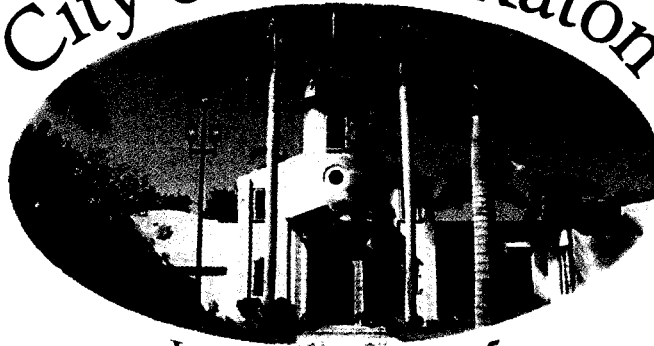


City of Boca Raton

Final 10/23/2018



Incorporated 1925

ORDINANCE

5461

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 AMENDING THE CITY'S CODE OF ORDINANCES TO
4 ESTABLISH TWO NEW ZONING DISTRICTS WITHIN
5 ARTICLE XI, BUSINESS AND COMMERCIAL DISTRICTS,
6 CHAPTER 28, ZONING, CODE OF ORDINANCES, BY
7 CREATING A NEW DIVISION 11, "CITY CG COMMERCIAL
8 GENERAL," AND DIVISION 12, "CITY CHO COMMERCIAL
9 HIGH OFFICE," WHICH DISTRICTS INCORPORATE PALM
10 BEACH COUNTY'S REGULATIONS (IN EFFECT ON APRIL
11 23, 2002) FOR THE CG GENERAL COMMERCIAL DISTRICT
12 AND CHO COMMERCIAL HIGH OFFICE DISTRICT,
13 RESPECTIVELY, EXCEPT AS SPECIFIED, AND
14 EXPRESSLY PROVIDING A LIST OF PERMITTED AND
15 CONDITIONAL USES FOR THE NEW DISTRICTS;
16 AMENDING SECTION 28-301(c), TO INCLUDE THE NEW
17 DISTRICTS; AMENDING SECTION 28-307(1), TO SPECIFY
18 THE BUILDING INTENSITY; PROVIDING FOR
19 SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING

1 FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

2 (AM-16-12)

3
4 WHEREAS, the City of Boca Raton ("City") adopted Ordinance No. 4717 and Ordinance
5 No. 4718 ("Annexation Ordinances") and entered into formal annexation agreements with the
6 property owners ("Annexed Properties"); and

7 WHEREAS, the Annexed Properties were zoned under the Palm Beach County Unified
8 Land Development Code (ULDC) as either CG or CHO and have been subject to the ULDC;

9 WHEREAS, the City has generally applied the ULDC zoning regulations to the Annexed
10 Properties since the time of annexation; and

11 WHEREAS, the Annexed Properties have been subject to the regulatory powers of the
12 City, including, without limitation, the City's Code of Ordinances, since the time of annexation;
13 and

14 WHEREAS, the City desires to amend Chapter 28 of the City's Code of Ordinances to
15 establish a "City CG Commercial General" zoning district and a "City CHO Commercial High
16 Office" zoning district with land development regulations for such districts, including without
17 limitation, permitted and conditional uses, intensity limits, development parameters; and

18 WHEREAS, the City CG Commercial General and City CHO Commercial High Office
19 zoning districts adopted pursuant to this Ordinance incorporate ULDC (in effect on April 23, 2002)
20 provisions for the CG General Commercial and CHO Commercial High Office for the Annexed
21 Properties, except as specifically (i) modified and adapted (by, among other things, providing
22 permitted and conditional uses that are made subject to the City's processing, procedural, and
23 notice requirements); and, (ii) restricted (by, among other things, providing a maximum height,
24 excluding variations for building height, and by excluding certain uses); and

25 WHEREAS, the City Council finds that the proposed City CG Commercial General and
26 City CHO Commercial High Office districts, as well as the ULDC provisions currently applicable

1 to the Annexed Properties, are consistent with, and further the goals of, the Planned Mobility
2 future land use designation set forth in the City's Comprehensive Plan; and

3 WHEREAS, the City Council finds that the provisions of this Ordinance are primarily
4 ministerial and non-substantive in nature, and are intended to incorporate Palm Beach County's
5 ULDC zoning districts and regulations (which were in effect at the time of annexation) into the
6 City's Code of Ordinances to facilitate ease of reference, and are intended to make certain
7 clarifications to reconcile the ULDC with the City's Code of Ordinances; and

8 WHEREAS, the primarily ministerial, regulatory updates reflected in this Ordinance
9 address some of the issues raised during the ongoing planning efforts applicable to the Annexed
10 Properties, and are not designed to address or respond to the allegations within the recently filed
11 complaint for declaratory relief or Bert Harris notices of claim; and

12 WHEREAS, contemporaneous with the primarily ministerial, regulatory update reflected
13 in this Ordinance, the City continues the ongoing efforts related to consideration and analysis of
14 strategies to effectively enhance mobility (and the long-term planned mobility policy goals
15 described in the City's Comprehensive Plan) within the City of Boca Raton and the Annexed
16 Properties, including significant planning exercises that inform such strategies, to encourage
17 greater mobility and improve the overall quality of life for all of Boca Raton's citizens; now
18 therefore:

19
20 THE CITY OF BOCA RATON HEREBY ORDAINS:
21

22 Section 1. Division 11, "City CG Commercial General" of Article XI, "Business and
23 Commercial Districts", Chapter 28, "Zoning", Code of Ordinances, is hereby created to read:

24 DIVISION 11. CITY CG COMMERCIAL GENERAL

25 Section 28-932. Zoning district and symbol created.

1 The symbol City CG shall refer to the City CG Commercial General district and shall be
2 used to designate all land so zoned.

3 Section 28-933. Scope/adoption of regulations.

4 Except as provided herein, all regulations set forth in the Palm Beach Unified Land
5 Development Code (including Supplements 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 11, February 2002
6 Edition) in effect as of April 23, 2002, applicable to Palm Beach County's CG General Commercial
7 zoning district ("ULDC") (including without limitation, development parameters and requirements,
8 sign regulations, parking regulations, environmental regulations, and landscaping regulations) are
9 incorporated herein and made a part hereof, shall constitute the regulations in this division, and
10 shall apply in all City CG Commercial General districts; this incorporation of the ULDC is limited
11 as follows: (i) no use shall be permitted unless specifically listed as a permitted or conditional use
12 in Section 28-934 of this Code; (ii) no variance for building height shall be available in any
13 circumstance, including under the provision of Section 5.7 of the ULDC relating to variances;
14 (iii) the parking regulations for a regional shopping center, as defined in this division, shall be as
15 set forth in Section 28-953; (iv) Article 2 of the ULDC (Interpretation of the Code) is specifically
16 excluded and is not incorporated herein; (v) the following provisions of the City's Code of
17 Ordinances shall continue to apply (and shall control in the event of conflict) -- Chapters 1 through
18 22; Chapter 23, Article I, Article II (Sections 23-31, 23-32 and 23-34, only), Article III (Sections
19 23-56 and 23-57, only), Article IV (Divisions 2 and 4, and Section 23-192, only); Chapter 25,
20 Article I (Section 25-8, only), Article II, Article III, and Article IV; and (vi) the Comprehensive Plan
21 of the City of Boca Raton shall continue in effect as the applicable comprehensive plan. An official
22 copy of the ULDC is on file and available in the offices of the City Clerk and the Development
23 Services Department.

1 Section 28-934. Uses.

2 (a) Permitted Uses. No building or structure, or part thereof shall be erected, altered
3 or used or premises used, in whole or in part, in the City CG Commercial General district for other
4 than 1 or more of the following specified uses, subject to the provisions of Article II, Division 2:

5 (1) Amusements, temporary or special events.

6 (2) Bars, nightclubs and drinking establishments, except where conditional use
7 approval is required pursuant to subsection (b).

8 (3) Catering service.

9 (4) Child care center.

10 (5) Convenience store, which shall not include motor fuel sales or motor vehicle
11 service.

12 (6) Dry cleaning and laundry services.

13 (7) Entertainment, indoor.

14 (8) Farmer's market.

15 (9) Financial institution.

16 (10) Fitness center.

17 (11) Fruit and vegetable market.

18 (12) Hotel.

19 (13) Instructional school.

20 (14) Library.

21 (15) Medical office or dental clinic.

22 (16) Medical or dental laboratory.

23 (17) Office, business or professional.

24 (18) Park.

25 (19) Parking structure, commercial.

26 (20) Personal services.

1 (21) Places of public assembly.

2 (22) Printing and copying services.

3 (23) Regional shopping center.

4 (24) Repair services.

5 (25) Restaurant, including fast food, high turnover sit down, quality and specialty
6 restaurant, except where conditional use approval is required pursuant to subsection (b).

7 (26) Retail sales, general.

8 (27) Theatre, indoor.

9 (b) Conditional Uses. Conditional use approval may be requested by the owner of
10 property in the City CG Commercial General District for the following uses in accordance with
11 Division 4 of Article II:

12 (1) Entertainment, outdoor east of Butts Road. Entertainment, outdoor shall be
13 prohibited west of Butts Road (except where accessory to another use).

14 (2) Automotive service station, in accordance with Division 4 of Article XV.

15 (3) Pet daycare.

16 (4) School.

17 (5) Restaurant, drive-in and restaurant with drive-through service.

18 (6) Any restaurant that includes outdoor seating, window walls or outdoor
19 entertainment, includes amplified music, and is located within 300 feet of any property that
20 includes an existing residential dwelling (measured from the main entrance of the restaurant
21 establishment to the nearest boundary line of each such residential property).

22 (7) Any bar, nightclub, or drinking establishment that is located within 300 feet of any
23 property that includes an existing residential dwelling (measured from the main entrance of the
24 bar, nightclub or drinking establishment to the nearest boundary line of each such residential
25 property).

26 (8) Regional transportation service.

1 (9) Veterinary medicine (no overnight boarding).

2 (10) Auto repair facility within a fully enclosed building.

3 (c) Any use that is not listed above as a permitted use or conditional use shall be
4 considered a prohibited use in the City CG Commercial General districts.

5 (d) Definitions. For purposes of this section, the following definitions shall be
6 applicable in addition to those definitions set forth in Section 28-2. Where there is a conflict
7 between the definitions set forth here, and those set forth in Section 28-2, the definitions set forth
8 here shall control for the purposes of this section.

9 (1) "Amusements, temporary or special events" shall mean an activity which includes
10 the provision of rides, amusements, food, games, crafts, or performances outside of permanent
11 structures. These uses require a separate permit from the city. Typical uses include carnivals,
12 circuses, temporary auctions, and tent revivals.

13 (2) "Automotive Service Station" shall mean an establishment engaged in the retail
14 sale of gasoline or other motor fuels, which may include accessory activities such as the sale of
15 accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of
16 motor vehicles, or the sale of convenience food items.

17 (3) "Catering service" shall mean an establishment that primarily engaged in the
18 preparation of foods and meals on premises, and which such food and meals are delivered to an
19 off premises location for consumption.

20 (4) "Convenience store" shall mean an establishment that is engaged in retail sales of
21 convenience items, such as a limited line of groceries, pre-packaged food items, beverages,
22 household items, and automated banking facilities.

23 (5) "Cultural uses" shall mean a non-profit establishment that is engaged in displaying,
24 preserving or exhibiting objects or activities that are of community or cultural interest in one or
25 more of the arts or sciences, such as an art gallery, library, museum, music hall or performance
26 venue.

1 (6) “Dry cleaning and laundry services” shall mean an establishment that provides
2 home-type washing, drying, dry cleaning, or ironing machines for hire, or that is engaged in
3 providing household laundry and dry cleaning services with customer drop-off and pick-up. This
4 use does not include a laundromat where patrons wash, dry, or dry clean clothing or other fabrics
5 in machines operated by the patron.

6 (7) “Entertainment, indoor” shall mean an establishment providing multiple machines
7 or devices (mechanical or electronic) that, upon insertion of a coin or similar object or payment of
8 a consideration, may be operated by the general public as a game, entertainment, or amusement.
9 Such machines and devices include video games, pinball machines, mechanical grab machines,
10 pool tables, foosball tables, and other games of skill or scoring. This use does not include any
11 machines or devices regulated under state gambling laws.

12 (8) “Entertainment, outdoor” shall mean any private outdoor use providing for sports,
13 recreation, and entertainment activities that are operated or carried on primarily for financial gain.
14 Examples include, but are limited to, privately-owned outdoor commercial tourist attractions, water
15 parks, amusement parks, campgrounds, and privately-owned active sports facilities such as ball
16 fields and paintball fields. This can also include an open lot or part of an open lot and auxiliary
17 facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons
18 seated on outdoor seats.

19 (9) “Farmer’s Market” shall mean an occasional or periodic market held in an open
20 area or enclosed in a structure where an individual seller or groups of individual sellers offer for
21 sale to the public such items as fresh produce, seasonal fruit, fresh flowers, arts and crafts items,
22 and food and beverages (but not to include alcoholic beverages for on premises consumption or
23 second hand goods).

24 (10) “Financial institution” shall mean an establishment engaged in deposit banking or
25 provisions of other banking and financial services. Typical uses include commercial banks,

1 savings institutions, tax advisory firms, and credit unions, including outdoor automated teller
2 machine and drive-thru facilities. Freestanding ATMs shall be considered a Financial Institution.

3 (11) "Fitness center" shall mean an enclosed building or structure generally containing
4 multi-use facilities for conducting, including but not limited to, the following recreational activities:
5 aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash.

6 (12) "Fruit and vegetable market" shall mean an establishment engaged in the retail
7 sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products,
8 such as jelly, jam, honey, and juice.

9 (13) "Instructional school" shall mean a premises or site upon which a business offers
10 instruction for gymnastics, martial arts, dance, music, art, cooking, student tutoring and academic
11 test preparation, or any other similar skill or recreational or academic activity.

12 (14) "Intermodal Facility" shall mean a facility promoting the movement of people by
13 modes of travel other than the private automobile, including a commuter rail passenger station
14 and bus, van and taxicab drop-off areas, covered seating and waiting areas, automobile parking
15 and long term and short term bicycle parking areas; and may include accessory transit-oriented
16 retail/personal services, hotels, business and professional offices, and government buildings.

17 (15) "Medical or dental office or clinic" shall mean an establishment where patients, who
18 are not lodged overnight, are admitted for examination or treatment by one (1) person or group of
19 persons practicing any form of healing or health-building services to individuals, whether such
20 persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists,
21 dentists, or any such profession, the practice of which is lawful in the State of Florida.

22 (16) "Medical or dental laboratory" shall mean a medical or dental laboratory consists
23 of facilities and offices providing diagnostic analysis of medical tests (such as blood test urinalysis,
24 CT Scan, X-ray or other medical tests related to diagnostic treatment); collecting or withdrawing
25 human blood, organs, skin, or other human tissue; or producing such items as dentures, caps,
26 bridges and optical prescriptions.

1 (17) "Office, business or professional" shall mean an establishment providing
2 executive, management, administrative or professional services, but not involving medical or
3 dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses
4 include property and financial management firms, employment agencies (other than day labor),
5 travel agencies, advertising agencies, secretarial and telephone services, contract post offices;
6 professional or consulting services in the fields of law, architecture, design, engineering,
7 accounting and similar professions; and business offices of private companies, utility companies,
8 public agencies, and trade associations.

9 (18) "Park" shall mean a publicly or privately owned or operated outdoor area providing
10 opportunities for active use, such as athletic or recreational activities to the general public, or for
11 passive and aesthetic purposes, and support facilities for any such activities.

12 (19) "Parking structure, commercial" shall mean a building or other structure that
13 provides temporary parking or storage for motor vehicles, where some or all of the parking spaces
14 are not accessory to another principal use.

15 (20) "Pet daycare" shall mean any building or shelter in which custodial care and
16 grooming services are rendered for a part of the day to domestic pets and which receives a
17 payment, fee or grant for any of the pets receiving care, whether or not operating for profit or
18 which is held out to the public to be an establishment which regularly provides such services. A
19 dog pet daycare may be associated with a veterinary medicine provider as an accessory use.

20 (21) "Printing and copying services" shall mean an establishment engaged in retail
21 photocopy, reproduction, or blueprinting services.

22 (22) "Repair services" shall mean an establishment engaged in the repair of personal
23 apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles.
24 Typical uses include apparel repair and alterations, small appliance repair, small motor repair
25 (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe
26 repair shops.

1 (23) "Retail" shall mean an establishment providing general retail sales or rental of
2 goods, including any establishment primarily engaged in the sale, rental, and incidental servicing
3 of goods or commodities that are generally delivered or provided on the premises to a consumer.
4 Examples include, but are not limited to, food and grocery stores, coffee shops, bakeries,
5 delicatessens, furniture stores, floor covering stores, window treatment stores, computer and
6 electronics stores, drug stores and pharmacies, camera stores, optical goods stores, clothing
7 stores, shoe stores, luggage stores, jewelry stores, sporting goods stores, piece goods stores,
8 department stores, florists, office supply stores, bookstores, newsstands, gift stores, and pet
9 supply stores, and any other retail use that may be permitted as "Neighborhood Serving Retail."

10 (24) "Regional Shopping Center" shall mean a large commercial development, with a
11 minimum of: (i) retail, and (ii) restaurants or bars, nightclubs and drinking establishment uses (and
12 which may additionally include any other use set forth in Section 28-934), of a scale and function
13 to serve a regional market, planned and functionally integrated as a total entity with customer and
14 employee parking provided on site (pursuant to an overall approved site plan that is in effect as
15 of October 23, 2018, the effective date of Ordinance No. 5461), occupying a minimum of 100
16 acres of land, having at least three (3) or more anchor stores (each anchor store is a retail store
17 equal to or greater than 50,000 square feet in gross floor area), and containing more than
18 1,000,000 square feet of gross leasable area.

19 (25) "Theatre, indoor" shall mean a building or structure designed or intended for use
20 for presentation of dramatic, musical, or live performances, other entertainment and cultural
21 events, and/or other public gatherings, all occurring inside a structure. This use includes motion
22 picture theaters but excludes "adult dancing establishments," "adult domination/submission
23 parlor," "adult entertainment," places that sell or otherwise provide "adult material," "adult motels,"
24 "adult motion picture theaters" or "adult theaters," as those adult oriented uses are defined in
25 section 28-2.
26

1 Section 28-935. Processing, procedures and notice requirements.

2 The processing, procedures and notice requirements for a specific application or issue
3 that arises, and the personnel or board empowered to act upon such application/issue within the
4 ULDC incorporated herein, as amended by this division, do not strictly align with the City's
5 regulations and procedures as set forth in the City's Code of Ordinances; therefore, for each
6 application/issue, the processes, procedures and notice requirements (inclusive of the board or
7 personnel empowered to act upon such application/issue) of the City's Code of Ordinances
8 deemed by the City Manager to be most comparable to those in the ULDC shall be utilized for
9 such application/issue.

10 Section 28-936. Off-Street Parking for a Regional Shopping Center.

11 A regional shopping center, as defined in this division, shall be subject to the numerical
12 standards for off-street parking set forth in this section. This section shall not modify or affect any
13 other requirement for a regional shopping center set forth in this division or in the ULDC, other
14 than numerical standards for off-street parking.

15 (a) Off-street parking spaces shall be provided for a regional shopping center in the
16 amount of 4.5 parking spaces per 1,000 square feet of gross leasable area. Provided, however,
17 that where the portion of the gross leasable area devoted, collectively, to restaurants, bars,
18 nightclubs or drinking establishments exceeds 25 percent of the total gross leasable area of the
19 regional shopping center, said portion that is in excess of 25 percent of the total gross leasable
20 area of the regional shopping center shall be subject to the off-street parking requirements for
21 restaurants, bars, nightclubs or drinking establishments, as specified in Section 7.2 of the ULDC.

22 (b) The required off-street parking rate for a regional shopping center set forth in
23 subsection (a) may be reduced through approval of a site plan setting forth a lower required off-
24 street parking rate; provided, however, that the required off-street parking rate shall not be
25 reduced to a rate lower than 4.0 parking spaces per 1,000 square feet of gross leasable area. In

1 order to reduce the off-street parking rate for a regional shopping center as authorized herein,
2 each of the following shall be required:

3 (1) Approval of a Transportation Demand Management (TDM) plan, pursuant to
4 Sections 23-245 – 23-247;

5 (2) Approval of a parking management plan, approved by the Planning and Zoning
6 Board, demonstrating that adequate parking will be provided during peak shopping events. For
7 purposes of this paragraph, peak shopping events shall include the Friday after Thanksgiving, the
8 Saturday and Sunday immediately before Christmas, the two days following Christmas, and any
9 other events that create an increased demand above the reduced rate authorized pursuant to this
10 section, as determined by the City Manager or designee. The parking management plan shall
11 demonstrate that up to 4.5 parking spaces per 1,000 square feet of gross leasable area can be
12 accommodated on an as needed basis; however, implementation of the parking management
13 plan for any particular peak shopping event shall only be required to provide adequate parking for
14 that particular peak shopping event. The parking management plan shall include strategies to
15 ensure that adequate parking will be provided during those peak shopping events, and may
16 include, but shall not be limited to, one or more of the following: financial incentive programs to
17 encourage other means of transportation to and from the regional shopping center,
18 reimbursement for transit tickets, off-site parking for employees, temporary utilization of parking
19 areas to support valet service, and expansion of transit service. For so long as a reduced parking
20 rate, authorized pursuant to this section, is in effect, an annual report regarding implementation
21 of the parking management plan shall be filed no later than the first day of July. Upon a
22 determination by the City Manager or designee, in his or her discretion, of the failure of the parking
23 management plan, or its effective implementation, to adequately provide for parking demand for
24 peak shopping events, the City Manager or designee may require, in addition to any other remedy
25 or action, submittal of an updated parking management plan within sixty (60) days of notice of the
26 parking deficiency. The updated parking management plan shall address all aspects of the

1 parking management plan to ensure adequate parking is provided (and that any deficiencies are
2 corrected). No certificates of use shall be issued for a new tenant (except in the event such new
3 tenant has a similar use/impact as the vacating tenant) of the regional shopping center, or for
4 expansion by an existing tenant of the regional shopping center unless and until the updated
5 parking management plan is approved by the Planning and Zoning Board and implemented by
6 the regional shopping center; and

7 (3) Approval of an amended site plan data table, approved by the Planning and Zoning
8 Board, reflecting the reduced parking rate, and the required and provided off-street parking at the
9 regional shopping center.

10 Section 28-937. Reserved.

11 Section 2. Division 12, "City CHO Commercial High Office" of Article XI, "Business and
12 Commercial Districts", Chapter 28, "Zoning", Code of Ordinances, is hereby created to read:

13 DIVISION 12. CITY CHO COMMERCIAL HIGH OFFICE

14 Section 28-938. Zoning district and symbol created.

15 The symbol City CHO shall refer to the City CHO Commercial High Office district and shall
16 be used to designate all land so zoned.

17 Section 28-939. Scope/adoption of regulations.

18 Except as provided herein, all regulations set forth in the Palm Beach Unified Land
19 Development Code (Supplements 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 11, February 2002 Edition) in
20 effect as of April 23, 2002, applicable to Palm Beach County's CHO General High Office zoning
21 district ("ULDC") (including without limitation, development parameters and requirements, sign
22 regulations, parking regulations, environmental regulations, and landscaping regulations) are
23 incorporated herein and made a part hereof, shall constitute the regulations in this division, and
24 shall apply in all City CHO Commercial High Office districts; this incorporation of the ULDC is
25 limited as follows: (i) no use shall be permitted unless specifically listed as a permitted or
26 conditional use in Section 28-940 of this Code; (ii) no variance for building height shall be available

1 in any circumstance, including under the provision of Section 5.7 of the ULDC relating to
2 variances; (iii) Article 2 of the ULDC (Interpretation of the Code) is specifically excluded and is
3 not incorporated herein; (iv) the following provisions of the City's Code of Ordinances shall
4 continue to apply (and shall control in the event of conflict) -- Chapters 1 through 22; Chapter 23,
5 Article I, Article II (Sections 23-31, 23-32 and 23-34, only), Article III (Sections 23-56 and 23-57,
6 only), Article IV (Divisions 2 and 4, and Section 23-192, only); Chapter 25, Article I (Section 25-8,
7 only), Article II, Article III, and Article IV; and (v) the Comprehensive Plan of the City of Boca
8 Raton shall continue in effect as the applicable comprehensive plan. An official copy of the ULDC
9 is on file and available in the offices of the City Clerk and the Development Services Department.

10 Section 28-940. Uses.

11 (a) Permitted Uses. No building or structure, or part thereof shall be erected, altered
12 or used or premises used, in whole or in part, in the City CHO Commercial High Office district for
13 other than 1 or more of the following specified uses, subject to the provisions of Article II
14 Division 2:

- 15 (1) Amusements, temporary or special events.
- 16 (2) Bars, nightclubs and drinking establishments, except where conditional use
17 approval is required pursuant to subsection (b).
- 18 (3) Catering service.
- 19 (4) Child care center.
- 20 (5) Convenience store, which shall not include motor fuel sales or motor vehicle
21 service.
- 22 (6) Dry cleaning and laundry services.
- 23 (7) Entertainment, indoor.
- 24 (8) Farmer's market.
- 25 (9) Financial institution.
- 26 (10) Fitness center.

- 1 (11) Fruit and vegetable market.
- 2 (12) Hotel.
- 3 (13) Instructional school.
- 4 (14) Library.
- 5 (15) Medical office or dental clinic.
- 6 (16) Medical or dental laboratory.
- 7 (17) Office, business or professional.
- 8 (18) Park.
- 9 (19) Parking structure, commercial.
- 10 (20) Personal services.
- 11 (21) Places of public assembly.
- 12 (22) Printing and copying services.
- 13 (23) Repair services.
- 14 (24) Restaurant, including fast food, high turnover sit down, quality and specialty
15 restaurant, except where conditional use approval is required pursuant to subsection (b). A quality
16 restaurant shall not be required to be located within an office, hotel or motel structure.
- 17 (25) Retail sales, general.
- 18 (26) Theatre, indoor.
- 19 (b) Conditional Uses. Conditional use approval may be requested by the owner of
20 property in the City CHO Commercial High Office District for the following uses in accordance
21 with Division 4 of Article II:
 - 22 (1) Entertainment, outdoor east of Butts Road. Entertainment, outdoor shall be
23 prohibited west of Butts Road (except where accessory to another use).
 - 24 (2) Automotive Service Station, in accordance with Division 4 of Article XV.
 - 25 (3) Pet daycare.
 - 26 (4) School.

1 (5) Restaurant, drive-in and restaurant with drive-through service.

2 (6) Any restaurant that includes outdoor seating, window walls or outdoor
3 entertainment, includes amplified music, and is located within 300 feet of any property that
4 includes an existing residential dwelling (measured from the main entrance of the restaurant
5 establishment to the nearest boundary line of each such residential property).

6 (7) Any bar, nightclub, or drinking establishment that is located within 300 feet of any
7 property that includes an existing residential dwelling (measured from the main entrance of the
8 bar, nightclub or drinking establishment to the nearest boundary line of each such residential
9 property).

10 (8) Regional transportation service.

11 (9) Veterinary medicine (no overnight boarding).

12 (10) Auto repair facility within a fully enclosed building.

13 (c) Any use that is not listed above as a permitted use or conditional use shall be
14 considered a prohibited use in the City CHO Commercial High Office districts.

15 (d) Definitions. For purposes of this section, the following definitions shall be
16 applicable in addition to those definitions set forth in Section 28-2. Where there is conflict between
17 the definitions set forth here, and those set forth in Section 28-2, the definitions set forth here
18 shall control for the purposes of this section.

19 (1) "Amusements, temporary or special events" shall mean an activity which includes
20 the provision of rides, amusements, food, games, crafts, or performances outside of permanent
21 structures. These uses require a separate permit from the city. Typical uses include carnivals,
22 circuses, temporary auctions, and tent revivals.

23 (2) "Automotive Service Station" shall mean an establishment engaged in the retail
24 sale of gasoline or other motor fuels, which may include accessory activities such as the sale of
25 accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of
26 motor vehicles, or the sale of convenience food items.

1 (3) "Catering service" shall mean an establishment that primarily engaged in the
2 preparation of foods and meals on premises, and which such food and meals are delivered to an
3 off premises location for consumption.

4 (4) "Convenience store" shall mean an establishment that is engaged in retail sales of
5 convenience items, such as a limited line of groceries, pre-packaged food items, beverages,
6 household items, and automated banking facilities.

7 (5) "Cultural uses" shall mean a non-profit establishment that is engaged in displaying,
8 preserving or exhibiting objects or activities that are of community or cultural interest in one or
9 more of the arts or sciences, such as an art gallery, library, museum, music hall or performance
10 venue.

11 (6) "Dry cleaning and laundry services" shall mean an establishment that provides
12 home-type washing, drying, dry cleaning, or ironing machines for hire, or that is engaged in
13 providing household laundry and dry cleaning services with customer drop-off and pick-up. This
14 use does not include a laundromat where patrons wash, dry, or dry clean clothing or other fabrics
15 in machines operated by the patron.

16 (7) "Entertainment, indoor" shall mean an establishment providing multiple machines
17 or devices (mechanical or electronic) that, upon insertion of a coin or similar object or payment of
18 a consideration, may be operated by the general public as a game, entertainment, or amusement.
19 Such machines and devices include video games, pinball machines, mechanical grab machines,
20 pool tables, foosball tables, and other games of skill or scoring. This use does not include any
21 machines or devices regulated under state gambling laws.

22 (8) "Entertainment, outdoor" shall mean any private outdoor use providing for sports,
23 recreation, and entertainment activities that are operated or carried on primarily for financial gain.
24 Examples include, but are limited to, privately-owned outdoor commercial tourist attractions, water
25 parks, amusement parks, campgrounds, and privately-owned active sports facilities such as ball
26 fields and paintball fields. This can also include an open lot or part of an open lot and auxiliary

1 facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons
2 seated on outdoor seats.

3 (9) "Farmer's Market" shall mean an occasional or periodic market held in an open
4 area or enclosed in a structure where an individual seller or groups of individual sellers offer for
5 sale to the public such items as fresh produce, seasonal fruit, fresh flowers, arts and crafts items,
6 and food and beverages (but not to include alcoholic beverages for on premises consumption or
7 second hand goods).

8 (10) "Financial institution" shall mean an establishment engaged in deposit banking or
9 provisions of other banking and financial services. Typical uses include commercial banks,
10 savings institutions, tax advisory firms, and credit unions, including outdoor automated teller
11 machine and drive-thru facilities. Freestanding ATMs shall be considered a Financial Institution.

12 (11) "Fitness center" shall mean an enclosed building or structure generally containing
13 multi-use facilities for conducting, including but not limited to, the following recreational activities:
14 aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash.

15 (12) "Fruit and vegetable market" shall mean an establishment engaged in the retail
16 sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products,
17 such as jelly, jam, honey, and juice.

18 (13) "Instructional school" shall mean a premises or site upon which a business offers
19 instruction for gymnastics, martial arts, dance, music, art, cooking, student tutoring and academic
20 test preparation, or any other similar skill or recreational or academic activity.

21 (14) "Intermodal Facility" shall mean a facility promoting the movement of people by
22 modes of travel other than the private automobile, including a commuter rail passenger station
23 and bus, van and taxicab drop-off areas, covered seating and waiting areas, automobile parking
24 and long term and short term bicycle parking areas; and may include accessory transit-oriented
25 retail/personal services, hotels, business and professional offices, and government buildings.

1 (15) "Medical or dental office or clinic" shall mean an establishment where patients, who
2 are not lodged overnight, are admitted for examination or treatment by one (1) person or group of
3 persons practicing any form of healing or health-building services to individuals, whether such
4 persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists,
5 dentists, or any such profession, the practice of which is lawful in the State of Florida.

6 (16) "Medical or dental laboratory" shall mean a medical or dental laboratory consists
7 of facilities and offices providing diagnostic analysis of medical tests (such as blood test urinalysis,
8 CT Scan, X-ray or other medical tests related to diagnostic treatment); collecting or withdrawing
9 human blood, organs, skin, or other human tissue; or producing such items as dentures, caps,
10 bridges and optical prescriptions.

11 (17) "Office, business or professional" shall mean an establishment providing
12 executive, management, administrative or professional services, but not involving medical or
13 dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses
14 include property and financial management firms, employment agencies (other than day labor),
15 travel agencies, advertising agencies, secretarial and telephone services, contract post offices;
16 professional or consulting services in the fields of law, architecture, design, engineering,
17 accounting and similar professions; and business offices of private companies, utility companies,
18 public agencies, and trade associations.

19 (18) "Park" shall mean a publicly or privately owned or operated outdoor area providing
20 opportunities for active use, such as athletic or recreational activities to the general public, or for
21 passive and aesthetic purposes, and support facilities for any such activities.

22 (19) "Parking structure, commercial" shall mean a building or other structure that
23 provides temporary parking or storage for motor vehicles, where some or all of the parking spaces
24 are not accessory to another principal use.

25 (20) "Pet daycare" shall mean any building or shelter in which custodial care and
26 grooming services are rendered for a part of the day to domestic pets and which receives a

1 payment, fee or grant for any of the pets receiving care, whether or not operating for profit or
2 which is held out to the public to be an establishment which regularly provides such services. A
3 dog pet daycare may be associated with a veterinary medicine provider as an accessory use.

4 (21) "Printing and copying services" shall mean an establishment engaged in retail
5 photocopy, reproduction, or blueprinting services.

6 (22) "Repair services" shall mean an establishment engaged in the repair of personal
7 apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles.
8 Typical uses include apparel repair and alterations, small appliance repair, small motor repair
9 (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe
10 repair shops.

11 (23) "Retail" shall mean an establishment providing general retail sales or rental of
12 goods, including any establishment primarily engaged in the sale, rental, and incidental servicing
13 of goods or commodities that are generally delivered or provided on the premises to a consumer.
14 Examples include, but are not limited to, food and grocery stores, coffee shops, bakeries,
15 delicatessens, furniture stores, floor covering stores, window treatment stores, computer and
16 electronics stores, drug stores and pharmacies, camera stores, optical goods stores, clothing
17 stores, shoe stores, luggage stores, jewelry stores, sporting goods stores, piece goods stores,
18 department stores, florists, office supply stores, bookstores, newsstands, gift stores, and pet
19 supply stores, and any other retail use that may be permitted as "Neighborhood Serving Retail."

20 (24) "Theatre, indoor" shall mean a building or structure designed or intended for use
21 for presentation of dramatic, musical, or live performances, other entertainment and cultural
22 events, and/or other public gatherings, all occurring inside a structure. This use includes motion
23 picture theaters but excludes "adult dancing establishments," "adult domination/submission
24 parlor," "adult entertainment," places that sell or otherwise provide "adult material," "adult motels,"
25 "adult motion picture theaters" or "adult theaters," as those adult oriented uses are defined in
26 section 28-2.

1 Section 28-941. Processing, procedures and notice requirements.

2 The processing, procedures and notice requirements for a specific application or issue
3 that arises, and the personnel or board empowered to act upon such application/issue within the
4 ULDC incorporated herein, as amended by this division, do not strictly align with the City's
5 regulations and procedures as set forth in the City's Code of Ordinances; therefore, for each
6 application/issue, the processes, procedures and notice requirements (inclusive of the board or
7 personnel empowered to act upon such application/issue) of the City's Code of Ordinances
8 deemed by the City Manager to be most comparable to those in the ULDC shall be utilized for
9 such application/issue.

10 Section 28-942. Reserved.

11 Section 4. Section 28-301, Article VIII, Zoning Districts Generally, Chapter 28, Zoning,
12 is amended to read:

13 Sec. 28-301. - Established.

14 For the purpose of implementing the comprehensive plan of the city and all planning
15 directives set forth in this chapter, the following zoning districts are hereby established into which
16 the city is divided and may be developed:

17 * * *

18 (c) Business and commercial districts.

19 NCBD—Neighborhood convenience business

20 R-B-1—Motel business

21 B-1—Local business

22 B-2—Community business

23 B-3—Central business

24 B-4—General business

25 C-1—Commercial

26 MC—Medical center

27 POI—Professional, office and institutional

28 City CG – Commercial general

29 City CHO – Commercial high office

* * *

Section 5. Section 28-307, "Building Intensity," Article VIII, Zoning Districts Generally,

Chapter 28, Zoning, is amended to read:

Sec. 28-307. – Building intensity.

(1) Development in the following zoning districts shall be limited to the following floor area ratios:

	Zoning District	Floor Area Ratio
(a)	NCB (section 28-716 et seq.)	0.3
(b)	R-B-1 (section 28-741 et seq.)	0.5
(c)	B-1 (section 28-776 et seq.)	0.5
(d)	B-2 (section 28-796 et seq.)	0.5
(e)	B-3 (section 28-821 et seq.)	0.5
(f)	B-4 (section 28-846 et seq.)	0.5
(g)	C-1 (section 28-871 et seq.)	0.5**
(h)	LIRP-5 (section 28-976 et seq.)	0.6
(i)	L1 RP-2.5 (section 28-996 et seq.)	0.6
(j)	M-1 (section 28-1071 et seq.)	0.4**
(k)	W-1 (section 28-1016 et seq.)	0.4**
(l)	1G/S1 (section 28-1041 et seq.)	0.4**
(m)	M-2 (section 28-1096 et seq.)	0.5**
(n)	M-3 (section 28-1121 et seq.)	0.5**
(o)	POI (section 28-891 et seq.)	0.78
(p)	LIRP - commercial nodes	0.5
(q)	MC (section 28-921 et seq.)	0.5
(r)	LIRP - employee services nodes (section 28-982 et seq.)	0.5
(s)	PUD (residential commercial nodes) (section 28-1724(i))***	0.5
(t)	PCD (planned commercial district) (section 28-1722 et seq.)***	0.5
(u)	PID (planned industrial district) (section 28-1723 et seq.)***	0.5
(v)	REC (for non-residential only) (section 28-1196 et seq.)	0.5
(w)	VC (for non-residential only) (section 28-1239 et seq.)	0.30*
(x)	PM-0.40 (section 28-1251.4)	0.40
(y)	<u>City CG – Commercial General (section 28-932 et seq.)</u>	<u>0.50****</u>
(z)	<u>City CHO – Commercial High Office (section 28-938 et seq.)</u>	<u>0.50****</u>

1 * Based on the gross area of the master plan as defined in section 28-1250, Code of Ordinances.

2 ** The maximum floor area ratio for self-storage facilities (interior storage unit access) where such
3 use is the only use on the property shall be 1.0.

4 *** Provided, however, from and after November 28, 2017, no parcel of land shall be rezoned to
5 this zoning district.

6 **** Provided, however, the maximum floor area ratio for a parcel of land zoned City CG or City
7 CHO and not developed pursuant to the Multiple Use Planned Development (MUPD) regulations as
8 provided in, and subject to the terms and provisions of, Section 6.8 of the ULDC, is 0.35. (In connection
9 with Multiple Use Planned Developments, or similar previously approved special exceptions, which require
10 application of ULDC Table 6.8-18, the City CG and City CHO zoning districts shall be deemed, only for
11 purposes of application of Table 6.8-18, to qualify as "Commercial High Office." In addition, all other
12 applicable provisions of the ULDC relating to Multiple Use Planned Developments shall continue in effect.)

13 * * *

14 Section 6. Section 28-1387, "Permitted Locations," Division 4, "Automotive Service
15 Stations," Article XV, "Supplementary District Regulations," Code of Ordinances, is amended to
16 read:

17 Sec. 28-1387. - Permitted locations.

18 Service stations are permitted only at the locations set forth in this section. Prior to
19 consideration by the planning and zoning board and the city council of the addition of a location
20 to this section, all owners of property within 500 feet in all directions from the boundaries of the
21 proposed location shall be notified by first-class mail of the application, and the date, time and
22 place of the public hearing by the planning and zoning board and the city council. For the purpose
23 of this section, the legal owners of all property within 500 feet shall be those persons shown on
24 the records of the city. A notice of the public hearing to be held by the planning and zoning board
25 and the city council shall be published in a newspaper of general circulation at least 10 days prior
26 to the public hearing. The notices to the property owners shall be deposited in the mail not less

1 than 10 days prior to the date of the public hearing. The location of service stations shall be as
 2 follows:

3 At the intersection or junction of any 2 of the following main thoroughfares as they
 4 presently exist or which will exist when they are constructed:

East/West Main Thoroughfares	North/South Main Thoroughfares
Hidden Valley Blvd.	A-1-A
Jeffrey Street	Federal Highway
51st St. (N.E. & N.W.)	Dixie Highway
40th St. (N.E. & N.W.)	2nd Ave. (N.W.) between N.E. 51st St. and Palmetto Park Road
20th St. (N.E. & N.W.)	3rd Ave. (S.W.)
Palmetto Park Road	4th Ave. (N.W.)
Camino Real	5th Ave. (N.W.)
18th St. (S.W.)	Congress Avenue
	12th Ave. (N.W. & S.W.)
	Military Trail
	St. Andrews Boulevard
	Powerline Road
	I-95 Interstate Highway

5 (b) At the intersection of Federal Highway which is formed by N.W. 6th Street on the
 6 east side thereof and N.E. 8th Street on the west side thereof.

7 (c) At the intersection of Federal Highway and N.E. 10th Street on the west side thereof.

8 (d) At the southeast corner of Glades Road and N.W. 7th Avenue.

9 (e) A location which has received conditional commercial node approval pursuant to
 10 section 28-976 et seq. (LIRP-5), 28-996 et seq. (LIRP-2.5) or 28-1724(i)(1) (residential P.U.D.).

11 (f) A location which has received conditional use approval pursuant to Section 28-934,
 12 Section 28-940 or Section 28-1121 et seq.

13 (g) Any parcel which has been in continuous use as a service station since January 1,
 14 1966. A parcel shall be deemed to have been in continuous use as a service station if it has been
 15 operated as a service station without cessation or interruption.

