

ORDINANCE C-428

AN ORDINANCE OF THE TOWN OF MEDLEY, FLORIDA, AMENDING CHAPTER 62 “ZONING” BY AMENDING ARTICLE I “IN GENERAL”, SECTION 62-1, AND ARTICLE III “DISTRICT REGULATIONS”, SECTION 62-88, TO AMEND REGULATIONS RELATED PERMITTED USES WITHIN THE M-1 ZONING DISTRICT TO ALLOW HOTEL, APARTMENT HOTEL, AND ADULT DAY CARE USES; PROVIDING FOR SUPPLEMENTAL REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Medley, Florida (“Town Council”) finds it periodically necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance thereof; and

WHEREAS, it is the intent of the Town Council to further amend Section 62-1 and 62-88(a) of the Code to add hotel, apartment-hotel and adult daycare as permissible uses within the M-1 zoning district, subject to operational standards; and

WHEREAS, the Town Council, sitting as the Town’s Local Planning Agency, has reviewed this proposed Ordinance and recommended its approval; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the Town, notifying the public of this proposed ordinance and of the public hearings; and

WHEREAS, two (2) public hearings before the Town Council were held pursuant to the published notice described above.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MEDLEY,
FLORIDA, HEREBY ORDAINS AS FOLLOWS:¹**

Section 1. Recitals Adopted. Each of the above recitals is hereby confirmed and adopted.

Section 2. That Article I “In General” of Chapter 62 “Zoning” of the Town of Medley Code of Ordinances is hereby amended to read as follows:

Article I. In General.

Sec. 62-1. Definitions.

* * *

Adult Daycare means a facility which provides limited supervision and basic services on a part-time basis by day or evening, but not overnight, to three (3) or more adults other than the family/employee occupying the premises. Adult Daycare does not include community residential homes, nursing home facilities or assisted living facilities.

* * *

Apartment-Hotel means a building or complex in which more than 25 percent of the units are held out to the public as available on a rental basis for limited periods of time. Patrons of Apartment-Hotels shall not be considered residents of the Town of Medley for purposes of social services or programs.

* * *

Hotel means a building occupied as an abiding place of individuals who are lodged with or without meals and or complex in which there are ten or more sleeping rooms- occupied on a rental basis for limited periods of time predominantly for sleeping accommodations, which may or may not feature individual kitchen facilities.

* * *

¹ Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strikethrough~~. Changes between first and second reading are indicated with highlight.

Section 3. That Article III “District Regulations” of Chapter 62 “Zoning” of the Town of Medley Code of Ordinances is hereby amended to read as follows:

ARTICLE III. DISTRICT REGULATIONS.

* * *

Sec. 62-88. – M-1 Industrial district

* * *

- (a) *Uses permitted.* Except for solid waste management facilities and accessory uses related thereto, or otherwise authorized under subsection (f) of this section located within a Solid Waste Management Facilities Overlay District, all storage of materials and products and all operations of work of every character shall be carried on entirely within enclosing walls or under the roof of a building and/or enclosed by a masonry wall with a minimum height of eight feet when the work is of a nature to be carried on, on the outside of the building, and provided further that no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered in an M-1 district which is designed, arranged, or intended to be used or occupied for any purpose, unless otherwise provided for, excepting for one or more of the following uses:

- (1) Adult daycares.
- (2) Antique shops.
- (3) Apartment-Hotels.
- (4) Art goods and bric-a-brac.
- (5) Auditoriums.
- (6) Automobile new parts and equipment or accessory stores (salesroom only).
- (7) Automobile new tires, retail and wholesale, service or installation but no recapping on premises.
- (8) Bake shops, retail only, provided no baking shall be permitted on premises.
- (9) Banks.
- (10) Barbershops.
- (11) Bath and massage parlors.
- (12) Beauty parlors.
- (13) Cigar stores.
- (14) Confectionery and ice cream stores, retail.
- (15) Conservatories.

- (16) Cleaning and laundry agencies, where no gasoline or explosives of any kind are stored or used therewith and provided no cleaning or laundry shall be done on the premises.
- (17) Curio stores.
- (18) Dancing academies.
- (19) Drugstores.
- (20) Fruit stores, retail only, provided all merchandise shall be completely enclosed within the building.
- (21) Furniture stores.
- (22) Grocery stores, except handling of live poultry which shall be prohibited on premises.
- (23) Hardware stores.
- (24) Hat cleaning and blocking agencies but no cleaning shall be permitted on premises.
- (25) Hotels.
- (26) Insurance agencies and offices.
- (27) Interior decorating, costuming, draperies.
- (28) Jewelry stores.
- (29) Laundries, self-service.
- (30) Leather goods stores.
- (31) Lodge halls.
- (32) Liquor package stores.
- (33) Loan agencies.
- (34) Luggage shops.
- (35) Millinery shops.
- (36) Modiste, wearing apparel.
- (37) Music stores and radio stores.
- (38) Newsstands, but all merchandise must be enclosed.
- (39) Offices for business and professional purposes.
- (40) Optical stores.
- (41) Photograph galleries.
- (42) Post offices.
- (43) Real estate offices.
- (44) Shoe stores.
- (45) Shoe repair shops.
- (46) Soft drink stands, provided same shall be completely enclosed.

- (47) Souvenir stores and gift shops.
- (48) Sporting goods stores.
- (49) Stationery stores.
- (50) Tailor shops.
- (51) Telephone exchanges.
- (52) Telegraph stations.
- (53) Theater and motion picture houses, except open air or drive-in type.
- (54) Waiting rooms and ticket offices for airplane, bus and railroad.
- (55) Stores, businesses and professions similar in character to those stated above.
- (56) Air conditioning business.
- (57) Ambulance business.
- (58) Animal hospitals and clinics but boarding of animals is not permitted.
- (59) Auction of merchandise.
- (60) Barbecue stands, drive-ins and drive-in restaurants.
- (61) Bicycle stores and bicycle repair shops.
- (62) Commercial amusements, except automobile and motorcycle racing shall not be permitted.
- (63) Commercial parking lots.
- (64) Dance halls.
- (65) Dry cleaning.
- (66) Funeral homes.
- (67) Lawn mower shops, repair and rental.
- (68) Locksmith shops, sharpening and grinding shops.
- (69) Novelty works.
- (70) Paint stores.
- (71) Pet shops, but boarding of animals is not permitted.
- (72) Poolrooms, bowling alleys.
- (73) Printing shops.
- (74) Professional business, similar in nature to those stated above and below.
- (75) Railroad, and passenger stations.
- (76) Retail electric stores and repair shops.
- (77) Retail plumbing and wholesale plumbing supply stores.
- (78) Self-service ice stations.
- (79) Sign paint shops.

- (80) Swap shops and trading posts.
- (81) Tourist courts, for the use of tourists or transients. The arrangement and design of courts shall be such that each cabin or structural unit will be erected on a land area of not less than 1,500 square feet and have a space of not less than 20 feet between supporting walls of adjacent cabins or structures. Tourist courts shall also be equipped pursuant to rules and regulations of the state board of health and in compliance with the sanitary ordinances of the town. Restaurants or commissaries may be included as a part of the tourist court development. No part of the tourist court development shall be less than 20 feet from the established front street line.
- (82) Transfer company offices.
- (83) Upholstering shops.
- (84) Trailer sales and distribution.
- (85) Storage and sale of wire fence.
- (86) Automobile sales and rental.
- (87) Automobile service stations.
- (88) Bars.
- (89) Garages.
- (90) Motorcycles sales and service shops.
- (91) Nightclubs.
- (92) Motor truck sales and service.
- (93) The following manufacturing operations that do not produce offensive noise, odor, glare, vibration, smoke, dust, gas radiation, radioactivity, electrical radiation or wastes.
- (94) Industries similar in nature to those mentioned herein and which are not prohibited by this chapter and which do not produce offensive odors, fumes, gases, dust, smoke, vibration or noise.
- (95) Machine shops.
- (96) Electronic manufacturing.
- (97) Storage and handling of heavy equipment.
- (98) Warehouses for storage, freight or wholesale distribution and related outlets.
- (99) Use of magnesium of the manufacturing thereof, or magnesium alloys or related uses.
- (100) Sewage disposal plants; providing, however, that the same requirements shall be required as required under section 47-1 et seq.; that any and all waste shall be kept under enclosed cover until disposed of.
- (101) Restaurants with a minimum seating capacity of 100 persons, but drive-in restaurants shall not be permitted.
- (102) Bakeries.

- (103) New automotive sales and service agencies.
- (104) Industrial medical clinics.
- (105) Laboratories.
- (106) Hydroponic farming.
- (107) Light manufacturing that does not produce offensive odors, fumes, gases, dust, smoke, vibration or noise.
- (108) Machine shops.
- (109) Radio and TV towers and transmitters, if approved by CAA and FCC.
- (110) Storage and handling of heavy equipment and industrial equipment.
- (111) Warehouses for storage, freight or wholesale distribution.
- (112) Welding shops.
- (113) Yards for the storage of lumber and building material.
- (114) Other industrial plants similar to those stated above and which are not prohibited by other provisions of this chapter.
- (115) Chicken hatcheries with no feeding of chickens on premises.
- (116) Yards and facilities for handling of petroleum products. All storage tanks shall be located at least 20 feet from the outside lines and must be surrounded by a wire fence eight feet in height, such fences to be at least five feet from the tanks.
- (117) Yards and facilities for the storage and handling of natural, manufactured or mixed gases of any kind. If petroleum shall be stored inside any building, an automatic sprinkler system shall be provided at all times. All storage facilities for natural, manufactured or mixed gases shall be examined quarter-annually by the Police Chief and must comply at all times with the rules and regulations established by ordinances of the town.
- (118) Concrete products manufacturing.
- (119) Industries similar in nature to those mentioned herein and not prohibited by this chapter and which do not produce offensive odors, fumes, gases, dust, smoke, vibration or noise.
- (120) Testing of airplane engines shall be within the enclosed confined area of cell blocks or test stands in an M-1 industrial district.
- (121) Any uses of magnesium or the manufacturing thereof, or magnesium alloys or related uses shall be located in M-1 industrial district, subject to the approval by the Police Chief.
- (122) Sewage disposal plants as set forth in section 62-88(97).
- (123) Solid waste management facilities located within the Solid Waste Management Facilities Overlay District, subject to a development agreement with the town and subject to receiving all necessary permits from the State of Florida Department of Environmental Protection, if applicable. Class I landfills must obtain a special exception from the Town Council at a public hearing pursuant to subsection (f).

Within a Solid Waste Management Facilities Overlay District, the following accessory uses to a solid waste management facility are permitted: leachate water pre-treatment plant, landfill gas flare station, stormwater retention, access roads, vehicle and equipment storage, tipping station, sorting facility, truck scale and scalehouse, administrative office, equipment maintenance facility, roll-off box container storage area, storage area, and parking facility for collection vehicles.

One-family residences, duplexes and apartments shall not be constructed within M-1 districts except for Apartment-Hotels, and one apartment attached to industrial building for the operator of the industry only and not for rental use.

* * *

- (e) *Limitations and restrictions on uses.* In those areas where M-1 industrial districts abut or face R-1 one-family districts, the following limitations and restrictions on uses permitted in such areas shall apply:

(1) No building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose excepting for one or more of the following uses:

- a. Antique shops.
- b. Apartment-Hotels.
- c. Art goods and bric-a-brac.
- d. Automobile new parts and equipment or accessory stores (salesroom only).
- e. Bake shops, retail only, provided no baking shall be permitted on premises.
- f. Banks.
- g. Barbershops.
- h. Beauty parlors.
- i. Cigar stores.
- j. Confectionery and ice cream stores, retail.
- k. Cleaning and laundry agencies, where no gasoline or explosives of any kind are stored or used therewith and provided no cleaning or laundry shall be done on the premises.
- l. Curio stores.
- m. Drugstores.
- n. Fruit stores, retail only, provided all merchandise shall be completely enclosed within the building.
- o. Furniture stores.
- p. Grocery stores, except handling of live poultry which shall be prohibited on premises.
- q. Hardware stores.

- r. Hat cleaning and blocking agencies but no cleaning shall be permitted on premises.
- s. Hotels.
- t. Insurance agencies and offices.
- u. Interior decorating, costuming, draperies.
- v. Jewelry stores.
- w. Leather goods stores.
- x. Loan agencies.
- y. Luggage shops.
- z. Millinery shops.
- aa. Modiste, wearing apparel.
- bb. Music stores and radio stores for retail sales of merchandise only.
- cc. Offices for business and professional purposes.
- dd. Optical stores.
- ee. Photograph galleries.
- ff. Post offices.
- gg. Real estate offices.
- hh. Shoe stores.
- ii. Shoe repair shops.
- jj. Soft drink stands, provided same shall be completely enclosed.
- kk. Souvenir stores and gift shops.
- ll. Sporting goods stores.
- mm. Stationery stores.
- nn. Tailor shops.
- oo. Telephone exchanges.
- pp. Telegraph stations.
- qq. Bicycle stores and bicycle repair shops.
- rr. Locksmith shops.
- ss. Novelty shops for retail sales of merchandise only.
- tt. Printing shops.
- uu. Retail electric stores.
- vv. Retail plumbing and wholesale plumbing supply stores.
- ww. Self-service ice stations.
- xx. Upholstering shops.
- yy. Hydroponic farming.

* * *

(3) No building shall be erected, constructed, reconstructed or structurally altered which exceeds the height of 16 feet, which height shall be measured from the front street level, except for Apartment-Hotels and Hotels.

* * *

(9) Adult Daycares shall be subject to the following additional regulations:

a. Adult Daycares shall have a minimum of 350 square feet of indoor activity area for the first nine adults served, and an additional 35 square feet of indoor activity area for every additional adult served beyond nine.

b. Operation of the Adult Daycare shall be limited to the hours of 7:00 A.M. to 7:00 P.M. Overnight services are prohibited.

c. Any building used or designed as an Adult Daycare shall have dedicated and covered off-street drop off facilities to protect patrons from vehicular traffic and the elements during drop-off and pick up from the Adult Daycare.

d. Adult Daycares shall require one off-street parking space per staff member.

Section 4. Repealer. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading, except that portions of this Ordinance relating to Hotels and Apartment-Hotels shall not be effective until approval by the State Land Planning Agency of an amendment to the Town of Medley Comprehensive Plan Future Land Use Element which

addresses the permissible locations of Hotels and Apartment-Hotels on the Town of Medley's Future Land Use Map.

PASSED BY VOTE OF THE TOWN COUNCIL, on first reading in full this 4th day of September, 2018.

PASSED AND ADOPTED BY VOTE OF THE TOWN COUNCIL on second reading this ____ day of _____, 2018.

ROBERTO MARTELL, MAYOR

HERLINA TABOADA, TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.,
TOWN ATTORNEY

SUMMARY OF VOTE – FIRST READING

The motion to PASS the foregoing Ordinance of FIRST READING IN FULL was made by _____ and seconded by _____ and on roll call the following vote was held:

Mayor Roberto Martell _____

Vice-Mayor Ivan Pacheco _____

Councilperson Jack Morrow _____

Councilperson Edgar Ayala _____

Councilperson Griselia DiGiacomo _____

SUMMARY OF VOTE – SECOND READING

The motion to PASS AND ADOPT the foregoing Ordinance of SECOND READING BY TITLE ONLY was made by _____ and seconded by _____ and on roll call, the following vote was held:

Mayor Roberto Martell _____

Vice-Mayor Ivan Pacheco _____

Councilperson Jack Morrow _____

Councilperson Edgar Ayala _____

Councilperson Griselia DiGiacomo _____