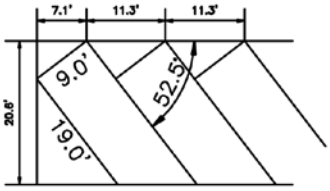
30°ANGLE PARKING



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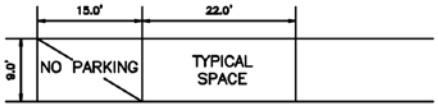
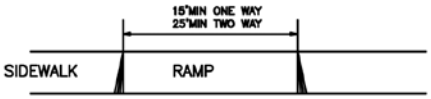
52.5°ANGLE PARKING



AISLE WIDTH 11'ONE WAY
AISLE WIDTH 22'TWO WAY

ENTRANCE-EXIT



ENTRANCE-EXIT

STANDARD STALL DIMENSIONS

Not to Scale

NOTES:

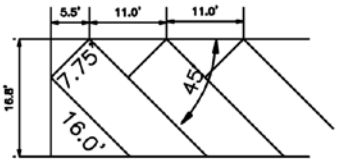
1. PRECAST CONCRETE WHEEL STOPS SHALL BE USED AT EACH STALL.
2. WHEN COMPACT AND STANDARD CARS WILL USE THE SAME AISLE FOR MANEUVERING, THE LARGER OR STANDARD VEHICLE AISLE SHALL BE USED.
3. THE MINIMUM TURNING RADIUS SHALL BE EIGHTEEN (18) FEET INSIDE, TWENTY–NINE (29) FEET OUTSIDE.
4. ACCESS TO PARKING LOTS FROM ALLEYS WILL BE PERMITTED ONLY AT THE DISCRETION OF THE PLANNING & ZONING BOARD AND THE TOWN COUNCIL SO AS TO PROVIDE FOR THE ORDERLY FLOW OF TRAFFIC.
5. PARKING SPACES FOR THE DISABLED SHALL COMPLY WITH CHARTER 316, FLORIDA STATUTES, AND SHALL BE A MINIMUM 12' BY 19'.
6. DIMENSIONS SHOWN FOR PARKING STALLS ARE MINIMUM, COLUMNS AND OTHER OBSTRUCTIONS WILL NOT BE ALLOWED IN THIS AREA.

TOWN OF JUNO BEACH STANDARDS

OFF STREET PARKING

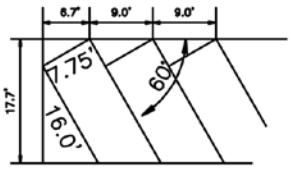
EXHIBIT A

5.40–6A



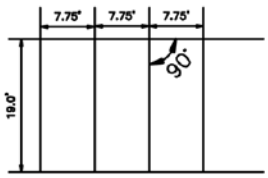
AISLE WIDTH 12'ONE WAY
AISLE WIDTH 22'TWO WAY

45°ANGLE PARKING



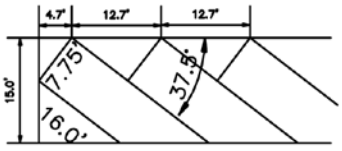
AISLE WIDTH 14'ONE WAY
AISLE WIDTH 22'TWO WAY

60°ANGLE PARKING



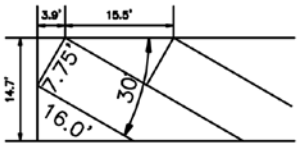
AISLE WIDTH 22'ONE WAY
AISLE WIDTH 22'TWO WAY

90° PARKING



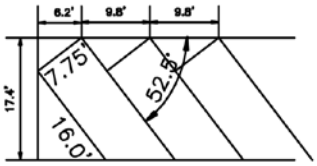
AISLE WIDTH 11'ONE WAY
AISLE WIDTH 22'TWO WAY

37.5°ANGLE PARKING



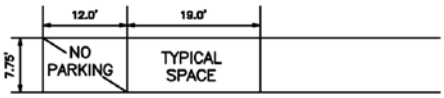
AISLE WIDTH 11'ONE WAY
AISLE WIDTH 22'TWO WAY

30°ANGLE PARKING



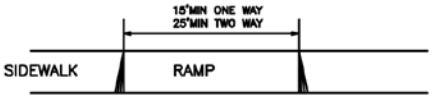
AISLE WIDTH 12.5'ONE WAY
AISLE WIDTH 22'TWO WAY

52.5°ANGLE PARKING



AISLE WIDTH 10'ONE WAY
AISLE WIDTH 22'TWO WAY

ENTRANCE-EXIT



ENTRANCE-EXIT

COMPACT STALL DIMENSIONS

Not to Scale

NOTES:

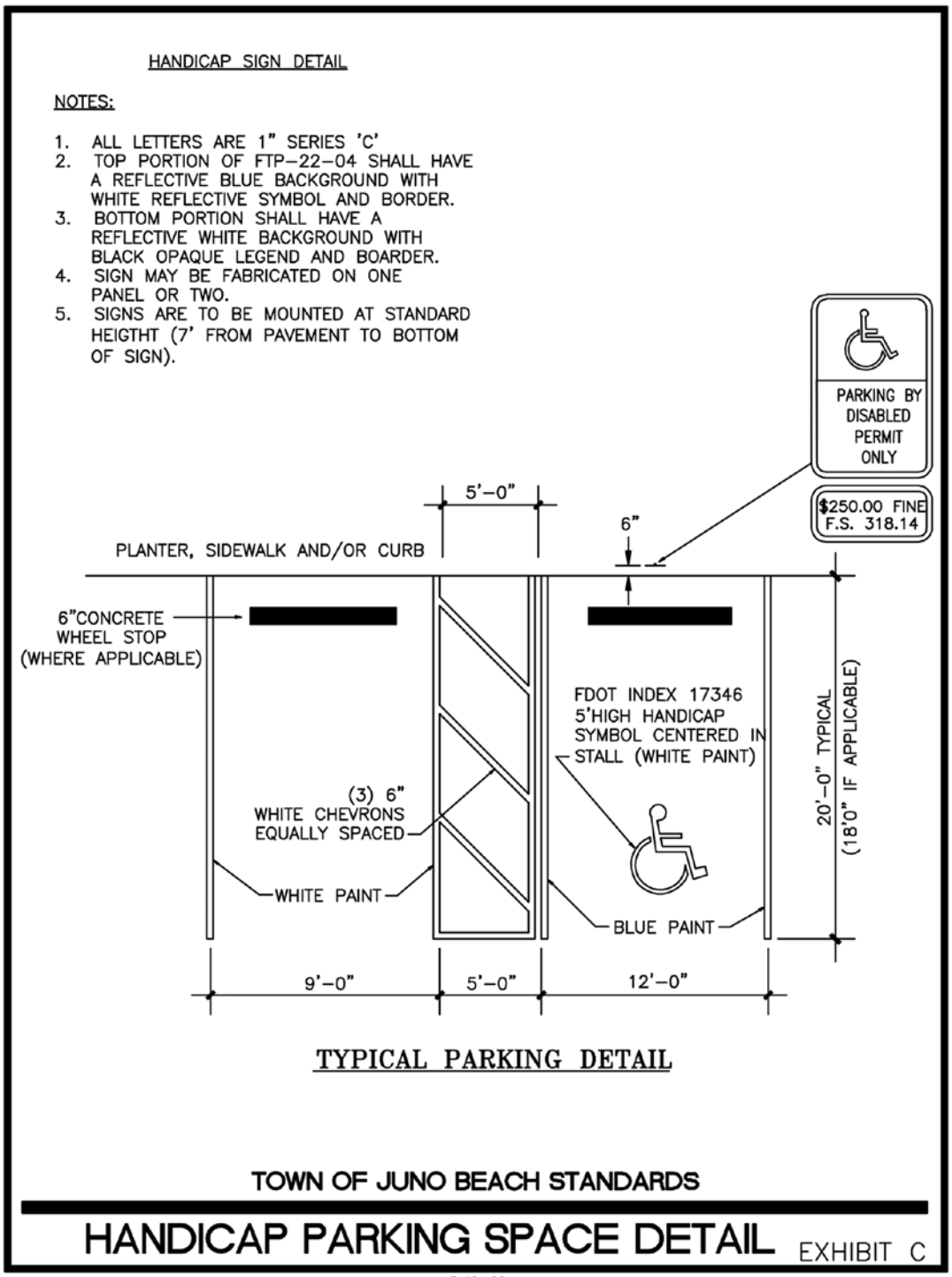
1. PRECAST CONCRETE WHEEL STOPS SHALL BE USED AT EACH STALL.
2. WHEN COMPACT AND STANDARD CARS WILL USE THE SAME AISLE FOR MANEUVERING, THE LARGER OR STANDARD VEHICLE AISLE SHALL BE USED.
3. THE MINIMUM TURNING RADIUS SHALL BE EIGHTEEN (18) FEET INSIDE, TWENTY–NINE (29) FEET OUTSIDE.
4. ACCESS TO PARKING LOTS FROM ALLEYS WILL BE PERMITTED ONLY AT THE DISCRETION OF THE PLANNING & ZONING BOARD AND THE TOWN COUNCIL SO AS TO PROVIDE FOR THE ORDERLY FLOW OF TRAFFIC.
5. PARKING SPACES FOR THE DISABLED SHALL COMPLY WITH CHARTER 316, FLORIDA STATUTES, AND SHALL BE A MINIMUM 12' BY 19'.
6. DIMENSIONS SHOWN FOR PARKING STALLS ARE MINIMUM, COLUMNS AND OTHER OBSTRUCTIONS WILL NOT BE ALLOWED IN THIS AREA.

TOWN OF JUNO BEACH STANDARDS

OFF STREET PARKING

EXHIBIT B

5.40–6B



(Ord. No. 207, § 5.40.2, 8-8-1979; Ord. No. 287, 7-10-1985; Ord. No. 416, 9-25-1991; Ord. No. 485, 9-4-1996; Ord. No. 517, 12-1-1999; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-982. - Commercial areas.

(a) The following restrictions shall apply to the parking of vehicles, recreational vehicles, boats and boat trailers in commercial areas:

(1) Any vehicles parked in a commercial area for more than a 24-hour period must be owned or leased by the business owner on the property and parked at the rear of the building, unless no rear parking area is available.

(2) No recreational vehicles, boats and boat trailers shall be parked or stored in a commercial area.

(b) The restrictions set forth in subsection (a) of this section shall not apply to the temporary parking of vehicles when construction is underway, for which a current and valid building permit has been issued by the town and said permit is properly displayed on the premises.

(c) See article IV, division 6 for vehicle signage requirements.

(Ord. No. 207, § 5.40.3, 8-8-1979; Ord. No. 485, 9-4-1996; Ord. No. 487, 9-18-1996; Ord. No. 517, 12-1-1999)

Sec. 34-983. - Residential areas.

(a) Prohibited vehicles; exceptions. No dual-wheeled vehicles, vehicles exceeding three-fourths-ton rated capacity, and vans exceeding one-ton rated capacity; and no bus, pole trailer, semitrailer, trailer, truck, and truck tractor, as defined in F.S. ch. 316, shall be parked or stored on any residential property or public or private street rights-of-way or alleys within any residential district in the town except for the following situations:

(1) This restriction will not apply to those vehicles described and regulated in subsections (b) and (c) of this section.

(2) This restriction shall not apply to the temporary parking of such vehicles on private property in residential districts whereon construction is underway, for which a current and valid building permit has been issued by the town and said permit is properly displayed on the premises.

(3) This restriction shall not apply to routine deliveries by tradesmen or the use of trucks in making service calls providing that such parking is actually in the course of business deliveries or servicing as the case may be.

(4) This restriction shall not apply to the parking of emergency vehicles providing that the time parked is actually necessary for the emergency. Further, the restriction shall not apply to emergency vehicles driven by residents of the town and parked on their property.

(5) This restriction shall not apply to a situation where such vehicle becomes disabled and, as a result of such emergency is required to be parked within a residential district for longer than the time allowed herein. However, any such vehicle shall be removed from the residential district within 24 hours by towing if necessary regardless of the nature of the emergency, and the cost of such towing shall be at the expense of the owner of the vehicle.

(6) This restriction shall not apply the recreational vehicle park (RV park) zoning district.

(b) Any commercial and noncommercial pickup truck, sport utility vehicle, automobile, or similar type of motor vehicle (as defined by F.S. ch. 316) not exceeding three-fourths-ton rated capacity and any van not exceeding one-ton rated capacity, may be parked on a lot improved with a permitted structure in any residential district in the town. All commercial motor vehicles shall adhere to the following:

(1) Any equipment or inventory shall be placed in the interior of the vehicle or within the confines of the bed of a truck.

(2) Any commercial vehicle that cannot abide by subsection (b)(1) of this section must be placed in a garage, carport, or in the side or rear yard and screened as described in subsection (c)(3) or (4) of this section.

(3) See article IV, division 6 for vehicle signage requirements.

(c) Boats, boat trailers, utility trailers; or recreational vehicles, excluding the park trailer (as defined by F.S. ch. 320) may be parked on a lot improved with a permitted structure in any residential district in town subject to the following conditions and restrictions:

(1) One boat, one boat trailer, one utility trailer, and one recreational vehicle (RV), but not more than one of each, may be parked on a lot (See section 34-984 for exceptions).

(2) The equipment described in this section must be owned and used primarily by a resident of the premises; provided, however, that a guest of the resident may park such equipment, excluding the utility trailer, in the front yard driveway for not more than three days in any 14-day period.

(3) The location for such parked equipment, excluding the utility trailer, shall be in the rear yard or in the side yard placed to the rear of a line established by the front building wall or corner, whichever is applicable (see section 34-984 for exceptions). Such parked equipment, however, shall be screened on three sides against direct view from adjacent properties. Compliance with the screening described, herein, shall permit the planting of a minimum 42-inch-high hedge. The hedge shall be maintained in a healthy condition to a minimum height of six feet, which will become an effective opaque screen from adjacent properties in a reasonable period of time not to exceed two years. A six-foot-high fence/wall such as wood or concrete block stucco (CBS) will also be allowed as a screen in place of a hedge. (See figure 1, which follows this section, for examples.) See sections 34-905 and 34-1088.

(4) All utility trailers must be parked in a garage or carport. Any other of the vehicles or equipment described herein may be parked in a garage or carport. The garage or carport must be effectively screened on three sides; provided however that no portion of the vehicle or equipment shall extend horizontally beyond the roof overhang (eave). (See figure 1, which follows this section, for examples).

(5) Such equipment shall at all times have attached a current vehicle registration, license plate and, if required, a current sticker.

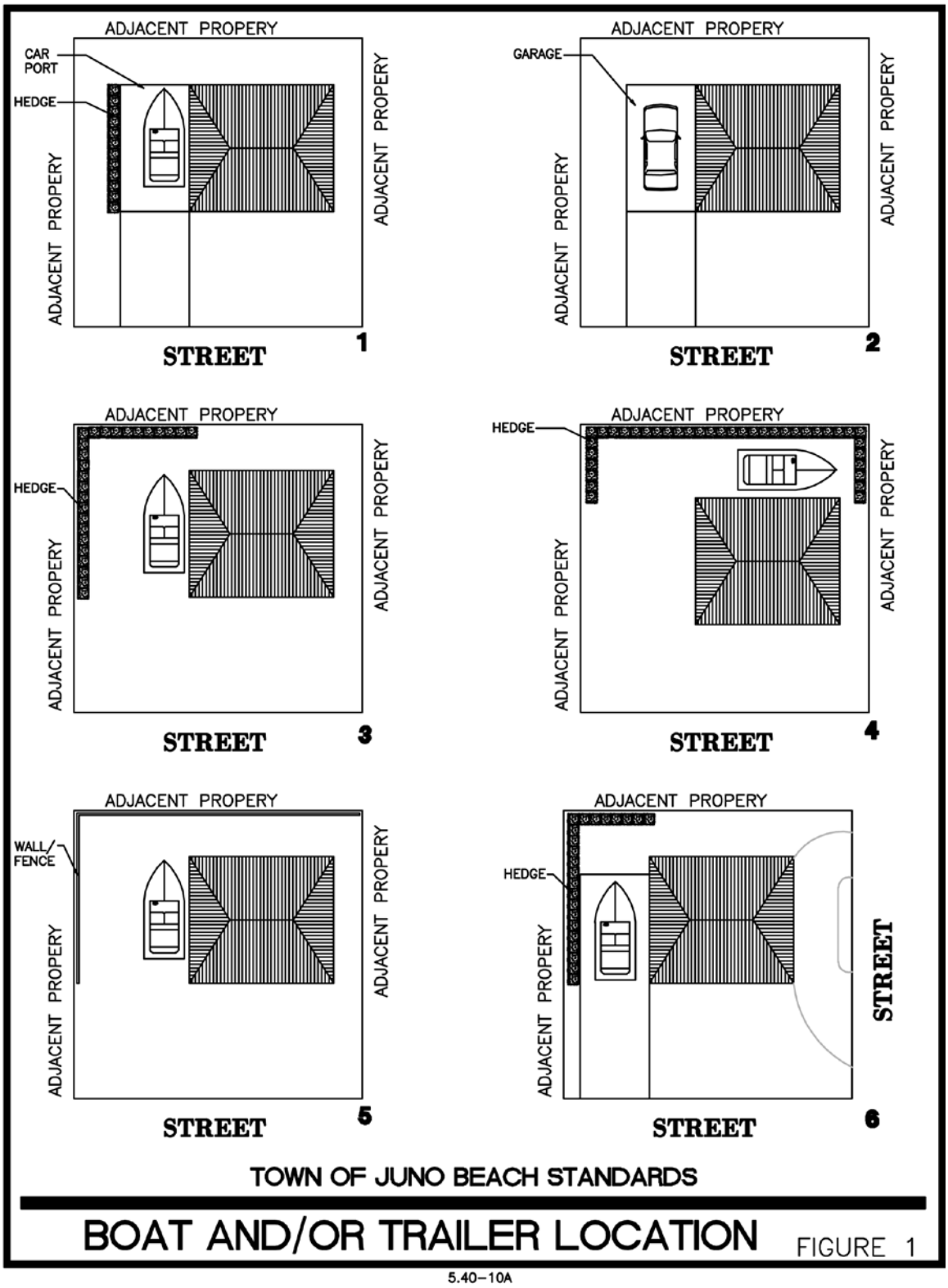
(6) No vehicle major repairs or overhaul work on such equipment which constitute either a public or private nuisance shall be made or performed on the site.

(7) When parked on the site such equipment shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any service connection lines except as may periodically be required to maintain the equipment and appliances.

(8) All vehicles shall abide by the town's sign ordinance (see article IV, division 6 of this chapter).

(9) The restrictions herein shall not prohibit the temporary parking of vehicles used for recreational purposes on lots within the town which are set aside specifically for recreational use, for example, the RV park zoning district.

(Ord. No. 207, § 5.40.4, 8-8-1979; Ord. No. 485, 9-4-1996; Ord. No. 487, 9-18-1996; Ord. No. 517, 12-1-1999)



Sec. 34-984. - Legal nonconforming use status.

In the RS-5 and R-DUP zoning districts a maximum of two boats and two boat trailers shall be permitted to be parked in the front yard, provided neither boat and trailer can fit in the side or rear yard. Such boat and boat trailer shall be permitted as legal nonconforming uses for a limited period of time as specified herein provided the following conditions are satisfied:

(1) The granting of the legal nonconforming use status shall only apply to those boats and boat trailers which are owned by the owner or current tenant of the residence as of the effective date of the ordinance from which this chapter is derived.

(2) Property owners or tenants who own said boats and boat trailers shall register same as legal nonconforming uses with the town within 90 days of the adoption date of the ordinance from which this chapter is derived.

(3) Upon registration, the town shall issue a registration decal which must be permanently affixed and displayed in a manner as to be visible from the street and renewable yearly. The town shall also issue a copy of a document to be recorded by the town clerk which limits the parking of said boats and boat trailers during the time the registering property owner or current tenant maintains ownership or rental of the real property upon which the boats and boat trailers are parked. The fee for this registration and decal and recording shall be such fee as is charged by the town to cover its administrative costs. After the September 18 renewal date a late penalty as currently established or as hereafter adopted by resolution of the town council from time to time may be assessed for each month of delinquency or part thereof. In the event a property owner or tenant does not register or renew its registration within 90 days from adoption of this chapter anniversary date, the property owner's or tenant's legal nonconforming status shall cease to exist and the town shall record a document in the public records evidencing same.

(4) The legal nonconforming use status for said boats and boat trailers shall not be transferable to a subsequent owner or tenant of the property. However, owners or tenants may replace their boats and boat trailers for the cost of a new registration decal.

(5) The conditions described in section 34-983(c)(5)—(8) shall be adhered to.

(6) These boats and boat trailers shall be parked perpendicular to the street (except when on a corner lot) and shall not extend into any street right-of-way or create a vehicular traffic hazard.

(Ord. No. 207, § 5.40.5, 8-8-1979; Ord. No. 485, 9-4-1996; Ord. No. 487, 9-18-1996; Ord. No. 517, 12-1-1999)

Sec. 34-985. - Off-street loading.

(a) In any district in connection with every building or building group or part thereof, thereafter created and having a gross floor area of 10,000 square feet or more, which is to be occupied by commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading or unloading berths in a number not less than that set forth in the following schedule:

Use	Minimum Required Number of Berths
Commercial Uses:	
10,000—50,000 sq. ft	1 berth
50,001—100,000 sq. ft	2 berths

100,001 sq. ft. or more	3 berths
Office Uses:	
25,000—100,000 sq. ft	1 berth
100,001—200,000 sq. ft	2 berths
200,001 sq. ft. or more	3 berths

(b) A loading demand statement shall be required at the time of application submittal for all nonresidential uses, detailing the land use's projected normal demands for loading and unloading. The number of required loading berths may be increased or decreased by the town based upon its review of the loading demand statement.

(c) The loading berth required in each instance shall not be less than 12 feet in width, 40 feet in length, and 14 feet in height, and may occupy all or any part of any required yard except for a required front yard; provided, however, that the loading berth shall be screened from the street or public way and any adjoining residential property.

(Ord. No. 207, § 5.50, 8-8-1979)

Secs. 34-986—34-1013. - Reserved.

DIVISION 5. - SIDEWALK CAFES

Sec. 34-1014. - Purpose.

The purpose of this division is to set forth the conditions and requirements under which a sidewalk cafe, as defined, may be permitted to operate on a sidewalk within the town.

(Ord. No. 207, § 5.56, 8-8-1979; Ord. No. 343, 9-21-1988)

Sec. 34-1015. - Limitations and requirements.

(a) Where permissible. A sidewalk cafe may be permitted as an accessory use only in the CG commercial general zoning district which allows indoor restaurants and then only if the sidewalk cafe is situated adjacent, as specified in subsection (b) of this section, to an indoor restaurant.

(b) A sidewalk cafe may be located on the sidewalk immediately adjacent to and abutting the indoor restaurant which operates the cafe, provided that the area in which the sidewalk cafe is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or, in the instance where the restaurant occupies a corner of the building, both front and side can be utilized for these purposes, and all other applicable provisions of these regulations are fulfilled. A letter of consent shall first be received from the owner of the commercial center in which

said sidewalk cafe is proposed. If the owner objects to the application for a sidewalk cafe, the town shall not consider said application.

(c) Common open plazas may be used in front of an indoor restaurant if access to other businesses/tenants adjacent or next to the plaza area is not impeded or blocked. A letter of consent shall be received from the owner of the commercial center by the applicant. If the owner has no objections to such a use, then letters of consent shall be received from adjacent businesses/tenants and submitted to the planning and zoning department. If the owner objects to the application for a sidewalk cafe in an open plaza area, the town shall not consider such an application. If there are letters of objection from adjacent businesses/tenants, the matter shall be brought to the town pursuant to site plan review procedures. If there are no objections to using the open plaza area for sidewalk cafes, the planning and zoning department may process and administer said application and the letter shall be placed in the applicant's file.

(d) Number of sidewalk cafes. An indoor restaurant may be permitted to operate only one sidewalk cafe and each sidewalk cafe shall be confined to a single location of the sidewalk or open plaza area:

(e) Sidewalk clearance. A sidewalk cafe may be permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed cafe.

(f) Dining area shall be directly accessible to the physically disabled.

(g) Dining areas shall be required to maintain adequate building egress as defined by the building code of the town.

(h) Location of furniture. All tables and chairs comprising a sidewalk cafe shall be set back in a safe manner from any curb and from any sidewalk or street barrier, and shall not be situated within eight feet of any designated bus stop, alley or other such areas.

(i) The design and colors used for chairs, tables, lighting and other fixtures including umbrellas shall be consistent with the architectural style and colors used on the building facade. Where an outdoor eating area is proposed adjacent to an existing one, the design of the new fixtures shall relate to, but need not be identical with, the fixtures of the existing outdoor eating area.

(j) No signs are permitted in the outdoor dining area with the exception of signs which shall give notice to the cafe's customers that the drinking of alcoholic beverages or the carrying of any open container which contains alcoholic beverages is prohibited and unlawful outside the delineated area of the sidewalk cafe.

(k) The use of landscaping and planters is encouraged to reinforce a plaza setting. However, large scale landscaping which will obscure important elements of the building facade is not allowed.

(l) Lighting shall be incorporated into the facade of the building, and shall complement the style of the building. Lights on buildings shall not be glaring to pedestrians on the sidewalk and should illuminate only the outdoor eating area. No wired electrical fixtures will be allowed outside the face of the building.

(m) Service requirements. The outdoor preparation of food and busing or service stations are prohibited at sidewalk cafes. All exterior surfaces within the sidewalk cafe shall be easily cleanable and shall be kept clean at all times by the permittee.

(n) Trash and refuse storage for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as they accumulate. The permittee is responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent area in a clean and safe condition.

(o) The maximum hours of operation of an outdoor eating area shall be established by the town and may be less than, but shall not exceed, the hours of operation of the associated indoor restaurant.

(Ord. No. 207, § 5.57, 8-8-1979)

Sec. 34-1016. - Permit—Conditions and limitations.

In connection with granting approval for any sidewalk cafe permit, the director shall make findings that the proposed operation meets the limitations of these regulations and the director may impose such conditions in granting its approval as he deems are needed or at his discretion may require that the application be subject to site plan review procedure to ensure that the proposed operation will meet the operating requirements and conditions set forth herein and to ensure that the public safety and welfare will be protected.

(Ord. No. 207, § 5.58, 8-8-1979)

Sec. 34-1017. - Same—Form; requirements; annual renewal; fee.

In addition to naming the permittee and any other information deemed appropriate by the director, the permit shall contain, and be subject to, the following conditions:

(1) The applicant shall submit an exhibit that is drawn to scale and which shows the proposed location and placement of tables, chairs and other furniture in relation to the sidewalk, open plaza and or indoor restaurant.

(2) The permit shall be specifically limited to the area shown on the exhibit attached to and made part of the permit.

(3) Any future additions or revisions to the approved exhibit and permit, shall be subject to review pursuant to these regulations.

(4) The permit issued shall be issued to the premises only and shall not be transferable in any manner.

(5) The director may require the temporary removal of sidewalk cafes when street, sidewalk, or utility repairs necessitate such action.

(6) The department of public works or the police department may immediately remove or relocate all or parts of the sidewalk cafe in emergency situations.

(7) The town and its officers and employees shall not be responsible for sidewalk cafe components relocated during emergencies.

(8) The permittee shall use positive action to ensure that its use of the sidewalk in no way interferes with or embarrasses sidewalk users or limits their free unobstructed passage.

(9) Use of the sidewalk cafe shall be restricted to patrons of the permittee.

(10) Tables, chairs, umbrellas, and any other objects provided with a sidewalk cafe shall be maintained with a clean and attractive appearances and shall be in good repair at all times.

(11) Each permit shall be effective for one year subject to annual renewal and the permit fee shall be assessed by the town that is consistent with the town's existing fee structure for this type of use.

(Ord. No. 207, § 5.59, 8-8-1979)

Secs. 34-1018—34-1047. - Reserved.

DIVISION 6. - SIGNS

Sec. 34-1048. - Purpose and intent.

The intent of this division is to:

(1) Establish rules and regulations to control and regulate all signs in the town;

(2) Maintain a high degree of excellence in the quality of all signs, both aesthetically and structurally;

(3) Prevent the proliferation of signs which cause visual clutter and disharmony; and

(4) Encourage a rational pattern of signs with regard to the area where such signs are located.

(Ord. No. 207, § 5.61, 8-8-1979; Ord. No. 309, 10-8-1986; Ord. No. 389, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 491, 2-12-1997; Ord. No. 512, 7-28-1999; Ord. No. 538, 4-25-2001)

Sec. 34-1049. - Permit required; regulated by district.

Signs shall be permitted in the various districts as accessory uses in accordance with the regulations contained in this division. A permit is required.

(Ord. No. 207, § 5.62, 8-8-1979; Ord. No. 309, 10-8-1986; Ord. No. 389, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 491, 2-12-1997; Ord. No. 512, 7-28-1999; Ord. No. 538, 4-25-2001)

Sec. 34-1050. - Prohibited signs.

The following signs shall be prohibited:

(1) Any sign, other than an official sign, within the right-of-way lines of any street or public way.

(2) Flashing, animated, emitting, reflectorized, glowing, radiating, moving signs (e.g., revolving signs).

(3) Banner signs in all zoning districts, except the CG commercial general, medical commercial (MC) and CO commercial office zoning districts (see section 34-1051(12) for restrictions). Ornamental signs are regulated separately (see section 34-1055 for restrictions).

(4) Off-premises signs (signs unrelated to the property upon which it is being displayed). Such signs do not further the town's goal for an aesthetically valuable environment, nor do they contribute to a safe environment. They may visually clutter highly traveled areas for vehicular, pedestrian and bicycle traffic and can contribute to unsafe travel conditions. They are, therefore, prohibited within the town.

(5) Searchlights.

(6) Changeable copy signs, except:

   a. Public, charitable, and religious signs;

   b. Fuel service station price signs;

   c. Theater signs;

   d. Permanent special event signs; and

   e. Temporary special event message area on a freestanding identification sign (as provided for herein).

(7) Portable, folding, and similar movable signs (e.g., A-frame or sandwich board signs).

(8) Flags (other than corporate flags for commercial uses and properly flown governmental flags for all uses, provided such flags do not exceed three per property), streamers, balloons, other air or gas-filled feature, pennants, streamers, wind-driven whirligigs, propellers or other devices.

(9) Bench signs and bench shelter signs, except for those provided by the town for public use in public areas.

(10) Any sign not provided for in this section, including, but not limited to, the background area such as an awning, canopy, or fixed ornamental banner, which becomes unsightly, unsafe, faded in color, or in need of repair.

(11) Roof signs.

(12) Painted wall signs.

(13) Vehicles used for advertising purposes.

a. Any sign displayed on an automobile, truck, or other motorized vehicle when that vehicle is used primarily for the purpose of such advertising display. Motor vehicles used solely for sign purposes or advertising purposes are prohibited. No person shall park any motor vehicle in a location visible from a public right-of-way, which has attached thereto or located thereon any sign, for the basic purpose of advertising products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of informational vehicular signage which is limited to the name of a business, address, phone number, and products offered; provided that such sign is either painted on or attached by magnetic strips or bolts or other form of adhesive to the side of the vehicle. Such signage, however, shall not protrude from or above the exterior surface (front, back, side, roof, trunk, or truck bed) of the vehicle greater than one-half inch nor have a directional arrow as part of the message.

b. This provision shall not apply to licensed taxicabs, the shortterm use of political campaign signs, nor temporary signs placed on vehicles when making a delivery and removed when parked at business location. This provision shall also not apply to any vehicle owned or operated by an individual, business, or other entity residing outside of the town, which is just passing through or temporarily serving or visiting any individual, business, or place in town.

c. Nonmotorized vehicular signs or sign structures attached or affixed in any manner on or to any nonmotorized wheeled vehicle are expressly prohibited in any zoning district.

(14) Billboard/off-premises signs.

(15) Signs painted on, attached to or supported by a tree, utility pole, or other similar object.

(16) Representational signs, permanent or temporary, such as beer cans or bottles, oil cans, soft drink cans or bottles, animals, or other similar device indicating a product.

(17) Translucent awnings.

(18) Permanent or temporary nuisance signs which utilize or incorporate such words as "stop," "look," "danger," etc.

(19) Flashing or moving neon signs; however, nonmoving, nonflashing neon signs are permitted.

(20) Signs made with fluorescent materials or paint, including both temporary and permanent signs.

(21) Any abandoned signs or supporting structures, and signs displayed on property containing a discontinued or abandoned project. Such signs may include those which represent approved developments or projects where work associated with an approved permit has discontinued for a period of at least 60 days; or is deemed abandoned or discontinued by the town.

(Ord. No. 207, § 5.63, 8-8-1979; Ord. No. 309, 10-8-1986; Ord. No. 377, 10-18-1989; Ord. No. 389, 5-16-1990; Ord. No. 416, 9-25-1991; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994;

Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 491, 2-12-1997; Ord. No. 512, 7-28-1999; Ord. No. 538, 4-25-2001; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-1051. - Signs exempt from permit requirement.

The following signs shall be exempt from the permit requirement:

(1) Individual residential single-family nameplates and identification signs, not to exceed a total sign area of one square foot.

(2) Sale or rental signs for individual single-family dwellings and multifamily residential developments with less than five units. Such signs shall not exceed a total of four square feet. (See section 34-1055(d).)

(3) Garage sales and yard sales: a maximum of one sign is permitted on a lot hosting the sale, with a total sign area not to exceed two square feet. A maximum height of three feet is permitted with a minimum setback required. Such sign shall remain a maximum of five days on the property. (See section 34-1055(d).)

(4) Signs indicating the private nature of a road, driveway, or other premises, and signs controlling the use of private property, such as the prohibition of trespassing, parking, fishing, etc., provided such signs do not exceed an area of four square feet.

(5) Vehicle signs: See section 34-1050(13) for vehicle sign regulations.

(6) Political signs: See section 34-1054(h) for political sign regulations.

(7) Official signs (traffic signs, public notices).

(8) At the discretion of the planning and zoning department, commercial sponsor names or logos printed on umbrellas, chairs and tables used in a sidewalk cafe. When such logos are used, the sidewalk cafe must have current approval for its use, as well as maintain a clean and orderly appearance. The applicant for such a cafe shall be responsible for the upkeep of the umbrellas, chairs and tables.

(9) Holiday decorations. (See section 34-1055(d)(4).)

(10) Special event signs for institutional and government uses, and charitable groups, provided town approval is received.

(11) Temporary and permanent window signs (see section 34-1053(7) and 34-1054(g)).

(12) Banner signs in the CG commercial general, medical commercial (MC) and CO commercial office zoning districts, provided such banner signs meet the following criteria:

a. Such banner sign shall not be used in place of a permanent wall sign.

b. There shall be only one banner per use/business.

c. The banner shall be made of durable material, such as but not limited to, plastic or vinyl, and have professional lettering/characters/design. The paint on said banner shall be weatherproof.

d. The banner shall not exceed 20 square feet in area and shall be attached to the building face or building columns.

e. Banner signs shall be permitted to be flown in accordance with section 34-1055. Prior to flying the banner the applicant is required to submit a letter to the director of planning and zoning stating the date that the banner will begin flying, the size, material, and wording of the banner.

(13) The outdoor display of merchandise in the CG commercial general and CO commercial office zoning districts, provided such outdoor displays meet the following criteria:

a. The displays shall be permitted only during business hours. The displays shall be taken inside the building after business hours.

b. The displays shall be placed adjacent to and against the front building wall on the sidewalk.

c. A minimum five-foot-wide unobstructed pedestrian walkway shall be provided adjacent to the outdoor display and in no case shall the display extend more than three feet from the front building wall.

d. Signage on outdoor displays shall not exceed two square feet in area.

e. The maximum height of any display, including signage, shall not exceed five feet.

f. The length of the outdoor display (horizontal dimension) shall not exceed 25 feet in length and/or two-thirds of the length of the store frontage (length of front building wall), whichever is less.

(14) Open house signs (see section 34-1055(d)(5)).

(Ord. No. 207, § 5.64, 8-8-1979; Ord. No. 309, 10-8-1986; Ord. No. 389, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 491, 2-12-1997; Ord. No. 512, 7-28-1999; Ord. No. 538, 4-25-2001; Ord. No. 593, § 5.64, 6-14-2006; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-1052. - Permit procedure; fees and administration.

(a) All temporary or permanent signs shall require a letter of approval from the property owner or property management prior to approval from the town.

(1) Temporary signs.

a. All temporary signs, other than those stated in section 34-1051, shall require submittal of a sign plan to the planning and zoning department for approval prior to erection, alteration, display, or reconstruction.

b. All sign plans shall be drawn to scale, reveal the entire sign area, message, and supporting structure, show all dimensions (i.e., height, sign area, lettering, logo, etc.), and materials and colors to be used.

c. Temporary signs shall be recorded with the town building department and recording shall identify the message, location, type of temporary sign, and the amount of time to be erected.

(2) Permanent signs.

a. All permanent signs, other than those stated in section 34-1051, are required to receive a sign permit prior to erection, alteration, reconstruction, illumination, display or painting.

b. All permanent signs for a new project shall be part of the site plan review procedure. Any sign within an existing project shall be required to receive approval by the planning and zoning department prior to any change, or at the discretion of the town, may be required to be reviewed and approved by the planning and zoning board and the town council.

c. In order to obtain a sign permit, a sign plan and application form must be submitted to the planning and zoning department. Such sign plan shall be drawn to scale and show:

1. The location of the sign on the property (i.e., on a site plan if a freestanding sign, or on the building facade if a wall sign);

2. The entire sign area, message, and supporting structure;
3. All dimensions (i.e., height, sign area, lettering, logo, etc.);
4. Materials and colors to be used;
5. Lighting details if illuminated, and construction and attachment details;

(b) For existing buildings, color photographs shall be submitted showing the facade of the building on which the sign is to be placed, together with adjacent existing signs on the building or abutting structure and any freestanding signs along the street frontage, if applicable.

(c) If a sign is illuminated, an electrical permit will be required in addition to a sign permit.

(Ord. No. 207, § 5.65, 8-8-1979; Ord. No. 309, 10-8-1986; Ord. No. 389, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 491, 2-12-1997; Ord. No. 512, 7-28-1999; Ord. No. 538, 4-25-2001)

Sec. 34-1053. - General regulations.

The following regulations shall apply to all permitted signs:

(1) All permanent and temporary signs must have a professional appearance, meaning that said signs shall have no apparent flaws which would suggest that such sign was not made by a professional sign company or designer.

(2) Signs and/or lettering visible from a public or private roadway, aisle, and/or sidewalk shall be classified as signs regardless of whether they are freestanding or attached to, painted on, or in the principal building to which they are accessory. In all cases, signs shall be constructed of durable materials which meet the Florida Building Code requirements, maintained in good condition, and not dilapidated.

(3) Sign measurements. The entire area within a single continuous perimeter which encloses the extreme limits of the advertising message, announcement, display, logo, picture or any figure of a similar nature, together with any frame, background area of sign, structural trim, or other material, color, or condition which forms an integral part of the display, excluding the necessary supports, base or uprights on which such sign is placed provided that such supporting structures shall not exceed the maximum allowable sign area and shall carry only street numbers. A maximum of two sign faces are permitted per sign. When a sign has two faces then only one face shall be counted toward the sign area. A cube sign with adjacent sign faces is not permitted; and a V-shaped sign is not permitted.

(4) Sign height measurement. The height of all signs shall be measured from the crown of the road, grade or walkway surface, whichever is applicable. Architectural features (such as roof structures, wall caps, varying forms) shall be permitted at the discretion of the town to add a proportional amount (which shall be no more than 20 percent) to the allowable height of any permanent sign. In no way shall this provision allow an increase in the allowable sign area square footage defined in this section.

(5) Projection of signs. No sign shall project from the face of the main wall of a building more than one foot, provided, however, that no sign shall project into, or over a public way or sidewalk which is less than eight feet above the walkway or grade.

(6) All signs on a site situated along the street frontage, including outbuildings and out-parcels, shall be separated a minimum of 100 feet, unless otherwise indicated in section 34-1055; however, at the town council's discretion these minimum distances may be waived if thought to be more aesthetically appealing.

(7) Permanent window signs, including signs painted directly upon window glass and interior hanging signs within 12 inches of glass, shall not exceed 20 percent of total window area, a maximum height of 20 feet, and a letter and logo height of 12 inches. See section 34-1054 for temporary window sign regulations.

(8) Each building, structure or tenant space with a separate street address shall install street address numbers over the main entrance or within ten feet of such entrance and be placed in a consistent location throughout the development. Street numbers must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area; and must occur within the top one-third portion of a sign. If no sign exists, street numbers will be required on the structure.

(9) Nonconformance. Any signs made nonconforming as a result of this chapter shall be exempted from the provisions of this chapter. However, any sign which is nonconforming as a result of this section and which requires repair or replacement of more than 50 percent of the structure or sign face shall be discontinued from use rather than repaired or replaced, and any new sign put in its place shall conform to this chapter. An outparcel monument sign made nonconforming because more than one occupant locates on the outparcel shall be permitted to have only one tenant on the sign.

(10) All signs must abide by the Florida Building Code and National Electrical Code adopted by the town.

(11) All signs shall be erected so as to not obstruct or impair driver vision at ingress-egress points, aisles, and intersections, as regulated under sections 34-898 and 34-1089.

(12) Illumination of signs.

a. Lighting methods for internally lit signs shall be cabinet signs with an opaque/nontranslucent background and translucent copy, resulting in only the lettering color visible on a dark-appearing background; or backlit reverse channel letter signs. Internally lit individual letter signs are not permitted.

b. Lighting methods are not to be harsh or unnecessarily bright. Ground- or sign-mounted lighting shall be directed only at the sign area, without spillover on adjacent areas.

c. All lighting fixtures for signs must be concealed from public view.

d. Lighting, including neon tubing or other similar devices, and fluorescent paint or materials shall not be used to outline any building, fence, landscaping, wall or any other structure except for strings of nonblinking white lights (with bulbs no greater than 1½ inches in length and diameter) may be permitted to permanently outline principal structures or decorate trees and shrubs on commercially zoned property provided that such display does not interfere with neighboring land uses.

e. All awnings must be entirely opaque and nontranslucent. Signage on an awning, however, may be externally lit.

f. Signs used on/near reflective or mirrored buildings shall be located in a manner which will not permit the reflection of the sign off the reflective or mirrored material on the building.

(13) Standards for design, colors, and materials.

a. The design, colors, and materials of a sign shall be compatible, and in addition, consistent with the architectural design of the building.

b. Signs shall be of standard geometric shapes and shall not be cut out so as to form a particular object or logo (i.e., soda bottles, hamburgers, or other figures, etc.).

c. The silhouette and outlined shape of freestanding signs shall be simple and compatible with the building to which it relates. Signs of excessively complicated outline or composed of many different connected shapes are prohibited.

d. The silhouettes and outlined shapes of wall signs shall be compatible with the building facade they are mounted on. Signs with shapes that disrupt the architectural order and composition of a building facade are prohibited.

e. The sign copy, color scheme, size, illumination, materials, design, and location of all signs within a development shall be coordinated and are required to be compatible with the architectural design of the principal building structure.

f. No wall sign shall be installed on a flat building wall without an architectural feature such as a roof overhang, awning, widow, or similar feature appropriate to the architectural design of the building.

g. All signs on canopies and awnings shall be on a vertically flat surface and shall not exceed 50 percent of the canopy or awning horizontal length. A maximum of two lines of sign copy are permitted for awning and canopy signs.

h. Sign copy shall not be crowded onto the surface of a sign or building surface and shall be composed to leave ample space around the copy to preserve legibility.

i. The number of different lettering styles on a sign or on a series of signs within a complex of buildings shall be minimized and shall relate to the overall architectural concept for the property.

j. The base or supporting structures of a freestanding sign shall not exceed the sign area and shall be consistent with the materials used in the principal building structure.

k. The maximum horizontal length of a freestanding sign shall be regulated by section 34-1055 where such a regulation is specifically mentioned, otherwise the maximum horizontal length of a freestanding sign shall be 12 feet for nonresidential signs and ten feet for residential signs.

l. The vertical dimension for all wall signs shall not exceed four feet in height.

m. A permanent special event sign shall have its message area enclosed with a clear plexiglass cover with a lock, to be controlled and maintained by property manager only.

(14) Landscaping.

a. The base (supporting structure) of a freestanding sign shall be erected within a landscaped area. The landscaped area shall extend a minimum of three feet in all directions from the sign face and ends thereof. The height of the landscaping shall be within a minimum one-foot distance of the lower edge of the sign area.

b. The landscaped area shall be consistent with the overall landscaping plan for the site and provided with automatic irrigation when needed.

c. Landscape/topiary signs may be permitted in place of a freestanding or monument sign for a residential multiple-family or commercial use. Sign areas and other regulations shall apply accordingly (see section 34-1055). Such landscape signs shall be maintained at all times to be legible, groomed and attractive (healthy plant materials), so as to keep with safe and aesthetic principals of the town.

(15) Orientation. Freestanding monument signs shall be placed perpendicular or diagonal to approaching vehicular traffic. Other freestanding signs shall be placed perpendicular to approaching vehicular traffic.

(Ord. No. 207, § 5.66, 8-8-1979; Ord. No. 309, 10-8-1986; Ord. No. 389, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 491, 2-12-1997; Ord. No. 512, 7-28-1999; Ord. No. 538, 4-25-2001)

Sec. 34-1054. - Temporary signs general regulations.

(a) All temporary signs must have a professional appearance, meaning that said signs shall have no apparent flaws which would suggest that such sign was not made by a professional sign company or designer.

(b) All temporary signs shall abide by the size, time, and other regulations described in this section.

(c) All temporary signs shall be nonilluminated.

(d) All freestanding temporary signs shall be of wood or other durable material.

(e) All temporary signs shall be set back a minimum of ten feet from all property lines, unless otherwise indicated.

(f) See article IV, division 9 of this chapter for special events (grand openings, sidewalk sales, etc.) regulations.

(g) Temporary window signs, not exceeding ten percent of total window area, 20 feet in height, and a letter and logo height of 12 inches are permitted.

(h) Political signs are permitted at a total aggregate sign area of 20 square feet per lot; four-foot height maximum; five-foot minimum setback from all property lines. They are limited only to the political event for which it is displayed and must be located on private property with the consent of the property owner. They shall be displayed only during the 60-day period preceding any local, state, or national election; and must be removed within 48 hours of the day of the election to which they apply.

(i) Artisan signs are permitted at one sign per artisan per lot. Such signs shall have a maximum of four square feet per sign face, be a maximum of six feet in height; and be set back ten feet from all property lines. They must be attached to a construction sign if one is on the site and contain the name of the artisan only. No permit is required. The sign must be removed within 15 days of the artisan's completion of work, or abandonment of work.

(j) Ornamental signs are permitted at one sign per lamppost or column. Such signs shall be 16 square feet maximum; eight feet minimum from bottom of sign to ground/walkway under lamppost or column, and shall not exceed the height of lamp base/column cap. The sign shall represent in some clear fashion the event, season, festivity for which it is being displayed (i.e., an art festival sign shall include the name of the festival, possibly identify the dates of the festival and/or display a logo representing such festival; or a seasonal sign shall be reflective of the season it represents). The sign must be placed on and secured to a lamppost or column in such a manner that is deemed safe and secure according to the building official, and may be subject to review by the building department to ensure this. The signs are not permitted to be illuminated internally or in such a way that would require an electrical permit; and shall not obstruct the view of vehicular or pedestrian traffic.

(Ord. No. 207, § 5.67, 8-8-1979; Ord. No. 309, 10-8-1986; Ord. No. 315, 3-18-1987; Ord. No. 389, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 491, 2-12-1997; Ord. No. 512, 7-28-1999; Ord. No. 538, 4-25-2001)

Sec. 34-1055. - Signs permitted by use.

(a) Permanent signs for commercial uses. The following permanent signs for commercial uses are permitted:

(1) Freestanding identification/monument signs.

a. Number of signs:

1. If located on U.S. Highway 1 or Donald Ross Road with less than 600 feet frontage: one sign;

2. If located on U.S. Highway 1 and Donald Ross Road: two signs, one per frontage, with a minimum of 450 feet linear, straight line, separation between signs;

3. If located on U.S. Highway 1 or Donald Ross Road with greater than 600 feet frontage: two signs, with a minimum of 450 feet, linear, straight line separation between signs;

4. If located on C.R. A1A and/or Ellison Wilson Road: one sign.

b. Maximum sign area: 60 square feet per sign face.

c. Maximum sign height: 12 feet, except signs on C.R. A1A and/or Ellison Wilson Road shall not exceed 7.5 feet.

d. Minimum setbacks: ten feet from all property lines, except signs on C.R. A1A and/or Ellison Wilson Road shall be set back a minimum of five feet from all property lines.

e. Sign copy limits:

1. Generally. Lettering and logo height may not exceed 20 inches except those signs with total areas not exceeding 36 square feet, which may be permitted lettering and logos up to 48 inches. Where temporary messages are permitted, tenant usage of such sign shall be controlled by the property manager and may only display current messages. Street numbers are required and must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area.

2. Single commercial buildings. Developments of a single commercial building may devote 100 percent of the sign area to individual tenants. Lettering or logos for tenants shall be a minimum of four square feet, not to exceed 20 inches in height.

3. Commercial retail centers. Commercial retail centers may use a maximum of 30 percent of sign area to list a special event and/or building leasing information, unless a permanent special event sign is located on the property (excluding construction and real estate sale signs).

f. Other limitations:

1. C.R. A1A: No temporary messages are permitted on signs fronting on C.R. A1A.

2. Ellison Wilson Road: May use a maximum of 30 percent of the sign area as a permanent or temporary special event and leasing message unless a permanent special event sign is located on the property.

(2) Freestanding monument signs.

a. Retail centers located on both U.S. Highway 1 and Donald Ross Road:

1. Number of signs: one sign along its longest frontage (must be located a minimum of 300 feet linear, straight line, from any other freestanding sign).

2. Maximum sign area: 60 square feet per sign face.

3. Maximum height: six feet.

4. Minimum setbacks: five feet from all property lines.

5. Sign copy limits: Tenant names shall comprise a minimum of four square feet.

6. Other limitations: Signs shall be low-profile freestanding signs with a solid base set on the ground of not more than ten feet; side supports shall be no more than two feet from the ground to the bottom edge of the sign when used. Such base or support structures shall be designed to incorporate building materials that complement the architectural theme and design style of the buildings on the premises. Street numbers required, must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area.

b. Outparcels/outbuildings:

1. Number of signs: one sign.

2. Maximum sign area: 24 square feet per sign face.

3. Maximum height: four feet.

4. Minimum setbacks: 20 feet from building and five feet from all property lines.

5. Sign copy limits: Tenant names shall comprise a minimum of four square feet.

6. Other limitations: signs shall be low-profile freestanding signs with a solid base set on the ground of not more than six feet; side supports shall be no more than two feet from the ground to the bottom edge of the sign when used. Such base or support structures shall be designed to incorporate building materials that complement the architectural theme and design style of the buildings on the premises. Street numbers are required and must be in Arabic numerals no less than six inches in height and will not be calculated toward the permitted sign area.

(3) Front entrance signs.

a. Number of signs: two signs per entrance, with one sign on each side of entrance, but not to exceed a maximum of two signs per frontage and four signs per development.

b. Maximum sign area: 24 square feet per side of entrance. For columns, if the entrance features are columns at the sides of an entrance, one sign per column is permitted, with each sign area not to exceed six square feet.

c. Maximum height: six feet.

d. Minimum setbacks: none.

e. Sign copy limits: name of building or retail center only. Lettering shall not exceed 20 inches in height. Street numbers are required and must be in Arabic numerals no less than six inches in height and will not be calculated toward the permitted sign area.

f. Other limitations: no temporary messages are permitted on the sign.

(4) Wall signs, including awning, canopy and cabinet signs.

a. In addition to any freestanding identification sign, freestanding monument sign or front entrance sign, commercial wall signs shall be permitted. Wall signs shall include flat wall signs, cabinet signs, canopy signs and awning signs.

1. Number of signs:

i. One per building occupant or two per building occupant with direct access from outside where building fronts on two or more streets; however, signs will be limited to one per frontage (in this case the shortest building frontage shall be used to calculate sign area). Except for outparcels/buildings, only one sign per building.

ii. Sign bonus: two additional wall signs (which includes awnings and canopies) may be permitted if the property owner/lessee does not use a permitted freestanding identification sign, freestanding monument sign or front entrance sign. If this option is chosen, then a sign identifying the building name, main anchor or tenant shall be permitted on two building facades (excluding the rear of the building).

2. Maximum sign area: 20 square feet per building of less than three stories or 12,000 square feet of facade area fronting street; or 0.5 percent of facade area, with buildings of three stories and more or more than 12,000 square feet of facade area fronting street; but not to exceed 80 square feet in any case. Corner lots shall use the shortest street frontage for calculation. If a commercial freestanding identification sign contains no more than four messages (i.e., name of the center and three major tenants), the wall sign area may be increased by four square feet per occupant.

3. Maximum height: 20 feet, except when sign bonus option applies, then sign height may exceed 20 feet provided the sign does not extend beyond the eave line or parapet wall, whichever is higher.

4. Minimum setbacks: not applicable.

5. Sign copy limits: building name, business name, generic name only. The lettering and logo shall not exceed 20 inches in height. Where two signs are allowed, the contents and appearance of the signs need not be identical except when the sign bonus option has been used.

6. Other limitations: Signs shall not face abutting residential property unless completely screened from such residential property, with landscaping being the primary screening material.

b. Awning and canopy signs: Awning and canopy signs must be displayed on a vertically flat surface. The sign shall not occupy more than 50 percent of the horizontal length of the awning or canopy. Lettering and logos may not exceed 20 inches in height.

(5) Walkway occupant signs.

a. Number: one sign per principal entrance providing access from a walkway; and one additional walkway occupant directional sign at the ends of corridors may be permitted if all other criteria are met.

b. Maximum sign area: six square feet per sign face.

c. Maximum height: minimum eight feet above walkway surface to bottom of sign.

d. Minimum setbacks: not applicable.

e. Sign copy limits: Only the individual business name or generic business may be displayed. An arrow no longer than six inches long may be displayed on the sign.

f. Other limitations: All signs must be uniform in design, shape, size, materials and colors; and they shall be nonilluminated.

(6) Incidental signs.

a. Number: one sign per secondary use/incidental structure.

b. Maximum sign area: six square feet.

c. Maximum height: Must be placed adjacent to the use/secondary structure and at the same height; or may be placed upon the incidental secondary structure.

d. Minimum setbacks: not applicable.

e. Sign copy limits: Lettering and logo shall not exceed 20 inches.

f. Other limitations: Sign must be positioned on the outside of building and must direct users to a location (such as ATM, book depositories, etc.). If illuminated, it must be internally illuminated.

(7) Directional signs.

a. Number: one sign per entrance drive.

b. Maximum sign area: four square feet per sign face.

c. Maximum height: three feet.

d. Minimum setbacks: two feet from all property lines.

e. Sign copy limits: only directional words (enter/exit/parking/in/out, etc.) and/or the name/logo of the building or development.

f. Other limitations: Landscaping shall be required around base of the sign. This is a nonadvertising sign to aid traffic and should be used to designate access drives and parking areas. May be placed on an entrance wall; if so, will be subject to all listed requirements except for the setback requirement.

(8) Permanent special event signs.

a. Number: one monument sign.

b. Maximum sign area:

1. For uses with total gross floor area from 15,000 square feet to 55,000 square feet: 20 square feet;

2. For uses with total gross floor area from 55,001 square feet to 100,000 square feet: 25 square feet;

3. For uses with total gross floor area over 100,000 square feet: 30 square feet.

c. Maximum height: four feet.

d. Minimum setbacks: three feet from all property lines.

e. Sign copy limits: Usage shall be controlled by the property manager and may only display current messages. No more than four separate messages listing special events shall be permitted at one time. Special events shall only include grand openings, special holiday sales, sidewalk sales, and charity drives. Special sales on merchandise or services do not represent a special event. When no temporary messages are displayed, the sign shall list the name of the retail center. Lettering and logos shall be a minimum of four inches in height and a maximum of 20 inches in height.

f. Other limitations: Signs shall be externally lit only.

(9) Fuel service station signs. Fuel service stations are permitted one freestanding monument sign or front entrance sign; and one wall sign with symbolic logo and fuel service pump signs as follows:

a. Freestanding monument sign:

1. Number: one sign.

2. Maximum sign area: 40 square feet per sign face plus 24 square feet for displaying the fuel price.

3. Maximum height: eight feet.

4. Minimum setbacks: ten feet from all property lines.

5. Sign copy limits: Changeable copy on the sign is limited to type and price of fuel, and the words "cash" and "credit." Lettering and logos shall not exceed 20 inches in height. The changeable copy area of the sign shall not exceed 20 inches in height. Street numbers are required, must be in Arabic numerals no less than six inches in height and will not be calculated toward the permitted sign area.

6. Other limitations: Price sign must be integral part of total sign area.

b. Front entrance sign:

1. Number: one sign at one side of the property entrance.

2. Maximum sign area: 24 square feet per sign face.

3. Maximum height: six feet.

4. Minimum setbacks: none.

5. Sign copy limits: The sign contents shall be limited to the name of the station only with lettering and logo height not exceeding 20 inches. Street numbers are required and must be in Arabic numerals no less than six inches in height and will not be calculated toward the permitted sign area.

6. Other limitations: none.

c. Wall signs:

1. Number: one sign. The wall sign may also be an awning or canopy sign.

2. Maximum sign area: 20 square feet for buildings with 30 feet or less of frontage. For each additional two feet of building frontage over 30 feet, one square foot may be added to the sign area, to a maximum of 80 square feet.

3. Maximum height: 20 feet.

4. Minimum setbacks: not applicable.

5. Sign copy limits: individual business name only. Lettering and logos shall not exceed 20 inches in height.

6. Other limitations: none.

d. Symbolic logos. Symbolic logos may be displayed on the wall sign provided all requirements for the wall sign are met.

1. Number: three symbolic logos.

2. Maximum sign area: three feet in diameter or eight square feet per sign face. The sign shall not exceed five feet in diameter or 16 square feet per sign face.

3. Maximum height: not applicable.

4. Minimum setbacks: none.

5. Sign copy limits: trademark, business name, or symbol identifying the business or service provided.

6. Other limitations: none.

(10) Gas pump/incidental signs.

a. Number: unlimited.

b. Maximum sign area: 18 inches by 18 inches (2.25 square feet per sign face).

c. Maximum height: not applicable.

d. Minimum setbacks: not applicable.

e. Sign copy limits: Such signs shall relate to dispensing instructions such as "No Smoking", "Self Service", "Prepay After Dark", etc.

f. Other limitations: Signs must be displayed on the pump fueling islands.

(11) Internal site/directory signs.

a. Number: one sign per driveway aisle entrance.

b. Maximum sign area: 20 square feet per sign face.

c. Maximum height: five feet.

d. Minimum setbacks: 150 feet from front property line, 30 feet from side and rear property lines; must be located within site in a central, or conspicuous location so as to direct pedestrians throughout development.

e. Sign copy limits: only information to guide or direct pedestrian traffic and the name or logo of the development.

f. Other limitations: Shall be consistent with materials, architectural style, color, etc. of principal structures on site. Also, shall not impair in any way, internal/external traffic (including vehicular and pedestrian) circulation or driver vision.

(b) Temporary signs for commercial uses. The following temporary signs for commercial uses are permitted:

(1) Grand opening sign.

a. Number: one sign per street frontage, not to exceed two per property.

b. Maximum sign area: 20 square feet per sign face.

c. Maximum height: eight feet.

d. Minimum setbacks: ten feet from all property lines.

e. Sign copy limits: Sign shall be displayed in accordance with article IV, division 9 of this chapter.

f. Other limitations: signs shall not be displayed for more than 30 days.

(2) Construction and real estate signs.

a. Number: one sign per street frontage, not to exceed two signs per property.

b. Maximum sign area: 20 square feet per sign face.

c. Maximum height: eight feet.

d. Minimum setbacks: ten feet from all property lines.

e. Sign copy limits:

1. Construction signs, name of development, picture or rendering of completed project, name of project, developer, contractor, architect and contractor for construction project proposed or underway on the site;

2. Real estate signs, name, logo and phone number of realtor, owner, or developer, property description, price, and whether the property is for sale or lease.

f. Other limitations:

1. Construction signs shall not be erected until a valid building permit for the work has been issued by the town, and shall be removed within 15 days of receiving a certificate of occupancy or abandonment of project;

2. Real estate signs may be erected upon the availability of a property for sale or lease and shall be removed upon the sale or lease of the premises. For existing retail centers with freestanding identification signs used in part for special events, the leasing or sale message must be placed in the 30 percent area of the sign permitted for special events.

(3) Fixed banner signs for commercial building or center.

a. Number: one sign per business or center.

b. Maximum sign area: 20 square feet.

c. Maximum height: 24 feet.

d. Minimum setbacks: See subsection (b)(3)e of this section.

e. Sign copy limits: Banners must be hung vertically and at a maximum dimension of 31 inches wide and 94 inches high. Banner must be a minimum eight feet above surface of a walkway.

No more than 50 percent of the banner may contain a message or logo. The message may only display the name and logo of the building or retail center and/or a special event.

f. Other limitations: Banners may be displayed for a maximum period of 45 days at a time, two times per year.

(c) Permanent signs for residential uses. The following permanent signs for residential uses are permitted:

(1) Single-family subdivisions, townhome developments and multiple-family developments. For single-family subdivisions, townhouse developments and multiple-family developments, either freestanding identification signs or front entrance wall signs are permitted:

a. Freestanding identification sign.

1. Number: one sign per street frontage with a maximum of two per development (minimum separation of 200 feet linear, straight line).

2. Maximum sign area: if less than 50 total units, eight square feet per sign face; if 50 total units or more, 32 square feet per sign face and sign shall be a monument sign.

3. Maximum height: if less than 50 total units, six feet; if 50 total units or more, six feet with a maximum length of ten feet.

4. Minimum setbacks: if less than 50 total units, ten feet from all property lines; if 50 total units or more, five feet from all property lines.

5. Sign copy limits: the name of the development and street address numbers. Lettering shall not exceed 18 inches in height; logos shall not exceed 24 inches in height. Street numbers required, must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area.

6. Other limitations: A sign area bonus for an additional 12 square feet may be added to the maximum sign area allowance if a water feature is designed/integrated as part of the sign. Also, the maximum height/length limitation for developments with 50 total units or more may be altered to accommodate the water feature. Water features include fountains or other moving water elements.

b. Front entrance sign.

1. Number: two signs per street frontage, one per wall on each side of entrance. Maximum number of signs shall not exceed four signs per development.

2. Maximum sign area: ten square feet per sign face. For columns, if the front entrance wall features are columns aligning both sides of an entranceway, then only one sign per column is permitted at a maximum sign area of six square feet per sign face.

3. Maximum height: Signs shall not exceed the height of the wall upon which they are placed.

4. Minimum setbacks: not applicable.

5. Sign copy limits: the name of the development and street address numbers. Lettering shall not exceed 18 inches in height; logos shall not exceed 24 inches in height. Street numbers required, must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area.

6. Other limitations: A sign area bonus for an additional 12 square feet may be added to the maximum sign area allowance if a water feature is designed/integrated as part of the sign. Water features include fountains or other moving water elements.

(2) Transient facilities. For transient facilities in the RMT residential transient zoning district, either freestanding identification sign, front entrance wall signs, or wall signs shall be permitted as follows:

a. Freestanding identification sign.

1. Number: one monument sign.
2. Maximum sign area: if under 20 total units, 20 square feet per sign face; if 20 total units or more, 40 square feet per sign face; if more than 50 total units and located along U.S. Highway 1, 60 square feet per sign face (in this case the sign must be located along U.S. Highway 1, otherwise a maximum of 40 square feet shall apply).
3. Maximum height: if under 20 total units, eight feet; if 20 total units or more, ten feet.
4. Minimum setbacks: ten feet from all property lines.
5. Sign copy limits: name of the building. Lettering shall not exceed 18 inches in height. Logos shall not exceed 24 inches in height. Street numbers required, must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area.
6. Other limitations: A sign area bonus for an additional 12 square feet may be added to the maximum sign area allowance if a water feature is designed/integrated as part of the sign. Water features include fountains or other moving water elements.

b. Front entrance sign.

1. Number: two signs with one per wall aligning each side of entrance. For columns, if front entrance wall features are columns aligning both sides of an entranceway, then only one sign per column is permitted. For arches, if the entrance feature extends over the entranceway, such as an archway, then a maximum of one sign may be placed on the archway wall.
2. Maximum sign area: 24 square feet. For columns, six square feet; For arches, 50 percent of the length of the wall over the entranceway or 20 square feet, whichever is less.
3. Maximum height: six feet; for arches, 20 feet.
4. Minimum setbacks: not applicable.
5. Sign copy limits: name of building. Lettering and logo shall not exceed 20 inches. Street numbers required, must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area.
6. Other limitations: A sign area bonus for an additional 12 square feet may be added to the maximum sign area allowance if a water feature is designed/integrated as part of the sign. Water features include fountains or other moving water elements.

c. Wall sign.

1. Number: one sign per entrance, except for rear facade.
2. Maximum sign area: 24 square feet.
3. Maximum height: 20 feet.
4. Minimum setbacks: not applicable.
5. Sign copy limits: building name only. Lettering and logos shall not exceed 20 inches in height.
6. Other limitations: none.

(3) All residential uses. Directional and internal site/directory signs for all residential uses shall be permitted as follows:

a. Directional signs.

1. Number: one sign per entrance drive.

2. Maximum sign area: four square feet per sign face.

3. Maximum height: three feet.

4. Minimum setbacks: two feet from all property lines.

5. Sign copy limits: only directional words (enter/exit/parking/in/out, etc.) and/or the name/logo of the building or development.

6. Other limitations: Landscaping shall be required around base of the sign. This is a nonadvertising sign to aid traffic, and should be used to designate access drives and parking areas. May be placed on an entrance wall; if so, will be subject to all listed requirements except for the setback requirement.

b. Internal site/directory sign.

1. Number: one sign per driveway aisle entrance.

2. Maximum sign area: 20 square feet per sign face.

3. Maximum height: five feet.

4. Minimum setbacks: 100 feet from front property line, 30 feet from side and rear property lines; must be located within site in an central, or conspicuous location so as to direct pedestrians throughout development.

5. Sign copy limits: only information to guide or direct pedestrian traffic and the name or logo of the development.

6. Other limitations: Shall be consistent with materials, architectural style, color, etc. of principal structures on site. Also, shall not impair in any way, internal/external traffic (including vehicular and pedestrian) circulation or driver vision.

(d) Temporary signs for residential uses. The following temporary signs for residential uses are permitted:

(1) Construction and real estate sign.

a. Number: one sign per street frontage, not to exceed two signs per property.

b. Maximum sign area: four square feet per sign face; if five total units/residential dwellings or more are being displayed/represented with one sign, 20 square feet per sign face.

c. Maximum height: six feet; signs allowed over four square feet, eight feet.

d. Minimum setbacks: ten feet from all property lines.

e. Sign copy limits: for construction signs, name of development, picture or rendering of completed project, name of project, developer, contractor, architect and contractor for construction project approved or underway on the site; for real estate signs, name, logo and phone number of realtor, owner, or developer property description, price, and whether the property is for sale or lease.

f. Other limitations: Construction signs shall not be erected until a valid building permit for work has been issued by the town, and shall be removed within 15 days of receiving a certificate of occupancy or abandonment of project; real estate signs may be erected upon the availability of a site/building of an approved project for sale or lease and shall be removed upon the sale or lease of the premises or within one year after receiving a certificate of occupancy, whichever comes sooner.

(2) Garage sale sign.

a. Number: one sign per site/lot.

b. Maximum sign area: two square feet per sign face.

c. Maximum height: three feet.

d. Minimum setbacks: five feet from all property lines.

e. Sign copy limits: none.

f. Other limitations: no permit required. Sign must be removed within five days of its placement.

(3) Sale/rental sign.

a. Number: one sign per street frontage, not to exceed two signs per property.

b. Maximum sign area: four square feet per sign face.

c. Maximum height: six feet.

d. Minimum setbacks: five feet from all property lines.

e. Sign copy limits: none.

f. Other limitations: no permit required. Sign must be removed within 15 days of sale or rental of the property. For sale/rental signs displayed/representing more than five dwelling units, see subsection (f)(1) of this section for appropriate regulations.

(4) Ornamental signs.

a. Number: one sign per lamppost or column of a property or project site.

b. Maximum sign area: 16 square feet.

c. Maximum height: minimum of eight feet from bottom of sign to ground/walkway under lamppost or column.

d. Minimum setbacks: not applicable.

e. Sign copy limits: Sign shall represent in some clear fashion the event, season, festivity for which it is being displayed (i.e., an art festival sign shall include the name of the festival, possibly identify the dates of the festival and/or a logo representing such festival; or a seasonal sign shall be reflective of the season it represents).

f. Other limitations: Sign must be placed on and secured to a lamppost or column in such a manner that is deemed safe and secure. May be subject to review by the building department to ensure this. Signs not permitted to be illuminated internally, or in such a way that would require an electrical permit.

(5) Open house sign.

a. Number: one per lot or unit.

b. Maximum sign area: four square feet (each side).

c. Maximum height: four feet.

d. Minimum setback: five feet from all property lines or from the edge of the pavement of an adjacent roadway, whichever is less.

e. Sign copy limits: Sign copy shall be limited to the term "open house," a graphic depiction of an arrow, and the name and contact information for the realtor or person conducting the open house. The name and contact information shall not occupy more than one-third of the sign face.

f. Other limitations:

1. Open house signs are limited to Saturdays, Sundays and legal holidays between the hours of 10:00 a.m. and 4:00 p.m.

2. An open house sign must relate to the property upon which it is located or be placed within the immediately adjacent right-of-way.

(e) Permanent signs for institutional, governmental, utility and recreational uses. Freestanding identification signs, front entrance wall signs, or wall signs are permitted as follows:

(1) Freestanding identification sign.

a. Number: one sign per street frontage, with a maximum of two signs per property. Properties with 600 feet or more of street frontage are permitted two signs per street frontage provided the signs are separated by a minimum of 250 feet.

b. Maximum sign area: 24 square feet per sign face; if use is on U.S. Highway 1 and the sign is located on U.S. Highway 1, 60 square feet per sign face.

c. Maximum height: ten feet; if sign is located on U.S. Highway 1, 12 feet.

d. Minimum setbacks: ten feet from all property lines.

e. Sign copy limits: name of building only. Lettering and logos shall not exceed 20 inches in height. Street numbers required, must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area.

f. Other limitations: If the sign is greater than four feet in height, the sign must be a monument sign.

(2) Front entrance sign.

a. Number: two signs per street frontage with one sign on each side of entrance. Maximum of four signs per property; for columns, if front entrance wall features are columns aligning both sides of an entranceway, one sign per column is permitted. For arches, if the entrance feature extends over the entranceway, such as an archway, a maximum of one sign may be placed on the archway wall.

b. Maximum sign area: 24 square feet. For columns, six square feet; for arches, 50 percent of the length of the wall over the entranceway or 20 square feet, whichever is less.

c. Maximum height: six feet; for arches, 20 feet.

d. Minimum setbacks: not applicable.

e. Sign copy limits: name of building. Lettering and logos shall not exceed 20 inches in height. Street numbers required, must be in Arabic numerals no less than six inches in height and will not be calculated toward permitted sign area.

f. Other limitations: A sign area bonus for an additional 12 square feet may be added to the maximum sign area allowance if a water feature is designed/integrated as part of the sign. Water features include fountains or other moving water elements.

(3) Wall sign.

a. Number: one sign per street frontage not to exceed a total of two signs per property.

b. Maximum sign area: 24 square feet.

c. Maximum height: 20 feet.

d. Minimum setbacks: not applicable.

e. Sign copy limits: building name only. Lettering and logos shall not exceed 20 inches in height.

f. Other limitations: none.

(4) Walkway occupant signs.

a. Number: one sign per principal entrance providing access from a walkway; and, one additional walkway occupant directional sign at the ends of corridors may be permitted if all other criteria is met.

b. Maximum sign area: six square feet per sign face.

c. Maximum height: minimum eight feet above walkway surface.

d. Minimum setbacks: not applicable.

e. Sign copy limits: Only the individual business name or generic business may be displayed. An arrow no longer than six inches long may be displayed on the sign.

f. Other limitations: All signs must be uniform in design, shape, size, materials and colors; and they shall be nonilluminated.

(5) Incidental signs.

a. Number: one sign per secondary use/incidental structure.

b. Maximum sign area: six square feet.

c. Maximum height: Must be placed adjacent to the use and at the same height as a wall sign or upon the incidental secondary structure.

d. Minimum setbacks: not applicable.

e. Sign copy limits: lettering and logo shall not exceed 20 inches.

f. Other limitations: Sign must be positioned on outside of building and must direct users to a location (such as ATM, book depositories, etc.). If illuminated, it must be internally illuminated.

(6) Directional signs.

a. Number: one sign per entrance drive.

b. Maximum sign area: four square feet per sign face.

c. Maximum height: three feet.

d. Minimum setbacks: two feet from all property lines.

e. Sign copy limits: only directional words (enter/exit/parking/in/out, etc.) and/or the name/logo of the building or development.

f. Other limitations: Landscaping shall be required around base of the sign. This is a nonadvertising sign to aid traffic, and should be used to designate access drives and parking areas. May be placed on an entrance wall; if so, will be subject to all listed requirements except for the setback requirement.

(7) Permanent special event signs.

a. Number: one monument sign.

b. Maximum sign area: 20 square feet for uses with total gross floor area from 15,000 square feet to 55,000 square feet; 25 square feet for uses with total gross floor area from 55,001 square feet to 100,000 square feet; 30 square feet for uses with total gross floor area over 100,000 square feet.

c. Maximum height: four feet.

d. Minimum setbacks: three feet from all property lines.

e. Sign copy limits: Content of the sign shall be controlled by the property manager and shall only display current messages. No more than four separate messages listing special events shall be permitted at one time. Special events shall only include grand openings, special holiday sales, sidewalk sales, and charity drives. Special sales on merchandise or services do not represent a special event. When no temporary messages are displayed, the sign shall list the name of the retail center. Lettering and logos shall be a minimum of four inches in height and a maximum of 20 inches in height.

f. Other limitations: Signs shall be externally lit only.

(8) Internal site/directory sign.

a. Number: one sign per driveway aisle entrance.

b. Maximum sign area: 20 square feet per sign face.

c. Maximum height: five feet.

d. Minimum setbacks: 100 feet from front property line, 30 feet from side and rear property lines; must be located within site in an central, or conspicuous location so as to direct pedestrians throughout development.

e. Sign copy limits: only information to guide or direct pedestrian traffic and the name or logo of the development.

f. Other limitations: Shall be consistent with materials, architectural style, color, etc. of principal structures on site. Also, shall not impair in any way, internal/external traffic (including vehicular and pedestrian) circulation or driver vision.

(f) Temporary signs for institutional, governmental, utility and recreational uses. The following temporary signs for institutional, governmental, utility and recreational uses are permitted:

(1) Construction and real estate signs.

a. Number: one sign per street frontage, not to exceed two signs per property.

b. Maximum sign area: 20 square feet per sign face.

c. Maximum height: eight feet.

d. Minimum setbacks: ten feet from all property lines.

e. Sign copy limits: for construction signs, name of development, picture or rendering of completed project, name of project, developer, contractor, architect and contractor for construction project approved or underway on the site; for real estate signs, name, logo and phone number of realtor, owner, or developer property description, price, and whether the property is for sale or lease.

f. Other limitations: Construction signs shall not be erected until a valid building permit for work has been issued by the town, and shall be removed within 15 days of receiving a certificate of occupancy or abandonment of project; real estate signs may be erected upon the availability of a site/building of an approved project for sale or lease and shall be removed upon the sale or lease of the premises.

(2) Fixed banner signs for commercial building or center.

a. Number: one sign per business or center.

b. Maximum sign area: 20 square feet.

c. Maximum height: 24 feet.

d. Minimum setbacks: See subsection (f)(2)e of this section.

e. Sign copy limits: Banners must be hung vertically and at a maximum dimension of 31 inches wide and 94 inches high. Banner must be a minimum eight feet above surface of a walkway. No more than 50 percent of the banner may contain a message or logo. The message may only display the name and logo of the building or retail center and/or a special event.

f. Other limitations: Banners may be displayed for a maximum period of 45 days at a time, two times per year.

(3) Ornamental signs.

a. Number: one sign per lamppost or column of a property/site.

b. Maximum sign area: 16 square feet.

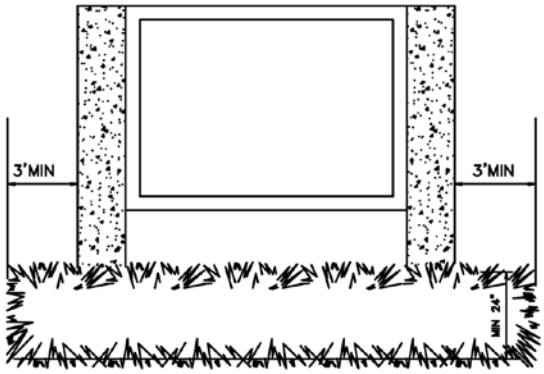
c. Maximum height: minimum of eight feet from bottom of sign to ground/walkway under lamppost or column.

d. Minimum setbacks: not applicable.

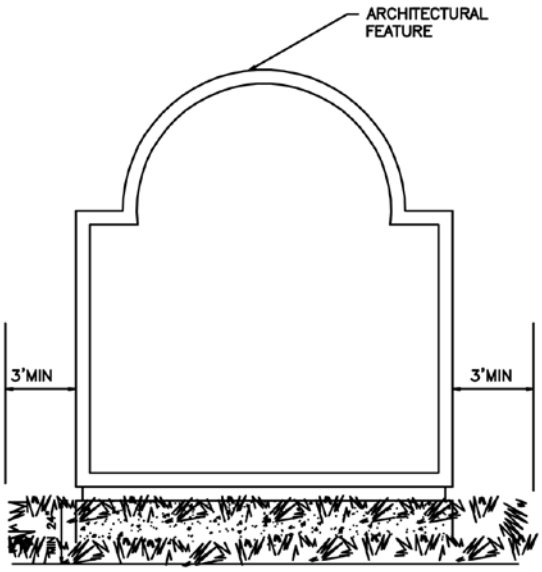
e. Sign copy limits: Sign shall represent in some clear fashion the event, season, festivity for which it is being displayed (i.e., an art festival sign shall include the name of the festival, possibly identify the dates of the festival and/or a logo representing such festival; or a seasonal sign shall be reflective of the season it represents).

f. Other limitations: Sign must be placed on and secured to a lamp post or column in such a manner that is deemed safe and secure. May be subject to review by the building department to ensure this. Signs not permitted to be illuminated internally, or in such a way that would require an electrical permit.

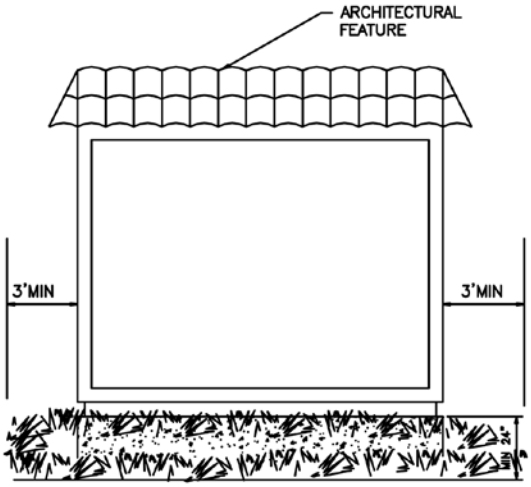
Editor's note— Helpful exhibits 1 through 4 are displayed on the following pages.



DOUBLE POLE SIGN
permitted



MONUMENT SIGN
permitted



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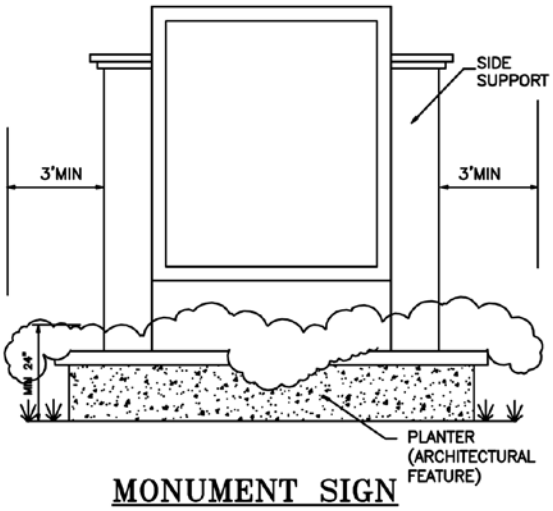
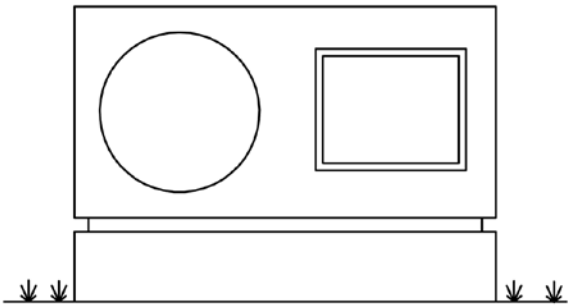


MONUMENT SIGN
permitted

TOWN OF JUNO BEACH STANDARDS

FREESTANDING INDENTIFICATION SIGNS EXHIBIT #1

5.60–34



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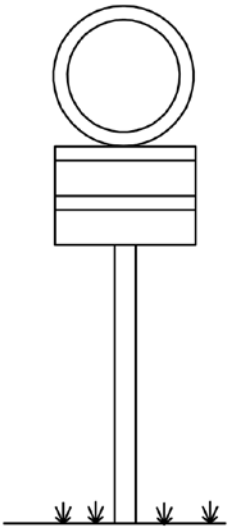
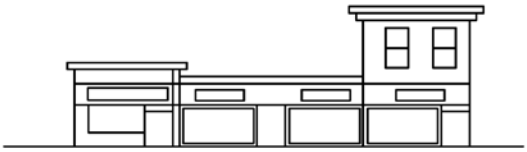
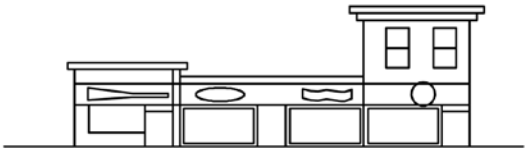


prohibited



permitted



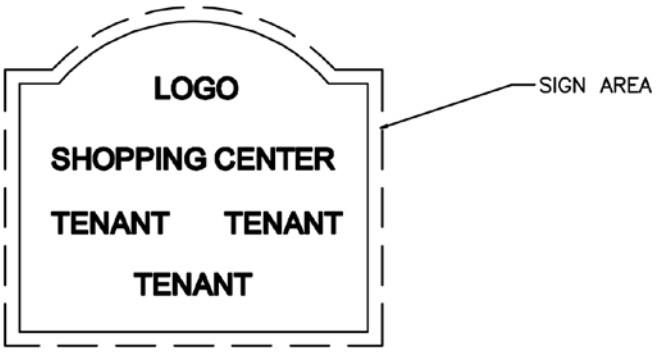
prohibited

TOWN OF JUNO BEACH STANDARDS

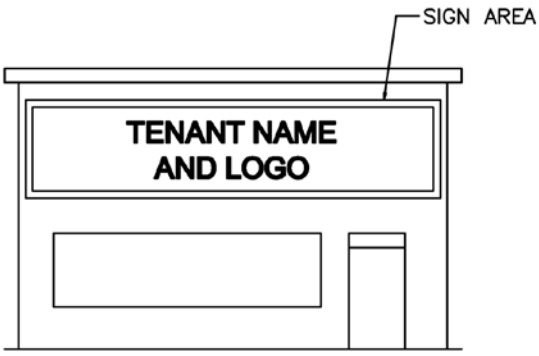
SIGNS/BUILDING SIGNAGE

EXHIBIT #2

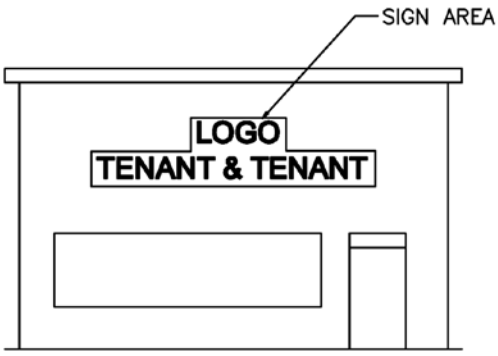
5.60–35



FREESTANDING IDENTIFICATION SIGN



WALL SIGN



WALL SIGN

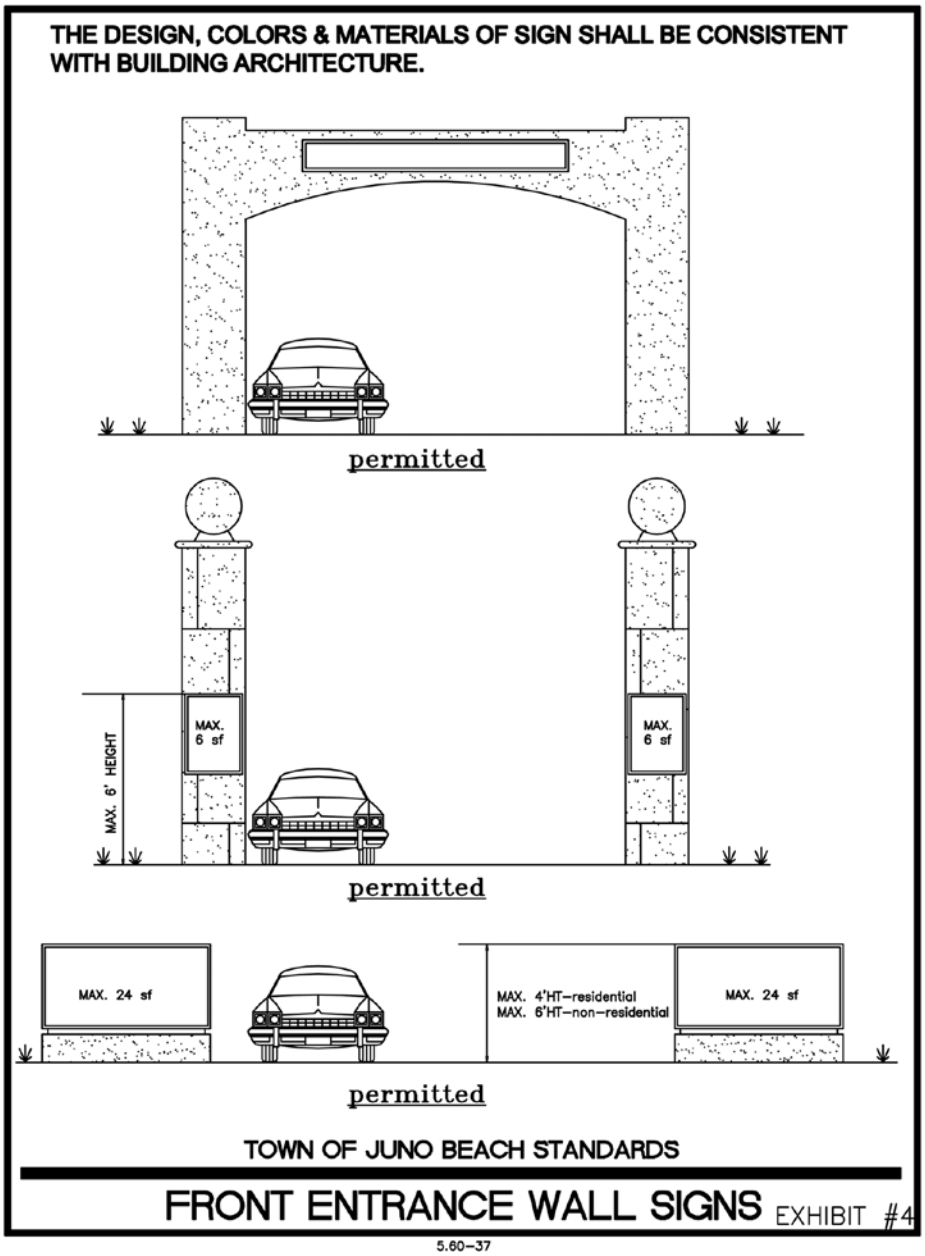
SIGN COPY SHALL NOT CROWD SURFACE OF SIGN OR BUILDING SURFACE AND SHALL BE COMPOSED TO LEAVE AMPLE SPACE AROUND COPY TO PRESERVE LEGIBILITY

TOWN OF JUNO BEACH STANDARDS

SIGN AREA MEASUREMENTS

EXHIBIT #3

5.60–36



(Ord. No. 207, §§ 5.68—5.68.6, 8-8-1979; Ord. No. 258, 10-13-1982; Ord. No. 309, 10-8-1986; Ord. No. 389, 5-16-1990; Ord. No. 421, 2-19-1992; Ord. No. 426, 8-12-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 469, 5-10-1995; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 491, 2-12-1997; Ord. No. 512, 7-28-1999; Ord. No. 538, 4-25-2001; Ord. No. 593, § 5.68.4, 6-14-2006)

Sec. 34-1056. - Noncommercial messages.

(a) Notwithstanding anything in this division to the contrary, any sign erected pursuant to the provisions of this division may, at the option of the applicant, contain either a noncommercial message unrelated to the business on the premises where the sign is erected or a commercial message related to the business and located on the business premises.

(b) The noncommercial message may occupy the entire sign face or portion thereof. The sign face may be changed from commercial to noncommercial messages as frequently as desired by the owner of the sign, providing each of the following is met:

(1) The size and design criteria conform to the applicable portions of this article;

(2) The sign is permitted by this article;

(3) The sign conforms to the requirements of the applicable zoning designation; and

(4) The applicant obtains all appropriate permits.

(c) For purposes of this article, noncommercial messages shall never be deemed off-premises signs.

Secs. 34-1057—34-1078. - Reserved.

DIVISION 7. - LANDSCAPING REQUIREMENTS

Sec. 34-1079. - Purpose and intent.

The purpose and intent of this division is to protect, preserve, and enhance the natural environment and beauty of the town by creating minimum standards for landscaping and vegetation protection. Landscaping that meets these standards will:

(1) Improve the aesthetic appearance of the town.

(2) Improve air and water quality by such natural processes as transpiration and the maintenance of permeable land areas for aquifer recharge and surface water filtration.

(3) Reduce noise and pollution through the filtering and buffering capacity of living trees and vegetation.

(4) Promote energy conservation through:

a. The creation of shade which reduces heat gain in or on buildings and paved areas; and

b. The channeling and control of breezes to facilitate the natural cooling of buildings.

(5) Reduce erosion by stabilizing the soil.

(6) Provide habitat for wildlife.

(7) Conserve freshwater resources through the use of drought-tolerant plants.

(8) Provide a visual buffer between otherwise incompatible types of land uses.

(9) Increase land values by requiring landscaping in developments, thereby becoming a capital asset.

(10) Provide direct physical and psychological benefits to humans by reducing noise and glare in addition to breaking up the visual monotony and softening the perception of an urban environment.

(11) Promote innovative and cost-conscious approach to design, installation and maintenance of landscaping, and encourage water and energy conservation.

(12) Require the removal of nuisance vegetation to ensure preservation of protected or native vegetation and encourage no disruption of native ecosystems.

(13) Provide for the public health, safety and welfare.

(Ord. No. 207, § 5.70.1, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1080. - Landscape plan submission and approval.

(a) Applicability. The provisions of this division shall apply as follows:

(1) To any new development or modification to existing development wherein that portion of the site which is being modified must comply with the requirements contained herein to the extent that it is physically practicable;

(2) To any modification to existing development wherein there results an increase of ten percent of the gross floor area of the structure, or structures, situated on the site in which case the entire site shall be upgraded to present landscape standards. However, accessory structures which are no greater than 1,000 square feet in gross floor area shall not be required to meet these standards;

(3) A single-family dwelling and a duplex shall be exempt from all provisions of this division with the exception of those regulations pertaining to swales and visibility at intersections, maintenance of rights-of-way, irrigation restrictions and automatic rain switches required on all new irrigation systems, and those properties greater than four acres in area which must adhere to the Environmentally Sensitive Lands Ordinance.

(b) Landscape plan required. At the time of application for approval for all site plans and site plan revisions, special exceptions, planned unit developments, and variances, except for a single-family dwelling and a duplex, a landscape plan shall be submitted for review by the planning and zoning board and approval by the town council.

(c) Contents of plan. The landscape plan, signed and sealed by a landscape architect registered in the state, shall be drawn to a scale of not less than one inch equals 30 feet, including dimensions and distances, and clearly delineate the existing and proposed parking spaces or other vehicular and/or water outlets, the location and size of buildings, if any, to be served, and the location, size, number, name and description of all landscape materials to be installed or, if existing, to be used in accordance with the requirements hereof. Such description shall include both scientific and common name and native or nonnative designation. The percentage of native plant material utilized for each type of plant including trees, shrubs, and ground cover shall be provided, and a notation stating that all landscape areas, excluding native preserve areas, shall be provided with 100 percent automatic irrigation shall be included on landscape plan.

(Ord. No. 207, § 5.70.2, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 392, 5-16-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1081. - Administration.

The director shall administer these regulations under the direction of the town council.

(Ord. No. 207, § 5.71, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1082. - Letter required from project landscape architect.

Prior to the issuance of a certificate of occupancy, the project landscape architect is required to submit a signed and sealed letter to the town planning, zoning and building department certifying that the landscaping on site is in accordance with the approved landscape plan.

(Ord. No. 207, § 5.71.1, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1083. - Performance surety.

In the event that the landscaping requirements of this chapter have not been met at the time that a certificate of occupancy or certificate of use is requested, the town council may approve such request provided the town council enters into an agreement with the owner or his agent that the provisions and requirements of this chapter will be complied with. The owner or his agent shall post a performance bond or other approved surety in an amount equal to 125 percent of the cost of materials and labor and other attendant costs incidental to the installation of the required landscaping. The surety shall:

(1) Run to the town;

(2) Be in a form satisfactory and acceptable to the town; and

(3) Specify the time for the completion of the landscape requirements.

(Ord. No. 207, § 5.72, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1084. - Landscape requirements.

(a) In keeping with the purpose and intent of this division, the following general requirements shall apply in all zoning districts in the town.

(b) A graphic survey of existing vegetation, delineating all viable native vegetation and all trees greater than four inches in diameter (caliper) at four feet above ground, shall be submitted. Such graphic survey shall be prepared by a landscape architect or land surveyor registered in the state and be of the same scale as the landscape plan.

(c) Reasonable requirements for the preservation of outstanding natural and cultural features shall be required. These features include trees with trunks larger than eight inches in diameter measuring four feet above the ground, groves, watercourses, historic sites, and similar irreplaceable assets in which there is public interest.

(d) All new trees shall be located so as to provide unrestricted flow or access to drainage swales or utility easements. Vegetation in easements and rights-of-way must have appropriate utility company and agency approval. In addition, the height of damage-prone trees shall be limited along hurricane evacuation routes.

(e) New trees shall meet the specifications as set forth in section 34-1088(f).

(f) Trees shall be hardy and suitable to local soil and climate.

(g) The use of native vegetation plantings shall be maximized, and at a minimum all plant materials of each type, including trees, shrubs and ground cover, shall be at least 50 percent native. In addition, xeriscape principles shall be utilized in all landscape designs and installations (see section 34-1088(a)).

(h) Existing native vegetation shall be preserved to the maximum extent practicable. The town encourages applicants to make all native vegetation to be removed from the site available, either by fee or donation, to the town and its residents for reuse. The developer shall notify the town three weeks prior to vegetation removal, so that the town may notify residents by notice at town hall and phone message of such vegetation availability. Upon such notice residents shall have two weeks to contact the developer regarding removal of native vegetation.

(i) The type and location of landscaping shall take into consideration the preservation of native vegetation areas, and the director may make exceptions to the regulations in this division to ensure the preservation of such native vegetation areas.

(j) All conditions and requirements of the Environmentally Sensitive Lands Ordinance, article IV, division 14 of this chapter, and section 34-1123 shall be complied with.

(k) Changing 30 percent or more of all trees and shrubs on a site from the originally approved landscape plan shall require submittal of a new plan showing new plant types and locations to the planning and zoning department for review and approval.

(l) The public works, planning and zoning, and code compliance departments shall be responsible for managing the town's tree planting program. The public works department shall be responsible for the care and maintenance of trees present on town-owned property.

(Ord. No. 207, § 5.73, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 421, 2-19-1992; Ord. No. 434, 12-16-1992; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1085. - Removal of invasive plants.

East of the Coastal Construction Control Line (CCCL), invasive exotic pest plants, including the Brazilian pepper, Australian pine, and melaleuca, shall be removed and replaced with appropriate native coastal vegetation. Any exotic plant recurrence shall be required to be removed and replaced with appropriate vegetation. Such native coastal vegetation shall serve to stabilize the coastal dune area. This provision shall apply to all properties.

(Ord. No. 207, § 5.73.1, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 489, 12-11-1996; Ord. No. 517, 12-1-1999)

Sec. 34-1086. - Protection of trees and other vegetation to be preserved on site.

Trees and other vegetation which are to be preserved on a site shall be protected from damage during the construction process according to appropriate tree and vegetation protection techniques. The Tree Protection Manual for Builders and Developers, published by the state division of forestry, department of agriculture and consumer services, shall be the standard for determining the appropriateness of proposed techniques for tree protection. All vegetation areas shall be fenced off with screening to prevent any damage. All trees and vegetation which are to be preserved and do not survive shall be replaced by a plant or tree of equal size, or an equivalent number of trees based on trunk diameter.

(Ord. No. 207, § 5.73.2, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1087. - Parking area landscaping.

(a) All areas used for parking of vehicles (including boats, trailers or construction equipment) or any other vehicular use shall conform to the minimum landscaping requirements provided herein, except under, on, or within buildings and parking areas serving a single-family dwelling and a duplex.

(b) Adjacent to street. On the site of a building or open lot use providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure (such as a wall or fence, provided landscaping is provided on the side facing the abutting street, see section 34-905) from any abutting street, excluding dedicated alleys, there shall be provided landscaping between such area and such street as follows:

    (1) A strip of land at least five feet in width located between the abutting street and the off-street parking area or other vehicular use area shall be landscaped;

    (2) Landscaping of land strips shall include at least one tree for each 30 lineal feet or fraction thereof. In addition, a hedge or other durable landscape barrier of at least four feet in height shall be placed within such landscaped strip. If a hedge is placed within such strip, plants shall be a

minimum of 24 inches in height immediately after planting and shall be of a species that will grow to a height of four feet in one year's time.

(c) Landscaping relating to abutting properties. On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, such area shall be provided with a landscaped barrier, preferably a hedge that is a minimum of 24 inches in height immediately after planting and shall be of a species that will grow to a height of four feet in one year's time, to form a continuous screen between the off-street parking area or other vehicular use area and the abutting property in a planting strip of not less than five feet in width. In addition, at least one tree for each 30 lineal feet or fraction thereof shall be placed within such strip. The provisions of this subsection may not be applicable, at the discretion of the town council, when a property line abuts a dedicated alley.

(d) Landscaping interior parking areas.

(1) A minimum of 20 square feet of landscaping for each parking space shall be provided within the interior of an off-street parking area.

(2) Each row of parking spaces shall be terminated by landscaped islands which measure not less than five feet in width (inside of curb to inside of curb) and 90 square feet in area. At least one tree shall be planted in each 90-square-foot island. In addition, no more than ten parking spaces may occur in a row without a landscape island as described in subsection (d)(1) of this section.

(3) Landscaped divider medians shall be used to meet interior landscape requirements. The divider medians shall form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of a divider median shall be five feet. One tree shall be planted for each 30 lineal feet of divider median or fraction thereof. Trees in a divider median may be planted singularly or in clusters. The maximum spacing of trees shall be 40 feet.

(4) All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other appropriate landscape treatment. Sand or pavement shall not be considered appropriate landscape treatment.

(5) All terminal landscape islands shall be surrounded with a continuous nonmountable concrete curb.

(6) Exceptions to subsections (d)(2) and (3) of this section and the requirement for wheel stops in article IV, division 4 of this chapter may be made for an area in a parking lot no greater than 20,000 square feet where it is demonstrated that a public gathering place or square is desired to be available for special events. Such gathering place or square area must be bounded by either landscape islands or medians per subsection (d)(2) or (3) of this section, whichever is applicable, and subsection (d)(4) of this section, to form a greenbelt along the perimeter.

(e) Landscaping between parking areas and buildings for single-family attached and multifamily residential and nonresidential uses. Parking rows and traffic aisles must be separated from principal structures on the sides, front, and rear (excluding designated loading areas) by a landscape strip at least four feet in width and a minimum four-foot-wide walkway, unless the town determines that, based on the site design, pedestrians would require no use of the sidewalk.

(Ord. No. 207, § 5.74, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1088. - Design, installation, maintenance, irrigation and plant material standards.

(a) Design. Xeriscape principles shall be utilized in landscape design and installations. Principles of xeriscape include:

(1) Appropriate planning and design to include consideration of the size and shape of the lot, soil type, topography, intended use of area site-specific planting to minimize irrigation waste.

(2) Use of soil analysis and appropriate amendments to provide better absorption of water and to provide beneficial plant nutrients.

(3) Efficient irrigation systems which permit turf and other less drought-tolerant plantings to be watered separately from more drought tolerant plantings, consideration of low volume drip, spray or bubbler emitters for trees, shrubs and ground covers.

(4) Reduction of turf areas, utilizing less water-demanding materials such as low water demand shrubs and living ground covers in conjunction with organic mulches.

(5) Utilization of drought tolerant plant materials and the grouping of plants with similar water requirements.

(6) Utilization of mulches to increase moisture retention, reduce weed growth and erosion and increase the organic content of soil upon degradation. Mulch should be initially applied at a three inch depth, but pulled away from direct contact with stems and trunks to avoid rotting. Mulched planting beds are an ideal replacement for turf areas.

(7) Appropriate maintenance to preserve the intended beauty of the landscape and conserve water.

(b) Installation. All landscaping shall be installed according to accepted good planting procedures with the quality of plant materials as hereinafter described, and shall be installed so as to meet all other applicable ordinances and code requirements. There shall be no vehicular encroachment over or into any landscaped area. Wheel stops and/or curbs shall be placed at least two feet from the edge of such landscaped area. Where a wheel stop or curb is utilized, the paved area between the wheel stop or curb and the end of the parking space may be omitted, provided it is landscaped with ground cover in addition to the required landscaping as set forth herein. A representative of the town charged with the issuance of building permits shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein.

(c) Maintenance.

(1) The owner, tenant, and their agent, shall be responsible for the continued proper maintenance of all landscaping located on their property and on adjacent rights-of-way which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. Proper maintenance shall include:

a. Periodic watering to maintain healthy flora, more drought tolerant material, minimize fungus growth and stimulate deep root growth;

b. Pruning to maintain the health and viability of the tree in accordance with the American National Standards Institute, ANSI A300-2001 (Tree, Shrub and other Woody Plant Maintenance), as amended; hat racking and excessive pruning is prohibited;

c. Grasses shall be mowed as required;

d. All roadways, curbs and sidewalks shall be edged when necessary to prevent encroachment of grasses;

e. All lawns and planted areas shall be fertilized periodically to ensure continued healthy growth;

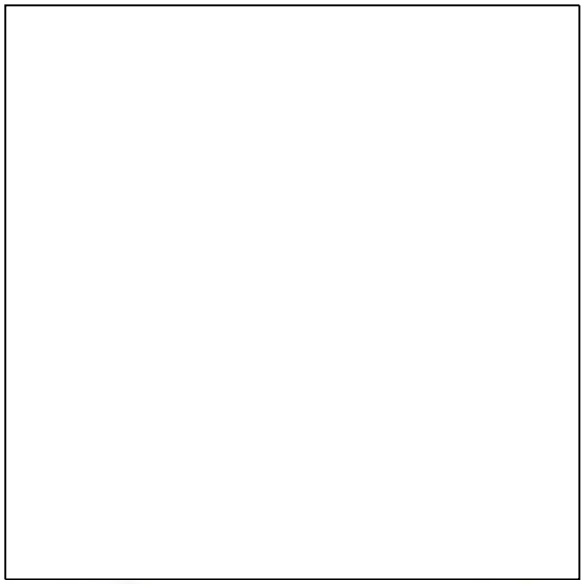
f. Dead plant material shall be replaced; and

g. Unprotected and/or prohibited harmful and illegal plants species, as outlined in subsection (f)(2) of this section, shall be removed.

(2) Palm pruning requirements.

a. Nor more than one-third of all fronds shall be removed. All brown fronds and hanging fronds (and those located immediately above such brown and hanging fronds) can be removed up to the horizon line.

b. No pruning above the horizon line, except for dead or diseased fronds, in accordance with the graphic below:



Before Pruning	After Proper Pruning	After Excessive Pruning
Mature palms often need pruning to remove lower fronds that are chlorotic or dead. There should be no pruning of live green fronds above the horizon line.	After pruning, palms should retain green fronds at the horizon line. Fronds that are dead or more than half chlorotic should be cleared.	Pruning in excess of one-third of fronds is prohibited. Over-pruned palms are unattractive and may attract pests.

(3) Landscaping may be inspected as needed, to ensure that the standards established in this section are maintained. The owner, tenant or his agent shall be notified in writing via certified mail by the

town of any areas which are not being properly maintained and shall, within 30 calendar days from time of notification, address and rectify the deficiency.

(d) Irrigation standards for all development, excluding a single-family unit.

(1) Complete irrigation coverage. All landscaped areas shall be provided with a sprinkler system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained. Exceptions to the requirement to provide irrigation are noted in subsections a and b of this subsection (d)(1).

a. Irrigation of existing plant communities. Existing plant communities and ecosystems, maintained in a natural state, do not require and shall not have any additional irrigation water added in any form.

b. Reestablished native plant areas. Native plant areas that are supplements to an existing plant community or newly installed by the developer may initially require additional water to become established. The water required during the establishment period shall be applied from a temporary irrigation system, a water truck or by hand watering from a standard hose bib source.

(2) Irrigation design standards. The following standards shall be considered the minimum requirements for landscape irrigation design:

a. All landscaped areas shall be provided with an irrigation system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained. The use of recycled water is encouraged.

b. Wherever feasible, sprinkler heads irrigating lawns or other high water demand landscape areas shall be circuited so they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water requirement areas.

c. Irrigation spray, whenever possible, shall only cover permeable areas and in no instance spray onto any public access, sidewalk, street or other nonpervious area. Special attention should be paid to well water, as the iron and minerals in the water cause unsightly staining.

d. The use of low trajectory spray nozzles is encouraged in order to reduce the effect of wind velocity on the spray system.

e. The use of low volume or drip systems is encouraged.

f. The use of pop-up sprinkler heads is required in the swale area between the property line and the edge of pavement of the adjacent right-of-way to minimize pedestrian hazards.

(e) Plant material. Plant material used in conformance with the provisions of this chapter shall be of a root system adequate to promote continued growth, have healthy foliage or leaves and be free from apparent disease or insect infestation. Grass seed delivered on the job site in bags shall have state department of agriculture tags attached indicating the seed grower's compliance with the department's quality control program.

(f) Trees.

(1) Type and size. Trees shall be species having trunks which can be maintained in a clear condition over four feet of clear wood. Tree species shall be a minimum of 12 feet overall height immediately after planting with a minimum six-foot diameter spread of canopy measured at three radius points from the trunk and a minimum 2.5-inch caliper (trunk diameter) at four feet above ground. Three palms shall be considered equivalent to one tree, except for large specimen palms with a minimum overall height of 12 feet and a minimum 12-foot diameter spread of canopy, such as date palms, coconut palms, and royal palms, which shall be considered trees. A maximum of 50 percent of all required trees may be palms.

(2) Prohibited trees and plants. No tree or plant listed in the most current edition of the Manual of Prohibited Invasive and Non-Native Plant Materials published by the South Florida Water Management District shall be utilized as landscape material.

(g) Shrubs and hedges. Required shrubs and hedges shall be a minimum of 24 inches in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, visual screen within a maximum of one year after time of planting.

(h) Ground covers. Ground covers, either vegetative or nonliving, used in whole or in part shall present a finished appearance and reasonably complete coverage within three months after planting.

(i) Grass areas. Grass areas shall be planted in species normally grown as permanent lawns in the county. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used between the months of October and March, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

(j) Exemption. For single-family dwellings, the provisions of this section shall not apply to rear yards or other areas not visible from adjacent roadways and public rights-of-way.

(k) Enforcement. Failure to install or maintain landscaping according to the terms of this section or any approved plan or permit shall constitute a violation of this section.

(l) Violations. The following deficiencies shall be considered a separate and continuing violation of this section:

(1) Each tree or shrub that is not properly installed or properly maintained on site as required by this section; and

(2) Each day during which landscaping is not properly installed or maintained on site as required by this section.

(Ord. No. 207, § 5.75, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 392, 5-16-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999; Ord. No. 617, § 2, 9-24-2008)

Sec. 34-1089. - Landscaping at street intersections.

When a driveway or other accessway intersects a street or when a subject property abuts the intersection of two or more streets, all landscaping within the triangular areas described in subsections (1) and (2) of this section shall provide unobstructed cross visibility at a level between 30 inches and six feet. The triangular areas referred to are:

(1) The areas of property on both sides of a driveway or other accessway formed by the intersection of each side of the access way and the street line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides;

(2) The area of property located at a corner formed by the intersection of two or more streets shall be the area described in section 34-898.

(Ord. No. 207, § 5.76, 8-8-1979; Ord. No. 383, 2-21-1990; Ord. No. 450, 5-11-1994; Ord. No. 476, 12-13-1995; Ord. No. 517, 12-1-1999)

Sec. 34-1090. - Recommended plant list.

The town's recommended plant list will be kept on file and will be available to the public in the planning and zoning department. This list will be continuously updated to eliminate those plants identified by the state as invasive, or otherwise detrimental to healthy local environments. It will include plants that are recommended and not identified as detrimental.

(Ord. No. 207, § 5.80, 8-8-1979; Ord. No. 383, 2-21-1990)

Secs. 34-1091—34-1122. - Reserved.

DIVISION 8. - COASTAL REGULATIONS

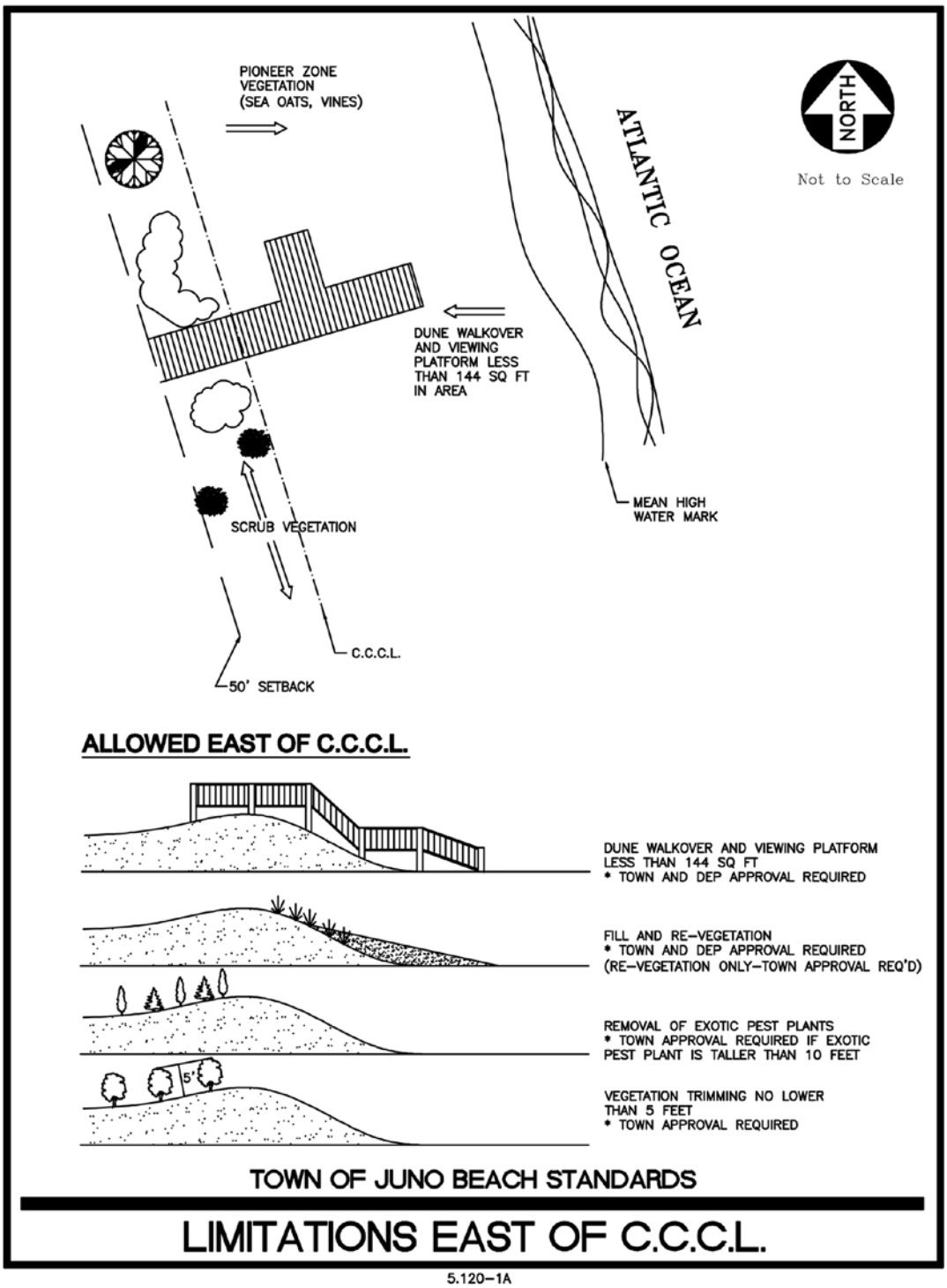
Sec. 34-1123. - Protection of coastal ridge.

It is the intent of this division to maintain and protect the vegetation and structural quality of the coastal dune as it occurs in the town and to protect rare, endangered, and threatened plant and animal species located along the coast in the town. In addition to the applicable requirements of F.S. ch. 161, and where the town has jurisdiction, the regulations set forth in this division shall be followed. (Note: all references to the Coastal Construction Control Line (CCCL) refer to that line which was established in 1979 and do not pertain to the revised line, established in August 1997.)

(Ord. No. 207, § 5.120, 8-8-1979; Ord. No. 384, 2-21-1990; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 499, 3-11-1998)

Sec. 34-1124. - Limitations east of the CCCL.

Except for dune restoration and revegetation projects and limited coastal vegetation trimming (according to the limited vegetation trimming requirements in this division), no soil, sand, rock or vegetation (excluding removal of exotic pest plants) shall be disturbed east of the Coastal Construction Control Line (CCCL). In addition, no wall, fence or other structure, excluding dune walkovers and viewing platforms less than 144 square feet in area which are an extension of the dune walkover, shall be erected eastwardly of the CCCL. Provided, however, where a dune walkover or other shared pedestrian access exists within a detached single-family home subdivision which serves the residents of that subdivision, the owners of individual lots within the subdivision may construct viewing platforms upon their individual lots. All dune walkover construction and dune restoration fill projects east of the CCCL require a state department of environmental protection (DEP) permit and town approval of the town planning and zoning department. Dune revegetation projects and removal of any exotic pest plants greater than ten feet in height require only town approval of the town planning and zoning department.



5.120–1A

(Ord. No. 207, § 5.121, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 556, § 2(exh. A), 10-9-2002; Ord. No. 553, § 2(exh. A), 12-11-2002)

Sec. 34-1125. - Limitations between the CCCL and the town's 50-foot setback west of the CCCL.

(a) Limitations on structures.

(1) Minor structures shall be permitted to be constructed between the Coastal Construction Control Line (CCCL) and the town's 50-foot setback west of the CCCL after review and approval by the town planning and zoning department. However, privacy fences shall be allowed only to outline a pool and deck area and shall extend no further into the 50 foot setback area. Construction of dune walkovers and other minor structures shall be in accordance with state department of environmental protection (DEP) and town standards.

(2) Structures, other than minor structures, shall require review by the planning and zoning board and approval by the town council. Such review and approval shall include a balance between the intent of this division with other goals, objectives, and policies of the comprehensive development plan, such as, but not limited to, decreasing densities in the coastal area.

(b) Native dune vegetation within the town's 50-foot setback west of the CCCL shall be trimmed no lower than five feet above grade. The terms "trimming," "hedging," "cutting," "pruning," or any other term used to identify cutting any part of a sea grape plant shall be regulated by this division. If a petitioning party wishes to trim below the five-foot minimum, the following shall apply:

(1) The petitioner shall obtain and complete an application for trimming native dune vegetation below the required five-foot minimum. The application will be provided by the town and may be amended from time to time by the director of planning and zoning. The applicant will be required to submit, as part of the application, a complete evaluation of the subject area proposed for trimming by a qualified environmental professional as defined herein; and will require an application fee, as well as a fee for any professional review by the town associated with the application process. The petitioner will be required to obtain approval from the state department of environmental protection (DEP) prior to approval from the town.

(2) The bona fide environmental professional shall be proficient in all environmental aspects associated with the vegetation, trimming of vegetation, the dune, dune system and sea turtles. The town shall review the credentials of the individual claiming environmental professional status according to these disciplines. The applicant will be responsible for consulting with a party that has satisfactorily been approved by the town under this criteria.

(3) The professional's evaluation shall include consideration of the proposed trimming height; and such proposed trimming's effect on the vegetation, the dune, the dune system and impacts from the proposed trimming on the natural sea turtle and other wildlife activities in the area.

(4) Upon evaluation, the professional shall determine whether the impacts will positively or negatively affect, in any way, the vegetation, the dune, the dune system and/or natural sea turtle activity.

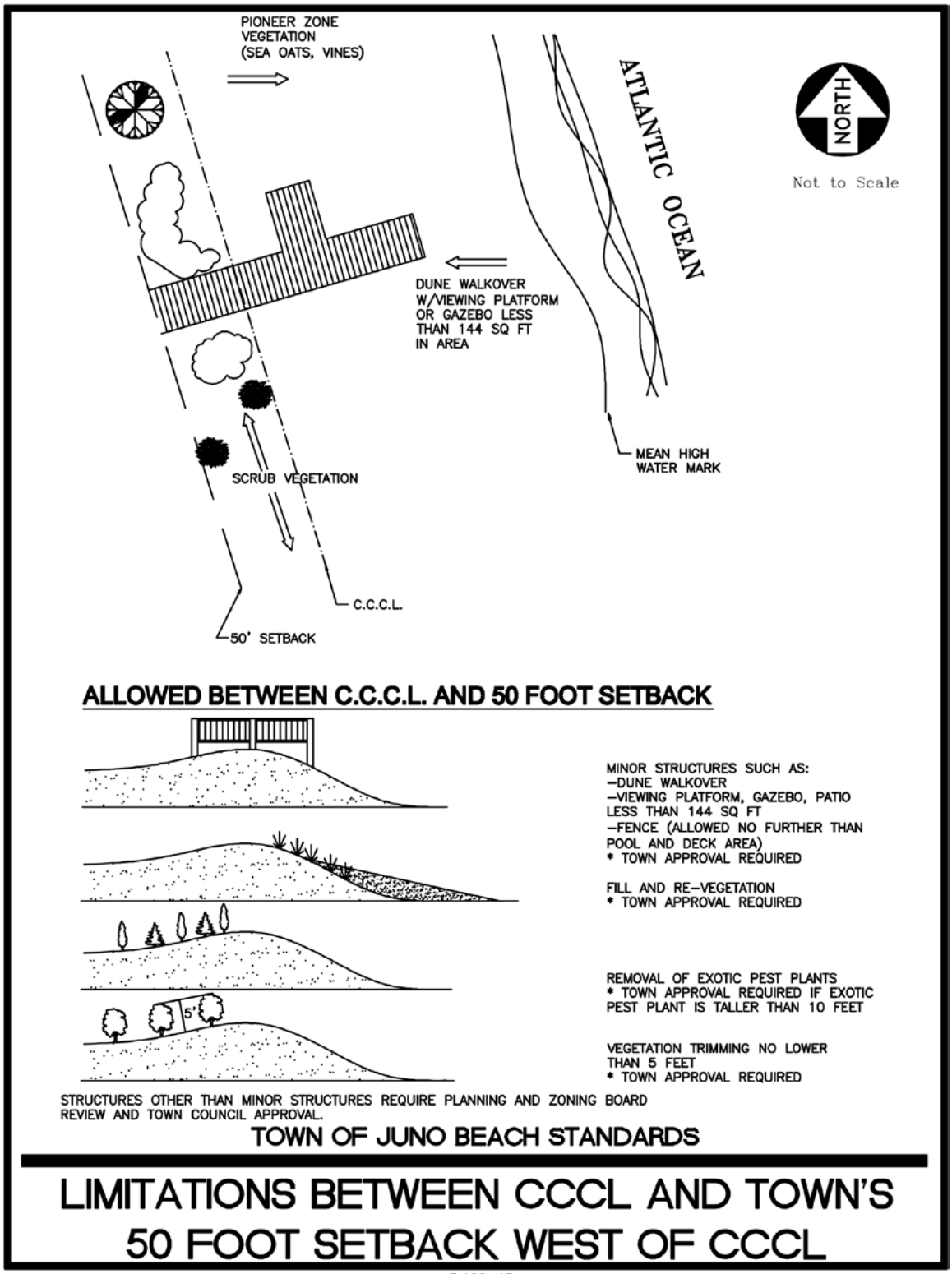
(5) Said determination shall be made in writing and incorporated into the application/or attached thereto with an accompanying recommendation for a specific height.

(6) The applicant shall be responsible for the town's fee for a bona fide professional review of said evaluation, consideration, determination and recommendation. The town's professional shall provide findings in writing within two weeks of a completely submitted application. Based on these findings the town may approve, deny or approve with specific conditions the petition.

(7) Procedures for trimming shall be followed according to figure 3 following this section; or according to the approved professional recommendations.

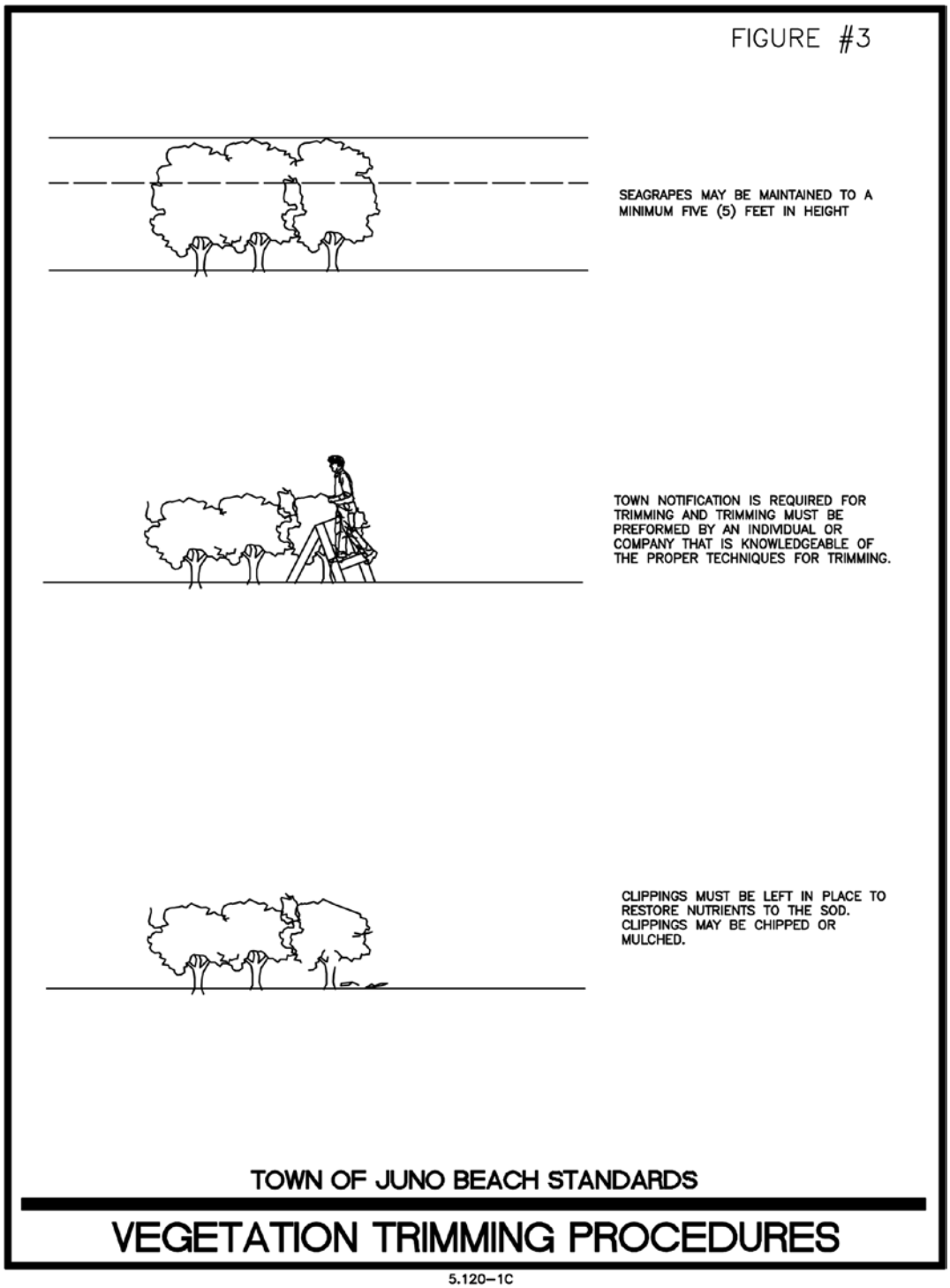
(8) Once approval is given for a property, such property shall be permitted to maintain the sea grapes according to said approval on a regular basis without further environmental review, however standard administrative trimming approval must still be obtained and the town's standard administrative form required every time trimming takes place. Additionally, if at any time after an approval is given, should any adverse impacts to the vegetation, the dune, the dune system, sea turtle and other wildlife activities in the area be questioned by the town, a reevaluation of the trimmed height effects will be required. In such a case, the town may require an adjustment, not to exceed the town's minimum five-foot height.

(c) No native dune vegetation within the town's 50-foot setback west of the CCCL shall be removed, except for exotic pest plants. Removal of any exotic pest plants greater than ten feet in height requires approval of the town planning and zoning department prior to removal.



LIMITATIONS BETWEEN CCCL AND TOWN'S 50 FOOT SETBACK WEST OF CCCL

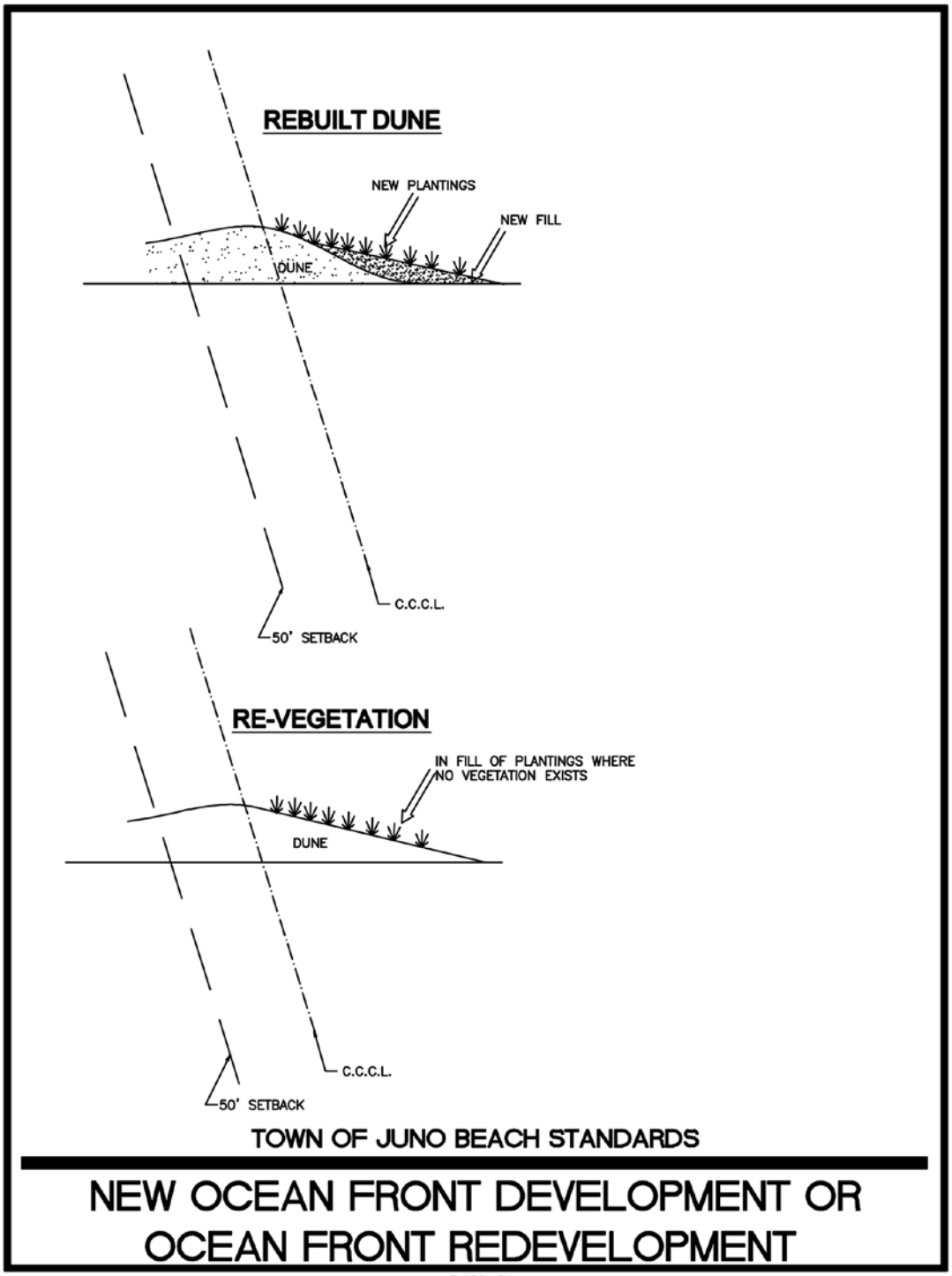
5.120–1B



(Ord. No. 207, § 5.122, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 553, § 2(exh. A), 12-11-2002)

Sec. 34-1126. - New oceanfront developments or oceanfront redevelopment.

Any new oceanfront development or oceanfront redevelopment shall be required to protect and preserve existing dune vegetation, except when the town requires the dune to be rebuilt. Dunes shall be required to be rebuilt and revegetated where they have been destroyed. Historical data and/or nearby properties with existing dunes shall be used for determination of required dune height. In addition, as part of the development or redevelopment, areas in need of revegetation eastward of the town's 50-foot setback west of the CCCL shall be revegetated with appropriate native dune vegetation. During construction activities, all dune preserve areas which could be impacted shall be fenced off with screening to prevent any damage to vegetation.



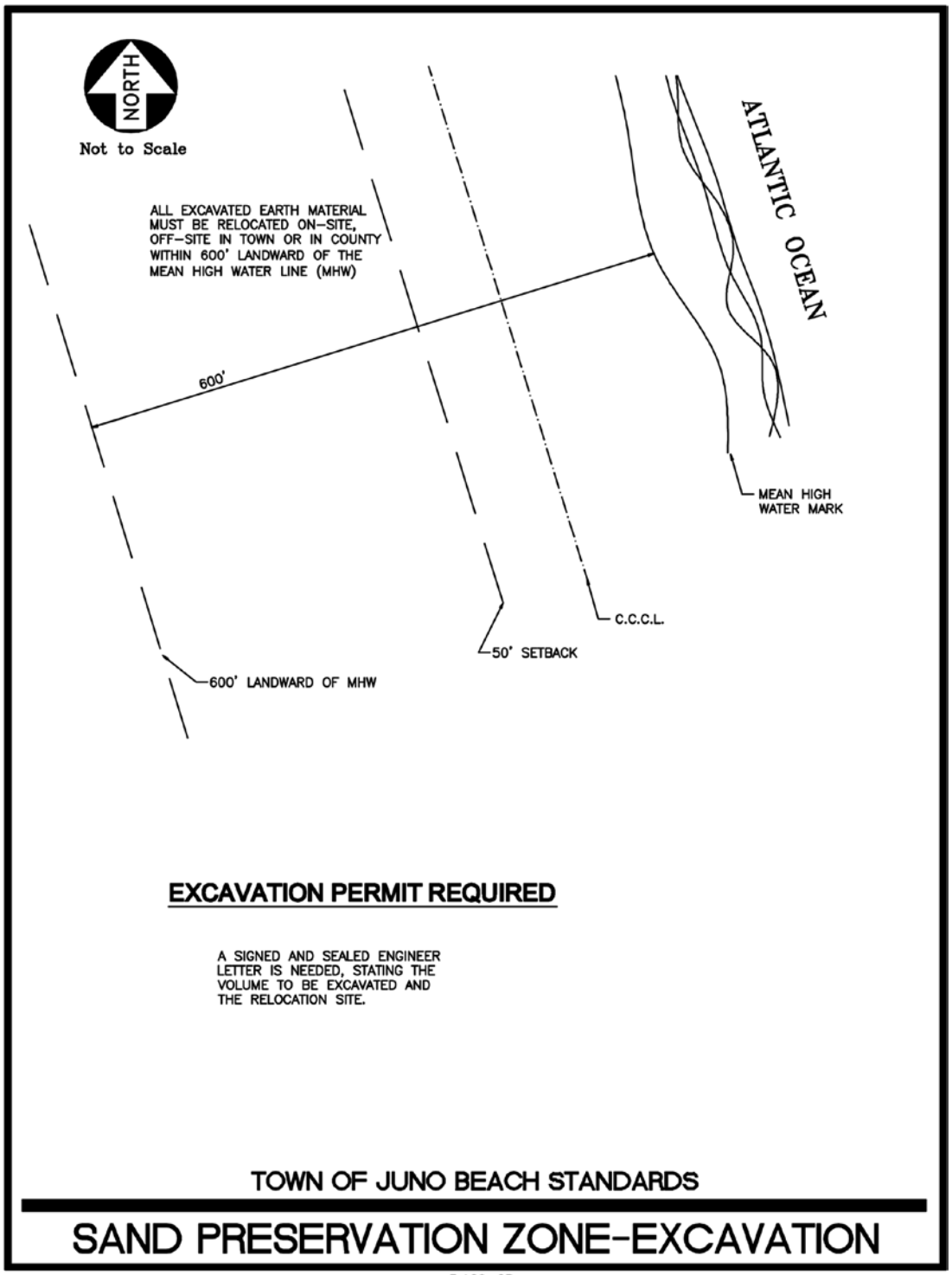
5.120–2A

(Ord. No. 207, § 5.123, 8-8-1979; Ord. No. 421, 2-19-1992)

Sec. 34-1127. - Sand preservation zone, excavation.

Within the sand preservation zone, all excavated earth material shall be required to be either relocated on site and/or disposed of off site preferably in the town or otherwise elsewhere in the county within the

sand preservation zone. The purpose of this requirement is to maintain the volume and quality of beach sand presently existing within the beach/dune system in the town and the county. An excavation permit shall be required from the town prior to any excavation in this zone. Prior to permit issuance, the applicant must supply a signed and sealed letter from a professional engineer stating the amount of material to be excavated and the relocation site. (Note: Any fill placed east of the CCCL requires a DEP permit.)



5.120–2B

(Ord. No. 207, § 5.124, 8-8-1979; Ord. No. 421, 2-19-1992)

Sec. 34-1128. - Protection of sea turtles.

The town adheres to the county's turtle protection regulations as specified in article 14, chapter A of Palm Beach County's Unified Land Development Code, excluding, however, those provisions regarding sand preservation. No building permit or certificate of occupancy shall be issued until all requirements of the county's turtle protection regulations have been met.

(Ord. No. 207, § 5.125, 8-8-1979; Ord. No. 421, 2-19-1992)

Sec. 34-1129. - Applicability of chapter and county land development code.

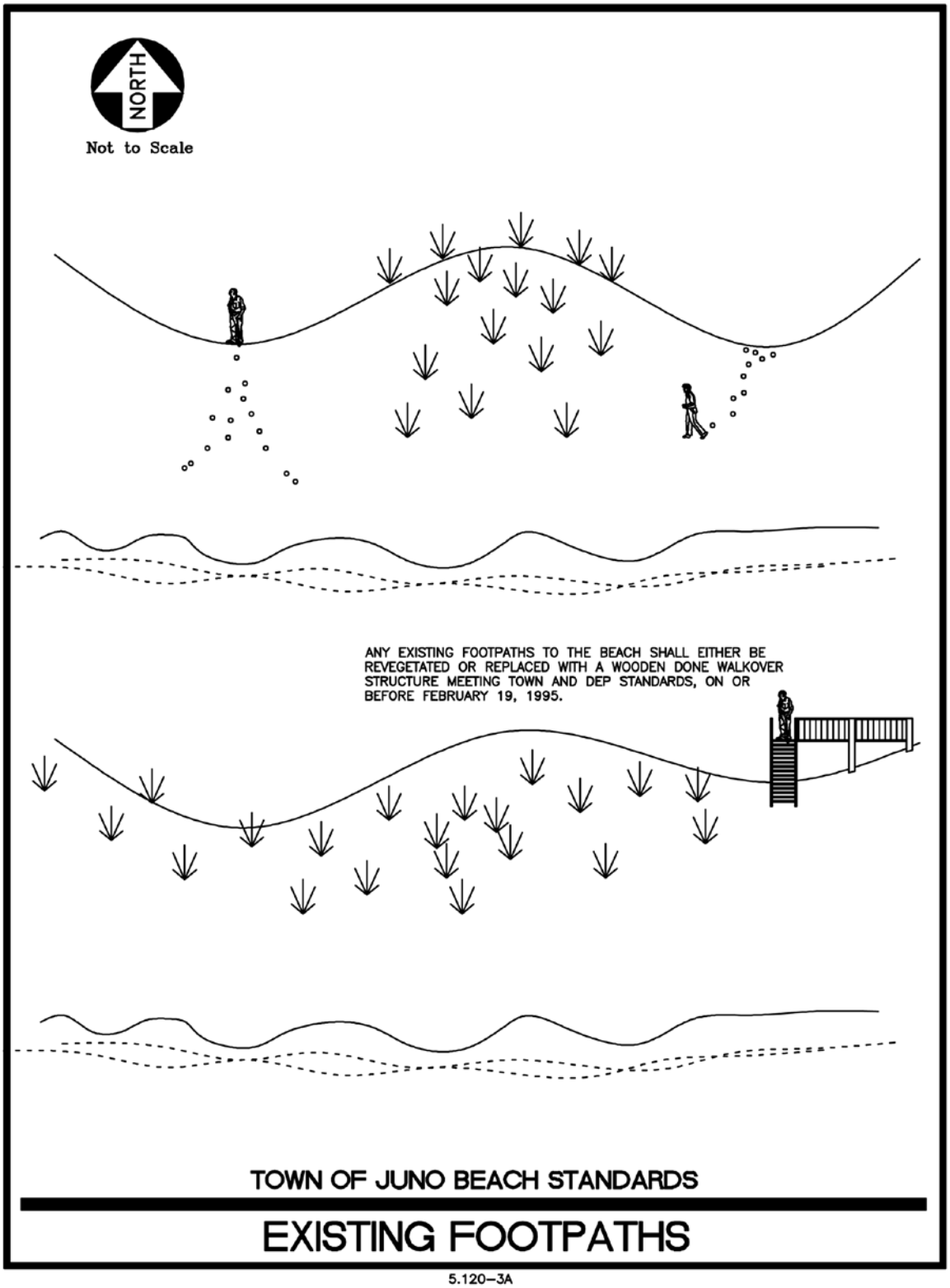
See article IV, division 7 of this chapter and the county's Environmentally Sensitive Lands Ordinance per article 14, chapter C of the Palm Beach County Unified Land Development Code for additional requirements.

(Ord. No. 207, § 5.126, 8-8-1979; Ord. No. 421, 2-19-1992)

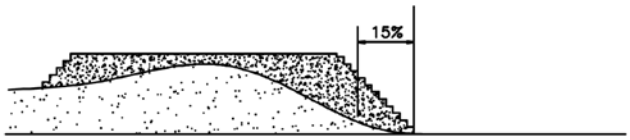
Sec. 34-1130. - Dune walkovers required for all beach accesses.

(a) All existing and new public and private accesses to the beach which serve more than 15 dwelling units shall be required to be provided with a dune walkover per town and DEP division of beaches and shores standards.

(b) Any existing dune walkovers (wooden structures) which do not meet town and DEP standards shall be considered nonconforming; however, when such structure requires replacement or repair of 50 percent or more of the total lineal feet of the structure, the entire structure shall be replaced and conform to town and DEP standards.

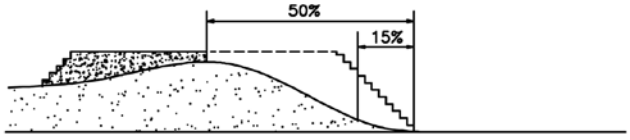

NORTH
Not to Scale
ANY EXISTING FOOTPATHS TO THE BEACH SHALL EITHER BE REVEGETATED OR REPLACED WITH A WOODEN DONE WALKOVER STRUCTURE MEETING TOWN AND DEP STANDARDS, ON OR BEFORE FEBRUARY 19, 1995.
TOWN OF JUNO BEACH STANDARDS
EXISTING FOOTPATHS

5.120–3A

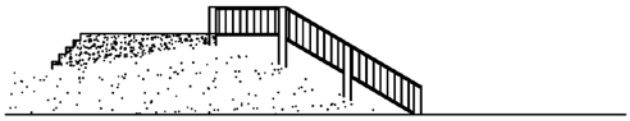


IF LESS THAN 15% OF TOTAL LINEAL FEET OF A CONCRETE WALKWAY MUST BE REPAIRED OR REPLACED

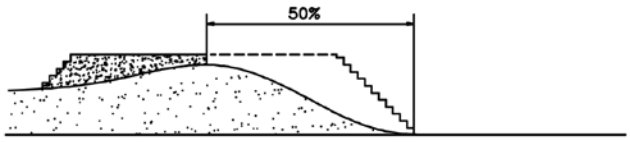
CONCRETE MAY BE REPAIRED OR REPLACED



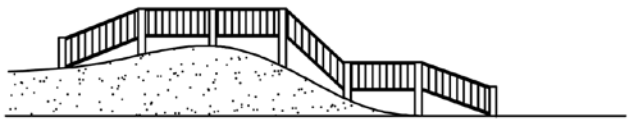
IF BETWEEN 15 AND 50% OF TOTAL LINEAL FEET MUST BE REPAIRED OR REPLACED.



THAT SECTION OF CONCRETE SHALL BE REMOVED AND A WOODEN DUNE WALKOVER PER TOWN AND DEP STANDARDS SHALL BE PUT IN ITS PLACE.



IF EITHER INCREMENTALLY OR AT ONE TIME 50% OR MORE OF THE TOTAL LINEAL FEET OF SUCH A CONCRETE WALKWAY HAS BEEN OR MUST BE REPLACED OR REPAIRED.

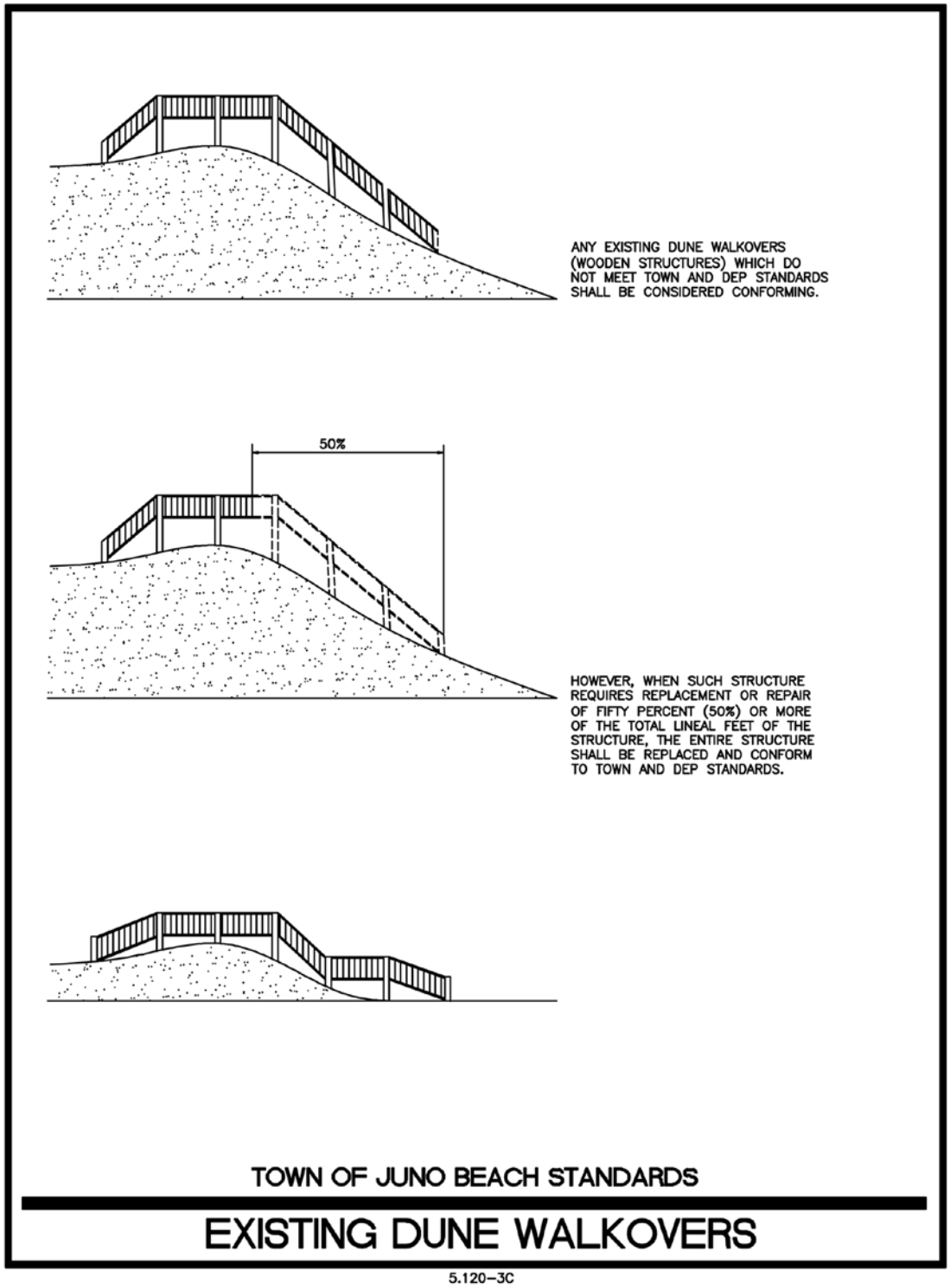


THE ENTIRE CONCRETE WALKWAY MUST BE REPLACED WITH A WOODEN DUNE WALKOVER PER TOWN AND DEP STANDARDS

TOWN OF JUNO BEACH STANDARDS

REPAIR OR REPLACEMENT OF NON-CONFORMING CONCRETE WALKWAYS

5.120–3B



(Ord. No. 207, § 5.127, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 489, 12-11-1996)

Sec. 34-1131. - Emergencies and exemptions.

(a) In the case of emergencies, for example, those caused by hurricanes, severe storms, or other similar events, the town manager may make exceptions to the regulations in this division, in consultation with DEP if required, to protect the health, safety, and welfare of town residents and visitors.

(b) Exemptions to these regulations may be granted by town staff when the regulations established in this division conflict with other governmental agency requirements, or when minor modifications to existing improvements located within the town's 50-foot setback west of the CCCL will have no negative impact on the dune or other purposes of this division.

(Ord. No. 207, § 5.128, 8-8-1979)

Sec. 34-1132. - Exterior lighting in commercial districts.

All exterior lighting for the buildings and parking areas shall be directed away from residential areas.

(Ord. No. 207, § 5.130, 8-8-1979; Ord. No. 383, 2-21-1990)

Sec. 34-1133. - Use of reflective or mirrored material as exterior treatment of buildings.

Any building which utilizes reflective or mirrored material as building facing must be situated on its site in such a manner that at no time will the sun's reflection cast light into adjacent residential area and/or onto adjacent roads. The angles of the sun's reflection must be shown mathematically, taken into account for all seasons of the year.

(Ord. No. 207, § 5.140, 8-8-1979)

Secs. 34-1134—34-1159. - Reserved.

DIVISION 9. - SPECIAL EVENTS (GRAND OPENINGS, SIDEWALK SALES, ETC.)

Sec. 34-1160. - Purpose.

The purpose of this division is to set forth the conditions and requirements under which a special event may be permitted to operate within the town.

(Ord. No. 207, § 5.150, 8-8-1979; Ord. No. 390, 5-16-1990; Ord. No. 450, 5-11-1994)

Sec. 34-1161. - Limitations and requirements.

(a) Grand openings. The following limitations and requirements apply to grand openings:

(1) Where permissible. Any commercial building or center. Institutional and government uses are exempted from these requirements; however, director approval is required.

(2) Number of grand openings permitted. One grand opening is permitted per center, building, or individual tenant after business has officially commenced or a significant change in business activity has occurred (i.e., expansion, new owner).

(3) Regulations. Activities permitted on site shall be related to such grand opening event, last no longer than 14 consecutive days, and abide by the regulations and procedures described in

sections 34-1162—34-1164. If inclement weather has caused the grand opening event to be canceled, additional days may be granted by the director.

(b) Other special events. The following limitations and requirements apply to all special events other than grand openings:

(1) Where permissible. Other special events are permitted at any retail center or individual freestanding retail building. Institutional and government uses are exempted from these requirements; however, director approval is required.

(2) Number of special events permitted. The number of other special events permitted is unregulated.

(3) Regulations. Activities permitted on site shall be related to such special event, last no longer than three consecutive days unless extended by the director, and abide by the regulations and procedures described in sections 34-1162—34-1164.

(Ord. No. 207, § 5.152, 8-8-1979; Ord. No. 390, 5-16-1990; Ord. No. 450, 5-11-1994)

Sec. 34-1162. - General regulations.

(a) The property manager or other authorized agent must apply for the special event permit.

(b) Location.

(1) A special event may be located on the sidewalk immediately adjacent to and abutting a commercial building provided that the area in which the special event is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating businesses and all other applicable provisions of these regulations are fulfilled.

(2) Common open plazas may be used in front of commercial businesses if access to businesses/tenants adjacent or next to the plaza area are not impeded or blocked.

(3) A special event which would require the use of any additional area on the site (i.e., parking area, open space, etc.) shall be reviewed by the town planning and zoning department and approved at the town's discretion.

(c) Sidewalk clearance. Outdoor displays and activities shall be permitted on a sidewalk only where the sidewalk is wide enough to adequately accommodate the usual pedestrian traffic in a safe manner. Walking space within the walkway shall be a minimum width of three feet.

(d) Outdoor displays and activities shall be required to maintain adequate building egress as defined by the building code of the town.

(e) Lighting may be incorporated into the landscaping of the premises as long as existing codes are met.

(f) Food and beverages. The outdoor preparation of food is prohibited at a special event unless a permit is obtained from the county health department. This, however, is not intended to prohibit hot dog vendor carts, commercial popcorn vendor carts, or similar type food warming services. All exterior surfaces within the special event area shall be kept clean at all times by the permittee.

(g) The permittee shall remove all trash and litter as it accumulates. The permittee is responsible for maintaining the outdoor areas, including the sidewalk surface and adjacent areas, in a clean and safe condition.

(h) The maximum hours of operation of a special event shall not extend beyond the normal hours of operation of the associated business or center; however, an extension of hours may be applied for and granted at the discretion of the town.

(Ord. No. 207, § 5.153, 8-8-1979; Ord. No. 390, 5-16-1990; Ord. No. 450, 5-11-1994)

Sec. 34-1163. - Findings and conditions for approval.

In connection with granting approval for a special event permit, the planning and zoning department shall make findings that the proposed operation meets the limitations of these regulations and the planning and zoning department may impose such conditions in granting its approval as it deems are needed.

(Ord. No. 207, § 5.154, 8-8-1979; Ord. No. 390, 5-16-1990; Ord. No. 450, 5-11-1994)

Sec. 34-1164. - Form and conditions of permit.

In addition to naming the permittee and any other information deemed appropriate by the department, the permit shall contain, and be subject to, the following conditions:

(1) The applicant shall submit an exhibit or letter of explanation stating:

a. The dates the special event will be held;

b. The number and percent of tenants to participate, list of tenants to participate;

c. The location of displays/activity and statement of the minimum walk space width provided for pedestrian traffic;

d. The type of activity planned during the special event, i.e., sidewalk sale, other outdoor displays, music, lights, food, musicians, etc.

(2) The permit shall be specifically limited to the area shown on the exhibit or stated in the letter of explanation which will be attached to and made part of the permit.

(3) Any future additions or revisions to the approved exhibit and permit shall be subject to review pursuant to these regulations.

(4) The permit shall be issued to the premises only and shall not be transferable in any manner.

(5) The planning and zoning department may require the temporary removal of any outdoor displays when street, sidewalk, or utility repairs necessitate such action.

(6) The department of public works or the police department may immediately remove or relocate all or parts of the special event displays in emergency situations.

(7) The town and its officers and employees shall not be responsible for special event components relocated during emergencies.

(8) The permittee shall use positive action to ensure that its use of the sidewalk or other areas in no way interferes with or embarrasses pedestrians or limits their free unobstructed passage.

(9) All displays and any other objects provided with a special event shall be maintained with a clean and attractive appearance.

(10) Each permit shall be effective for the time allotted.

(Ord. No. 207, § 5.155, 8-8-1979; Ord. No. 390, 5-16-1990; Ord. No. 450, 5-11-1994)

Secs. 34-1165—34-1191. - Reserved.

DIVISION 10. - LIMITED HOME OCCUPATIONS

Sec. 34-1192. - Rules and regulations.

The following rules and regulations shall apply to limited home occupations:

(1) The use must be conducted entirely within the dwelling by a member of the immediate family residing on the premises. No persons outside of immediate family members will assist or be employed.

(2) No chemical equipment is to be used except that which is normally used for purely domestic or household purposes. No electrical or mechanical equipment which causes outside interference may be installed or used.

(3) No commodity or product shall be dispensed on the premises, nor shall a display of products be visible from the exterior of the dwelling.

(4) No external evidence or sign that the dwelling is being used for the home occupation shall be allowed.

(5) There shall be no noise, dirt, fumes, vibration or electromagnetic disturbance that would disturb the neighborhood area.

(6) The activity involved shall not noticeably detract from the outward residential character of the neighborhood.

(7) There will be no pedestrian traffic, vehicle traffic or any type of public nuisance as a result of this minor business activity on the resident's premises.

(8) Any equipment is to be stored inside an enclosed shelter, shed or garage. No outside storage shall be permitted.

(9) There will be no vehicle over the size of a pickup truck or van parked at the residence.

(10) If at any time there is a complaint of noncompliance with the provisions of this section which is sustained, then the right to conduct a limited home occupation shall be revoked.

(Ord. No. 207, § 5.161, 8-8-1979; Ord. No. 393, 5-16-1990)

Secs. 34-1193—34-1217. - Reserved.

DIVISION 11. - GROUP HOMES

Sec. 34-1218. - Family care homes.

Family care homes shall not be located within a radius of 1,000 feet of another existing such home measured along a straight airline route from the nearest point on any property line used as a family care home; and shall be required to file an appropriate state license with the town prior to issuance of a certificate of occupancy or occupancy of the building.

(Ord. No. 207, § 5.170(1), 8-8-1979; Ord. No. 416, 9-25-1991)

Sec. 34-1219. - Family day care homes.

Family day care homes shall be required to file an appropriate state license with the town prior to issuance of a certificate of occupancy or occupancy of building, and shall procure a business tax receipt from the town prior to being issued a certificate of occupancy or occupancy of building.

(Ord. No. 207, § 5.170(2), 8-8-1979; Ord. No. 416, 9-25-1991)

~~Sec. 34-1220. - Adult day care homes.~~

~~Adult day care homes shall meet all licensing requirements of the state; and shall procure a business tax receipt from the town prior to being issued a certificate of occupancy or occupancy of building.~~

(Ord. No. 207, § 5.170(3), 8-8-1979; Ord. No. 416, 9-25-1991)

Sec. 34-1221. - Community residential homes.

Community residential homes:

(1) Shall not be located within a radius of 1,200 feet of another existing such home, measured along a straight airline route from the nearest point on any property line used as a community residential home;

(2) Shall not be located within a radius of 500 feet of an area of single-family zoning;

(3) Shall meet all other siting and review criteria and requirements as set forth in F.S. ch. 419; and

(4) Shall be required to file an appropriate state license with the town prior to issuance of a certificate of occupancy or occupancy of the building.

(Ord. No. 207, § 5.170(4), 8-8-1979; Ord. No. 416, 9-25-1991)

Secs. 34-1222—34-1245. - Reserved.

DIVISION 12. - ASSISTED LIVING FACILITIES

FOOTNOTE(S):

--- (2) ---

Editor's note—Ord. No. 668, § 5, adopted May 28, 2014 amended the title of Art. IV, Div. 12, to read as herein set out. Formerly, said division was entitled "Congregate Living Facilities."

Sec. 34-1246. - Applicability.

The requirements of this division shall apply to all assisted living facilities (ALFs) within the town. These standards shall prevail over less restrictive standards applicable to such facilities imposed by this chapter or otherwise by law. All ALFs shall be subject to the requirements for special exception uses.

(Ord. No. 207, § 5.180.1, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-1247. - Maximum density.

The maximum density for any assisted living facility shall be 18 dwelling units per acre.

(Ord. No. 207, § 5.180.2, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-1248. - Number of residents to be specified.

The total number of residents proposed, including resident staff, for a assisted living facility shall be specified in the initial application and on the approved site plan.

(Ord. No. 207, § 5.180.3, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-1249. - Conversion to conventional dwelling units.

(a) Conversion to other uses. Assisted living facilities which are converted to other uses, including other residential uses, shall comply with all regulations in effect at the time of application for building permits for the new use.

(b) Prior to conversion to conventional dwelling units, a building designed to accommodate a assisted living facility shall, if necessary, be structurally modified to comply with residential density restrictions in the comprehensive development plan and this chapter.

(c) No site plan for a assisted living facility shall be certified until a declaration of restrictions in a form approved by the town attorney has been recorded to run with the land records maintained by the clerk of the circuit court in and for the county. This declaration of restrictions shall expressly provide that:

    (1) The conversion will not result in an increase in the number of dwelling units permitted on the site unless the converted project has obtained a valid PUD approval; if that approval has not been granted, the converted project will have to comply with the density permitted in the underlying zoning district; and

    (2) The total number of permitted units may be determined by referring to the approved site plan on file with the planning and zoning department.

(Ord. No. 207, § 5.180.4, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-1250. - Supplemental property development regulations.

(a) Generally. Unless otherwise provided, assisted living facilities (ALFs) shall be governed by the building site area requirements for multiple-family dwellings in the RH residential multiple-family—high-density zoning district or the planned unit development in which it is established.

(b) Cooking facilities.

    (1) Central dispensing and consumption of food. Each assisted living facility shall provide and continuously maintain central facilities for daily food dispensing and consumption.

    (2) Food preparation in individual living quarters. Individual kitchen facilities may be provided in the living quarters of a ALF.

(c) Maximum occupancy of sleeping area. The maximum number of persons per sleeping area shall be determined by applying the space requirements of the state.

(d) Accessory uses. Permitted accessory uses are:

    (1) Those accessory land uses customarily necessary to a multiple-family residence; and

    (2) Those noncommercial land uses customarily incidental to a assisted living facility, such as a common dining room, a central kitchen, a nursing station, a medical examining room, a chapel, a library, and offices necessary to manage the facility.

(e) Commercial land uses. A limited amount of commercial uses may be established as a permitted use in a assisted living facility. Such uses shall be limited to retail and assisted living personal service uses designed to serve exclusively the residents of the facility, such as a barber or beauty shop, small convenience retail sales and banking services. No more than ten percent of the gross floor area of the

facility shall be dedicated to such commercial uses. There shall be no exterior signage or other indication of existence of commercial uses which may attract nonresidents.

(Ord. No. 207, § 5.180.5, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 668, § 5, 5-28-2014)

Sec. 34-1251. - Location, concentration and neighborhood compatibility.

The following standards and guidelines shall apply to assisted living facilities:

(1) Mandatory standards.

a. Each assisted living facility shall:

1. Be located within five road miles of a full service professional fire rescue station;

2. Not be established on a septic tank; and

3. Not obtain potable water from a private well.

b. An assisted living facility shall be contiguous and have primary access to a paved collector or arterial street.

(2) Qualitative guidelines. Each application for a special exception for an assisted living facility shall also be evaluated based on the following qualitative guidelines. No special exception shall be approved unless it is demonstrated that, to the greatest extent possible, each facility shall:

a. Be physically designed to conform to and be compatible with the general architectural character of the neighborhood in which it will be established; and

b. Each application for a special exception shall be accompanied by a mapped inventory of all approved and all existing licensed facilities, and all proposed facilities applications which have been filed with the planning and zoning department within a one-mile radius of the proposed facility.

(Ord. No. 207, § 5.180.6, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 668, § 5, 5-28-2014)

Secs. 34-1252—34-1275. - Reserved.

DIVISION 13. - SATELLITE DISH ANTENNAS

Sec. 34-1276. - Purpose.

The town lies adjacent to the Atlantic Ocean in southeast Florida. This area historically has been frequented by tropical storms and hurricanes which have produced very high winds and very significant property damage. Being that a satellite dish antenna possesses considerable surface area, far more so than conventional television, radio and amateur radio operator antennas, and being that very high winds frequent this area, a satellite dish antenna represents a real safety hazard in the event that it should be blown from its mounting in a high wind.

(Ord. No. 207, § 5.190.1, 8-8-1979; Ord. No. 290, § 1, 9-11-1985; Ord. No. 416, 9-25-1991; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996)

Sec. 34-1277. - Appearance.

It is the intent of this division to provide for the reasonable, safe and aesthetic installation of satellite dish antennas.

(Ord. No. 207, § 5.190.2, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996)

Sec. 34-1278. - Permit.

(a) No person shall construct or cause to be constructed a satellite dish antenna without first obtaining a permit therefor when required by the Florida Building Code.

(b) A building permit shall be obtained when required by the Florida Building Code. Signed and sealed plans, drawn by a state-registered professional engineer, shall be submitted to the town for its review and approval, prior to the issuance of a building permit. Plans shall include a site sketch denoting proposed antenna location, building locations, property line dimensions and minimum lot setbacks; landscape and/or fence screening plans for the antenna; and structural drawings indicating dimensions of footing, placement of reinforcing rods, support lines and any other pertinent information. Construction plans shall comply with all town codes, including building, electrical and plumbing.

(Ord. No. 207, § 5.190.3, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996)

Sec. 34-1279. - Technical requirements.

(a) Zoning districts. Satellite dish antennas shall be permitted as an accessory structure in all zoning districts, excluding the beach zoning district where they shall not be permitted under any circumstances. Satellite dish antennas shall be a permitted accessory use in the CG commercial general, MC medical commercial, CO commercial office, REC-PUB public recreation and GOV government zoning districts and special exception accessory use in all other permissible zoning districts.

(b) Site area regulations.

(1) In all zoning districts, other than RV park, MH manufactured home community, CG commercial general, MC medical commercial and CO commercial office, satellite dish antennas shall:

a. Be freestanding and ground-mounted in the rear yard;

b. Be roof-mounted if the dish is no greater than 32 inches in diameter;

c. Be roof-mounted if the dish is no greater than 8½ feet in diameter and such dish is located above a seven-story building level (minimum 60 feet in height); or

d. Be a dish with a professional umbrella covering on both the top and bottom of the dish and on its mechanical devices and be located in the side or rear yard.

(2) In the CG commercial general, MC medical commercial and CO commercial office zoning districts, the satellite dish shall:

a. Be freestanding and ground-mounted in the side or rear yard;

b. Be roof-mounted if the dish cannot be sufficiently placed in the side or rear yard and the dish is not greater than 8½ feet in diameter; or

c. Be a dish with a professional umbrella covering on both the top and bottom of the dish and on its mechanical devices and be located in the front, side or rear yard. The dish shall meet all required setbacks for an accessory structure and shall be permitted only when the dish does not negatively impact, and is compatible with, the surrounding area.

(3) In the RV park and MH manufactured home community zoning districts, the satellite dish shall:

a. Be mounted on the roof at the rear of an RV, manufactured home, screen room or porch, whichever is applicable. The mounting of the dish shall be as close to the roof as possible and the dish shall be a foldaway antenna and a maximum of 32 inches in diameter; or

b. Be a maximum of six feet in diameter, be located in the rear or side yard, meet the required setbacks for accessory structures and have a professional umbrella covering on both the top and bottom of the dish and on its mechanical devices.

(c) Size and height regulations.

(1) The dish of the antenna shall not exceed 12 feet in diameter if circular in shape, or 12 feet in its maximum dimension if not circular but some other shape such as a square, rectangle or any polygon, unless specified otherwise in this division;

(2) The maximum height from grade to the highest point of the antenna structure when the antenna is perpendicular to grade shall be 14 feet, unless specified otherwise in this division.

(d) Use for display or advertising prohibited. Only satellite dishes which are actually required for obtaining the signal may be erected and maintained on the property. Satellite dishes may not be used for display or advertising purposes on the exterior of any structure. Where a commercial enterprise is engaging in the sale of satellite dishes, the erection of more than one dish shall be presumed to be for display or advertising purposes.

(e) Screening for satellite dish antennas which are greater than 36 inches in diameter and located in a residential zoning district. The antenna and supporting structure shall be screened from view from any street right-of-way and the ground level of all adjacent properties. Such screening may include the use of shrubbery, trees, foliage, fencing, or other appropriate screening material. Any solid building materials to be utilized for screening purposes shall be consistent with the design and color of the principal building. A professional umbrella covering on both the top and bottom of the dish as well as on its mechanical devices as permitted in subsection (b) of this section shall not require any screening.

(f) Color. The antenna and supporting structure shall be either green or black if ground-mounted, and white, black, or the color of the building if roof-mounted. All umbrella coverings shall be color coordinated with the principal buildings on the site.

(g) Special exceptions. By special exception, the satellite dish antenna may be located in a side yard or be placed on the roof of the principal structure. The review and approval procedure is that contained in section 34-93. The application for the special exception shall include:

(1) All information required for a building permit to install a satellite dish antenna;

(2) Satisfactory evidence that a useable satellite signal cannot be obtained from the areas permitted in this section;

(3) Suitable evidence of screening from any street right-of-way and the ground level of all adjacent properties;

(4) Suitable evidence that the satellite dish antenna can withstand hurricane-force winds; and

(5) Any other justification for said special exception.

(h) Public purpose. When it can be demonstrated that the use of a satellite dish antenna by a governmental agency at a specific location will provide a significant public benefit and purpose and will contribute to the health, safety, and welfare of the general public, and in particular the residents of the town, upon review by the planning and zoning board and approval by the town council, any of the conditions or restrictions provided in subsections (a)—(g) of this section, pertaining to location, landscaping, diameter, height, setbacks, ground coverage, color and number permitted may be waived or appropriately modified in the best interest of the surrounding neighborhood.

(Ord. No. 207, § 5.190.4, 8-8-1979; Ord. No. 416, 9-25-1991; Ord. No. 439, 2-24-1993; Ord. No. 476, 12-13-1995; Ord. No. 485, 9-4-1996; Ord. No. 668, § 5, 5-28-2014)

Secs. 34-1280—34-1301. - Reserved.

DIVISION 14. - COMMUNITY APPEARANCE STANDARDS

Sec. 34-1302. - Intent and purpose.

The community appearance standards for the town are designed to enhance the appearance and environment of the streets, bicycle and pedestrian ways, and public spaces of the town as well as provide vehicular (motorized and nonmotorized) and pedestrian access to all public and private land.

(Ord. No. 207, § 5.200, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 512, 7-28-1999; Ord. No. 517, 12-1-1999)

Sec. 34-1303. - Applicability.

The community appearance standards set forth in this division shall apply to all new residential (excluding an individual single-family or duplex residence) and nonresidential developments and major alterations resulting in an increase of ten percent or more of the gross floor area of a structure on a site. However, accessory structures which are no greater than 1,000 square feet in gross floor area shall not be required to meet these standards. The town council shall consider variations from these standards, on a case-by-case basis, to determine if such variations meet the intent and purpose of this division.

(Ord. No. 207, § 5.200, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 512, 7-28-1999; Ord. No. 517, 12-1-1999)

Sec. 34-1304. - Permits required.

All improvements within a right-of-way, such as but not limited to road construction, landscaping, sidewalks, lights, and traffic signs, require town approval as well as a right-of-way permit from the right-of-way agency prior to installation. In addition, any improvements within an easement require approval from the easement holder.

(Ord. No. 207, § 5.200, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 512, 7-28-1999; Ord. No. 517, 12-1-1999)

Sec. 34-1305. - Street enhancement; diagrams.

(a) The diagrams that follow this division show how the streets and rights-of-way in the town shall be enhanced. A development shall be required to enhance the public street or right-of-way adjacent to its property up to the centerline as shown in the following diagrams. If a particular street is not shown, or a new public street is created within a development, then the general streetscape diagram shall be used for minimum requirements. The bike lanes shown on existing streets require approval and construction by the respective right-of-way agency, unless otherwise specified in a development approval. Notwithstanding the foregoing, the town council retains the discretionary authority to modify the sidewalk and walkway designs depicted in the diagrams referenced herein to delete or revise the requirements relating to brick pavers and brick accents.

(b) The streetscape and design standards depicted in the diagrams that follow this division for signs within streets and rights-of-way throughout the town shall only be required for street signs, stop signs, combination street/stop signs, and any attachments thereto.

(c) All improvements within a right-of-way shall meet the minimum requirements of the state Manual of Uniform Minimum Standards for the Design, Construction, and Maintenance of Streets and Highways (FDOT Green Book), as amended from time to time.

(Ord. No. 207, § 5.200, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 512, 7-28-1999; Ord. No. 517, 12-1-1999; Ord. No. 622, § 2, 8-26-09; Ord. No. 649, § 2, 2-8-2012)

Sec. 34-1306. - Public parks, open spaces, and access easements.

Improvements within all public parks, open spaces, and access easements shall follow as closely as possible the standards in this division.

(Ord. No. 207, § 5.200, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 512, 7-28-1999; Ord. No. 517, 12-1-1999)

Sec. 34-1307. - Landscaping of streets.

The landscaping of the streets should follow the street sections conceptually, shown on the diagrams that follow this division. The following landscaping types should be used; however, the town will consider other types not listed, on a case by case basis, to determine their suitability for the proposed location. The plant list was compiled to meet the unique conditions of the town and the selection criteria included; salt tolerance (when located east of U.S. Highway 1), freeze tolerance, water conservation, shade, and aesthetic/view preservation of the ocean.

(1) Shade trees. All shade trees shall be planted at a minimum 16-foot overall height, minimum six feet of clear trunk (minimum eight feet of clear trunk if located in a county right-of-way), and spaced a maximum 30 feet on center. The town may permit additional distances between shade trees based upon site specific conditions.

(2) Palm trees. Palm trees may be mixed in with shade trees; however, shade trees shall be spaced a maximum 45 feet on center with palm trees placed in between shade trees (three palms shall be considered equivalent to one shade tree). However, large specimen palms, such as coconut palms, canary island date palms, and royal palms, shall be considered shade trees if a minimum overall height of 16 feet.

(3) Accent trees, shrubs and ground covers. Accent trees, shrubs and ground covers are encouraged along with shade trees. Accent trees shall be a minimum eight to ten feet overall height at time of planting. Shrubs shall be a minimum 24 inches overall height at time of planting and spaced a maximum 30 inches on center. Ground covers shall be a minimum 12 inches overall height at time of planting and spaced a maximum 18 inches on center.

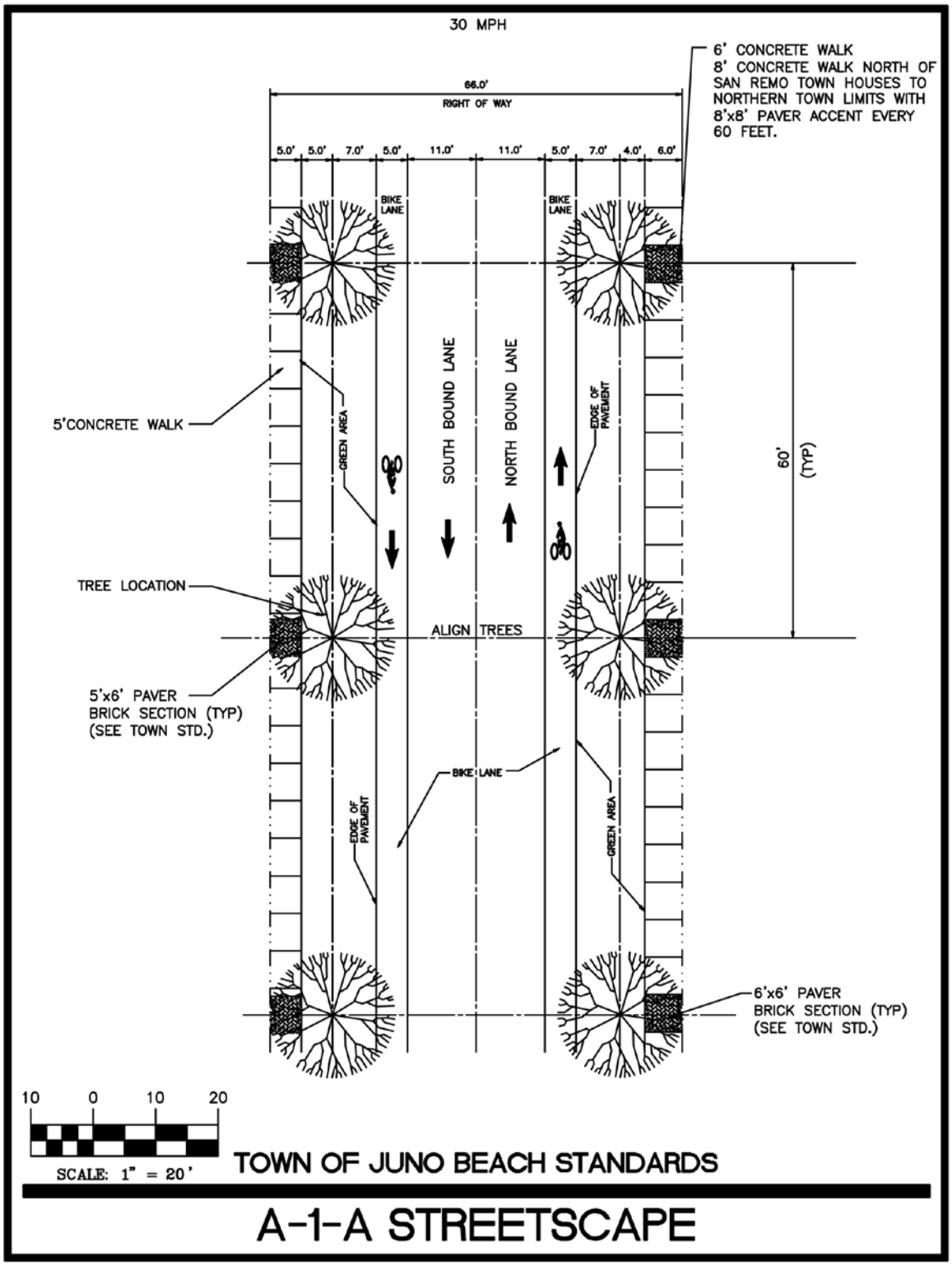
(4) Swale areas. All swale areas shall be sodded and graded to drainage standards acceptable to the town engineer and other right-of-way agencies, if applicable.

(5) Protection and maintenance. All trees and vegetation in a right-of-way are protected and may not be removed except by the town or by private citizens who have obtained written approval from the public works department. The town's landscape code, section 34-1088, requires that all landscaping in a right-of-way be maintained by the adjacent property owner.

(6) Irrigation. All landscaping in a right-of-way shall be provided with a 100 percent automatic irrigation system (for safety purposes, only pop-up sprinkler heads shall be permitted in rights-of-way). All shade trees shall be irrigated with individual bubblers.

(7) Recommended plant list. The town's recommended plant list will be kept on file and will be available to the public in the planning and zoning department. This list will be continuously updated to eliminate those plants identified by the state as invasive, or otherwise detrimental to healthy local environments. It will include plants that are recommended and not identified as detrimental.

(Ord. No. 207, § 5.200, 8-8-1979; Ord. No. 421, 2-19-1992; Ord. No. 450, 5-11-1994; Ord. No. 512, 7-28-1999; Ord. No. 517, 12-1-1999)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6' CONCRETE WALK
8' CONCRETE WALK NORTH OF SAN REMO TOWN HOUSES TO NORTHERN TOWN LIMITS WITH 8'x8' PAVER ACCENT EVERY 60 FEET.
66.0'
RIGHT OF WAY
5.0' 5.0' 7.0' 5.0' 11.0' 11.0' 5.0' 7.0' 4.0' 6.0'
BIKE LANE
BIKE LANE
SOUTH BOUND LANE
NORTH BOUND LANE
5'CONCRETE WALK
GREEN AREA
EDGE OF PAVEMENT
60' (TYP)
TREE LOCATION
ALIGN TREES
5'x6' PAVER BRICK SECTION (TYP) (SEE TOWN STD.)
BIKE LANE
EDGE OF PAVEMENT
GREEN AREA
6'x6' PAVER BRICK SECTION (TYP) (SEE TOWN STD.)
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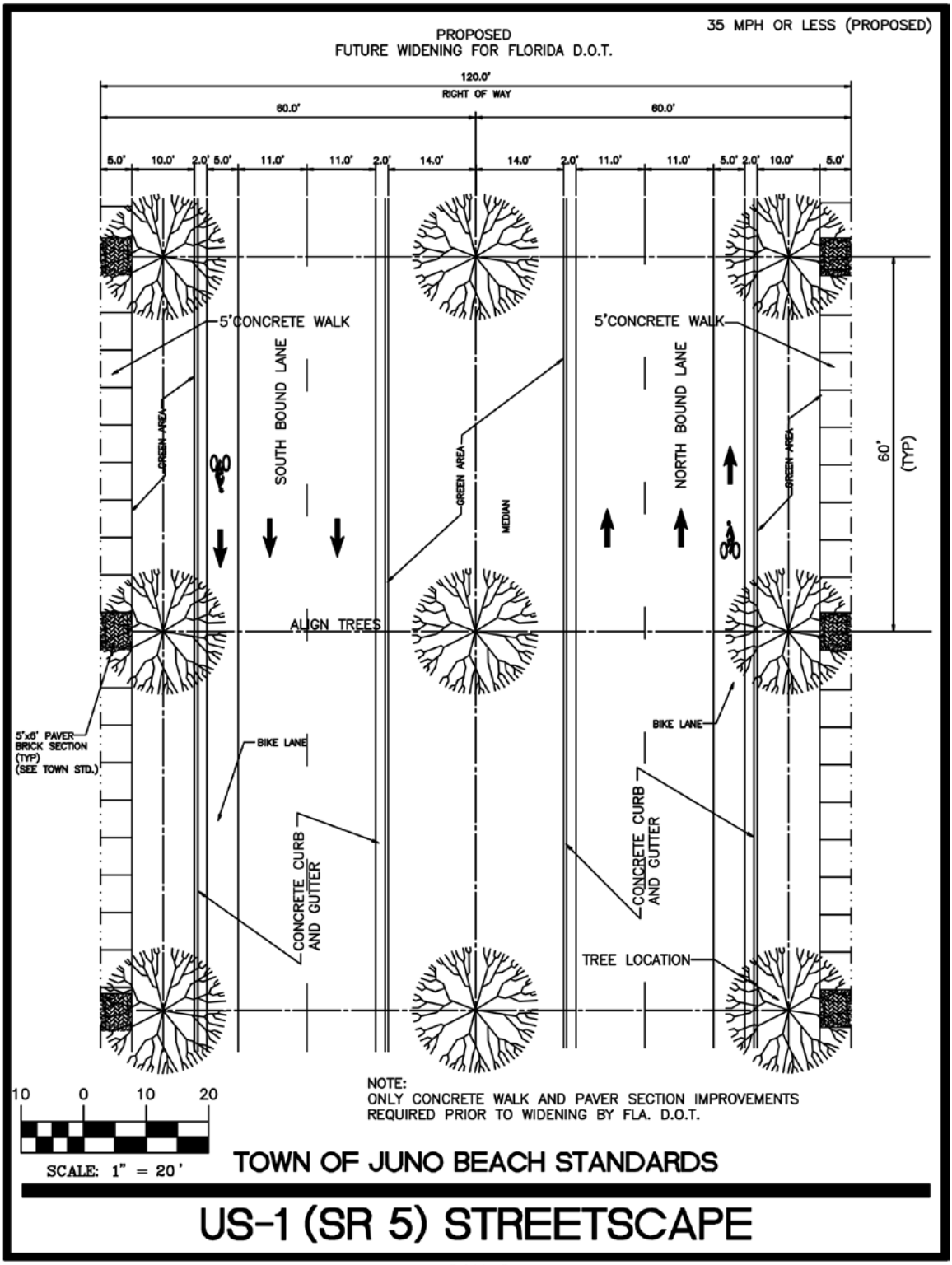
SCALE: 1" = 20'
TOWN OF JUNO BEACH STANDARDS
A-1-A STREETSCAPE

5.200-4


35 MPH OR LESS (PROPOSED)
PROPOSED
FUTURE WIDENING FOR FLORIDA D.O.T.
120.0'
RIGHT OF WAY
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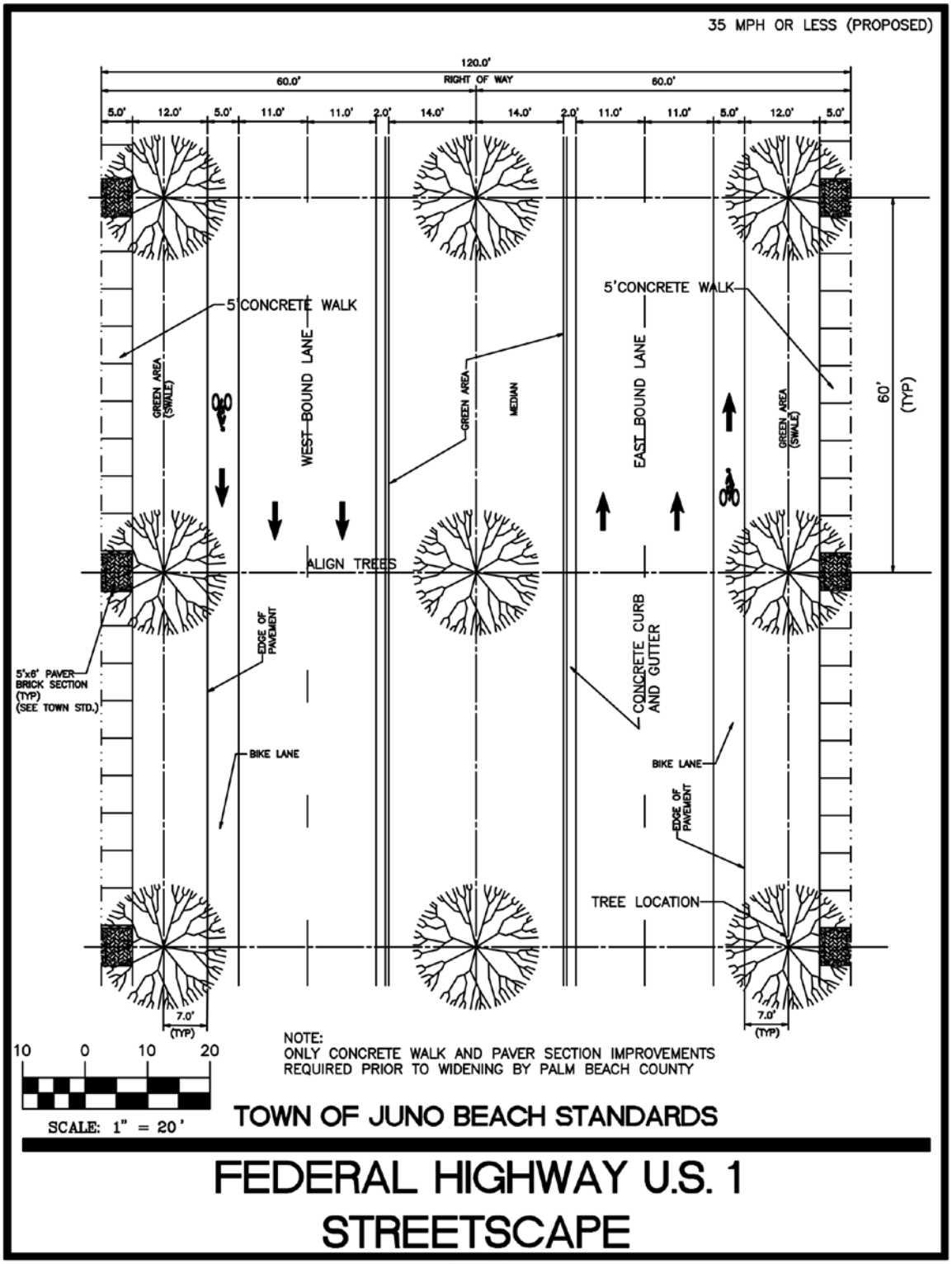
5'CONCRETE WALK
5'CONCRETE WALK
SOUTH BOUND LANE
NORTH BOUND LANE
GREEN AREA
GREEN AREA
GREEN AREA
MEDIAN
60' (TYP)
ALIGN TREES
5'x6' PAVER BRICK SECTION (TYP) (SEE TOWN STD.)
BIKE LANE
BIKE LANE
CONCRETE CURB AND GUTTER
CONCRETE CURB AND GUTTER
TREE LOCATION
10 0 10 20
SCALE: 1" = 20'
NOTE:
ONLY CONCRETE WALK AND PAVER SECTION IMPROVEMENTS
REQUIRED PRIOR TO WIDENING BY FLA. D.O.T.
TOWN OF JUNO BEACH STANDARDS
US-1 (SR 5) STREETSCAPE

5.200-5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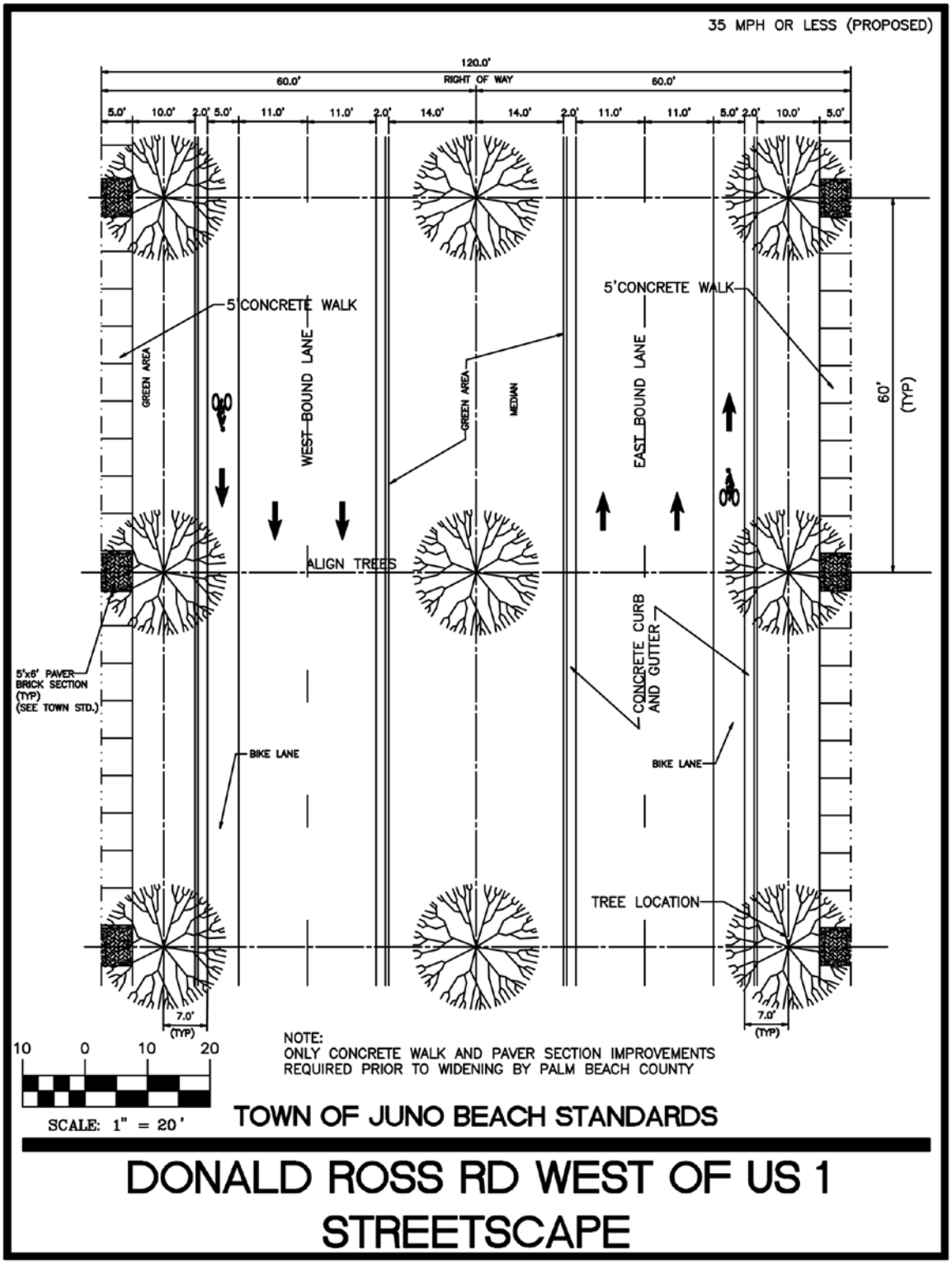
11.0'
5.0'
12.0'
5.0'
5'CONCRETE WALK
5'CONCRETE WALK
GREEN AREA (SWALE)
WEST BOUND LANE
GREEN AREA
MEDIAN
EAST BOUND LANE
GREEN AREA (SWALE)
60' (TYP)
ALIGN TREES
EDGE OF PAVEMENT
5'x6' PAVER BRICK SECTION (TYP) (SEE TOWN STD.)
CONCRETE CURB AND GUTTER
BIKE LANE
BIKE LANE
EDGE OF PAVEMENT
TREE LOCATION
7.0' (TYP)
7.0' (TYP)
10 0 10 20
SCALE: 1" = 20'
NOTE:
ONLY CONCRETE WALK AND PAVER SECTION IMPROVEMENTS
REQUIRED PRIOR TO WIDENING BY PALM BEACH COUNTY
TOWN OF JUNO BEACH STANDARDS
FEDERAL HIGHWAY U.S. 1
STREETSCAPE

5.200–6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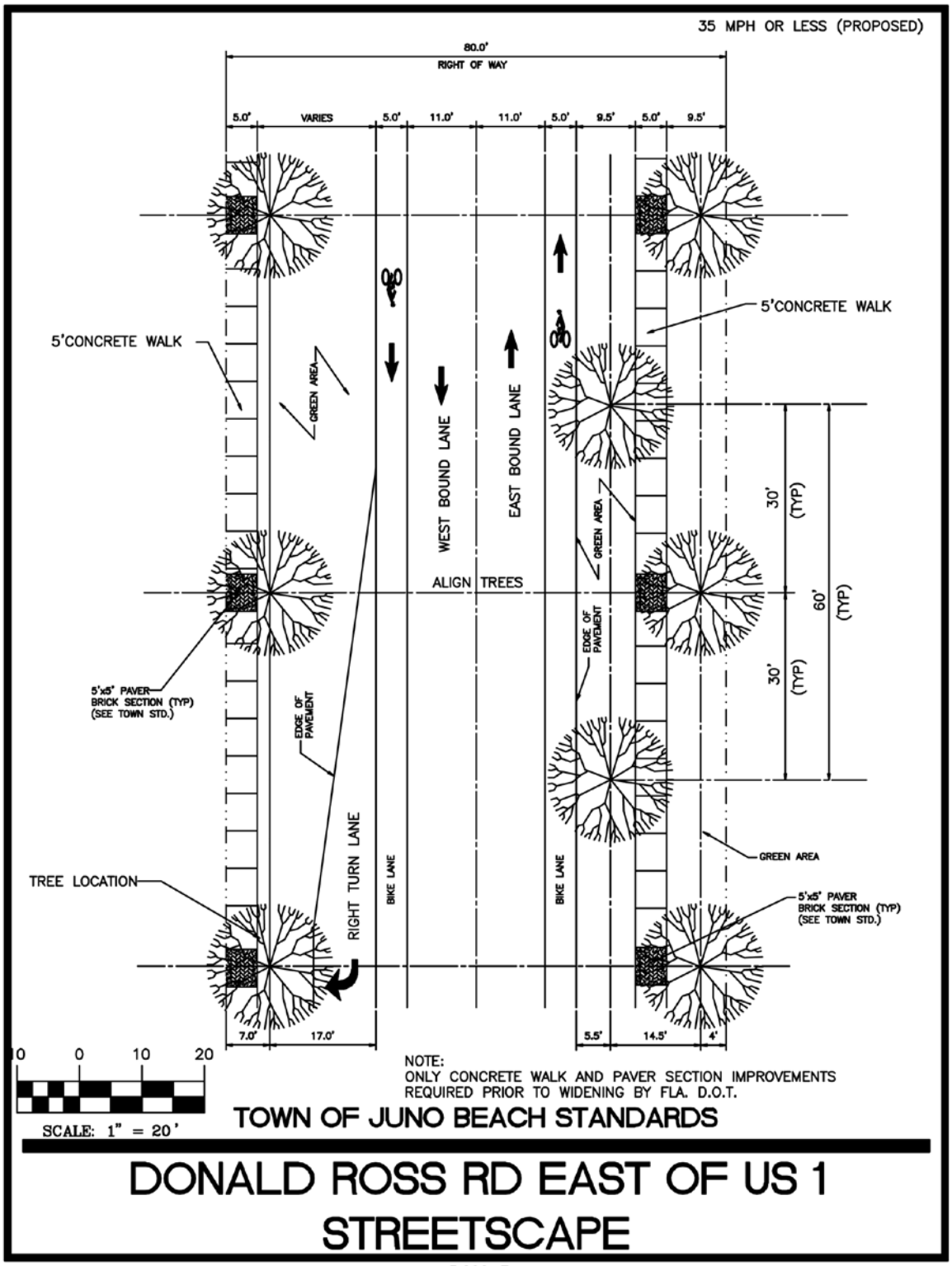
5'CONCRETE WALK
5'CONCRETE WALK
GREEN AREA
WEST BOUND LANE
GREEN AREA
MEDIAN
EAST BOUND LANE
60' (TYP)
ALIGN TREES
CONCRETE CURB AND GUTTER
5'x6' PAVER BRICK SECTION (TYP) (SEE TOWN STD.)
BIKE LANE
BIKE LANE
TREE LOCATION
7.0' (TYP)
7.0' (TYP)
10 0 10 20
SCALE: 1" = 20'
NOTE:
ONLY CONCRETE WALK AND PAVER SECTION IMPROVEMENTS REQUIRED PRIOR TO WIDENING BY PALM BEACH COUNTY
TOWN OF JUNO BEACH STANDARDS
DONALD ROSS RD WEST OF US 1
STREETSCAPE

5.200–6


35 MPH OR LESS (PROPOSED)
80.0'
RIGHT OF WAY
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11.0'
11.0'
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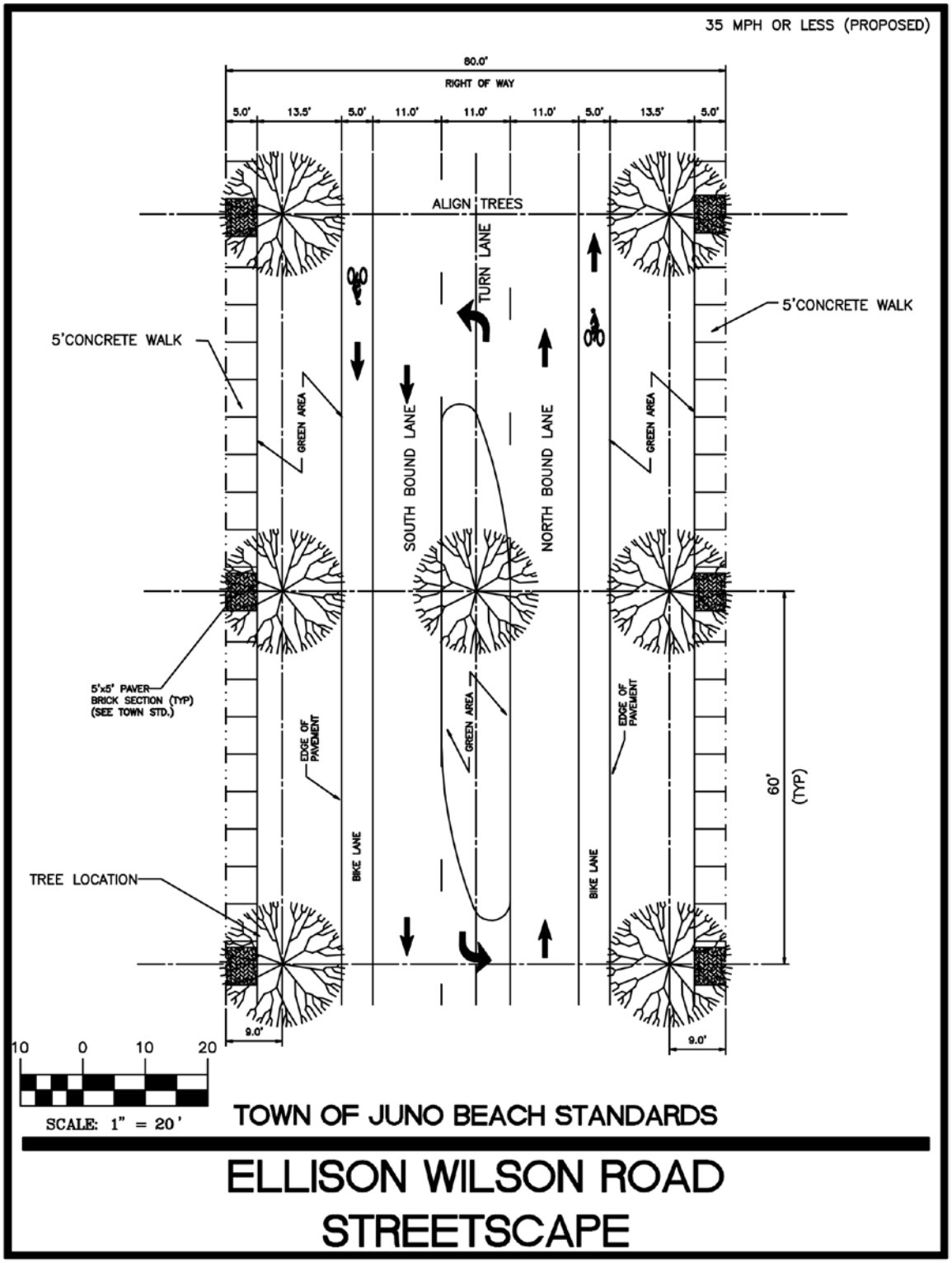
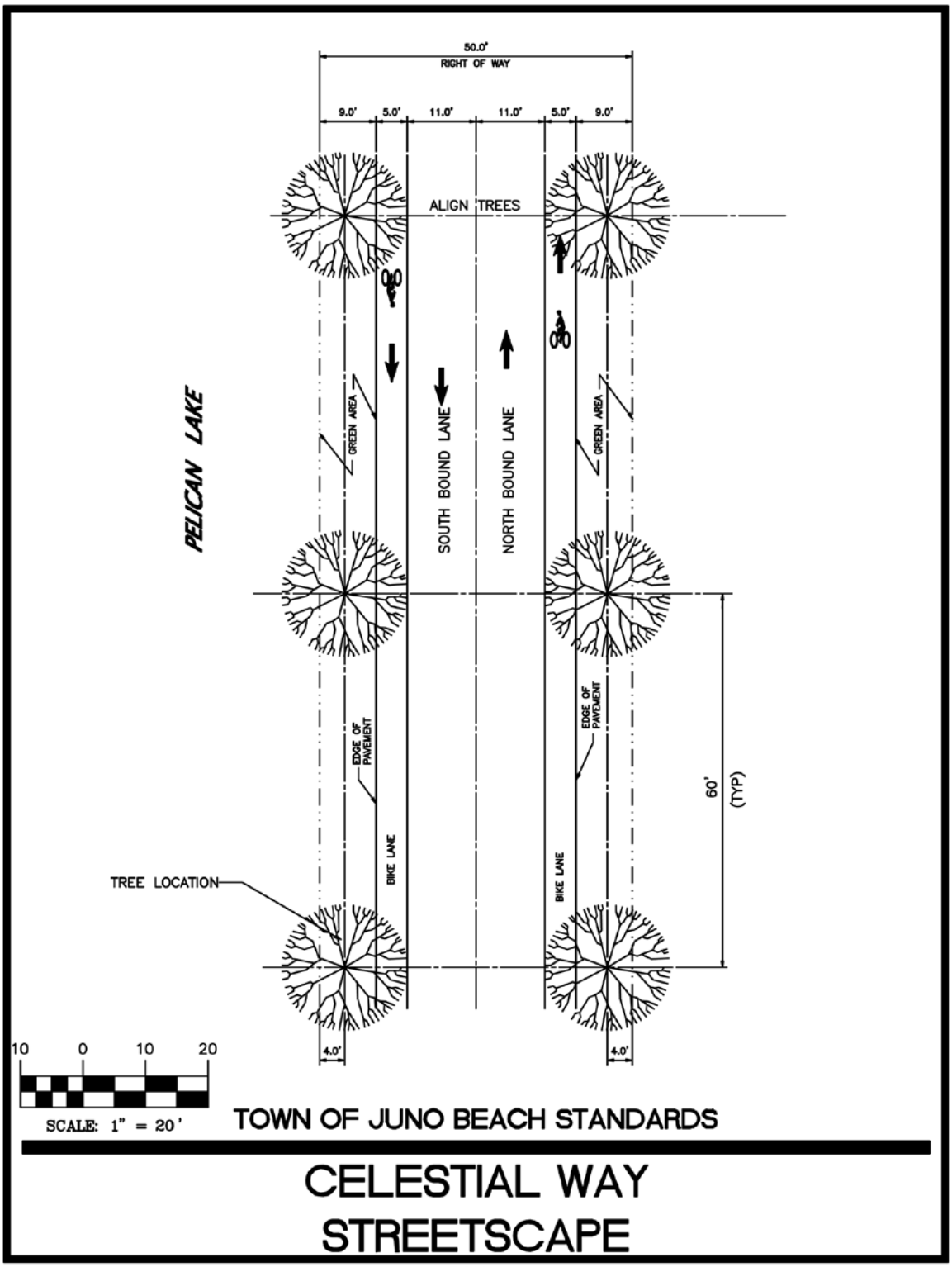
9.5'
5.0'
9.5'
5'CONCRETE WALK
5'CONCRETE WALK
GREEN AREA
WEST BOUND LANE
EAST BOUND LANE
GREEN AREA
ALIGN TREES
30' (TYP)
60' (TYP)
30' (TYP)
EDGE OF PAVEMENT
5'x5' PAVER BRICK SECTION (TYP) (SEE TOWN STD.)
EDGE OF PAVEMENT
RIGHT TURN LANE
BIKE LANE
BIKE LANE
GREEN AREA
TREE LOCATION
5'x5' PAVER BRICK SECTION (TYP) (SEE TOWN STD.)
7.0'
17.0'
5.5'
14.5'
4'
10 0 10 20
SCALE: 1" = 20'
NOTE:
ONLY CONCRETE WALK AND PAVER SECTION IMPROVEMENTS
REQUIRED PRIOR TO WIDENING BY FLA. D.O.T.
TOWN OF JUNO BEACH STANDARDS
DONALD ROSS RD EAST OF US 1
STREETSCAPE

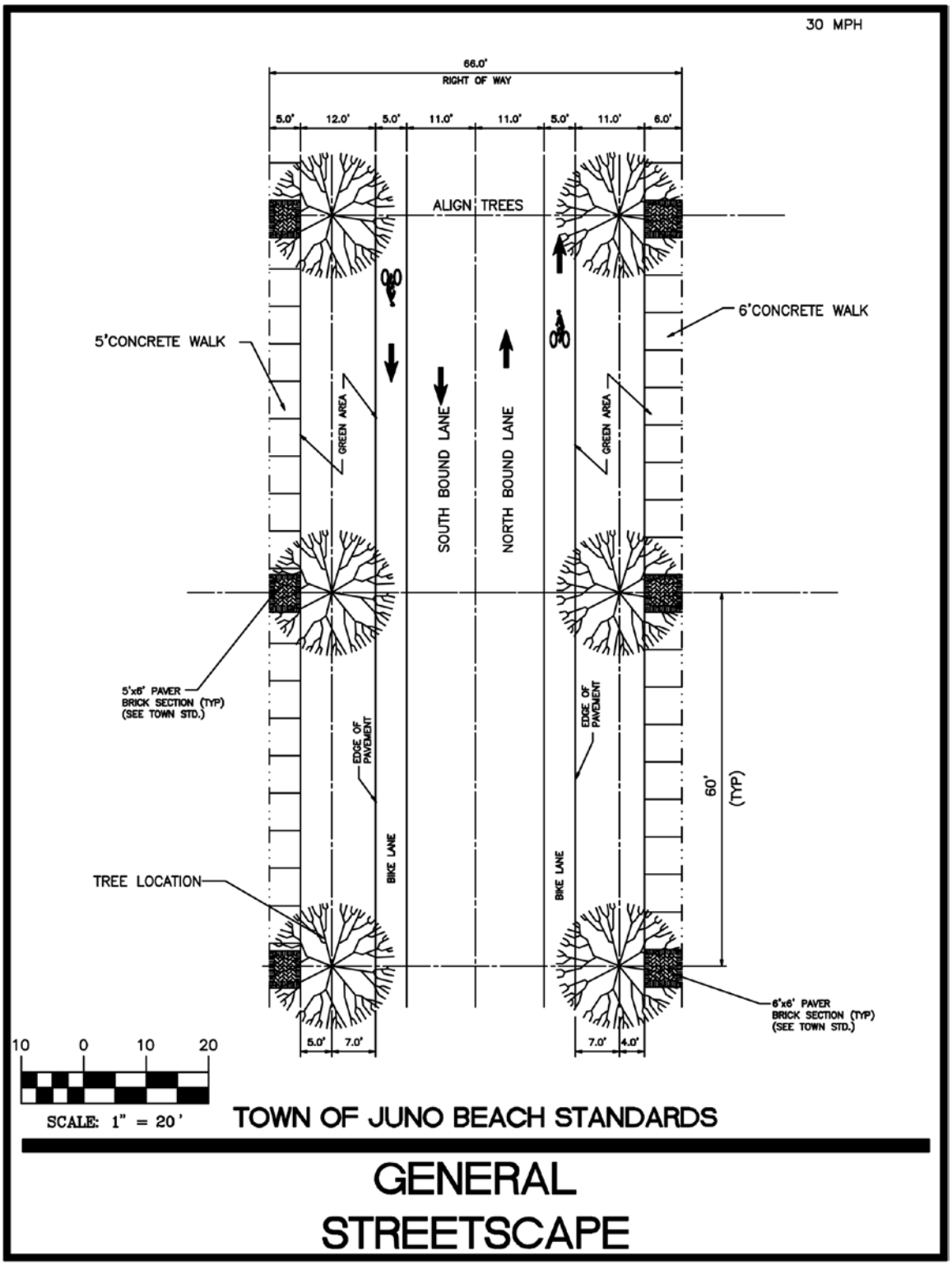
5.200–7


35 MPH OR LESS (PROPOSED)
80.0'
RIGHT OF WAY
5.0'
13.5'
5.0'
11.0'
11.0'
11.0'
5.0'
13.5'
5.0'
ALIGN TREES
TURN LANE
5'CONCRETE WALK
5'CONCRETE WALK
GREEN AREA
GREEN AREA
SOUTH BOUND LANE
NORTH BOUND LANE
5'x5' PAVER BRICK SECTION (TYP) (SEE TOWN STD.)
EDGE OF PAVEMENT
GREEN AREA
EDGE OF PAVEMENT
60' (TYP)
BIKE LANE
BIKE LANE
TREE LOCATION
9.0'
9.0'
10 0 10 20
SCALE: 1" = 20'
TOWN OF JUNO BEACH STANDARDS
ELLISON WILSON ROAD
STREETSCAPE

5.200–8


50.0'
RIGHT OF WAY
9.0'
5.0'
11.0'
11.0'
5.0'
9.0'
ALIGN TREES
PELICAN LAKE
GREEN AREA
SOUTH BOUND LANE
NORTH BOUND LANE
GREEN AREA
EDGE OF PAVEMENT
EDGE OF PAVEMENT
BIKE LANE
BIKE LANE
60'
(TYP)
TREE LOCATION
4.0'
4.0'
10
0
10
20
SCALE: 1" = 20'
TOWN OF JUNO BEACH STANDARDS
CELESTIAL WAY
STREETSCAPE

5.200–9



5.200–10

All new construction and alterations which meet the applicability section of these standards shall be required to provide sidewalks/pedestrian paths along the abutting right-of-way. When such new sidewalk shall be within 100 feet of existing pavement (for example, an existing sidewalk or drive). Such new sidewalk shall be required to extend to the existing pavement in order to connect the system.

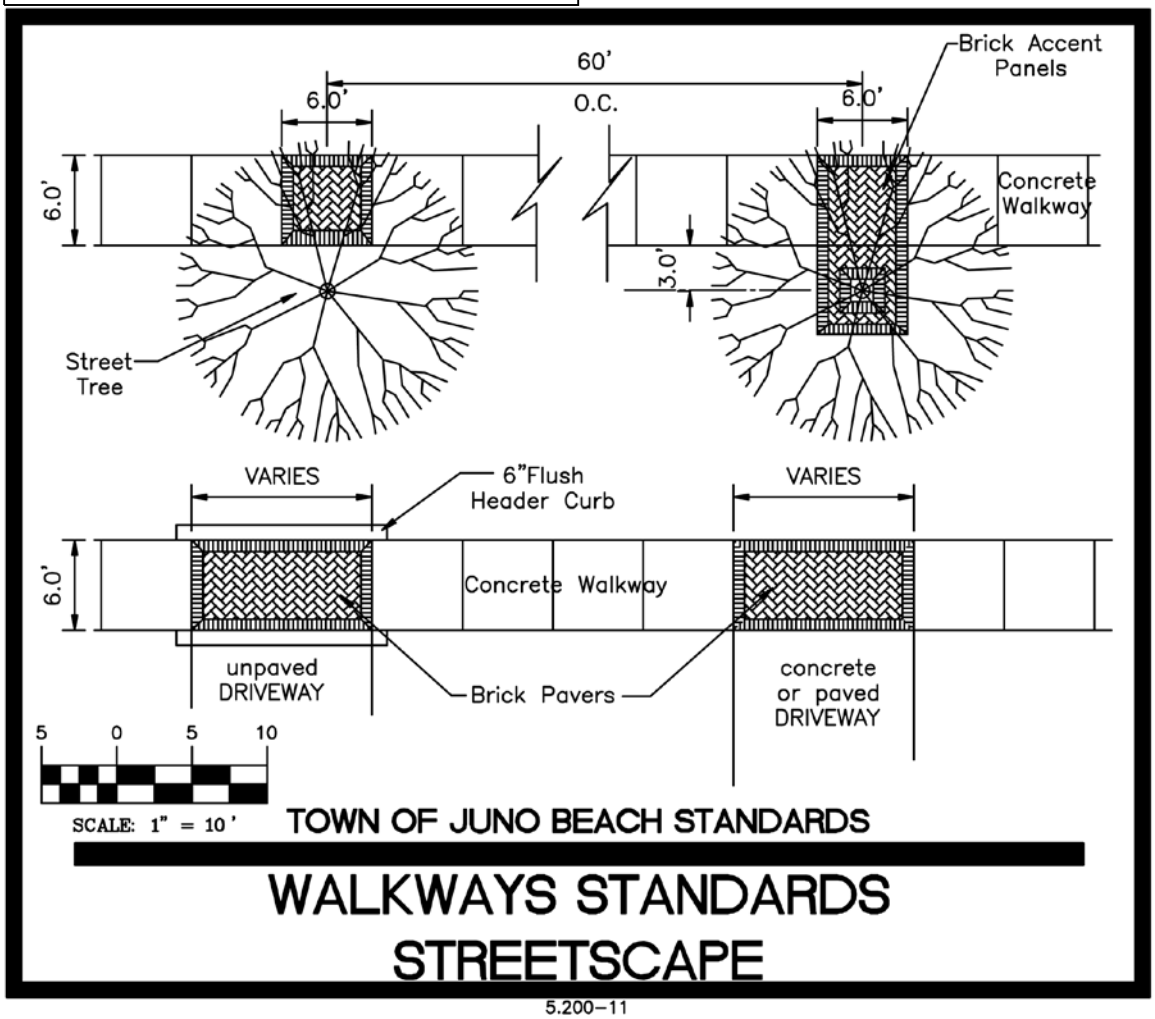
Sidewalks/pedestrian paths shall be of poured concrete and meet the construction standards as shown in the details that follow.

Brick paver accents, as shown in the street sections, shall be provided every 30 feet along the sidewalk. In addition, sidewalks across driveways shall be brick paved.

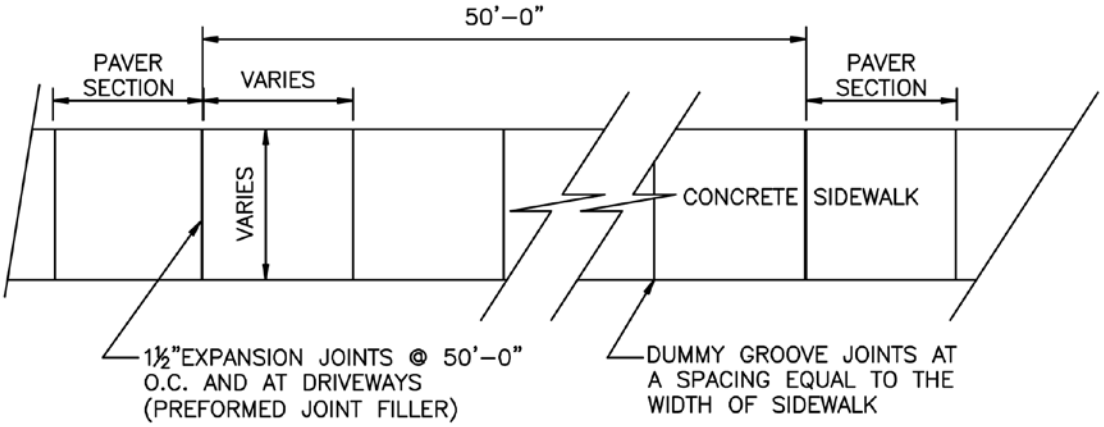
Brick accents shall be "holland brick" by Paver Systems (or equal), Color Mix III and placed in a Herringbone pattern 90 degrees, or used in a running bond pattern as an edger.

All brick pavers shall be edged approximately per manufactures' requirements.

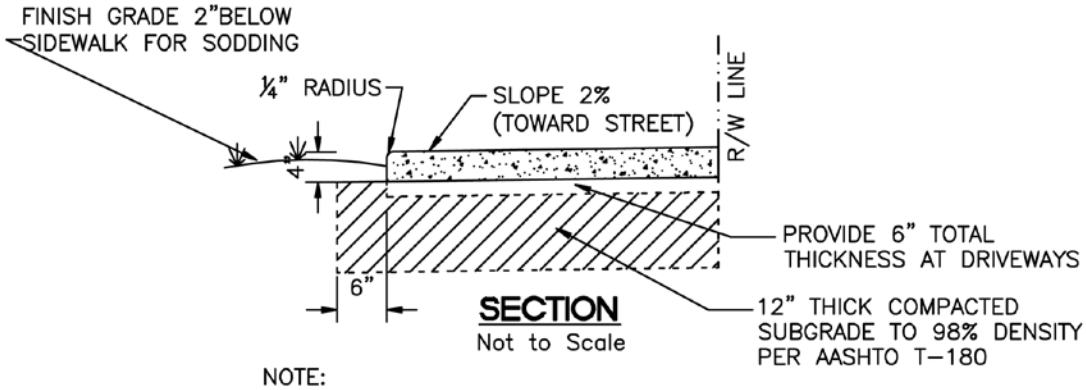
Brick pavers shall be required for crosswalks across streets, provided that the right-of-way agency approves such treatment.


60'
O.C.
6.0'
6.0'
Brick Accent Panels
6.0'
Concrete Walkway
3.0'
Street Tree
VARIES
6"Flush Header Curb
VARIES
6.0'
Concrete Walkway
unpaved DRIVEWAY
Brick Pavers
concrete or paved DRIVEWAY
5 0 5 10
SCALE: 1" = 10'
TOWN OF JUNO BEACH STANDARDS
WALKWAYS STANDARDS
STREETSCAPE

5.200–11



PLAN
Not to Scale



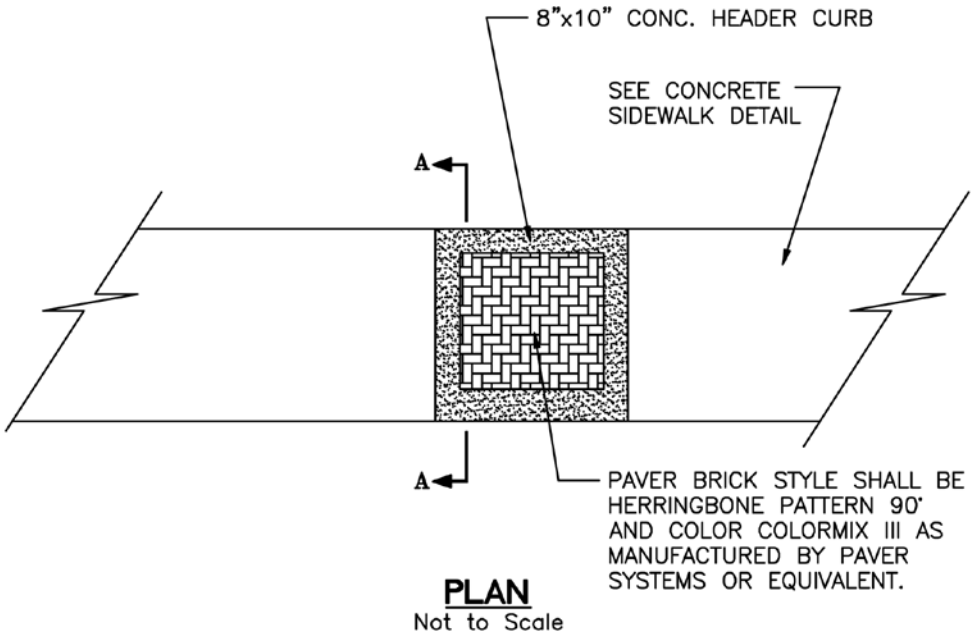
SECTION
Not to Scale

NOTE:
1. 6"x6" W1.4x1.4 WELDED WIRE REINFORCEMENT SHALL BE USED AT DRIVEWAYS.

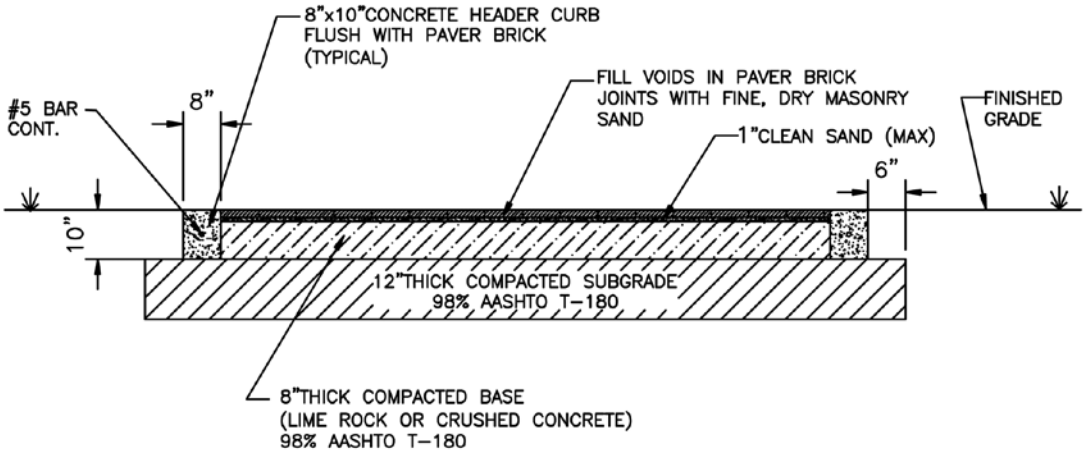
TOWN OF JUNO BEACH STANDARDS

CONSTRUCTION STANDARDS
CONCRETE SIDEWALK

5.200–12



PLAN
Not to Scale

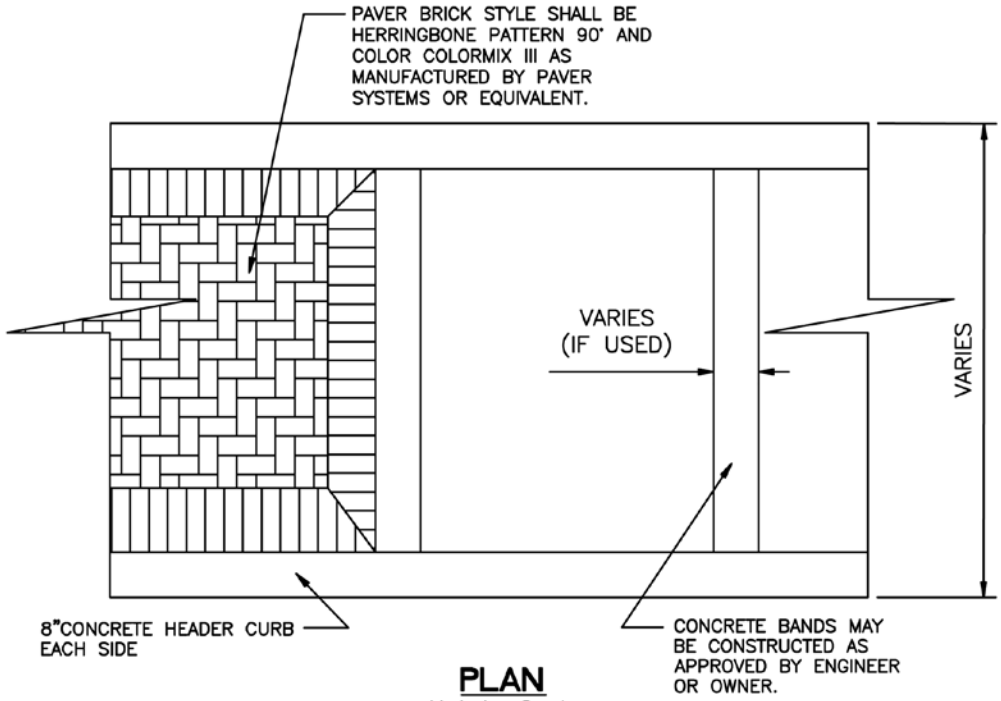


SECTION A-A
Not to Scale

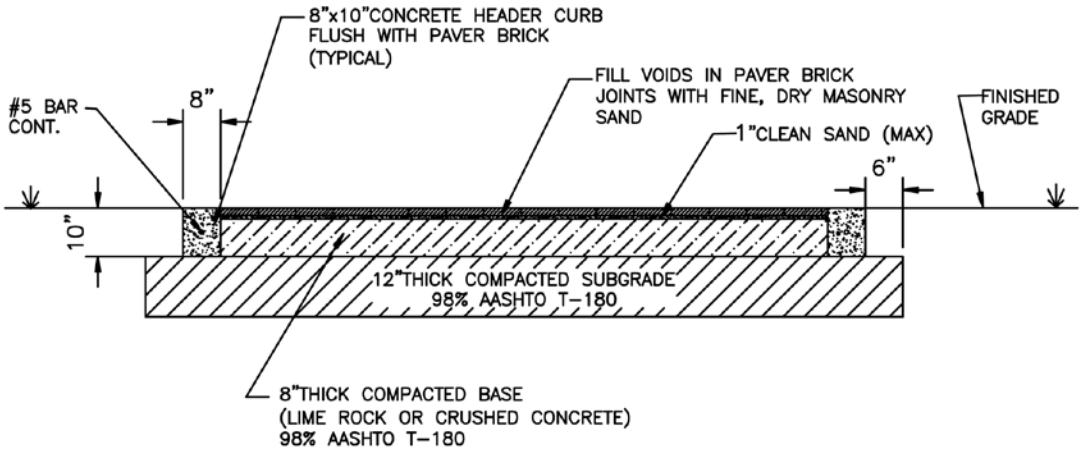
TOWN OF JUNO BEACH STANDARDS

CONSTRUCTION STANDARDS
SIDEWALK PAVER BRICK DETAIL

5.200-13



PLAN
Not to Scale

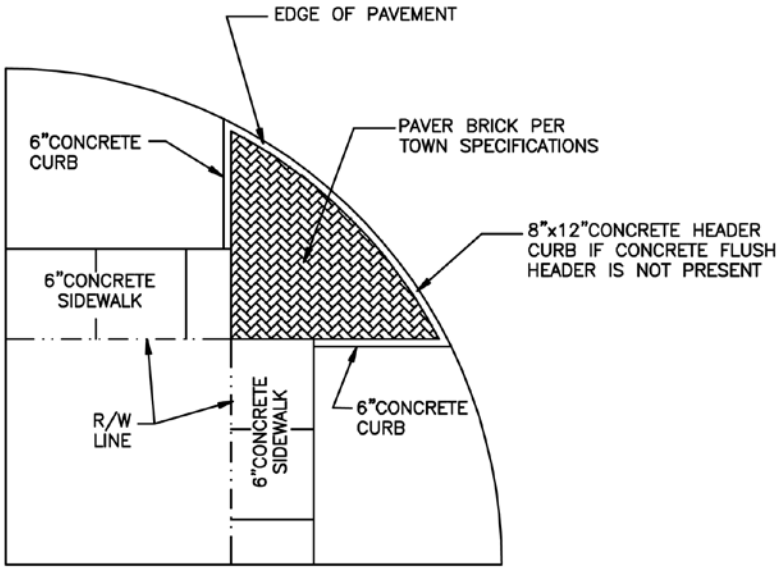


TYPICAL SECTION
Not to Scale

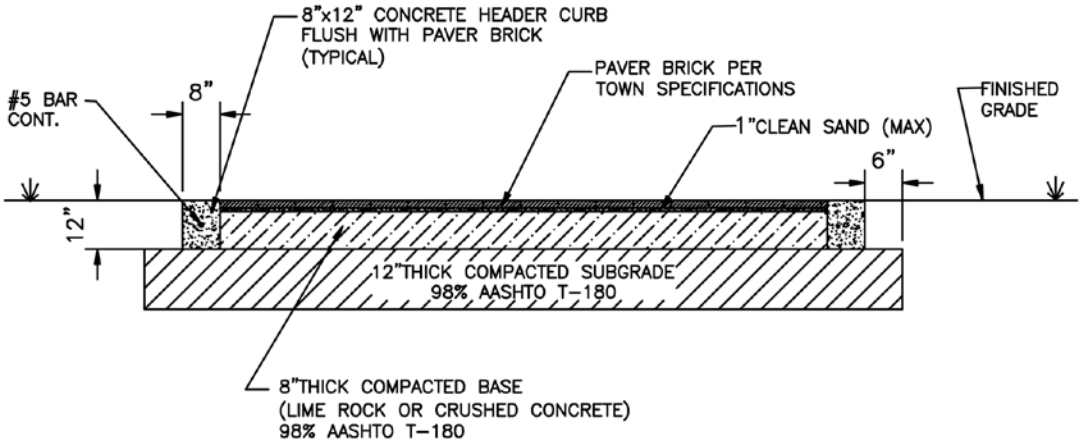
TOWN OF JUNO BEACH STANDARDS

CONSTRUCTION STANDARDS
PAVER BRICK ROAD DETAIL

5.200-14



PLAN
Not to Scale



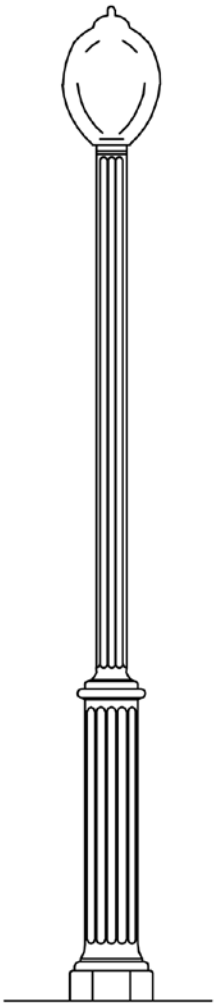
TYPICAL SECTION
Not to Scale

TOWN OF JUNO BEACH STANDARDS

CONSTRUCTION STANDARDS
INTERSECTION PAVER BRICK DETAIL

5.200-15

- NO STREET LIGHTS TO BE HIGHER THAN 15'
- STREETLIGHT SPACING REQUIRED:
  - LOCAL STREET; 100' O.C., MAXIMUM
- PARKS
- GREEN SPACES
- BEACH ACCESS
- OTHER SPECIAL INTEREST AREAS OF THE TOWN
- SPACING CONTINGENT ON SITE CONDITIONS. MAXIMUM SPACING 100'
- TYPE OF LIGHTING PERMITTED:
  - METAL HALIDE



Streetlight Manufacturer:

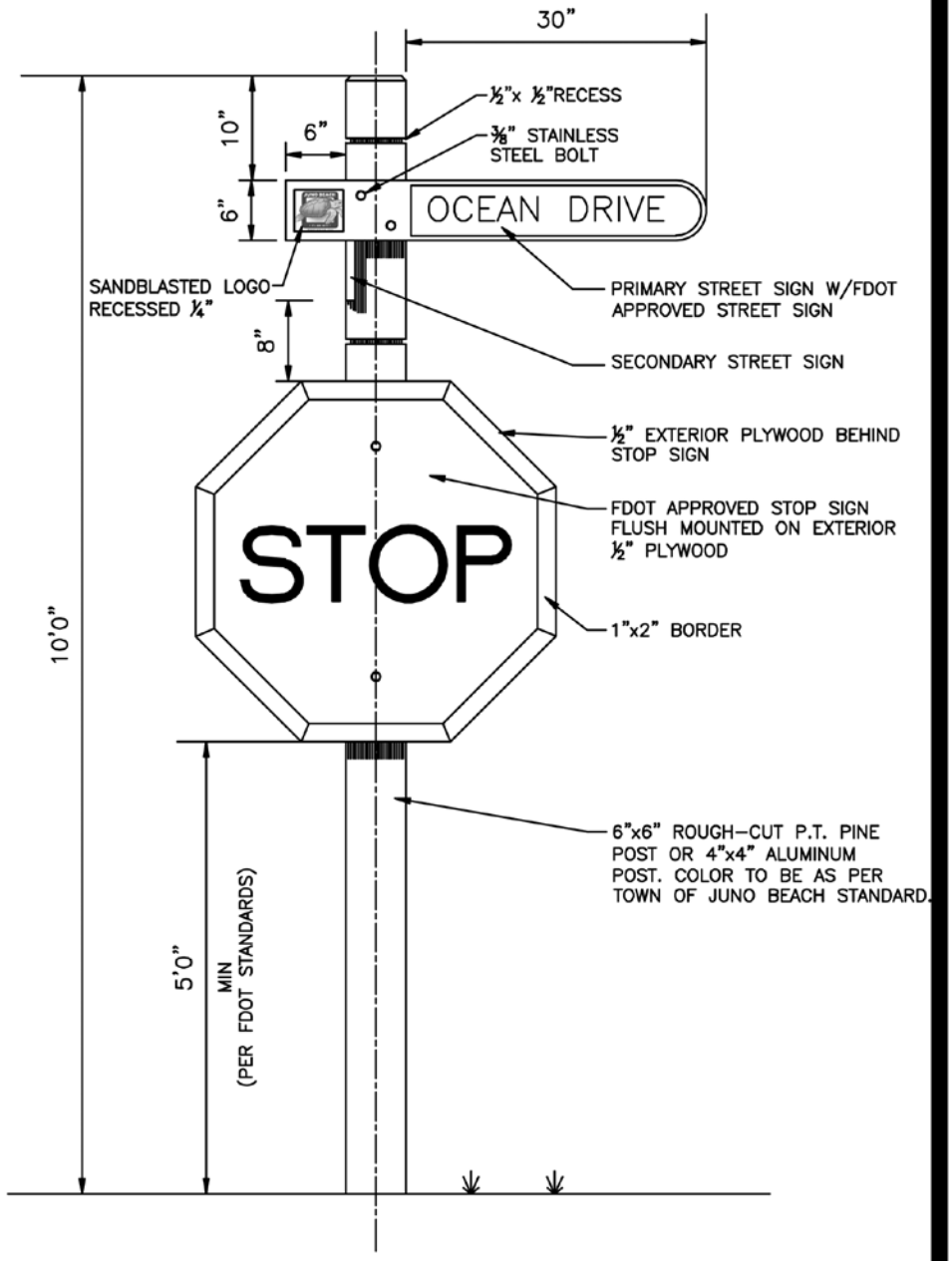
CLASSIC LIGHTING,
LAMP POST MODEL #N10
OR APPROVED EQUAL
COLOR TO BE BLACK
OPTIONAL LAMP CONFIGURATION
SUBJECT TO TOWN APPROVAL

NOTE: LAMP POST TO REMAIN STANDARD PER ALL LIGHTING TYPES.

TOWN OF JUNO BEACH STANDARDS

STREET/ACCENT LIGHTING STREETSCAPE

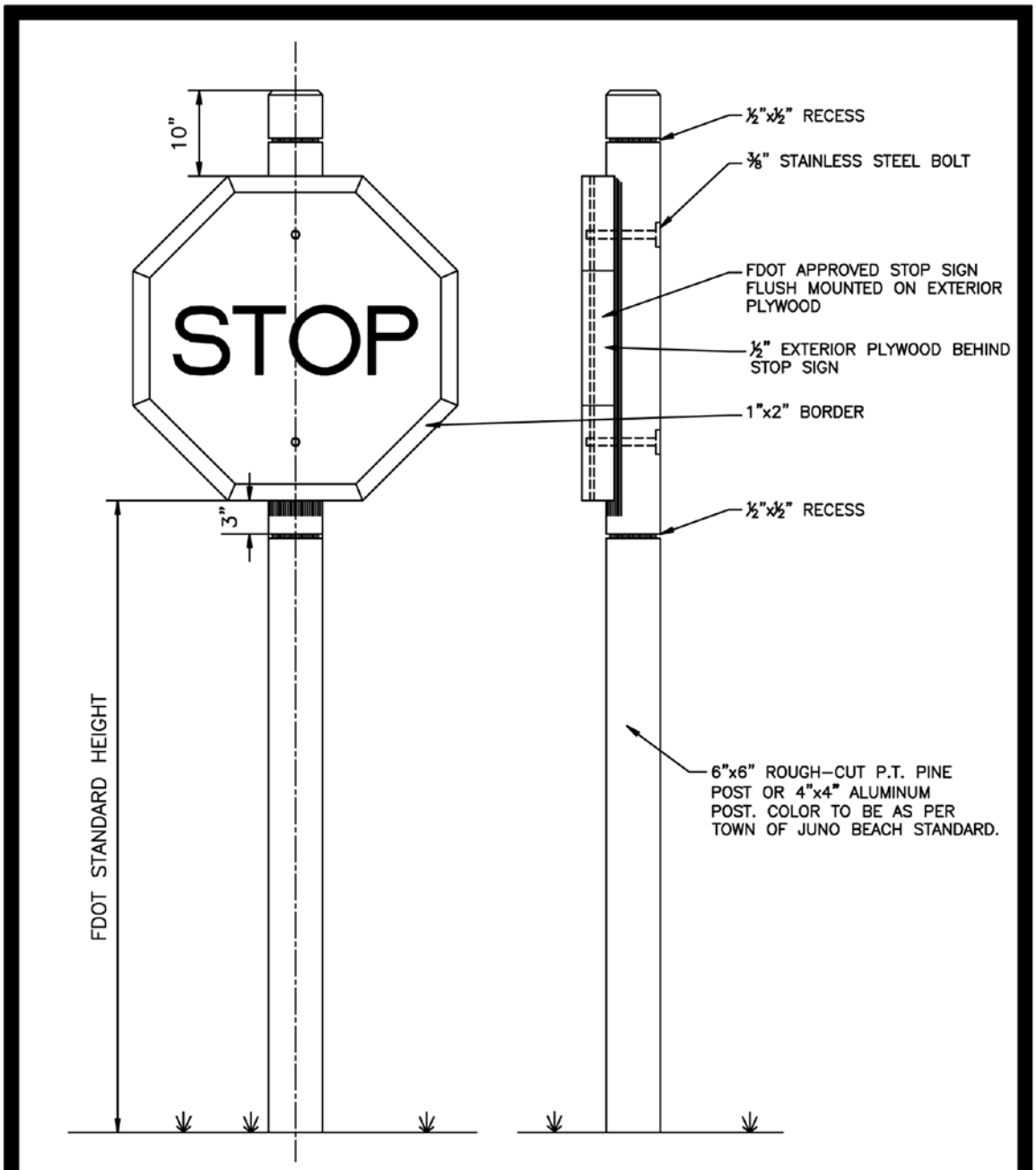
5.200–16



TOWN OF JUNO BEACH STANDARDS

STREET SIGN/STOP SIGN STREETSCAPE

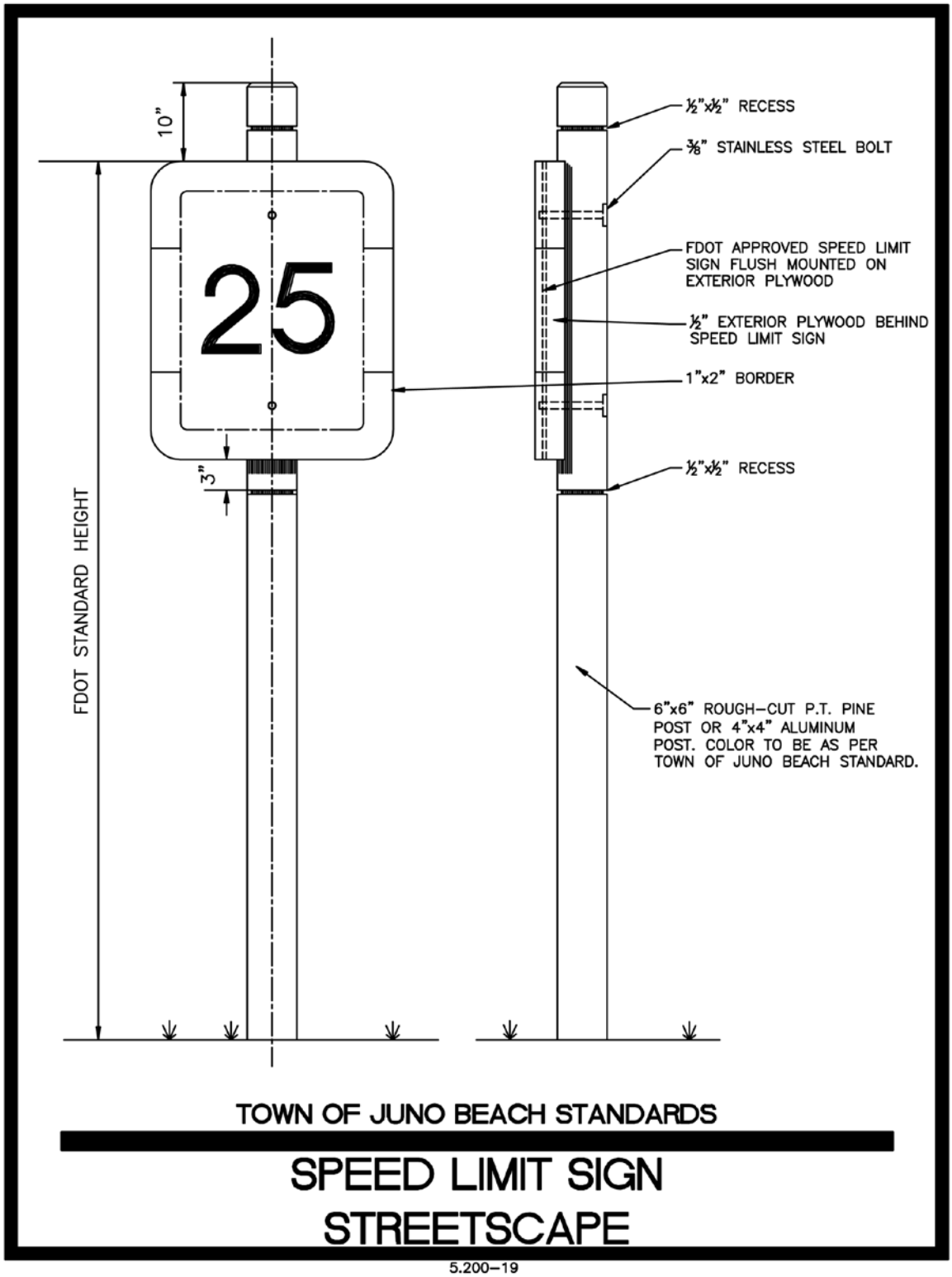
5.200–17



TOWN OF JUNO BEACH STANDARDS

STOP SIGN STREETSCAPE

5.200–18



Secs. 34-1308—34-1310. - Reserved.

DIVISION 15. - DISPENSING AND SALE OF CONTROLLED SUBSTANCES

Sec. 34-1311. - Medical and dental offices.

(a) Purpose. These regulations are enacted to discourage the misuse and abuse of narcotics and other controlled substances such as pain medications, and to address the impacts upon land uses that are associated with businesses that operate principally to dispense pain medications for chronic pain but without the services of typical medical offices that provide thorough on-site examinations, medical treatments or procedures and continued medical oversight. Such businesses have been determined to be associated with the excessive use of, addiction to, and subsequent illegal sales and distribution of controlled substances.

(b) Applicability. This section applies to all medical or dental offices or clinics within the town, excluding veterinary offices or clinics.

(c) On site dispensing of controlled substances. On-site dispensing of controlled substances that are identified in Schedules II, III or IV in F.S. §§ 893.03, 893.035 or 893.0356, is strictly prohibited, unless otherwise expressly permitted by statutory or general law. However, the following are exempt from this prohibition:

    (1) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is only intended to treat the patient during that particular treatment session.

    (2) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled that is licensed by the State of Florida.

    (3) A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital.

    (4) A health care practitioner when administering or dispensing a controlled substance to a person under the age of 16.

    (5) A health care practitioner when dispensing a one-time, 72 hour emergency re-supply of a controlled substance to a patient.

(d) Acknowledgment of regulations. The health care practitioner responsible for the operation or supervision of any medical or dental office or clinic shall execute an affidavit acknowledging the regulations set forth in subsection (3) above prior to payment of the required business tax, and annually thereafter upon renewal of same prior the issuance of a business tax receipt. Failure or refusal to execute the required affidavit shall constitute prima facie evidence that the subject medical or dental office or clinic is operating in violation of the code of ordinances, which may result in code enforcement action, revocation of business tax receipt, and/or any other action permitted by law.

(Ord. No. 646, § 3, 4-13-2011)

Sec. 34-1312. - Drug stores and pharmacies.

(a) Purpose. These regulations are enacted to discourage the misuse and abuse of narcotics and other controlled substances such as pain medications, and to address the impacts upon land uses that are associated with drug stores and pharmacies affiliated with medical or dental offices or clinics that operate principally to dispense pain medications. Such businesses have been determined to be associated with the excessive use of, addiction to, and subsequent illegal sales and distribution of controlled substances.

(b) Applicability. This section applies to all drug stores and pharmacies within the Town.

(c) Limitation. No more than 15 percent of the total number of prescriptions sold within a 30 day period can be derived from the sale of Schedule II controlled substances as listed in F.S. § 893.03. All pharmacies, including those located within drug stores, shall be staffed by a state licensed pharmacist who shall be present during all hours the pharmacy is open for business. This restriction shall not apply to a pharmacy operating as an accessory use to a facility licensed under F.S. ch. 395, (e.g., a hospital).

(d) Acknowledgment of regulations. The owner or operator of a pharmacy or drug store shall execute an affidavit acknowledging the regulations set forth in subsection (3) above prior to payment of the required business tax, and annually thereafter upon renewal of same prior the issuance of a business tax receipt. Failure or refusal to execute the required affidavit shall constitute prima facie evidence that the subject pharmacy or drug store is operating in violation of the code of ordinances, which may result in code enforcement action, revocation of business tax receipt, and/or any other action permitted by law.

(Ord. No. 646, § 3, 4-13-2011)

Secs. 34-1313—34-1315. - Reserved.

DIVISION 16. - LOCAL EXEMPTION RELATING TO FOOD SERVICE ESTABLISHMENTS

Sec. 34-1316. - Intent.

The intent of this section is to implement the provisions of F.S. § 509.233, and provide a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as adopted by the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(Ord. No. 676, § 2, 11-18-2014)

Sec. 34-1317. - Permit required.

(a) Public food service establishments seeking to utilize the local exemption shall apply for and receive a permit from the town prior to allowing patrons' dogs on their premises. When applying for a permit, the applicant shall provide the following information on the form provided by the town:

(1) The name, location and mailing address of the public food service establishment, including the license number issued by the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation.

(2) The name, mailing address, and telephone contact information of the permit applicant.

(3) A diagram and description of the outdoor area to be designated as available to patrons' dogs including:

a. The dimensions of the designated area;

b. A depiction of the number and placement of tables, chairs, and restaurant equipment, if any;

c. The entryways and exits to the designated outdoor area;

d. The boundaries of the designated area and of other areas of outdoor dining not available to patrons' dogs;

e. Any fences or other barriers; and

f. The surrounding property lines and public rights-of-way, including sidewalks and common pathways.

(The diagram shall be accurate and to scale but need not be prepared by a licensed design professional).

(4) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(b) A permit issued pursuant to this section shall expire automatically upon the sale of the establishment and shall not be transferred to a subsequent owner. A subsequent owner shall be required to apply for a new permit.

(c) The town shall forward a copy of all approved applications and permits to the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation.

(Ord. No. 676, § 2, 11-18-2014)

Sec. 34-1318. - Regulations and requirements.

The following regulations and requirements shall be applicable to all food service establishments issued a permit to allow patrons' dogs within designated outdoor areas pursuant to this section:

(a) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

(b) The establishment shall advise patrons in a designated outdoor area to wash their hands before eating and shall provide waterless hand sanitizer at all tables in the designated outdoor area.

(c) The establishment shall instruct patrons and employees that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

(d) Patrons shall keep their dogs on a leash no more than six feet in length and under reasonable control at all times.

(e) Dogs shall not be allowed on chairs, tables or other furnishings, nor shall they be permitted to sit on the laps of patrons.

(f) The establishment shall clean and sanitize all table and chair surfaces within the designated area with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between the seating of patrons.

(g) The establishment shall clean accidents involving dog waste immediately and sanitize the area with an approved product. The establishment shall keep a kit with the appropriate materials for this purpose within or in immediate proximity to the designated outdoor area.

(h) The establishment shall provide at least one pet waste disposal bag station and an appropriate container for pet waste disposal bags. All contents shall be removed at least daily.

(i) The establishment shall post signs at least 12 inches by 12 inches in size reminding employees of the applicable rules in the kitchen, the employee restrooms and all food or beverage service stations, if any, with the designated area.

(j) The establishment shall post table top signs at least five inches by seven inches in size reminding patrons of the applicable rules on each table within the designated area.

(k) The establishment shall post signs at least 12 inches by 12 inches in size that the designated outdoor area is available for the use of patrons and patrons' dogs, including one sign within the designated area and one sign at each entrance and exit to the designated area.

(l) Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food establishment, and ingress and egress to the designated outdoor portions of the public food establishment must not require entrance into or passage through any indoor area of the food establishment.

(m) Patrons shall not be forced to travel through the designated outdoor portion of the public food establishment in order to access the indoor portion or the non-designated outdoor portion.

(Ord. No. 676, § 2, 11-18-2014)

Sec. 34-1319. - Enforcement.

(a) The town's code enforcement division shall be responsible for the enforcement of the provisions of this section and shall respond to all complaints filed pursuant to its provisions. The town shall provide copies of all complaints, along with the resolution of same, to the Division of Hotel and Restaurants of the Department of Business and Professional Regulation.

(b) All violations of this division shall be treated as a violation of this chapter in accordance with sections 34-34 and 34-35 of this chapter.

(Ord. No. 676, § 2, 11-18-2014)

Secs. 34-1320—34-1327. - Reserved.

ARTICLE V. - PLANNED UNIT DEVELOPMENTS

Sec. 34-1328. - Purpose.

The purpose of the planned unit development (PUD) classification is to provide for a special exception to develop residential, commercial and recreational uses in conformance with provisions and standards which ensure compatibility among all the land uses, foster innovation in site planning and development, and encourage sound design practices. Provisions are included for planned unit developments to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public. In planned unit development, land and structures may be constructed and used for any lawful purpose in accordance with the provisions set forth herein.

(Ord. No. 207, § 6.10, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994)

Sec. 34-1329. - Procedure.

The procedure for obtaining a special exception for undertaking development as a planned unit development (PUD) shall be as follows. This procedure shall be in lieu of the special exception procedures contained in section 34-93. See section 34-1334 for a minor amendment to an approved planned unit development.

(1) The owner or agent thereof (hereinafter referred to as "owner") of the land shall apply in writing and shall submit five copies of a preliminary development plan as described in section 34-1331 to the town.

(2) The town staff shall consider the proposed application, shall review the preliminary development plan with the owner, and shall prepare recommendations with regard to the preliminary development plan.

(3) The town staff shall provide its recommendations to the owner indicating its approval in principle, or its disapproval. If the preliminary development plan is approved in principle, the town staff shall state any specific changes it may require.

(4) The owner shall submit five copies of any application for special exception and five copies of a revised development plan as described in section 34-1332.

(5) The planning and zoning board shall then consider the development plan and submit its recommendation to the town council. The planning and zoning board's failure to adopt a recommendation by motion shall be treated as no recommendation.

(6) After receipt of the planning and zoning board recommendations, public notice shall be given and a public hearing held by the town council on the proposed special exception subject to the specifications of the development plan.

(7) If the special exception and development plan are approved by the town council, the council shall indicate such approval through the adoption of a resolution setting forth all conditions applicable to the planned unit development.

(8) Prior to the issuance of a building permit for any phase of the development plan, approval shall be obtained as described in subsections (1)—(7) of this section.

(9) The developer shall post a form of surety or guarantee described in the town's subdivision regulations, in an amount equal to 110 percent of the town engineer's estimate for items listed in section 34-1332(a)(1) and (2) and those infrastructure improvements as described in section 34-1332(a)(4) of the development plan by phase.

(10) Failure to meet the conditions set forth in the resolution approving the special exception and development plan shall constitute grounds for the repeal of the PUD approval by the town council.

(Ord. No. 207, § 6.20, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994)

Sec. 34-1330. - Findings required by planning and zoning board.

The planning and zoning board, after determining that the requirements of this division have been met, shall recommend the approval, approval with modifications, or disapproval of the development plan to the town council. The planning and zoning board may recommend the establishment of a planned unit development provided it determines that:

(1) The uses proposed will not be detrimental to the natural characteristics of the site or to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other zoning.

(2) Land surrounding the proposed development can be developed in coordination with the proposed development and be compatible in use.

(3) The proposed planned unit development special exception is in conformance with the general intent of the comprehensive development plan of the town.

(4) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed development and in the vicinity of the proposed development.

(5) Existing and proposed utility services are adequate for the proposed development.

(6) Each phase of the proposed development, as it is proposed to be completed, contains the required spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

(7) Each phase of the proposed development, as it is proposed to be completed, contains a comprehensive network of bicycle and pedestrian facilities in order to create and sustain alternative modes of transportation and a desirable environment.

(8) The architectural design of buildings meets the appearance review criteria as described in section 34-116(2)b.

(Ord. No. 207, § 6.30, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994)

Sec. 34-1331. - Preliminary development plan.

The owner shall submit an application for a planned unit development special exception with a preliminary development plan which shall include the following:

(1) Application form and fee.

(2) Survey of the property, showing existing features of the property, including contours, buildings, structures, trees over eight inches in trunk diameter, streets, utility easements, rights-of-way and adjacent land uses.

(3) Proposed site plan, showing building locations, occupancy and land use areas, including any subdivision intended within the development, and phasing for development of the plan.

(4) Proposed traffic circulation, parking areas, pedestrian walks, bikeways (paths and lanes), and landscaping.

(5) Proposed public utilities plan including water supply, sewerage and stormwater drainage.

(6) Proposed grading plan, showing one-foot contour intervals, building locations, and proposed storm drainage system.

(7) Preliminary drawings of buildings to be constructed in the development which shall include exterior elevations.

(8) Statement justifying area regulations modifications. In reference to section 34-1333(b)(3)a and b, the applicant shall provide a full written justification for each modification requested.

(Ord. No. 207, § 6.40, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994)

Sec. 34-1332. - Development plan.

(a) The owner shall submit a development plan for review by the planning and zoning board and approval by the town council prior to the issuance of any building permit. Plans and specifications shall bear the signature and seal of the professional person responsible for the design and drawings and contain the following items:

(1) Traffic circulation, required parking and loading areas, pedestrian walks, and bikeways (paths and lanes).

(2) Landscaping plan, including site grading and landscape planting and structures.

(3) Preliminary drawings of buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.

(4) Conceptual final engineering plans, including street improvements, drainage system, and public utility extensions. All such improvements shall comply with construction standards outlined in the town's subdivision regulations. All lots shall have frontage on an accepted town, county, or state road, or private road built to town specifications.

(5) Engineering feasibility studies for the solution of any anticipated problems which might arise due to the proposed development, as required by the planning and zoning board.

(6) Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas, if applicable.

(7) Complete documentation of ~~homeowner's~~ community association or other means for the continued maintenance of common areas and buildings.

(b) In addition to the site plan, a plat shall be submitted for approval which shall be in accordance with the town's subdivision regulations.

(c) The development plan shall be in general conformance with the approved preliminary development plan. Approval shall be secured by the owner for each phase of the development. Development of each phase shall commence within two years of approval of the development plan for each phase. If development of the first phase does not commence within two years, the approved development plan shall terminate. If development of subsequent phases does not commence within two years of approval of the development plan for that phase, the development plan shall terminate and no additional building permits shall be issued until a new development plan is approved. Commencement of development shall consist of receipt of a validly issued building permit and first building inspection approval for a minimum of one principal structure or completion of 25 percent of the total cost of the infrastructure (water, sewer, roads, and drainage) for the subject phase. Infrastructure costs for the project shall be reviewed and approved by the town engineer prior to final engineering plan approval.

(d) Prior to the expiration of the two-year period, a one-year extension to commence development may be applied for with the town council. An extension may be granted upon a determination by the town council that the applicant has made a good faith effort to commence construction but has been prevented from doing so for reasons beyond the control of the applicant. No more than a one-year extension may be granted to each particular phase.

(Ord. No. 207, § 6.50, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994)

Sec. 34-1333. - Standards.

(a) The standards for a planned unit development (PUD) are to provide the planning and zoning board and town council with a means to evaluate applications for these developments consistent with the provisions and general intent of this chapter and the comprehensive plan of the town. The minimum size of all PUD's shall be as follows:

Use	Minimum Number of Acres
Single-family detached dwellings	2
Moderate density residential uses (maximum eight units per acre)	3

High density residential uses, any mix of residential uses exceeding eight units per acre or any mix of residential and commercial uses	4

The uses identified above include all associated accessory uses.

(b) The following standards are intended to provide the necessary latitude for the developer to make creative and efficient use of his property:

(1) Use regulations. Any use or uses permitted by right, any accessory use or uses or special exception use or uses permitted in the zoning district in which the PUD is to be located may be permitted in a planned unit development special exception.

(2) Mixed use regulations. A planned unit development in residential districts in excess of 20 acres may be permitted with mixed uses according to the following schedule:

Use	Maximum %
Commercial	5% of total area
Office	5% of total area
Institutional	10% of total area
Governmental	10% of total area
Recreational	15% of total area
Utility	5% of total area

(3) Area regulations.

a. Area standard modifications. Except as provided in subsection b of this subsection (b)(3), area regulations applicable to the district in which a PUD may be permitted may be modified by 25 percent of the standard. For example, a 1,000 square foot minimum dwelling unit size may be reduced to 750 square feet.

b. Constant standards. The following area standards may not be modified as a part of the PUD special exception process:

1. Maximum height in RH district*
2. Minimum front yard setback**
3. Minimum rear yard setback
4. Ocean setback

*Maximum height in other residential districts may be increased by one story provided the additional floor is occupied by dwelling units.

**In order to allow variety in streetscape appearance and design flexibility, the front yard setback may be reduced to 15 feet for any portion of a dwelling except for that portion of a house which is a front end loaded garage. Front end loaded garages shall be setback the required minimum front yard setback in order to allow for sufficient stacking depth for driveway parking. Side entry garage dwellings shall have a minimum stacking depth of 25 feet for driveway parking.

c. Side yard setbacks. The minimum side yard setback requirements for all zero lot line developments shall be zero feet on one side and on the other side a minimum of ten feet. A minimum five-foot wide nonexclusive access easement shall be established along the lot line of the ten-foot required side yard, in order to allow for adjacent property owners to perform construction, remodeling, maintenance and repairs to the zero lot line side of any structure, in favor of the required association. A minimum 25-foot setback shall be required on corner lots adjacent to public streets. However, a minimum ten-foot side setback shall be required from an adjacent property which is not part of the development. All building walls facing a street or adjacent property which is not part of the development shall be required to have architectural features and treatments, such as but not limited to windows, ornamentations, and glass block. Such features and treatments are required to prevent solid blank building wall facades.

(4) Density modification. Under a planned unit development the maximum average dwelling unit density per gross acre may be increased as set out in the following schedule:

Zoning District	Maximum Average Density per Gross Acre
RS	5
RM-1	10
RM-2	15
RM-OO	15
RMT	15
RH	20

(Ord. No. 207, §§ 6.60—6.64, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 329, 1-20-1988; Ord. No. 372, 8-16-1989; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994; Ord. No. 499, 3-11-1998; Ord. No. 596, 9-27-2006)

Sec. 34-1334. - Minor amendments.

A minor amendment to the originally approved planned unit development may be approved by the planning and zoning director or his designee, in consultation with the town manager, only if the amendment adheres to the following requirements:

(1) An increase in the total floor area of any principal structure does not exceed ten percent and there is no increase in the number of principal structures, or in the number of residential dwelling units as specified by the adopted master plan. However, a decrease in the total floor area of any building, or reduction in the number of principal structures, stories, or units as specified by the master plan may be approved as minor amendments.

(2) There is no change in the boundary of the planned development.

(3) Rearrangement of uses or locations on a property may be permitted unless they conflict with a specific provision of the adopted planned unit development approval.

(4) There is a relocation of no more than ten percent of the total building footprint on a site. For example, if there are two buildings on a site and each has 5,000 square feet of building footprint, then the total building footprint for the site is 10,000 square feet. If one building relocates 500 square feet and the other building relocates 1,000 square feet, then the total relocation is 1,500 square feet out of 10,000 square feet, which is a relocation of 15 percent of the total building footprint. This would qualify as a major amendment under this provision.

(5) Any increase in traffic generation shall be by no more than ten percent above that established by the development plan approved by the town council. However, the county's traffic performance standards, as specified in section 7.9 of the Palm Beach County Unified Land Development Code, must be adhered to.

(6) There is no increase in negative impacts on adjacent properties.

(7) There is no major alteration in the architectural design. Major alteration in design shall mean any change in the character of the structure. However, an amendment to a previously approved planned unit development that was not reviewed under the current appearance criteria in section 34-116(2)b may be amended in architectural design to conform with the current appearance standards and not be considered a major alteration.

(8) The amendment does not violate any of the conditions which were placed on the approval.

(Ord. No. 207, § 6.70, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 450, 5-11-1994)

Secs. 34-1335—34-1351. - Reserved.

ARTICLE VI. - NONCONFORMING STATUS

Sec. 34-1352. - Intent.

Within the zoning districts established by this chapter or amendments adopted subsequent thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful prior to the adoption of this chapter or amendment thereto, but which would be prohibited, regulated, or restricted under the terms of this chapter or any subsequent amendment. It is the intent of this article to allow these nonconformities to continue, without increase in degree of nonconformity, until they are removed under the terms of this chapter.

(Ord. No. 207, § 7.10, 8-8-1979)

Sec. 34-1353. - Rights.

To avoid undue hardship, nothing in this chapter shall be deemed to require change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived and upon which actual building construction has been carried on diligently. The term "actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner pursuant to a building permit issued and unexpired at the adoption of the ordinance from which this chapter is derived. Where permitted demolition or removal of any existing building has been substantially begun in preparation to rebuild, such demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Ord. No. 207, § 7.20, 8-8-1979)

Sec. 34-1354. - Nonconforming lots of record.

(a) In any district where permitted, a single-family detached dwelling and customary accessory building may be erected on any single nonconforming lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustment. No lot presently classified nonconforming under any previous zoning ordinance shall be declared a conforming lot under the provision of this chapter unless or until such lot meets the minimum requirements set forth herein and as applied in the district in which such lot is located. Any permitted use in the applicable district may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this chapter is derived in any district if said lot is less than the minimum building site area required for building lots in the district in which it is located provided, however, that the structure complies with all other area requirements of this chapter and provided further that the owner of said lot does not own any adjacent vacant land which would create a conforming lot if said vacant land were combined with the lot deficient in area.

(b) Except as herein provided, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the subject lots involved shall be considered to be an undivided lot for the purpose of complying with site development regulations of this chapter, and no portion of said lot shall be used or sold in a manner which diminishes the degree of compliance with lot width and area requirements established by this chapter, nor shall any division of any lot be made which creates a lot with a width or area below the requirements stated in this chapter, except as provided in section 34-1355.

(Ord. No. 207, § 7.30, 8-8-1979)

Sec. 34-1355. - Land with nonconforming uses.

Nonconforming uses are declared by this chapter as those which are existing at the time of the passage of the ordinance from which this chapter is derived or amendment thereto, which are prohibited, or incompatible to, and inconsistent with the permitted uses set forth within any particular zoning district. Although such uses do not conform to the provisions of this chapter or the particular zoning district within which the use may be located, such uses may continue subject to the following limitations and restrictions:

(1) Change of use. A change from a nonconforming use to another nonconforming use which is not a continuation of the original nonconforming use which existed at the effective date of the ordinance from which this chapter is derived is prohibited.

(2) Change in volume or intensity of use. A change that results in the increase of density or intensity of the use which existed at the effective date of the ordinance from which this chapter is derived is hereby prohibited.

(3) Change in location of use. No such nonconforming use shall be moved in whole or in part to any other portion of the lot, parcel, or site which was occupied by such use on the effective date of the ordinance from which this chapter is derived.

(4) Change of ownership or tenancy. All rights and obligations associated with a nonconforming use of land run with the land and are not personal to the present owner, tenant, or proprietor of the nonconforming use and are not affected by a change in ownership or tenancy.

(5) Increase, extension, or enlargement of use. A nonconforming use shall not be increased, extended, or enlarged in a way that increases its nonconformity or occupies a greater area of land than was occupied on the adoption date of the ordinance from which this chapter is derived or in any manner which increases its noncompliance with the use regulations of this chapter. An expansion of any impervious ground surface of any building or structure shall be deemed to be an increase, extension, or enlargement as specified herein.

(6) Repairs and maintenance. Routine repairs and maintenance of buildings and structures which house or contain nonconforming uses necessary to maintain health and safety may be permitted.

(7) Additions and expansions of facilities. Additions to or expansions of facilities within or which house a nonconforming use shall not be permitted.

(8) Replacement or restoration of use—Generally. In the event that any existing nonconforming use is located in a building or structure which is damaged by any means ~~other than fire, flood, wind, explosion, act of God, or act of a public enemy,~~ to an extent of 50 percent or more of the total cost to reconstruct the structure to the latest building codes, as determined by an appraiser acceptable to the town, it shall not be replaced, restored, or reconstructed except in conformance with the provisions of this chapter. If the damage is to an extent less than 50 percent it may be replaced or restored as described in subsection (9) of this section.

(9) Same—Exceptions. In the event that any existing nonconforming residential use, other than those located within the coastal high hazard area, is located in a building or structure which is damaged by fire, flood, wind, explosion, act of God, or act of a public enemy, it shall be allowed to be replaced, restored or reconstructed to the density or intensity of use and building site area characteristics that existed prior to destruction. Actual construction to replace, restore, or reconstruct the use shall commence within two years from the date of destruction, or the nonconforming status of the use shall lapse, and said use shall revert to normal nonconforming status regulation and requirements of this chapter. One extension to the two-year period of continuing nonconforming density or intensity of use status, said extension not to exceed one year, may be requested prior to the expiration of the two-year period. Such request for extension shall be heard and decided by the board of adjustment.

(10) New services or activities. No new services or activities shall be permitted in an existing nonconforming use as provided for in this article.

(11) Abandonment or discontinuance of use. The abandonment or discontinuance of a nonconforming use for a period of time which exceeds six months shall immediately render the nonconforming use status of the specific nonconforming use null and void. The continuance of said use after said period is specifically prohibited, and any subsequent use shall fully conform to the regulations specified by this chapter for the zoning district in which such use is located.

(Ord. No. 207, § 7.40, 8-8-1979)

Sec. 34-1356. - Nonconforming building and structures.

Nonconforming buildings and structures are declared by this chapter as those which are existing at the time of the passage of this chapter or amendment thereto, which do not conform to the regulations of area, height, lot coverage, or other requirements of the district in which such building or structure is located. Although such buildings or structures do not conform to the provisions of this chapter or the particular zoning district within which the building or structure may be located, such buildings or structures may continue subject to the following limitations and restrictions:

(1) Increase, extension, expansion, or enlargement. A nonconforming structure shall not be increased, extended, expanded, or enlarged in a way which increases or extends its nonconformity. Therefore, a nonconforming structure shall be permitted to expand its first floor structural footprint so long as:

a. The structure is expanded into a conforming front, side, or rear yard setback; and

b. All other regulations of the zoning district are complied with (except the dimensional lot area requirements of the zoning district in which it is located). However, an addition to a nonconforming structure, above the first floor level, is permitted to match an existing, nonconforming first floor footprint. Any building or structure or portion thereof, may be altered to decrease its nonconformity.

(2) Replacement, restoration, or reconstruction.

a. Generally. In the event that any existing nonconforming building or structure is damaged by any means, ~~other than fire, flood, wind, explosion, act of God, or act of a public enemy~~ to an extent of 50 percent or more of the total cost to reconstruct the structure to the latest building codes, as determined by an appraiser acceptable to the town, it shall not be replaced, restored, or reconstructed except in conformance with the provisions of this chapter. If the damages is to an extent less than 50 percent, it may be replaced, restored, or reconstructed as described in subsection (2)b of this section. Any building or structure which remains damaged or disrepaired, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of six months following the date of damage without the issuance of a valid building permit, shall not be replaced, restored, or reconstructed unless it is brought into full compliance with the provisions of this chapter.

b. Exceptions. In the event that any existing nonconforming residential building or structure, other than those located within the coastal high hazard area, is damaged by fire, flood, wind, explosion, act of God, or act of a public enemy, it shall be allowed to be replaced, restored or reconstructed to previously existing building site area characteristics. Actual construction to replace, restore or reconstruct the development, shall commence within two years from the date of destruction, or said status shall be relinquished and said development would revert back to normal nonconforming status regulations and requirements of this chapter. One extension to the two-year period of continuing nonconforming building and structure status, said extension not to exceed one year, may be requested prior to the expiration of the two-year period. Such request for extension shall be heard and decided by the board of adjustment.

(3) Repairs and maintenance. Routine repairs and maintenance of nonconforming buildings and structures necessary to maintain health and safety may be permitted.

(4) Change in location. Should any nonconforming buildings or structure be moved for any reason for any distance whatever from its original permitted location, it shall thereafter conform to the property development regulations for the zoning district in which it is located after it is moved.

(Ord. No. 207, § 7.50, 8-8-1979)

Sec. 34-1357. - Nonconforming characteristics of use.

If characteristics of use such as but not limited to parking, loading, and landscaping are made nonconforming by this chapter as passed or amended, no change shall be made in such characteristics of use which increases its nonconformity. However, routine repairs and maintenance of nonconforming characteristics of use may be permitted. Said repairs and maintenance shall include such activities as resurfacing of parking lots and driveways, and replacement of damaged or destroyed landscape materials. Any nonconforming characteristics of use, or portion thereof, may be altered to decrease its nonconformity.

(Ord. No. 207, § 7.60, 8-8-1979)

Sec. 34-1358. - Savings clause.

Notwithstanding anything in this chapter to the contrary, any use or structure which was:

(1) Discontinued or abandoned for six consecutive months or for 12 months during any four-year period (except where government action impedes access to the premises) between August 8, 1979, and the effective date of the ordinance from which this chapter is derived; or

(2) Was destroyed to an extent of more than 50 percent of its accessed value at time of destruction between August 8, 1979, and the effective date of the ordinance from which this chapter is derived;

shall not be used, replaced, restored or reconstructed unless it is brought into full compliance with the provisions of this chapter.

(Ord. No. 207, § 7.70, 8-8-1979)

Sec. 34-1359. - Repairs, maintenance, and improvements.

(a) On any nonconforming structure or portion of such structure, work may be done on ordinary repairs, maintenance or improvements provided:

(1) That the extent of the nonconforming aspect of the structure or portion shall not be increased; and

(2) That these provisions shall apply only where deterioration is not to an extent of 50 percent or more of assessed valuation of the structure or portion.

(b) Nothing contained herein shall prevent the strengthening or restoring to safe condition of a nonconforming structure or portion thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, provided that such repairs are made within one year of initial notice.

(Ord. No. 207, § 7.80, 8-8-1979)

Sec. 34-1360. - Required area or space cannot be reduced.

The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter except as provided in this chapter; and, if already less than the minimum required by this chapter, said area or dimension may be continued but shall not be further reduced except as provided by this chapter.

(Ord. No. 207, § 7.90, 8-8-1979)