



City of Moore Haven

Land Development Code

Chapter 125, Zoning

Amended September 4, 2018

Chapter 125 - ZONING

§ 125-1. - Short title.

This Chapter and supplemental or amendatory thereto, shall be known, and may be cited hereafter, as the Zoning Ordinance of the City of Moore Haven, Florida.

§ 125-2. - Authority.

This Code is adopted granted by the Florida Constitution and Laws. The City of Moore Haven City Council hereby exercises the power to classify land within the jurisdiction of the City of Moore Haven into zoning districts and to review and approve or disapprove plats and plans for the subdivision and development of land.

§ 125-3. - Identification.

Whenever the word City appears in this chapter, it shall be deemed to refer to the City of Moore Haven, Florida.

§ 125-4. - Purpose.

The purpose of this chapter is to provide for orderly growth; to encourage the most appropriate use of land; to discourage incompatible uses of adjacent properties; to preserve and protect the environment and natural resources and beauty of the City of Moore Haven; to protect and conserve the value of property; to prevent the overcrowding of land; to promote, protect and improve the health, safety, comfort, good order, appearance, convenience, and general welfare of the public and to help accomplish the goals and objectives of the City of Moore Haven Comprehensive Plan. This chapter is deemed by the City Council of the City of Moore Haven, Florida to bring the City of Moore Haven into compliance with F.S. § 163.3203.

§ 125-5. - Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare. The interpretation of these regulations shall be observed unless such constitution would be inconsistent with the Comprehensive Plan or the intent of the City Council or where the language of such section contains provisions excluding such construction.

§ 125-6. - Non-interfering with greater restrictions otherwise imposed.

It is not intended by this chapter to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or provided, except, that where this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or required larger open spaces or greater lot area per family, than are required by or imposed by such easements, covenants, or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this ordinance shall control.

§ 125-7. - Jurisdiction.

- A. The provisions of this chapter shall apply to all land, buildings, structures and uses in the incorporated areas of the City of Moore Haven and to any other area authorized by law or Interlocal agreement.
- B. Except as specifically provided below, the provisions of this chapter shall apply to all development in the City of Moore Haven, and no development shall be undertaken without prior authorization pursuant to this chapter.

(1) *Exceptions.*

- (a) *Previously issued development permits.* The provisions of this chapter and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit lawfully issued prior to the effective date of this enactment or for which application has been made prior to such date and for which the permit is issued within 90 days.
- (b) *Previously approved development orders.* Projects with development orders that have not expired at the time this chapter or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this chapter or amendment thereto.

§ 125-8. - Compliance with provisions.

- A. *Development activity.* No land, building or structure shall be erected, moved, added to, enlarged, altered or maintained after the effective date of this chapter except in conformity and compliance with the provisions of this chapter.
- B. *Development and building permits.* No development order or building permit shall be issued, and no site plan or subdivision plan or preliminary or final plat shall be approved, recorded or referenced to convey property after the effective date of this chapter except in conformity and compliance with the procedural and substantive provisions of this chapter.

§ 125-9. - Maintenance of copies.

The original of this chapter shall be maintained in the office of the City Clerk. Copies of the chapter, including all current amendments, shall also be maintained at the City Clerk's Office and shall be available for public inspection

ARTICLE II. - DISTRICTS AND ZONE MAPS

§ 125.10. - Zoning map.

The Zoning Map, dated September 2010, is hereby declared to be a part of this chapter. The Zoning Map shows the areas included in the districts identified in Article IX[.] Notations, references, indications and other matters shown on the Zoning Map are as much a part of this chapter as if they were fully described in the text of this chapter.

Two copies of said Zoning Map are on file in the office of the City Clerk of the City of Moore Haven, Florida.

§ 125.11. - Determination and interpretation of district boundaries.

- A. In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the City.
- B. Where uncertainty exists as to the exact boundaries of any district as shown on the Zoning Map, the following rules shall apply:
 - (1) In unsubdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zoning Map.
 - (2) In the case of further uncertainty, the Zoning Board of Appeals shall interpret the intent of the Zone Map as to the location of the boundary in question.

§ 125.12. - Procedure relating to annexed or vacated areas.

- A. Territory which may hereafter be annexed to the City shall retain the same future land use classification, zoning designation or subdivision regulations as noted on the Glades County Future Land Use Map and Land Development Code of the time of annex action. These classifications, designations or regulations shall remain in full force and effect until the City of Moore Haven adopts a comprehensive plan amendment that includes the annexed area or territory.
- B. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, waterway, or similar areas, shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

ARTICLE III. - GENERAL PROVISIONS AND SPECIFICATIONS

§ 125-13. - Use.

No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

§ 125-14. - Height.

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

§ 125-15. - Yards, lot area and size of building.

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential building, or lot coverage regulations established and specified for the use and the district in which such building is located.

§ 125-16. - Street frontage.

Every building hereafter erected shall be located on a lot which fronts on a public or private roadway.

§ 125-17. - Restrictive covenants.

None of these regulations, pertaining to land use, shall authorize the City of Moore Haven in any way to affect, interfere, or enforce private restrictive covenants or homeowner association articles, rules, regulations, bylaws, or enforce private restrictive covenants, or homeowner association articles, rules, regulations, by-laws, or covenants.

§ 125-18. - Vehicle parking space; loading and unloading berths.

Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

§ 125-19. - Specifications.

- A. The specifications which follow the text of this chapter are hereby declared to be a part of this chapter:

Definitions, Article VIII

Residential districts, §§ 125-48, 125-49, 125-50, 125-51, 125-52 and 125-53

Commercial districts, §§ 125-54, 125-55 and 125-56

Industrial district, § 125-57

Marina area, § 125-58

Rural estate-agricultural district, § 125-59

Public district, § 125-60

Conservation district, § 125-61

Mixed-use planned development, § 125-62

General provisions, Article X

Off-street parking, loading and unloading regulations, Article XI

Review of proposed development plan, Article XII

Supplemental regulations—Mobile/manufactured homes or buildings, Article XIII

Supplemental regulations—Alcoholic beverages, Article XIV

- B. Copies of the specifications referred to herein are on file in the office of the City Clerk of the City of Moore Haven, Florida

§ 125-20. - Previously issued development permits.

The provisions of this chapter and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit provided that:

- A. A building permit was issued for the development activity prior to the adopted date of this chapter, and;

- B. Construction activity continued without interruption until the development is complete. Development permits are good one year from the date of issuance. If the development permit expires before construction activities begin, then development must conform to the requirements of this chapter.

§ 125-21. - Consistency with plan.

Nothing in this chapter shall be construed to authorize development that is inconsistent with the City of Moore Haven's Comprehensive Plan.

§ 125-22. - Computation of time.

The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday recognized officially by the City of Moore Haven, that day shall be excluded.

ARTICLE IV. - NONCONFORMING USE SPECIFICATIONS

§ 125-23. - Continuation thereof and reconstructions.

The lawful use of a building or premises, existing at the time of passage of this chapter, may be continued although such use does not conform to all the provisions of this chapter, except as hereinafter provided.

§ 125-24. - Extension.

A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

§ 125-25. - Change.

A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted one.

§ 125-26. - Building or structure.

No building or structure shall be erected upon any land devoted to a nonconforming use, and no building located upon any such land, which has been damaged by fire or other causes to the extent of more than 50 percent of its appraised evaluation, shall be repaired or rebuilt, except in conformity with regulations of this ordinance.

§ 125-27. - Right to construction if permit issued.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within 90 days of the date of such permit and which entire building shall be completed according to such plans, as filed within three years from the date of passage of this chapter.

§ 125-28. - Use to conform after discontinuance.

In the event that a nonconforming use of any building or premises is discontinued for a period of 180 days, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

§ 125-29. - Discontinuance of nonconforming use of land.

The lawful use of land for open storage purposes which does not conform to the provisions of this chapter shall be discontinued within five years from the date of passage of this chapter. The use of land for storage proposes which may become a nonconforming use by reason of an amendment to this chapter shall be discontinued within five years from the date of such amendment.

§ 125-30. - Nonconforming use created by amendment.

These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this ordinance.

ARTICLE V. - ADMINISTRATIVE PROCEDURES

§ 125-31. - Generally.

- A. The provisions of this section shall be administered in accordance with the rule set forth in this chapter and the detailed regulations within other applicable chapters.
- B. This section sets out the administrative provisions applicable to the general enforcement of this chapter. The powers and duties of the officials and agencies charged with enforcing the chapter are explained; however, nothing contained in this section shall be deemed to restrict the powers of said agencies and officials otherwise available under local legislation and applicable state and federal law.
- C. All necessary administrative procedures for the matters governed by this chapter are set forth herein, including those regarding the general relationship of various departments, administrative agencies and governmental bodies; the method for public participation in the decision-making process; remedies for applicants; fees; and the filing or recording of documents and similar matters.

§ 125-32. - Application for change of zoning classification.

- A. *In general.* The following steps are to be followed to request a change in the zoning classification or designation for a parcel of real property.
- B. *Filing application.* Applications shall be filed with the City Clerk, or designee, on the proper form obtained through that office.

- C. *Consistency with comprehensive plan.* The City Clerk, or designee, shall determine if the application meets all legal and procedural requirements. If it is not, the application and filing fee shall be returned to the applicant for such amendments as are necessary to bring the application into conformity. Any applicant may appeal such rejection to the City Council as provided in this chapter, with final action thereon to be taken by that body after public hearing; however, such review and final decision shall relate solely to the issue of whether or not the application meets all legal and procedural requirements and shall not address the other merits of the application for the change in Zoning.
- D. *Contents of application.* The application submitted shall include the following information in triplicate (no application will be accepted which does not include each of the following items):
- (1) *Description.* The legal description, including lot and block number, and acreage of the subject property.
 - (2) *Owner.* The names and addresses of all owners of the property.
 - (3) *Zoning.* The existing and proposed uses and zoning classifications of the property.
 - (4) *Applicant interest.* A statement of the applicant's interest in the property including a copy of the latest recorded warranty deed and:
 - (a) If joint and several ownership, a written consent to the rezoning petition by all owners of record.
 - (b) If a contract purchase, a copy of the fully executed purchase contract and written consent of the seller/owner.
 - (c) If an authorized agent, a copy of the agency agreement or written consent of the principal/owner.
 - (d) If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative has the delegated authority to represent the entity, or in lieu thereof, written proof that the person is, in fact, an officer of the corporation.
 - (e) If a group of contiguous property owners, at least 51 percent of the contiguous property owners of the property described in the petition must provide written consent.
 - (5) *Adjacent owners.* A complete list of all property owners, mailing addresses and legal descriptions for all property within 300 feet of the subject parcel for rezoning requests as recorded in the official tax rolls of the City.
 - (6) *Reason for application.* A statement of the special reasons that the rezoning request is needed and justified.
 - (7) *Fee.* Payment of any filing fee set by the City Council to cover advertising and other administrative costs.
 - (8) *Plan designation.* The current land use designation of said property under the Comprehensive Plan.
 - (9) *Signature.* A signed statement, under penalty of perjury, that all the materials submitted are true and correct to the best of the applicant's knowledge and belief.
- E. *Referral to City Council/LPA.* The City Clerk, or designee, shall promptly forward the application and accompanying documents for review by the City Council/LPA.
- F. *LPA agenda and notice.* The City Clerk shall ensure that the application is promptly placed on the LPA agenda and advertised under the appropriate sections of this chapter.
- G. *LPA review.* The LPA shall study each request for rezoning for compliance with the intent of this chapter and the Comprehensive Plan and, after a duly advertised public hearing, make a written

recommendation to the City Council regarding the request not later than 30 days after the public hearing thereon.

- H. *City Council agenda and notice.* The City Clerk shall ensure that the application is duly advertised in accordance with Section 125-35 for public hearings before the City Council which shall consider the application and the recommendations of the LPA.
- I. *City Council action.* Following the public hearings, the City Council may approve or deny the request in accordance with this chapter and the intent of this chapter and the Comprehensive Plan. If the application is approved, the City Council may by ordinance amend, modify or change the existing zoning classification of the property. In the event the request is denied, no public body of the City of Moore Haven shall thereafter take any further action on another application for rezoning or for substantially the same requested relief on the same property for a period of 12 months from the date of the prior action disapproving such relief.
- J. *Construction.* Nothing in this section shall be construed to limit the power of any City of Moore Haven agency, officer, board, or council to initiate proposals to rezone or reclassify property in the City, and no such agency, officer, board, or council shall pay a filing fee in connection with the initiation of said proposal.

§ 125-33. - Application for special exception.

- A. *In general.* The following steps are to be followed to request a special exception for property under the provisions of this chapter.
- B. *Application.* An application for such special exception shall be submitted to the City Clerk, or designee, on an application form to be provided by the City Clerk or designee, and shall contain the following information (no application will be considered unless each of these items is included):
 - (1) *Description.* The legal description including lot and block number and acreage of the subject property.
 - (2) *Owner/adjacent owners.* The names and addresses of the owners, occupants and tenants of such property, and adjacent owners of property within 300 feet of the subject property parcel as recorded in the official tax rolls of the City.
 - (3) *Description of use.* A description of the special exception desired, specifically and particularly describing the type, character and extent of the proposed special exception.
 - (4) *Authorization.* A citation to the provisions in this Code which allows such special exception.
 - (5) *Conditions.* A detailed statement of the proposed exceptions on such use, and as to how those exceptions are to be fulfilled.
 - (6) *Zoning.* The zoning classification of the real property.
 - (7) *Reason and existing use.* A statement as to the existing use of the property and the reason for requesting the special exception.
 - (8) *Site plan.* A proposed site plan for the parcel, prepared in compliance with Article XIII of this chapter. The site plan shall be approved as a part of any approved special exception.
 - (9) *Fee.* A filing fee for advertising and other administrative costs, in an amount set by resolution of the City Council.
 - (10) *Signature.* The applicant's signature, under penalty of perjury, that the materials submitted are true and correct.
- C. *Notice and agenda.* The City Clerk shall set the matter on the agenda for the City Council and advertise same in the manner described in Section 125-35 of this chapter.

- D. *Finding.* The City Council shall grant a special exception hereunder if it finds that such use will not adversely affect the public interest and that the special exception would be consistent with the Comprehensive Plan.
- E. *Conditions.* The City Council may as a condition to granting of any application for a special exception, impose such conditions restrictions or limitations in the use of such real property, or upon the special exception thereof as requested in the application, as the City Council may deem appropriate and in the best interests of the public, taking into account matters of health, safety and welfare of the citizens, the protection of property values and other considerations material to good planning and zoning concepts, with the exercise of said discretion to be in accordance with the terms of this chapter.
- F. *Time limits for use.* The City Council may prescribe a reasonable time limit within which the action for which the special exception is required shall be commenced or completed, or both.
- G. *Permitted use.* Any special exception granted by the City Council shall permit no use other than the specific use or uses described in the application and site plan, as the same may be limited or restricted by the terms and provisions in the permit. Any expansion or extension of the use of such real property beyond the terms of the special exception shall be unlawful and in violation of this chapter, and shall render the special exception permit subject to suspension or revocation by the City Council.
- H. *Revocation.* The City Council may suspend or revoke any permit allowing a special exception at any time it determines that such use has become a public or private nuisance because of an unauthorized, improper or other unlawful use of such real property. The original applicant for the permit shall be notified by mail of the hearing at which said action will be considered and of the outcome of said hearing.
- I. *Denial.* If an application for a special exception is denied by the City Council, the City Council shall take no further action on another application for substantially the same special exception use on the same real property until after 12 months from the date of the prior denial.

§ 125-34. - Application for variance

- A. *In general.* The following steps are to be followed to request a variance for property from the particular regulations of this chapter.
- B. *Application.* An application shall be filed with the City Clerk, or designee, with the following items or information:
 - (1) *Owner.* The names and addresses of the owners, occupants, or tenants of such property. If the applicant is other than the owner of the entire parcel in question, written consent for such application signed by all the owners of the property.
 - (2) *Description.* A complete legal description of the real property for which a variance is requested.
 - (3) *Survey.* A survey or plot diagram indicating applicable setback lines and the location of the proposed construction.
 - (4) *Nature of variance.* A statement as to the exact nature of the proposed variance and the physical nature of the real property which makes the variance necessary.
 - (5) *Hardship.* A statement as to the hardship imposed by these regulations in the event no variance is granted.
 - (6) *Zoning.* The zoning classification of the real property.
 - (7) *Impact.* A statement as the impact of granting the variance on contiguous property owners.
 - (8) *Fee.* A filing fee for advertising and other administrative costs, in an amount set by resolution of the City Council.

- (9) *Adjacent owners.* The names and addresses of all contiguous property owners within 300 feet of the boundary of the subject parcel as recorded in the official tax rolls of the City.
- (10) *Signature.* A statement signed by the applicant under penalty of perjury that the materials submitted are true and correct to the best of the applicant's knowledge and belief.
- C. *Notice and agenda.* The City Clerk shall refer to the City Council all requests for variances. The City Clerk shall ensure the application is promptly placed on the agenda for a meeting and that due notice of the public hearing is published under Section 125-35 of this chapter.
- D. *Findings required.* Before making a finding on an application for a variance, the City Council shall first determine that the proposed variation in the application of this chapter will not:
 - (1) Constitute any change in the districts established on the Official Zoning Map.
 - (2) Impair an adequate supply of light and air to adjacent property.
 - (3) Materially increase the congestion in public streets.
 - (4) Increase the danger of fire or pose other threats to the public safety.
 - (5) Materially diminish or impair established property values within the surrounding area.
 - (6) In any other respect impair the public health, safety, morals or general welfare.
- E. *Specific findings.* The City Council shall not grant a variance unless it finds that:
 - (1) Special conditions and circumstances exist relating to the physical aspects of the property in question 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 and circumstances do not result from the actions of the applicant.
 - (3) Granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
 - (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary hardship on the applicant.
 - (5) The variance granted is the minimum variance that will make the reasonable use of the land, building or structure possible.
 - (6) Granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the area involved or otherwise detrimental to the public welfare.
- F. *Conditions.* In granting any variance, the City Council may prescribe appropriate conditions and safeguards in conformity with this chapter and any ordinance enacted under its authority. Violation of such conditions and safeguards, which shall be made a part of the terms under which the variance is granted, shall be a violation of this chapter.
- G. *Limits on variances.* Under no circumstances shall the City Council grant a variance allowing a deviation of more than 35 percent from the applicable district regulations in question, nor shall a variance be granted as to density or to permit a use not generally or conditionally permitted in the zoning district regulations. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

§ 125-35. - Standards for due public notice and hearings.

- A. *In general.* There are a number of provisions in this chapter and in state land development legislation requiring that due public notice be given of the time, date, place, purpose, and outcome of the hearing being held before the City Council or the LPA to review and take action on a particular

matter concerning land development. It is the purpose of this section to collect in one place for easy reference a number of the provisions for such notice applicable to various land development issues governed by this chapter. Accordingly, when the phrase "due public notice" is used in this chapter in connection with the requirement for a public hearing on the matters listed below it shall have the meaning set forth in the following subsections.

- B. *Notice of rezoning.* In cases in which the proposed ordinance or resolution changes the zoning category or changes the actual Zoning Map designation of a parcel or parcels of land, "due public notice and hearings" shall be as follows:

- (1) *LPA hearing.* The LPA shall hold at least one advertised hearing on the application.
 - (a) The City Clerk shall advertise the time, date, place, and purpose of such hearing twice in a newspaper of general circulation in the City of Moore Haven, with the first publication to be at least 15 days prior to the date of the hearing and the second publication to be at least five days prior to the hearing. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range and section number, and shall state the current and proposed zoning classifications of the property.
 - (b) In addition, except where the hearing applies to all of the land within the City, a notice setting forth the time, date, place and purpose of such hearing shall be mailed to the owners of the property involved in or directly affected by the hearing or whose land is within 300 feet of the boundary line of any lands proposed for rezoning.
 - (c) Notices containing the information published in the newspaper advertisement shall also be maintained at the Office of the City Clerk, and shall be posted in a conspicuous place or places in the City Hall of Moore Haven.
- (2) *City Council Hearings.* After the LPA has issued its recommendations on the proposed rezoning, the City Council shall hold one public hearing on the proposal. The hearing shall be on a weekday after 5:00 p.m. and shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. The notice shall be in the following form:
 - (a) The advertisements shall appear in a newspaper of general circulation in the City of Moore Haven and shall be no less than two columns wide by ten inches long in a standard size newspaper or tabloid size newspaper in a type no smaller than 18 point. The advertisement shall be placed in that portion of the newspaper where legal notices and classified ads appear. The advertisement shall be in the following form:

Notice of Zoning Change

The City Council of the City of Moore Haven, Florida, proposes to adopt the following ordinance or resolution.

A public hearing on the rezoning will be held on (date and time) at (meeting place).

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed rezoning. The map shall include major street names and other landmarks as a means of identification of the area.

- (3) In addition, except where the hearing applies to all of the land within the City, a notice setting forth the time, date, place, and purpose of such hearings shall be mailed to the owners of the property involved in or directly affected by the hearing or whose land is within 300 feet of the boundary line of any land, proposed for rezoning.
- (4) Notices containing the information published in the newspaper advertisement shall also be maintained at the Building and Zoning Department and Office of the Clerk, and shall be posted in a conspicuous place or places in the City Hall of Moore Haven.

- C. *Small-Scale Comprehensive Plan Amendment (less than 20 acres).* In cases in which a proposed small scale Comprehensive Plan Amendment changes the actual land use designation for parcel or parcels of land involving less than 20 contiguous acres; a small scale development amendment may be adopted only under the following conditions:
- (1) The proposed amendment involves a use of 20 acres or fewer and:
 - (a) The cumulative effect of the acreage for all small scale development amendments adopted by the local government shall not exceed 80 total acres annually.
 - (b) The proposed amendment does not involve the same property more than once a year.
 - (c) The proposed amendment does not involve the same owner's property within two 200 feet of property granted a change within the prior 12 months.
 - (d) The proposed amendment does not involve a text change to the goals, policies, and objectives of the City's Comprehensive Plan, but only proposes a land use change to the Future Land Use Map for a site-specific small scale development activity.
 - (e) The proposed amendment is not located within an area of critical state concern.
 - (f) If the proposed amendments involve a residential land use, the residential land use has density of ten units or less per acre.
 - (2) Small scale development amendments adopted require only one public hearing before the City Council, which shall be an adoption hearing.
- D. *Notice of subdivision plan and preliminary plat application.* After the City Clerk has received for its review an application for approval of a preliminary plat and subdivision plan, the LPA and the City Council shall each hold at least one advertised public hearing on the proposal. Due public notice of the hearings shall be published as follows:
- (1) The City Clerk shall advertise the time, date, place and purpose of such hearing at least once in a newspaper of general circulation in the City of Moore Haven, Florida, with the first publication to be at least 30 days prior to the public hearing by the City Council and at least 15 days prior to the public hearing by the LPA. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by legal description, and shall state the current and proposed zoning classification of the property.
 - (2) In addition, at least 15 days prior to the date set for the public hearings, the City Clerk shall mail a notice setting forth the time, date, place and purposed of such hearings to the applicant.
 - (3) Notices containing the information published in the newspaper advertisement shall also be maintained at the Office of the City Clerk, and posted in a conspicuous place or places in the City Hall of Moore Haven.
 - (4) Written notice of the LPA's action on the plan and preliminary plat shall be mailed to the applicant and shall include any reasons for disapproval of the plan and plat or any conditions attached to conditional approval of same.
 - (5) If a subdivision plan and preliminary plat are approved with conditions, after those conditions have been satisfied, the LPA shall hold another public hearing on the amended subdivision plan and preliminary plat and publish notice of the hearing, and transmit the action taken at that hearing to the owner, in accordance with the provisions above for original consideration of the plan and plat.
- E. *Notice of application for approval of final plat.* After the Building and Zoning Official, or designee, has received for its review an application for approval of a final subdivision plat, the City Council shall hold at least one advertised public hearing on the proposal. Due public notice of the hearings shall be published as follows:
- (1) *City Council.* Notice of the City Council's consideration of the final plat need not be advertised. However, notice of the time, date and place of the meeting where the final plat will be reviewed and of the City Council's final action on same shall be mailed to the applicant by the City Clerk.

- (2) *Notice of application for administrative appeal.* After any application for an administrative appeal has been received by the City Council, the Council shall hold at least one public hearing with notice thereof published as follows:
 - (a) The City Clerk shall advertise the time, date, place and purpose of such hearing at least once in a newspaper of general circulation in the City of Moore Haven, Florida, at least 15 days prior to the date of the hearing. The notice shall describe the property which is the subject of the application by reference to major streets or other landmarks and by township, range and section number and describing the zoning classification of the property and the nature of the application to be considered by the council including the specific relief requested.
 - (b) In addition, at least 15 days prior to the public hearing, the City Clerk shall mail a notice of the time, date, place and purpose of such hearing to the applicant.
 - (c) Notices containing the published information shall also be maintained at the Office of the Clerk, and posted in a conspicuous place or places in the City Hall of Moore Haven.
- (3) *Effect of failure to receive notice.* Where notice of a hearing or matter is sent to a person by mail, that person's failure to receive the notice shall not affect the validity of any action taken at a public hearing, so long as the procedures for mailing the notice were followed.
- (4) *Notice and hearings on other matters.* The notice standards for public hearings on issues not mentioned in this section may be found in the particular provisions of this chapter governing such issues.

§ 125-36. - Time limits; scheduling and continuation of hearings.

- A. *Time limits, in general.* The Building and Zoning Official, or designee, shall forward all matters to be reviewed by the LPA to that body within a reasonable time after receipt of a completed application. Written notice of any action or recommendation the agency or Council hereunder shall be signed by the chairperson thereof and issued within five business days of such action.
- B. *Scheduling of hearings.* The City Clerk shall promptly schedule before the appropriate agency or council all matters requiring a public hearing and promptly publish due public notice thereof. Wherever possible, the matter shall be scheduled for consideration at the next regular meeting of the agency or council, if sufficient time exists prior to the meeting to allow for study of the proposal and publication of due public notice. Otherwise, the matter shall be scheduled for the next regular meeting of the agency or council. Notwithstanding any other provision in this chapter, no public hearing on any matter before any agency or council shall be held until proper due public notice of such matter has been published.
- C. *Continuation of hearings.* The agency or council hearing a matter pursuant to this chapter may continue the public hearing held on the matter until the next regular meeting of the body if needed to allow for submission or consideration of additional information. Unless the continued hearing is advertised at the same time as the first hearing, due public notice of same shall be published. Except in extraordinary circumstances, the LPA or City Council shall not continue more than one time the public hearing on any matter brought before it.

§ 125-37. - Enforcement by whom.

The Building and Zoning Official or designee is hereby designated and authorized to enforce this chapter, see Article XVI of this chapter for enforcement.

§ 125-38. - Plats.

Each application for a building permit shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, reconstructed or structurally altered, and such other information as shall be necessary to provide for the enforcement of this chapter. A careful record shall be kept of all such applications and plats, in the office of the Building and Zoning Official.

§ 125-39. - Certificate of occupancy.

- A. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the building and zoning stating that the building and use comply with all the provisions of this chapter applicable to the building or premises or the use in the district in which it is to be located.
- B. No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a certificate of occupancy having been issued by the Building and Zoning Official, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this chapter.
- C. A certificate of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection, reconstruction or structural alteration of such building shall have been completed.
- D. A record of all certificates of occupancy shall be kept on file in the office of the Building and Zoning Official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected. A fee of \$3.00 shall be charged for each original certificate and \$1.00 for each copy thereof.
- E. No building permit shall be issued for excavation or for the erection, reconstruction or structural alteration of any building, before application has been made for a certificate of occupancy

ARTICLE VI. - ADMINISTRATIVE POWERS AND DUTIES

§ 125-40. - City Council.

- A. *In general.* The City Council of the City of Moore Haven shall exercise the following general powers and responsibilities, in addition to all others provided for in this chapter, in accordance with this chapter and other applicable laws and regulations.
- B. *Legislation.* Adopt this chapter and the Official Zoning Map in accordance with, and based upon the adopted Comprehensive Plan.
- C. *Amendments.* Adopt appropriate amendments to the zoning regulations and the Official Zoning Map, and other parts of this chapter, as prescribed in this chapter. Because of an error or omission in the Official Zoning Map, any property in the jurisdiction of the City of Moore Haven that is not shown as being in a zoning district, the classification of such property shall be established by the City Council.
- D. *Final Review.* Consider the recommendations from or hear appeals from the LPA, if applicable, on matters regulated by this chapter in the manner provided by this chapter, and render decisions on those matters in compliance with the provisions of this chapter.
- E. *Hearings.* Hold public hearings as required in this chapter.
- F. *Changes in district.* Review, in accordance with applicable law, the appropriateness of the zoning classifications and districts in the chapter and designated in the Official Zoning Map and consider changing said classifications and districts to carry out the intent of this chapter.

- G. *Code enforcement.* Oversee the enforcement of this chapter in the decisions and actions of the officials and governmental bodies of the City.
- H. *Variances, administrative appeals, special exceptions.* Act as the final or approval body for these requests.

§ 125-41. - Building and Zoning Official.

- A. *In general.* The City of Moore Haven Building and Zoning Official or designee shall ensure that all relevant provisions of this chapter and all other buildings and technical codes of the City are enforced in relation to the development regulated by this chapter and shall have the following additional powers and responsibilities with respect to this chapter.
- B. *Receive applications.* Act as the initial recipient on behalf of the City Council and the LPA of all land development requests and applications for relief under this chapter, including all applications for subdivision or site plan approval, special exceptions, variances, rezoning, home occupation permits and planned unit developments.
- C. *Contents of applications.* Upon receipt of every said application, ensure that the application contains all information, materials, diagrams and fees required under this chapter.
- D. *Creation of files.* Prepare a separate file for each said application labeled with the name of the applicant, the file number, the nature of the application and the date the file was opened, and secure in said file the papers received in connection with said initial application and all further papers or documents related to such matter.
- E. *File index.* Maintain in the office an updated index of said files.
- F. *Agenda and notice.* Ensure that the City Clerk is notified of all applications or matters to be considered by the City Council to be promptly placed on the City Council agenda and that due public notice of same is published by the City Clerk, if required in this chapter.
- G. *Referrals to LPA.* Forward promptly to the LPA for consideration on all applications for site plan and subdivision approval, and all applications for zoning changes and home occupation permits. All such referrals shall be made within reasonable time upon receipt of all materials required to be included in said applications under this chapter.
- H. *Referrals from LPA.* Receive on behalf of the City Council all recommendations from the LPA and present same, with his/her comments, to the City Council for final action.
- I. *Maintenance of files.* Maintain all files regarding pending and finalized land development matters for safekeeping.
- J. *Administrative actions.* Accomplish all administrative actions required by these regulations, including giving notices, receiving and processing of appeals and the acceptance of and accounting for fees.
- K. *Maintenance of Code and Map.* Maintain and keep current these regulations, the Official Zoning Map and all records relating to the administration of these regulations.
- L. *Referrals to and liaison with other agencies.* Refer to the LPA, City Council, Florida Department of Environmental Protection, local municipalities, and other departments or agencies for review all applications for which such reviews are specified in this chapter or other laws and regulations; provide liaison with other agencies as needed; and provide copies of reports, decisions or records to other agencies as requested or as directed in this chapter or other applicable laws.
- M. *Compliance with Code.* Review all applications for any development activity regulated by this chapter, including building permits, to ensure the conformity of the proposed activity with the provisions of this chapter.
- N. *Advice to applicants.* Provide advice to all applicants of the content and requirements of applicable sections of the chapter.

- O. *Fees.* Account for and turn over all fees received from whatever source in the manner provided by the City Council.
- P. *Permits.* Issue temporary use permits, sign permits and any other similar permits that may be required by these regulations.
- Q. *Suggestions as to Code.* Suggest to the LPA and the City Council changes in these regulations and the Zoning Map, with a written statement, if desired, as to the need for such change.
- R. *Time limits for action.* Act upon or refer to the proper agency or department any matter brought forward within 30 days of the date of filing or within a longer period of time agreed to by the applicant. If after 30 days no decision or referral has been made, the request of the applicant will be deemed to have been denied and the applicant shall be notified of same in writing.
- S. *Inspections and technical advice.* Make all required inspections necessary to make decisions on matters within this chapter with approval of the City Council and obtain expert opinions on such matters.
- T. *Coordination with Building and Zoning Department.* Coordinate insofar as possible with other departments on applications, inspections, review and approval matters governed by this chapter and, when necessary, render assistance to the Building and Zoning Department, when said assistance does not interfere with other duties.
- U. *Recommendations as to applications.* Issue recommendations regarding applications for chapter amendments, zoning changes, permits or other relief under this chapter to the agency or council responsible for same.

§ 125-42. - Local Planning Agency.

- A. *In general.* The City of Moore Haven LPA shall act in advisory capacity to the City Council, with the exception of granting or denying special exceptions.
- B. *Powers and duties.* It shall be the responsibility of the LPA to exercise the following powers and duties in addition to those specifically provided for in this chapter and other legislation:
 - (1) *Local Planning Agency.* Serve as the Local Planning Agency unless another agency is so designated by the City Council.
 - (2) *Review of matters and hearings.* Review those matters referred to the LPA and hold meetings and public hearings for purposes of reviewing said matters and making recommendations thereon to the City Council.
 - (3) *Issuance of written recommendation.* Transmit to the proper governmental bodies or agencies its written recommendations, where said recommendations are provided for in this chapter.
 - (4) *Changes in Code, Map and internal procedures.* Recommend to the City Council for approval, internal procedures and changes in this chapter or the Official Zoning Map.
- C. *Self-appointment.* The City Council shall sit as the Local Planning Agency (LPA).
- D. *Compensation.* Each member of the LPA shall not be compensated for attendance at regular or special meetings of the LPA.
- E. *Appeals.* An appeal from any decision of the LPA upon any matter initiated before such agency, or before it upon appeals from decisions of the Building and Zoning Official, may be taken to the City Council by any person who is aggrieved by such decision, or by any officer of the City. Any person desiring to appeal a ruling of the board shall, within 30 days from the date of such ruling, file a written notice of appeal with the City Clerk, whose duty it shall then become to send written notice of such appeal to all persons who were required by the agency to be notified of the hearing before such agency, the matter shall then be heard by the City Council at its next regular meeting, provided at least ten days shall intervene between the time of the filing of the notice and the date of such regular

meeting; and if ten days shall not intervene between the time of filing of the notice and the date of the next regular meeting, then the appeal shall be heard at the next following regular meeting of the City Council. An appeal to the City Council shall stay all proceedings in furtherance of the action appealed from, until the final disposition of the appeal.

§ 125-43. - Duty of the city clerk.

The City Clerk of the City of Moore Haven, Florida is hereby directed to keep on file two copies of the Official Zoning Map referred to in Article II, of this chapter, and of the specifications referred to in Article III of this chapter, and said Map and specifications shall be available for public inspection during all regular office hours of the said City Clerk.

ARTICLE VII. - PENALTIES AND REMEDIES

§ 125-44. - Penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine of up to \$500.00 per offense. Each day that a violation is permitted to exist shall constitute a separate offense.

§ 125-45. - Remedies.

The City Council, the Building and Zoning Official, or designee, or any City Council designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute any appropriate action or proceeding to restrain an individual or a governmental unit from violating the provisions of this chapter. The City Council may also institute a suit for mandatory injunction directing any individual, a corporation or a governmental unit to remove a structure erected in violation of the provisions of this chapter. Any building, erected, raised, or converted, or land or premises used in violation of any provisions of this chapter or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

ARTICLE VIII. - DEFINITIONS

[Amended 8-4-2009 by Ord. No. 295]

§ 125-46. - Word usage and terms defined.

[Amended 10-3-2017 by Ord. No. 335]

- A. Words in the present tense include the future and vice versa; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure" and vice versa; the word "shall" is mandatory and not directory.
- B. For the purpose of this chapter, certain terms and words used herein shall be interpreted and defined as follows:

Accessory use. A use which is incidental to the main use of the premises.

Alley. A public thoroughfare, which affords only secondary means of vehicular access to abutting property, and less than 30 feet in width.

Agency. The Local Planning Agency (LPA) of the City of Moore Haven, Florida.

Block. Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

Boardinghouse. A building not open to transients, where lodging and/or meals are provided for three or more, but not over 30 persons regularly; a lodging house.

Building. A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without openings through such walls, each portion of such a building shall be considered a separate structure.

Building accessory. A subordinate building, or a portion of a main building, the use of which is incidental to that of the main building.

Building area. The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

Building, front line of. The line of the face of the building nearest the front lot line.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as a part of the principal building.

Building, height of. The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building and Zoning Official. That person(s) designated by the City Council to interpret or enforce the procedures, laws, ordinances and regulations of the City.

Business. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Camp, public. Any area or tract of land used or designed to accommodate two or more automobile house trailers, or two or more camping parties, including cabins, tents or other camping outfits.

Commercial. See "Business."

Day care center; adult. A facility or establishment which undertakes through its ownership or management to provide basic services such as but not limited to a protective setting, social or leisure time activities, self-care training or nutritional services to three or more adults not related by blood or marriage to the owner or operator, who require such services. This definition shall not be interpreted to include overnight care.

Day care center, child. A facility or establishment which provides care, protection and supervision for six or more children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. This definition shall not include public or nonpublic schools which are in compliance with the Compulsory School Attendance Law, F.S. Ch. 1003. The term "child day care center" is synonymous with the terms "preschool" and "nursery school."

District. A section of the City of Moore Haven for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

Dwelling, duplex or two-family. A building on a single lot containing two dwelling units, each of which is totally separated from the other by a common vertical wall, without openings, extending from ground to roof; or a common ceiling and floor, without openings, extending from exterior wall to exterior wall.

Dwelling, multi-family. A building containing three or more dwelling units, including townhouses, row houses.

Dwelling, single-family attached. A one-family dwelling with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without openings. Each unit must have a separate heating/cooling system, individual meters for public utilities, no other units located above or below, and a separate ownership deed from other units.

Dwelling, single-family detached. A one-family dwelling that is not attached to any other dwelling by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit.

Dwelling, single-family, zero lot line. A building located on a lot in such a manner that one or more of the dwelling's sides rests on a lot line.

Dwelling unit. A room, or group of rooms, occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Floor area, gross. The sum of the gross area of each floor of the building, excluding mechanical space, cellar space, floor space in open balconies, elevators or stair bulkheads, and floor space used for accessory parking.

Floor area, net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.

Floor area ratio. A measure of intensity expressing the maximum allowable floor area permitted on a lot. The FAR is equivalent to the total floor area divided by the total area of the lot, expressed in square feet. The FAR represents the relationship of the developed square footage of the lot to the square footage of the site.

Family. A group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six persons, as distinguished from a group occupying a lodging house or hotel.

Garage, private. An accessory building with capacity for not more than three motor vehicles for storage only, not more than one of which may be a commercial vehicle of not more than three tons capacity. Provided, however, that a garage designed to house one motor vehicle for each family housed in an apartment shall be classed as a private garage.

Garage, public. Any building or premises, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Ground floor area. The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior and interior stairways.

Home occupation. An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a nameplate, not exceeding one square foot in area, is displayed.

Hotel. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding or lodging house.

Kennel. Any lot or premises on which four or more dogs, at least four months of age, are kept.

Living area. The total floor area of a residential dwelling unit, both above and below ground, measured from the exterior faces of a building or structure of a residential structure excluding:

- Garage area;
- Basement area where the floor area where the floor to ceiling height is less than 6 feet 8 inches;
- Attic area, and other building area that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet; and
- Area between the outside of exterior walls and the inside of those walls.

Loading and unloading berth. The off-street area required for the receipt or distribution of vehicles of material or merchandise, which in this chapter is held to be a 12-foot by 35-foot loading space with a 14-foot height clearance.

Local Planning Agency (LPA). The City Council is the Local Planning Agency.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one principal building and its accessory buildings, and the open spaces required by this chapter, and having its principal frontage on a street, or an officially designated and approved place.

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

Lot coverage. The percentage of the lot area covered by the building area.

Lot, depth of. The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

Lot, ground level.

- (1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- (2) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.
- (4) Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

Lot, interior. A lot other than a corner lot or through lot.

Lot line, front. In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

Lot line, rear. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side. Any lot boundary line not a front lot line or a rear lot line.

Lot, through. A lot having frontage on two streets at opposite ends of the lot.

Lot, width of. The distance between the side lot lines at the front line of building measured at right angles to the depth of the lot.

Manufactured home/mobile home. A dwelling unit 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 Federal Manufactured Housing Construction and Safety Standards (HUD Code). The structure is transportable in one or more sections and built on an integral chassis and no more than five years old when installed on site.

Marijuana. Marijuana means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

Medical marijuana treatment center means a location at which cultivation or processing of marijuana may occur as permitted by F.S. § 381.986.

Medical marijuana treatment center dispensing facility means a facility at which marijuana is dispensed for medical use and which dispensary is licensed by the Florida Department of Health. See F.S. § 381.986. As used in this definition, the term "medical use" is defined as set forth in F.S. § 381.986.

Mobile home development. A residential development designed for manufactured or mobile home residential use, and arranged either as a mobile home park where manufactured or mobile home units or spaces are rented, or conventional subdivisions where lots are sold for occupancy. This definition does not include recreational vehicle parks.

Mobile home park. Any site or tract of land, of contiguous ownership which has been or is proposed to be, planned, improved and operated as a business, upon which spaces are provided for non-transient use. Lots, manufactured or mobile homes within such mobile home parks shall only be offered for rent. Mobile home parks shall be required to comply with all applicable provisions of this chapter. [\[2\]](#)

Mobile home space. A plot of land within a mobile home park designed for the accommodation of one manufactured or mobile home in accordance with the requirements set forth in this Code.

Mobile home subdivisions. A subdivision of land recorded in the office of the Clerk of the City of Moore Haven, designed solely for the parking of manufactured or mobile homes, the lots of which are sold for individual ownership, and which provides dedicated streets, sewers, drainage, parks and other public use area and facilities. Mobile home subdivisions shall be required to comply with all applicable provisions of this Code.

Modular home. A dwelling fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal issued by the Florida Department of Community Affairs certifying that it is built in compliance with the requirements of Florida law.

Motel. A building or group of buildings, in which lodging is provided and offered to the public for compensation; and catering primarily to the public traveling by motor vehicle.

Nonconforming use. A building or property which does not conform in its use or otherwise with all of the regulations of the district in which such building or property is located.

Nursing home. Any institution, building, residence, private home, or other place, whether operated for profit or non, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who b[y] reason of illness, physical infirmity, or advance age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such service.

Official zoning map. The official map delineating the Zoning Districts within Moore Haven, Florida.

Parking lot. A parcel of land devoted to unenclosed parking space for five or more motor vehicles for compensation or otherwise.

Park model. A recreational vehicle which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances and which does not qualify as a manufactured home. The total area of the unit in a setup mode, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development standards.

Professional office. Office of members or recognized professions, such as an architect, artist, attorney, dentist, engineer, musician, physician, surgeon or other professional person.

Place. An open unoccupied space, other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

Recreational vehicle. A portable vehicle structure which is built on a chassis, designed for temporary shelter for travel, recreation, or vacation; with transportable body with not exceeding eight and one-half feet and a length not exceeding 50 feet, and which does not qualify as a manufactured home. This does not include motor homes which are self-propelled recreational vehicles, park trailers and travel trailers which are on wheels and are towable, and fifth wheel trailers. Any recreational vehicle shall be no older than five years when installed on site.

Recreational vehicle park. A parcel (or portion thereof) or abutting parcels of land designated, used or intended to be used to accommodate two or more occupied recreational vehicles for a fee as temporary living quarters.

Story. That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Story, half. That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half-story.

Street. A public thoroughfare 30 feet or more in width between property lines, which affords principal means of vehicular access to abutting property.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something permanently located on the ground.

Structural alteration. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

Temporary portable storage unit. A self-contained storage unit designed to be delivered to a site by separate vehicle where it is removed from the vehicle and left at the site. Once on site, it is used as a temporary, short-term storage shelter. It may also be loaded with stored material and then transported by separate vehicle to an off-site storage location for longer periods of time.

Vehicle parking spaces. The area required for parking one automobile, which in this chapter is held to be an area nine feet wide and 20 feet long plus 70 square feet of maneuver area for each vehicle parking space.

Vision clearance on corner lots. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the height of three and one-half and 12 feet above established grade, determined by a diagonal line connecting two points measured equidistant from the corner along each property line.

Yard, front. Horizontal space measured at 90 degrees with the property line, between the front line of the principal building and the property line of the street upon which the building faces, unoccupied other than by steps, walks, terraces, and open, unroofed unenclosed porches, or architectural appurtenances projecting not more than 24 inches from the building.

Yard, rear. Horizontal space measured at 90 degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by vehicle parking space, architectural appurtenances or accessory buildings which do not occupy more than 30 percent of the required rear yard.

Yard, side. Horizontal space measured at 90 degrees to the side lot line between the side of a building and the adjacent side line of the lot, unoccupied other than by architectural appurtenances projecting not more than 24 inches, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not over four feet.

Zone. Same as "District."

Footnotes:

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Editor's note— See Article XIII, Supplemental Regulations—Mobile/Manufactured Homes or Buildings.

ARTICLE IX. - ZONING DISTRICTS

§ 125-47. - Districts.

The City of Moore Haven is hereby divided into 17 districts in order to carry out the purposes of this chapter. The districts shall be known and designated throughout this chapter as follows:

<i>Name of District</i>	<i>Designation</i>
Single-family Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Mobile Home Residential Subdivision	RMH
Residential Planned Development	RPD
Light Commercial	C-1
Heavy Commercial	C-2
Planned Commercial District	PCD
Industrial	I
Agricultural District	Ag
Public	P
Conservation	CON

Marina Area	
Medium Density Residential	M-MDR
High Density Residential	M-HDR
Commercial	M-COM
Recreation	M-REC
Historic Main Street	M-HMS

§ 125-48. - R-1, Single-Family Residential District.

[Added and amended 4-6-2004 by Ord. No. 270; amended 6-7-2011 by Ord. No. 306; amended 10-3-2017 by Ord. No. 335]

The R-1 District is intended to implement the Low Density Residential future land use category of the Comprehensive Plan by providing locations for full-time residential and limited seasonal use of single-family detached residences at a density of up to four dwelling units per gross acre; very limited public and semi-public type uses; and, associated accessory uses and structures

A. *Permitted uses.*

- (1) Single family detached dwellings.
- (2) Seasonal use of single-family detached dwellings for periods of not less than 90 days.
- (3) Public parks and playgrounds.
- (4) Nonresidential use of historically significant single-family structure. (Refer to Article XVI, Supplemental Regulations—Historically significant structures).

B. *Special exception uses.*

- (1) Bulletin board for church.
- (2) House of worship.
- (3) Home occupation.
- (4) Municipal services.
- (5) Temporary sign.

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.

D. *Area, lot, and structure requirements.*

Characteristic	Standard
Minimum Gross Land Area/D.U. (sf)	10,890
Minimum Lot Dimensions	
Area (sf)	7,200
Width, without sewer (ft.)	60
Width, with sewer (ft.)	50
Minimum Yard	
Front (ft.)	25
Side (ft.)	5
Rear (ft.)	15
Maximum Building Coverage	
Interior lot	35%
Corner lot	40%
Maximum height (stories/ft.)	3/35
Minimum Living Area/D.U. (sf)	1,000

E. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (1) All uses which are not permitted.
- (2) Medical marijuana treatment center dispensing facilities.

§ 125-49. - R-2, Medium Density Residential District.

[Amended 6-7-2011 by Ord. No. 306; amended 10-3-2017 by Ord. No. 335]

The R-2 District is intended to implement the Medium Density Residential future land use category of the Comprehensive Plan by providing locations for full-time residential and seasonal use of a single-family, two-family, mobile homes, and multi-family units at a density of up to eight dwelling units per gross acre; limited public and semi-public type uses; and, associated accessory uses and structures.

A. *Permitted uses.*

- (1) Single-family dwellings, attached or detached.
- (2) Duplex dwellings.
- (3) Multi-family dwellings.
- (4) Mobile homes.
- (5) Public parks and playgrounds.
- (6) Nonresidential use of historically significant single-family structure. (Refer to Article XVI, Supplemental Regulations—Historically significant structures).

B. *Special exception uses.*

- (1) Bulletin board for house of worship.
- (2) House of worship.
- (3) Home occupation.
- (4) Temporary sign.

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.

D. *Area, lot, and structure requirements.*

Characteristic	Single-Family	Duplex	Mobile Home	Multi-Family
Minimum Gross Land Area/D.U. (sf)	NA	5,445	NA	5,445
Minimum Lot Dimensions				
Area (sf)	6,000	11,000	6,000	16,500
Width (ft.)	50	50	NA	60
Minimum Yard				
Front (ft.)	25	25	25	25
Side (ft.)	5	5	5	5

Rear (ft.)	15	15	15	20
Maximum Building Coverage				
Interior lot	35%	35%	45%	50%
Corner lot	40%	40%	45%	60%
Maximum Height (stories/ft.)	3/35	3/35	1/15	4/45
Minimum Living Area/D.U. (sf))	900			

E. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (1) All uses which are not permitted.
- (2) Medical marijuana treatment center dispensing facilities.

§ 125-50. - R-3, High Density Residential District.

[Amended 10-3-2017 by Ord. No. 335]

The R-3 District is intended to implement the High Density Residential future land use category of the Comprehensive Plan, by providing locations for full-time residential and seasonal use in a mix of housing types at an affordable urban density of up to 12 dwelling units per gross acre; limited public and semi-public type uses; and associated accessory uses and structures.

A. *Permitted uses.*

- (1) Attached single-family dwellings.
- (2) Duplex dwellings.
- (3) Multi-family dwellings.
- (4) Public parks and playgrounds.

B. *Special exception uses.*

- (1) Group homes.
- (2) Bulletin board for house of worship.
- (3) House of worship.
- (4) Community center (noncommercial).
- (5) Home occupation.
- (6) Lodge or private club (noncommercial).
- (7) Municipal services.

- (8) Nursing homes.
- (9) Public library, museum.
- (10) Temporary leasing signs.

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.

D. *Area, lot, and structure requirements.*

Characteristic	Single-Family	Duplex	Group Home	Multi-Family & Other Uses
Minimum Gross Land Area/D.U. (sf)	NA	3,630	NA	3,630 (multi-family only)
Minimum Lot Dimensions				
Area (sf)	6,000	7,500	6,000	12,000
Width (ft.)	50	50	60	60
Minimum Yard				
Front (ft.)	25	25	25	25
Side (ft.)	5	5	5	5
Rear (ft.)	15	15	15	20
Maximum Building Coverage				
Interior lot	35%	35%	40%	50%
Corner lot	40%	40%	50%	60%
Maximum Height (stories/ft.)	3/35	3/35	3/35	4/45

E. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (1) All uses which are not permitted.
- (2) Medical marijuana treatment center dispensing facilities.

§ 125-51. - RMH, Mobile Home Residential Subdivision.

[Amended 10-3-2017 by Ord. No. 335]

The RMH district is intended to implement the Medium Density Residential future land use category of the Comprehensive Plan by providing locations for full-time residential and seasonal use of detached single-family, mobile and manufactured homes; limited public and semi-public type uses; and, associated accessory uses and structures.

A. *Permitted uses.*

- (1) Detached single-family mobile/manufactured home dwellings.
- (2) Community Clubhouse.

B. *Special exception uses.*

- (1) Home occupation.
- (2) Temporary signs.

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.

D. *Area, lot, and structure requirements.*

Characteristic	Standard
Minimum Lot Dimensions	
Area (sf)	6,000
Width (ft.)	50
Minimum Yard	
Front (ft.)	25
Side (ft.)	5
Rear (ft.)	15
Maximum Building Coverage	45%
Maximum Height (stories/ft.)	2/25

- E. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.
- (1) All uses which are not permitted.
 - (2) Medical marijuana treatment center dispensing facilities.

§ 125-52. - Reserved.

§ 125-53. - RPD, Residential Planned Development.

[Amended 10-3-2017 by Ord. No. 335]

Provision is made for Residential Planned Development Zoning Districts in which diverse residential uses may be brought together under a unified plan of development which is in the interest and general welfare of the public.

RPD Zoning Districts shall be permitted only on land designated as Low, Medium, or High Density Residential; MA/Medium Density Residential; or, MA/High Density Residential on the Future Land Use Map in the Comprehensive Plan.

Overall density within the RPD shall not exceed that allowed by the Future Land Use designation on the Future Land Use Map in which the property is located. Individual areas within the RPD may be developed, however, at densities in excess of that allowed overall.

A conceptual site plan of the proposed development shall be submitted and approved prior to a change in zone to either a single-family or a multifamily RPD Zoning District, subject to the regulations of this division.

- A. *Permitted uses.* The following principal uses and structures are permitted in the RPD district:
- (1) Attached or detached single-family dwellings, zero lot line single-family dwellings.
 - (2) Duplex dwellings.
 - (3) Multiple-family dwellings.
 - (4) Adult family care homes or assisted living facilities.
 - (5) Day care center, nursing home.
 - (6) Mobile home park.
 - (7) School.
 - (8) House of worship.
 - (9) Open space.
- B. *Special exception uses.* Special exception uses in the residential RPD district are permitted uses in excess of 45 feet in height.
- C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.
- D. *Area, lot, and structure requirements.* Area, lot and structure requirements in the RPD district are as follows:

Characteristic	Standard
Minimum Parcel Size	5 acres
Maximum Density (D.U./Gross Acre) when located in:	
Low Density Residential FLUC: Conventional and zero lot line single-family, and affordable housing programs	4 du/ac
Medium Density Residential FLUC: All housing types (including mobile homes and mobile home parks), and affordable housing programs	8 du/ac
High Density Residential FLUC: All housing types (except mobile homes), and affordable housing programs	12 du/ac
Marina Area/Medium Density Residential FLUC: Duplex, multi-family, affordable housing, and existing single family	8 du/ac
Marina Area/High Density Residential FLUC: Duplex, multi-family, and affordable housing	12 du/ac
Minimum Lot Dimensions	
Area (sf)	Per R-3 district requirements
Width (ft.)	Per R-3 district requirements
Minimum Yards	
Perimeter setback from all property boundaries	20 feet
Front (ft.)	Per R-3 district requirements
Side (ft.)	Per R-3 district requirements
Rear (ft.)	Per R-3 district requirements
Maximum Building Coverage	40%

Maximum Building Coverage and other Impervious Surface Coverage	60%
Maximum Height	Four stories/45 feet, except where further restricted in these regulations for a particular use.
Single Family Minimum Living Area/D.U. (sf))	850

E. *Additional regulations.* Additional regulations which shall apply to all uses in the RPD district include, but are not limited to:

- (1) Concurrency regulations.
- (2) Parking and loading regulations.
- (3) Landscaping regulations.
- (4) Sign regulations.
- (5) Accessory use regulations.
- (6) Supplementary use regulations.
- (7) Environmental and stormwater regulations.
- (8) Utilities regulations.

F. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (1) All uses which are not permitted.
- (2) Medical marijuana treatment center dispensing facilities.

§ 125-54. - C-1—Commercial District.

[Amended 10-3-2017 by Ord. No. 335]

The C-1 District is intended to implement the commercial future land use category of the Comprehensive Plan by providing locations for community businesses with commercial uses that are compatible with adjoining residential uses. Commercial establishments are designed to be within convenient traveling distance from one or several neighborhoods.

A. *Permitted uses.*

- (1) Banks.
- (2) Professional offices.
- (3) Postal services.
- (4) Beauty shops.
- (5) Photographic studios.

- (6) Florists.
- (7) Barber shops.
- (8) Alterations and tailoring.
- (9) Bakery (retail).
- (10) Butcher (retail).
- (11) Dry cleaners, laundry, laundromat.
- (12) Drugstore/pharmacy and sundry stores.
- (13) Grocery, health food store, neighborhood convenience store (no fuel pumps).
- (14) Shoe repair shops.
- (15) Child care.

B. *Special exception uses.*

- (1) Other retail sales for business operating during daytime hours.

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use.

D. *Area, lot, and structure requirements.* Area, lot, and structure requirements in the C-1 district are as follows:

Characteristic	Standard
Minimum Lot Dimensions	
Area	5,000 square feet
Width (ft.)	50
Minimum Yard	
Front (ft.)	15
Side (ft.)	Zero, but not less than five feet if provided.
Rear (ft.)	NA
Maximum Floor Area Ratio (FAR)	0.75
Maximum Height (stories/ft.)	3 stories/35 feet

E. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (1) All uses which are not permitted.
- (2) Medical marijuana treatment center dispensing facilities.

§ 125-55. - C-2—Commercial District.

[Amended 10-3-2017 by Ord. No. 335]

The C-2 District is intended to implement the commercial future land use category of the Comprehensive Plan by providing locations for traditional commercial uses and limited public and semi-public types of uses along main corridors within the City.

A. *Permitted uses.*

- (1) All uses permitted in the C-1 district.
- (2) Retail sales.
- (3) Restaurants, including those serving alcoholic beverages.
- (4) Delicatessens.
- (5) Automotive sales.
- (6) Gasoline/automobile filling station with repair or service [no more than one diesel pump station].
- (7) Clubs, lodges, and fraternal organizations.
- (8) Clinics.
- (9) Dancing academies.
- (10) Drive-thru restaurants.
- (11) Hotels/motels, timeshares, and bed and breakfasts.
- (12) Convenience stores with or without gasoline pumps and with no more than one diesel pump station.

B. *Special exception uses.*

- (1) Child care centers.
- (2) Theaters.
- (3) Mini- or self-storage warehouses.
- (4) Bars, lounges, and nightclubs.
- (5) Houses of worship.
- (6) Car wash.
- (7) Bulletin boards.
- (8) Mortuary.
- (9) Municipal services.
- (10) Nursing homes.
- (11) Temporary signs.

- (12) Community centers.
- (13) Rehabilitative center.
- (14) Hospitals.
- (15) Golf driving range.
- (16) Bowling alley.

- C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use.
- D. *Area, lot, and structure requirements.* Area, lot and structure requirements in the C-2 district are as follows:

Characteristic	Standard
Minimum Lot Dimensions	
Area (sf)	5,000
Width (ft.)	50
Minimum Yard	
Front (ft.)	15
Side (ft.)	Zero, but not less than five feet if provided.
Rear (ft.)	20
Maximum Floor Area Ratio (FAR)	0.75
Maximum Height (stories/ft.)	5/60

- E. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.
- (1) All uses which are not permitted.
 - (2) Medical marijuana treatment center dispensing facilities.

§ 125-56. - PCD—Planned Commercial Development District.

[Amended 10-3-2017 by Ord. No. 335]

Provision is made for planned commercial development (PCD) Districts in which diverse commercial, institutional or recreation uses may be brought together under a unified plan of development which is in the interest and general welfare of the public.

PCD Zoning Districts shall be permitted only on land designated on the Future Land Use Map as Commercial or Industrial in the Comprehensive Plan.

A conceptual site plan of the proposed development shall be submitted and approved prior to a change in zone to a PCD Zoning District, subject to the regulations of this division.

A. *Permitted uses.* The following principal uses and structures are permitted in the PCD district:

- (1) Professional office, business office, medical office.
- (2) Retail store, retail service.
- (3) Restaurant.
- (4) Personal service, dry cleaner.
- (5) Mechanical and repair services.
- (6) Auto service station.
- (7) Private club, nightclub.
- (8) Hotel, motel, timeshares, and bed and breakfasts.
- (9) Craft studio.
- (10) Business school.
- (11) Commercial indoor recreation.
- (12) Outdoor recreation, commercial outdoor recreation, golf course.
- (13) Marina.
- (14) Community center.
- (15) School.
- (16) House of worship.
- (17) Public facility or use.
- (18) Open space.
- (19) Public utility.

B. *Special exception uses.* Special exception uses in the PCD district are permitted uses in excess of 45 feet in height.

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use.

D. *Area, lot and structure requirements.* Area, lot and structure requirements in the PCD district are as follows:

Characteristic	Standard
Minimum Parcel Size)	5 acres
Minimum Lot Dimensions	
Commercial Future Land Use Category	
Area (sf)	Per C-2 district requirements
Width (ft.)	Per C-2 district requirements
Industrial Future Land Use Category	
Area (sf)	Per I district requirements
Width (ft.)	Per I district requirements
Minimum Yard	
Perimeter setback from all property boundaries	20 feet
Commercial Future Land Use Category	
Front (ft.)	Per C-2 district requirements
Side (ft.)	Per C-2 district requirements
Back Rear (ft.)	Per C-2 district requirements
Industrial Future Land Use Category	
Front (ft.)	Per I district requirements
Side (ft.)	Per I district requirements
Back Rear (ft.)	Per I district requirements
Maximum Floor Area Ratio (FAR)	

Commercial Future Land Use Category	0.75
Industrial Future Land Use Category	0.50
Maximum Building Coverage	65%
Maximum Building Coverage and Other Impervious Surface Coverage	75%
Maximum Height	Four stories/45 feet, except where further restricted in these regulations for a particular use.

- E. *Additional regulations.* Additional regulations which shall apply to all uses in the PCD district include, but are not limited to:
- (1) Concurrency regulations.
 - (2) Parking and loading regulations.
 - (3) Landscaping regulations.
 - (4) Sign regulations.
 - (5) Accessory use regulations.
 - (6) Supplementary use regulations.
 - (7) Environmental and stormwater regulations.
 - (8) Utilities regulations.
- F. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.
- (1) All uses which are not permitted.
 - (2) Medical marijuana treatment center dispensing facilities.

§ 125-57. - I—Industrial District.

[Amended 10-3-2017 by Ord. No. 335]

The I District is intended to implement the industrial future land use category of the Comprehensive Plan by providing locations for light industrial and certain heavy industrial uses. Such uses are generally located along busy intersections and highways and require sizable land areas with ample off-street parking and loading spaces. Regulations are provided to ensure that undesirable uses are not located to residential districts. This district also contemplates the location of places of assembly, mortuaries and public and semi-public uses.

- A. *Permitted uses.*
- (1) Gasoline/automobile filling stations.

- (2) Commercial garages.
- (3) Commercial vehicle parking lots.
- (4) Automotive sales room.
- (5) Automotive/truck and trailer repair facilities.
- (6) Truck stops consistent with arterial or collector access only.
- (7) Bowling alleys.
- (8) Product assembly.
- (9) Equipment rental and sales.
- (10) Pawn shops.
- (11) Commercial kennels.
- (12) Veterinarian hospitals.
- (13) Railroad freight houses.
- (14) Lumber yards.
- (15) Warehousing and storage.
- (16) Bus line shops.
- (17) Building material storage yard.
- (18) Mini- or self-storage warehouses.
- (19) Industrial park.

B. *Special exception uses.*

- (1) Bulk storage of inflammable fluids.
- (2) Contractors' plant or storage yards.
- (3) Carting, express, hauling or storage yards.
- (4) Manufactured products.
- (5) Auditorium and convention halls.
- (6) Utilities storage yards.
- (7) Landfills.
- (8) Mortuary.
- (9) Municipal services.
- (10) Temporary signs.
- (11) Detention or correctional institutions.
- (12) Communications tower.
- (13) Taxi or fleet base businesses.
- (14) Caretaker or resident live-in for security purposes.

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use.

D. *Area, lot, and structure requirements.* Area, lot and structure requirements in the I district are as follows:

Characteristic	Standard
Minimum Lot Dimensions	
Area (sf)	20,000
Width (ft.)	75
Minimum Yard	
Front (ft.)	15
Side (ft.)	4
Rear (ft.)	10
Maximum Floor Area Ratio (FAR)	0.50
Maximum Height (stories/ft.)	5/60

E. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (1) All uses which are not permitted.
- (2) Medical marijuana treatment center dispensing facilities.

§ 125-58. - Marina Area.

[Amended 3-3-2015 by Ord. No. 326; amended 10-3-2017 by Ord. No. 335]

The Marina Area is a geographical area identified in the Comprehensive Plan, with the intent to encourage development and redevelopment of uses that are dependent upon, or benefit from, proximity to the water or are tourist related and which may include sale of used merchandise. The area is divided into five zoning districts which are designed to implement the sub-categories of the Marina future land use category in the Comprehensive Plan. These sub-districts are intended to provide suitable locations for compatible residential uses, moderate intensity commercial and marina facilities. In part, this means that development should be in close proximity to an arterial or collector street and should also be located in close proximity to the waterfront. The uses envisioned for this area are not meant to be as inclusive as those found in a general commercial zone, but rather the area is intended for uses that are dependent on or benefit from proximity to the water or are tourist related or support or contribute to the success of such uses. The regulations for each of the zoning districts applied to lands within the Marina Area follow:

A. *M-MDR, Marina Medium Density Residential District*

- (1) *Permitted uses.*

- (a) *Existing single-family dwellings.* Note: Existing single-family dwellings that are involuntarily destroyed to an extent greater than 50 percent of their assessed value may be rebuilt to their former size.
- (b) Duplex dwellings.
- (c) Multi-family dwellings.
- (d) Public parks and playgrounds.
- (2) *Special exception uses.*
 - (a) Bulletin board for house of worship.
 - (b) House of worship.
 - (c) Home occupation.
 - (d) Temporary sign.
 - (e) Bed and breakfast.
- (3) *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.
- (4) *Area, lot, and structure requirements.* Area, lot and structure requirements in the M-MDR district are as follows:

Characteristic	Duplex	Multi-Family
Minimum Gross Land Area/D.U. (sf)	5,445	5,445
Minimum Lot Dimensions		
Area (sf)	11,000	10,000
Width (ft.)	50	60
Minimum Yard		
Front (ft.)	10	10
Side (ft.)	5	5
Rear (ft.)	15	20
Maximum Building Coverage		
Interior lot	35%	50%
Corner lot	40%	60%

Maximum Height (stories/ft.)	3/35	4/45
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- (5) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (a) All uses which are not permitted.
- (b) Medical marijuana treatment center dispensing facilities.

B. *M-HDR, Marina High Density Residential District.*

(1) *Permitted uses.*

- (a) Existing single-family dwellings. Note: Existing single-family dwellings that are involuntarily destroyed to an extent greater than 50% of their assessed value may be rebuilt to their former size.
- (b) Duplex dwellings.
- (c) Multi-family dwellings, either freestanding or located above ground floor nonresidential uses.
- (d) Commercial uses as allowed in the M-COM District only on the ground floor and only in concert with residential uses on upper floor(s).
- (e) Public parks and playgrounds.

(2) *Special exception uses.*

- (a) Bulletin board for house of worship.
- (b) House of worship.
- (c) Home occupation.
- (d) Temporary sign.
- (e) Bed and breakfast.

- (3) *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.

- (4) *Area, Lot, and Structure Requirements.* Area, lot and structure requirements in the M-HDR district are as follows:

Characteristic	Duplex	Multi-Family
Minimum Gross Land Area/D.U. (sf)	3,630	3,630
Minimum Lot Dimensions		
Area (sf)	7,500	12,000

Width (ft.)	50	60
Minimum Yard		
Front (ft.)	10	10, but zero for ground floor commercial with residential above.
Side (ft.)	5	5, but zero for ground floor commercial with residential above, but not less than 5' if provided.
Rear (ft.)	15	20
Maximum Building		
Interior lot	35%	50%
Corner lot	40%	60%
Maximum Height (stories/ft.)	3/35	5/60
Maximum nonresidential Floor Area Ratio (FAR) is 0.25		

(5) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (a) All uses which are not permitted.
- (b) Medical marijuana treatment center dispensing facilities.

C. *M-COM, Marina Commercial District.*

(1) *Permitted uses.*

- (a) Residential dwelling units up to 12 units per acre, but only if located above ground floor nonresidential uses.
- (b) Restaurants, including those serving alcoholic beverages.
- (c) Bars and cocktail lounges.
- (d) Seafood retailers and markets.
- (e) Marinas and related support facilities (e.g., dock master station).
- (f) Antique shops, art stores, and artist and photographic studios.
- (g) Retail specialty shops (which may include sale of used merchandise).
- (h) Charter fishing offices.

- (i) Office for marine-related businesses.
- (j) Hotels/motels, timeshares, bed and breakfast.
- (k) Professional and business offices.
- (2) *Special Exception Uses.* Reserved.
- (3) *Customary Accessory Uses and Structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.
- (4) *Area, Lot, and Structure Requirements.* Area, lot and structure requirements in the M-COM district are as follows:

Characteristic	Standard
Minimum Lot Dimensions	
Area (ft.)	5,000
Width (ft.)	75
Minimum Yard	
Front (ft.)	0
Side (ft.)	0, but not less than 5 if provided
Rear (ft.)	20 (rear service area)
Maximum Building Coverage	60%
Maximum Floor Area Ratio (FAR)	1.00
Maximum Height (stories/ft.)	4/45

- (5) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.
 - (a) All uses which are not permitted.
 - (b) Medical marijuana treatment center dispensing facilities.
- D. *M-HMS, Marina Historic Main Street District.*
 - (1) *Permitted uses*

- (a) Residential dwelling units, only if located above ground floor nonresidential uses, up to a maximum of 30 units per acre.
- (b) Restaurants, including those serving alcoholic beverages.
- (c) Bars and cocktail lounges.
- (d) Specialty food shops and markets.
- (e) Antique shops, art stores, and artist and photographic studios.
- (f) Retail specialty shops (which may include sale of used merchandise).
- (g) Charter fishing offices.
- (h) Hotels/motels, and bed and breakfast.
- (i) Professional and business offices above the ground floor.
- (j) Commercial amusement enterprises (game and arcade centers).
- (k) Neighborhood convenience retail stores and services such as:
 - (1) Alterations and tailoring.
 - (2) Bakery (retail).
 - (3) Butcher (retail).
 - (4) Dry cleaners, laundry, laundromat.
 - (5) Drug and sundry stores.
 - (6) Grocery, health food store, neighborhood convenience store (retail).
 - (7) Shoe repair shops.
 - (8) Bicycles sales, service, and rental.
 - (9) Dance and music studios.
 - (10) Hardware stores.
 - (11) Locksmith.
- (2) *Special exception uses.*
 - (a) Childcare and pre-school.
 - (b) Clubs, lodges and fraternal organizations.
- (3) *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use.
- (4) *Area, lot, and structure requirements.* Area, lot and structure requirements in the M-HMS district are as follows:

Characteristic	Standard
Minimum Lot Dimensions	
Area (ft.)	5,000
Width (ft.)	50

Minimum Yard	
Front (ft.)	0
Side (ft.)	Zero, no side yard permitted along interior property lines except for a connecting walkway.
Rear (ft.)	0
Maximum Building Coverage	100%
Maximum Floor Area Ratio (FAR)	1.00
Maximum Height (stories/ft.)	2/30

(5) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

- (a) All uses which are not permitted.
- (b) Medical marijuana treatment center dispensing facilities.

E. *M-REC, Marina Recreation District*

(1) *Permitted uses.*

- (a) Parks, playgrounds.
- (b) Dock master's facility and other marine related support facilities.
- (c) Activities and facilities, such as limited food and beverage sales and services, intended to support the principal recreational facilities.

(2) *Special exception uses.* Reserved.

(3) *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use.

(4) *Area, lot, and structure requirements.* Area, lot and structure requirements in the MA-REC district are as follows:

Characteristic	Standard
Minimum Lot Dimensions	

Area (ft.)	None
Width (ft.)	50
Minimum Yard	
Front (ft.)	25
Side (ft.)	15
Rear (ft.)	20
Maximum Building Coverage	25%
Maximum Floor Area Ratio (FAR)	0.25
Maximum Height (stories/ft.)	2/30

- (5) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.
- (a) All uses which are not permitted.
 - (b) Medical marijuana treatment center dispensing facilities.

§ 125-59. - Rural Estate—Agricultural District.

[Amended 10-3-2017 by Ord. No. 335]

This District is intended for agricultural uses and/or rural resident living and those uses requiring open space which provides for a large buffering zone from adjacent properties.

A. *Permitted uses.*

- (1) Farms.
- (2) Greenhouses.
- (3) Plant nursery.
- (4) Detached single family dwelling (minimum 1½) acre lots.

B. *Special exception uses.*

- (1) Landfills.
- (2) Communications tower.
- (3) Mulch plant.

- (4) Golf course with ancillary buildings.
- (5) House of worship.
- C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.
- D. *Area, lot, and structure requirements.* Area, lot and structure requirements in the Rural Estate—Agricultural district are as follows:

Characteristics	Standard
Minimum Lot Dimensions	
Area (ft.)	1 acre
Width (ft.)	100
Minimum Yard	
Front (ft.)	25
Side (ft.)	15
Rear (ft.)	20
Maximum Building Coverage	30%
Maximum Height (stories/ft.)	3/35
Minimum Living Area/D.U. (sf))	900

- E. *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.
 - (1) All uses which are not permitted.
 - (2) Medical marijuana treatment center dispensing facilities.

§ 125-60. - P—Public.

[Amended 3-18-2014 by Ord. No. 317]

The P District is intended to implement the public buildings and other facilities, recreational, and educational future land use categories of the Comprehensive Plan by providing locations for public and educational facilities and open space for public service use and enjoyment.

A. *Permitted uses*

- (1) Schools.
- (2) Municipal services.
- (3) Community center (governmental).
- (4) Public library or museum.
- (5) Parks or playgrounds.
- (6) Storage for public uses.

B. *Special exception uses.*

- (1) *Detention facilities.*

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.

D. *Area, lot, and structure requirements.* Area, lot and structure requirements in the Public District are as follows:

Characteristic	Standard
Minimum Lot Dimensions	
Area (ft.)	None
Width (ft.)	50
Minimum Yard	
Front (ft.)	15
Side (ft.)	5
Rear (ft.)	None
Maximum Building Coverage	65%
Maximum Height (stories/ft.)	4/45

§ 125-61. - CON—Conservation.

The CON District is intended to implement the conservation future land use category of the Comprehensive Plan by preserving and protecting unique natural resources of the City while providing for their limited use in a manner that will not adversely affect their natural ecological value and function. It is anticipated that such lands will be publicly owned or protected under the conditions of a development order approved by City Council. The CON District shall be applied to any lands designated conservation on the Future Land Use Map (FLUM) in the Comprehensive Plan.

A. *Permitted uses.*

- (1) Detached single-family dwellings.
- (2) Areas of unique upland habitat.
- (3) Natural resource based parks.
- (4) Naturally occurring wetlands.
- (5) Water conservation lands such as aquifer recharge areas, flow ways, and potable water wellfields.
- (6) Wetland and upland mitigation areas and banks.
- (7) Wetland transitional zones.
- (8) Wildlife preserves.

B. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use and which do not involve the conduct of business.

C. *Area, lot, and structure requirements.* Area, lot and structure requirements in the Conservation District are as follows:

Characteristic	Standard
Minimum Lot Dimensions	
Area (ft.)	5 acres
Width (ft.)	100
Minimum Yard	
Front (ft.)	25
Side (ft.)	15
Rear (ft.)	20

Maximum Building Coverage	5%
Maximum Height (stories/ft.)	4/45
Minimum Living Area/D.U. (sf))	850

§ 125-62. - MUPD—Mixed Use Planned Development.

The MU district is intended to implement the Mixed Use future land use category of the Comprehensive Plan and to accommodate and provide flexibility for multiple uses within a residential setting unified plan of development that employs creative design techniques and maximizes open space and natural areas.

MU Zoning Districts shall be permitted only on land designated on the Future Land Use Map as Mixed Use in the Comprehensive Plan.

A conceptual site plan of the proposed development shall be submitted and approved prior to a change in zone to a MUPD Zoning District, subject to the regulations of this division.

A. *Permitted uses.*

- (1) All uses permitted in the RPD, PCD and Public Zoning Districts are permitted uses in this district.

B. *Special exception uses.* Special exception uses in the MUPD district are permitted uses in excess of 45 feet in height.

C. *Customary accessory uses and structures.* Each permitted and special exception use is also permitted to have other accessory uses and/or structures that are customary and incidental to the principal use.

D. *Development standards.*

Characteristic	Standard
Minimum Parcel Size (acres)	5
Maximum Density (D.U./Gross Acre)	10 ⁽¹⁾
Minimum Yards	
Perimeter setback from all property boundaries (ft.)	20
Front, side and rear yards (ft.)	
Residential Uses	Per R-3 district requirements

Commercial Uses	Per C-2 district requirements	
Public/Semi-public, Institutional, Recreational and Educational	Per P district requirements	
Maximum Floor Area Ratio (FAR)		
Commercial/Non-residential uses	0.35	
Structures in open space areas	0.25	
Minimum Required Open Space (proportion of total acreage)	40%	
Required Mix of Land Uses (proportion of total acreage)	Minimum	Maximum
Residential	45%	50%
Commercial/Non-residential	10%	15%
Maximum Impervious Surface Coverage	75%	
Maximum Height (stories/ft.)	4/45, except where further restricted in these regulations for a particular use.	
Single Family Minimum Living Area/D.U. (sf))	850	
⁽¹⁾ Individual areas may be developed at higher densities provided the overall project density does not exceed 10 units per acre.		

E. *Design standards.*

- (1) Developments shall provide a mix of residential and nonresidential uses and are encouraged to provide a mix of residential types, recreational amenities, civic spaces and convenience commercial uses intended to serve residents and their guests in order to minimize trips outside the project.
- (2) Developments shall include clustering for greater common open space and mixed-use development and shall employ the following creative design techniques:

- (a) Residential development. These areas shall include single and/or multiple-family home site acreage for two or more of the following housing types: single-family attached and detached; duplexes/two-family units; town homes and other multi-family dwelling types.
 - (b) Non-residential development. These areas may include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated recreational facilities, utility buildings, maintenance areas, and other associated customary non-residential uses.
 - (c) Open spaces. A minimum of 40 percent of the overall acreage of the project shall be provided as open space.
 - (1) Open space areas may include preserved natural areas, buffers, lakes, parks, golf courses, natural trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas.
 - (2) Golf course natural areas and fairways shall account for no more than 50% of the open space required of the project.
 - (3) No structures other than recreation-oriented buildings and structures shall be counted toward the minimum open space requirement.
 - (d) Management strategies shall be employed in and around any golf course to prevent the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The management practices will include:
 - (1) The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching into the groundwater;
 - (2) The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal applications aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the United States Department of Agriculture Soil Conservation Service Soil Pesticide Interaction Guide to select pesticides that have a minimum potential for leaching or loss due to runoff depending on the site-specific soil conditions;
 - (3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any pesticides and nutrients;
 - (4) The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and
 - (5) The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.
 - (e) Shorelines of stormwater management lakes must be sinuous in configuration and must be sloped or bermed. The littoral zones around the ponds must be planted with at least four different species of native wetland herbaceous plants with a minimum of one plant per linear foot of shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.
- (3) Each submission to the City of an application for rezoning to PUD or PCD shall, at a minimum, include the following information:

- (a) A showing of the number and percent of units as a part of the maximum approved for the parent parcel.
- (b) Transportation facilities needed to serve new development shall be in place or under actual construction within three years after the City approves a building permit, or its functional equivalent, that results in traffic generation.
- (4) All development within the MUPD shall be required to connect to public water and sewer when available.

ARTICLE X. - SUPPLEMENTAL DISTRICT REGULATIONS (APPLICABLE TO ALL USES IN DISTRICTS WHERE PERMITTED)

§ 125-63. - General provisions.

- A. *Rear yard.* One-half of an alley abutting the rear lot may be included in the required rear yard.
- B. *Vision clearance on corner lot.* Eight feet from the intersection of property lines.
- C. *Accessory buildings and structures.*
 - (1) Shall not be permitted prior to the erection of the principal building, except for strictly storage purposes and not for human occupancy.
 - (2) No accessory building or structure shall be located closer to a side lot line than three feet.
 - (3) The normal maximum height permitted shall be 18 feet or one and one-half stories.
 - (4) Accessory buildings and structures shall be no higher than the principal structure on the property.
 - (5) The floor area of an accessory building or structure shall be no greater than 50 percent of the square footage of the principal structure.
- D. *Through-lots.* On lots extending through from one street to another, a front yard is required for each street.

ARTICLE XI. - OFF-STREET PARKING, LOADING AND UNLOADING REGULATIONS

§ 125-64. - Off-street parking.

- A. *Area and dimensions.* For the purposes of this Regulation, an "off-street parking space" shall have dimensions of nine feet in width and 19 feet in depth, exclusive of the area required for access drives or aisles. A "parallel parking space" shall have dimensions of seven feet in width and 19 feet in depth. Each parking space shall have four feet of additional depth for maneuvering purposes. These areas are exclusive of the area required for access drives or aisles.
- B. *General requirements and specifications.*
 - (1) *Entrance and exits.* Each parking space shall be directly accessible from a street, alley, or other public right-of-way. Except for one- or two-family dwellings, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street. No entrance and exit driveways shall be permitted closer than 25 feet from a street intersection, and no parking area containing more than ten spaces shall have more than one access way to any adjacent street for every 100 total linear feet of the boundary line (adjacent to said street) with a maximum of two driveways per street frontage.
 - (2) *Adequate traffic areas for vehicles entering from or waiting to exit to adjacent streets.* Each off-street parking area shall provide adequate traffic areas for vehicles entering from or waiting to exit adjacent streets and adequate storage areas for any drive-in facilities located on the

premises. The traffic and storage areas provided herein shall be so designed that vehicles waiting or maneuvering in these areas will not interfere with or hinder traffic into or out of the area or vehicles pulling into or out of spaces within the area.

- (3) *Aisle widths.* All off-street parking areas providing four or more parking spaces shall be constructed with aisle widths with the following minimum dimensions, based upon the angle of the parking stall to the access aisle.

Parking Stall Angle	Aisle Width
30 degree	11 feet
45 degree	13 feet
50 degree	14.5 feet
60 degree	16 feet
90 degree	22 feet

Aisles shall be 22 feet in width when not designed to serve a particular parking configuration or when designed to serve parallel parking. The minimum width for a one-way driveway aisle within the parking area shall be 11 feet, and 22 feet for a two-way driveway aisle.

- (4) *Surface material and drainage.* Except for one- and two-family dwellings, all off-street parking facilities including access aisles, driveways, and maneuvering areas shall be either paved or surfaced with a hard, dustless material. Such surfacing shall be maintained in good condition at all times. All off-street parking facilities shall be suitable sloped and drained to eliminate surface water.
- (5) *Location.* The following locational standards shall be used in providing required off-street parking facilities:
- (a) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve measured from the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located not to exceed 400 feet from the church sanctuary.
 - (b) Residential off-street parking space shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot they are intended to serve.
 - (c) For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the City Council.
 - (d) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
 - (e) Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

- (f) Two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (g) The required off-street parking shall be for occupants, employees, visitors, patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited. Any commercial related parking use shall be required to be in an authorized commercial zoning district.
- (h) Every company car, truck, tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for the use as determined by the City Council.
- (i) In cases of dual functioning of off-street parking where operating hours do not overlap, the City Council may grant an exception.
- (6) *Setbacks.* All off-street parking areas shall be set back a minimum of ten feet from the front property line and five feet from the side and rear property lines.
- (7) *Handicap Parking Space Requirements.* Handicap parking spaces shall be reserved and posted in all multi-family residence, commercial districts, industrial districts, and any other district which has a principal, accessory or conditional use of a building or structure open to the public. Handicap parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the handicap spaces. Handicap parking spaces shall be properly maintained to ensure that such spaces are clearly identified to the public. The required number of handicap spaces, with respect to the total number of spaces required, shall be:
 - (a) *Zero to 20 required spaces:* One handicap space.
 - (b) *Twenty-one to 50 required spaces:* Two handicap spaces.
 - (c) *More than 50 required spaces:* Four percent as handicap spaces.

Handicap parking spaces shall have a minimum width of 12 feet, or as otherwise specified in this chapter or F.S. § 316.1955, or succeeding provisions, whichever is greater.

C. *Table of parking spaces required.*

Type of Business	Parking Space Requirement
Automobile wrecking, junk, or salvage yard which offers for sale to the public any new or used merchandise	One space for each two employees, plus one space for each 10,000 square feet of lot area, or two spaces for each 1,000 square feet of floor area, whichever is greater.
Automobile/vehicle sales	One parking space for each employee, plus two for each service bay.
Automobile service stations	One parking space for each employee, plus two for each service bay.
Banks, business or professional offices	One per 300 square feet of usable floor area, plus one per each three employees.

Barber shop or beauty parlor	Two per barber or three beauticians based on the design capacity of the structure.
Boarding or rooming house	One space for each three boarders not rooming on the premises. One for each two guests provided overnight accommodations.
Bowling alleys	Five per alley.
Commercial recreation uses or community clubhouse	One per three patrons, based on the design capacity of the facility.
Country Club	One per five members.
Day care center, child	One per five children plus one per staff member.
Day care center, adult	One per five adults cared for plus one per staff member.
Dwellings (single- and two-family)	Two per dwelling unit.
Dwellings (multiple-family)	One and one-half spaces per dwelling unit for the first 20 units, plus one space for each dwelling unit exceeding 20 units.
Establishments for sale and consumption, on the premises, of beverages, food, or refreshment	One per three employees, plus one per 200 square feet of usable floor space, or one per three fixed seats, whichever is the greater.
Governmental office building	One per 300 square feet of usable floor area, plus one per each three employees. Every governmental vehicle shall be provided with a reserved off-street parking space.
Homes for the aged, sanitariums, convalescent or nursing homes	One per three employees, plus one per 200 square feet of usable floor space, or one per three fixed seats, whichever is the greater.
Home occupation	Residential parking requirement plus one space.
Hospitals	One per three patient beds, exclusive of bassinets, plus one space for each staff doctor, plus one space for each two employees including nurses on the maximum working shift,

	plus adequate area for parking emergency vehicles.
Hotels	One per two rooms or suites, plus two per three employees.
House of worship	One per four seats; or one per 30 square feet of usable floor area of auditorium, whichever is greater.
Industrial establishments, mechanical garages	Two per three employees on the combined two largest successive shifts, plus adequate parking space for customer and visitor vehicles as determined by the City Council.
Library or museum	One for each 400 square feet of floor area.
Medical clinics	Three patient's parking spaces per staff doctor, plus two per three employees, plus one per staff doctor.
Mortuaries or funeral parlors	Five spaces per parlor or chapel unit, or one per four seats, whichever is greater.
Motels and tourist courts	One per guest bedroom.
Private clubs, lodge, or union headquarters	One per three members based on the design capacity of the facility.
Retail stores and personal service establishments except as otherwise specified herein	One per 200 square feet of retail floor space.
Schools shall be provided with parking spaces under the following schedule: elementary, junior high and the equivalent private or parochial schools	Two spaces per three teachers and employees normally engaged in or about the building or grounds, plus one space for each 150 square feet of seating area, including aisles in any auditorium.
Senior High schools and the equivalent private or parochial schools	Two spaces per three teachers and employees normally engaged in or about the building or grounds, plus one space per five students, or one space for each 150 feet of seating area, including aisles, in any auditorium, gymnasium or a cafeteria intended to be used as an auditorium, whichever is greater.
Kindergartens, day schools, and the	Two parking spaces per three employees normally engaged in

equivalent private or parochial schools	or about the building or grounds, plus one off-street loading space per eight pupils.
Stadiums and sports arenas	One per 30 seats or 12 feet of benches.
Swimming pools	One per 30 square feet of water area.
Theaters, auditoriums, and places of assembly without fixed seats	One per three people based on the seating capacity of the structure.
Wholesale establishments and business services, cold storage and frozen food lockers, laundromat and other self service activities	One for every 50 square feet of customer service area, plus two per three employees based on the design capacity of the largest shift.
Uses not specifically listed	Parking requirement shall be the same as that for the most similar use listed.

D. *Exceptions or modifications.*

- (1) *Mixed uses.* In case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and off-street parking for use shall not be considered as providing the required off-street parking for any other use. Where a greater number is not elsewhere required in this regulation, each and every separate and individual store, office or other business shall be provided with at least one off-street parking space.

§ 125-65. - Off-street loading and unloading requirements.

In all districts, and on the same premises, with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, a wholesale store, a market, a hotel, a hospital, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

Off-street loading and unloading space shall be provided as follows:

- A. One off-street loading and unloading space shall be provided for buildings up to and including 20,000 square feet of floor area, plus one additional off-street loading and unloading space for each additional 20,000 square feet of floor area up to and including 100,000 square feet.
- B. Where trailer trucks are involved such loading and unloading space shall be an area 12 feet by 45 feet with a 14-foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.

- C. All areas devoted to permanent off-street loading and unloading as required under this section shall be either paved or surfaced with a hard, dustless material and maintained in such a manner that no dust will result from continuous use.

ARTICLE XII. - REVIEW OF PROPOSED DEVELOPMENT PLANS

§ 125-66. - Site plan review.

- A. *Development and uses requiring site plan review.* The following uses of land and development shall require a site plan for review and approval:
 - (1) *Permitted uses.* All permitted uses within all districts, except single-family detached dwellings, two-family dwellings, and their accessory uses and structures.
 - (2) *Special exception uses.* All special exception uses within all districts.
 - (3) *Alterations or Remodeling.* All building or structural alterations or remodeling, except single-family detached dwellings and two-family dwellings, where said alterations or remodeling affect 50 percent or more of the floor area of the principal building or use; or the cost of said alterations or remodeling exceeds 50 percent of the assessed value of the improvements on the site prior to the alterations or improvements.
- B. *Preapplication conference.* In order to expedite the review of a site plan, coordinate its local review in respect to the provisions of all applicable City ordinances, and to inform the City of a site plan in preparation; one or more preapplication conferences between the applicant and representative of the City's Administrative Staff is encouraged.

The preapplication conference(s), while informal, will serve several purposes and focus on the following items:

- (1) To inform the City of any site plans in progress together with the scale and character of the plan so that the City may recognize the proposed development in any of its physical or facility planning for the entire City.
 - (2) To inform the applicant of the City's informal response as to the scale and character of the proposed development and to alert the applicant to all applicable ordinances and regulations as well as any specific areas of concern that the City may have for that specific site or proposed plan.
 - (3) To clarify and inform both the applicant and the City with respect to the Site Plan Review Procedure.
- C. *Major development review.* The City may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review which meets one or more of the following criteria:
 - (1) Encompasses two or more acres of land within the application.
 - (2) Proposes 20 or more dwelling or motel units or 50,000 square feet of non-residential building area.
 - (3) Requires, by the nature and content of the application, professional expertise in one or more professions not available on the administrative staff of the City.
 - (a) *Types of review.* The types of review to be conducted under the major development review procedures may be classified in either of the following categories:
 - (1) Consideration of development issues or impacts arising from the physical aspects of project development including environmental, traffic, land use, density and similar impacts.

- (2) Consideration of fiscal impacts identifying the cost of providing public services to the development and the tax revenues expected to be generated by the project.
- (b) *Review costs.* The cost of retaining said consultants shall be borne by the applicant in the manner set forth within a resolution of the City concerning application and permit fees.
- D. *Submission requirements.* Any applications for site plan review shall be accompanied by the following information:
 - (1) Vicinity map at a scale of one inch equals 400 feet or such other scale as deemed appropriate by the Development Administrator.
 - (2) The boundary survey of the tract showing the location and type of boundary evidence and showing the location of all existing streets, buildings, railroad, bulkhead lines and easements, and other important features in or adjoining the property. The boundary survey shall be related to the State plane coordinate system if available.
 - (3) A site plan containing the title of the project, its date and scale, a north arrow and illustrations of the locations of all proposed buildings and structures, access and traffic flow, off-street parking and off-street loading areas, recreational facilities, landscaped buffer areas, refuse collection areas, and proposed utilities.
 - (4) Existing topography with a maximum contour interval of two feet, except where existing ground is on a slope of less than two percent, in which case either one foot contours or spot elevations shall be provided where necessary, but not more than 100 feet apart in both directions.
 - (5) Proposed finished grading by contours supplemented where necessary by spot elevations, and in particular, at those locations along lot lines.
 - (6) All existing and proposed street right-of-way reservations and easements; their names, numbers and widths; canals and watercourses and their names as well as the owner, existing land use designation, and present use of all adjoining properties.
 - (7) The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by area and percentages thereof. Such allocations shall include, but not be limited to:
 - (a) Total site area.
 - (b) Density (dwelling units per acre) or intensity (units per acre and/or ratio of gross floor area to total site areas).
 - (c) Percentage of site covered by building(s).
 - (d) Permeable space and landscaped area(s).
 - (e) Vehicular circulation and parking areas(s).
 - (f) Location, area, and use of all other portions of the site.
 - (8) The location, size, and character of any common open space, and the form of organization proposed to own and maintain any common open space.
 - (9) The proposed location, general use, number of floors, height, and the net and gross floor area for each building to include outside display areas, and, where applicable, the number, size, and type of dwelling or transient units.
 - (10) Location, type, and size of vehicular entrances to the site.
 - (11) Location, type, size, and height of fencing, retaining wall, and screen planting where required under the provisions of this ordinance.
 - (12) All off-street parking, loading space, and walkways, indication type of surfacing, size, angle and width of stalls and aisles, together with schedule showing the number of parking spaces provided and the number required by the provisions of this ordinance.

- (13) All proposed signs and exterior lighting.
- (14) Provisions for the adequate disposition of natural and stormwater in accordance with the adopted design criteria and standards of the City, indicating the location, size, type and grade of ditches, catch basins, and pipes and connections to the existing drainage system.
- (15) Provisions for the adequate control of erosion and sedimentation, indication the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
- (16) A landscape plan indicating the location, type, size, and description of all proposed landscape materials, including the limits and/or extent of tree removal and/or tree protection.
- (17) The location of phase lines indicating all applicable construction phases.
- (18) Development schedule showing the order of construction, the proposed date for the beginning of construction and completion of the project as a whole, and any phases thereof.
- (19) Covenants, grants, easements, dedications and restrictions to be imposed on the land, buildings, and structures, including proposed easements for public utilities and instruments relating to the use and maintenance of common open spaces and private streets. Such instruments shall give consideration to access requirements of public vehicles for maintenance purposes.
- (20) Any additional data, plans, or specification which the applicant believes is pertinent and will assist in clarifying the application.

E. *Review procedures.*

- (1) *Acceptance.* Upon receipt of a site plan application, the City shall have five working days to determine its appropriateness and completeness and accept or reject the application.
- (2) *Administrative Review.* Upon acceptance, the Building and Zoning Official, or designee, shall prepare a report for the LPA indicating the degree of conformance of the site plan with all applicable codes and ordinances. This report may include a major development review as authorized in [subsection] C.
- (3) *LPA review.* An application for site plan approval shall be presented to the LPA at a regular meeting no later than 45 days after the acceptance of the site plan. The Commission shall hold a public hearing on the site plan and, within 60 days, take action approving, approving with modifications, or denying the plan.
- (4) *Modified Site Plan Approval.* A site plan approved with modifications shall be revised and resubmitted to the Development Administrator before any development permit may be issued based on the plan.

F. *Modification of a Site Plan.* Any changes or amendments to a site plan recommended by the LPA shall require a resubmission in accordance with the provisions of this ordinance, except that minor alterations and/or adjustments may be permitted by the development administrator provided that such alterations and/or adjustments do not:

- (1) Affect more than 50 percent of the square footage of the approved site plan.
- (2) Alter the use or uses of the approved site plan.
- (3) Significantly change the concept intent or arrangement of the approved site plan.
- (4) Result from a proposal to change the approved site plan but rather are a result of refinement and detailing of the site plan as approved.
 - (a) *Intent of minor alterations.* In all cases where the Building and Zoning Official, or designee, acts in accordance with this section of the ordinance shall find before granting approval to the requested alterations the following:
 - (1) The granting of the alterations would be in the best interest of the City.

- (2) In the case of alterations to an approved site plan for a condominium, a majority of the owners in the affected condominium association have consented to the alterations and any applicable rules of said association have been met.
- (b) *Appeal of Building and Zoning Official's Action.* The applicant or any directly interested party shall have the right to appeal any decision of the Building and Zoning Official with respect to permitting alterations and/or adjustments to an approved site plan. Any such appeal shall be made to the LPA within ten days of the Building and Zoning Official's action upon which said appeal is based.

G. *Time limit.*

- (1) An approved site plan shall be effective for a period of 12 months from the date of approval by the City Council. If a development order is not issued within such period, the approval for the site plan shall be null and void.
- (2) Failure to comply with this section shall negate the approval of the subject site plan and modifications.

§ 125-67. - Special exception uses.

Special exception uses shall be permitted only upon authorization by the City Council provided that such uses shall be found by the City Council to comply with the following requirements and other applicable requirements as set forth in this chapter:

- A. That the use is a special exception use;
- B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;
- C. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located;
- D. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located;
- E. That adequate landscaping and screening is provided as required herein, or otherwise required;
- F. That adequate off-street parking and loading is provided, that ingress and egress are so designed as to cause minimum interference with traffic on abutting streets and that the use has adequate frontage on a public or approved private street;
- G. That the use conforms to all applicable regulations governing the district where it is located.

ARTICLE XIII. - SUPPLEMENTAL REGULATIONS—MOBILE/MANUFACTURED HOMES OR BUILDINGS

§ 125-68. - General.

- A. All mobile homes and manufactured homes used or intended to be used for human habitation or the storage of materials associated with human habitation in the incorporated area of the City of Moore Haven should be reviewed to ensure that they provide the basic minimum housing standards essential for safe and healthful living. To facilitate such a review, no mobile home or manufactured home shall be located, relocated, deposited, installed or connected to utilities in the incorporated areas of Moore Haven unless and until said mobile home or manufactured home has been either inspected or exempted in accordance with the provisions of this section. Any person or corporation

transporting, installing or connecting to utilities a mobile home or manufactured home in violation of this section shall be subject to fine or imprisonment in accordance with the provisions of law.

B. The following standards apply to both new and used mobile homes and manufactured homes:

- (1) Each mobile home or manufactured home must have a continuous wall underpinning/skirting of vinyl, pressure treated wood or masonry construction. Openings for ventilation and access to meet the requirements of Standard Building Code 1804.6.3.1 and 1804.6.3.2.
- (2) Each mobile home or manufactured home must be connected to its own individual septic tank, or to a public sewer system when available.
- (3) It shall be unlawful for electrical services to be connected to any mobile home or manufactured home until a permit as required herein shall have been issued by the City of Moore Haven's Building Official or designee, and proper approvals have been obtained for the sewage disposal system and the potable water system.
- (4) Mobile homes and manufactured homes lawfully placed and set up in the county under the laws application at the time of said unit's placement on the effective date of this section shall not be required to meet the requirements of this article, so long as the unit is not installed or transported to another location within the City. However, the installation or transportation of a mobile home or manufactured home within or imported from outside the City in violation of this section is strictly prohibited. The Building Official may grant limited waivers for the sole purpose of transporting a substandard mobile home or manufactured home out of the City or to a permitted site for demolition and disposal.
- (5) A mobile home or manufactured home may be used as a temporary residence or office incidental to construction on or development of property for a residential or commercial use on which the mobile home or manufacture home is located only during the time in which construction or development is actively underway, and in no case for more than six months, subject to renewal. Such use is subject to the approval of the Building Official.
- (6) The requirements of this section may be enforced by the Building Official or designee thereof by the initiation of misdemeanor prosecutions, or, with the assistance of the City Attorney, by action for mandatory injunction or other legal or equitable remedies. The penalty for each violation shall be as provided by law.

§ 125-69. - New mobile homes and manufacture homes.

All previously untitled and unoccupied Mobile/Manufactured homes built in compliance with the Federal Manufactured Home Construction and Safety Standards (HUD Code), Chapter 320, Florida Statutes, and provisions of the Florida Administrative Code pertaining thereto shall be presumed to comply with the minimum standards of this section upon written certification by a mobile home or manufactured home dealer licensed under Chapter 320, Florida Statutes, that the mobile home or manufacture home was constructed and remains in compliance with said statutes and codes.

§ 125-70. - Used mobile homes and manufactured homes.

The provisions contained herein apply to used mobile home and manufactured homes and shall ensure safe and livable housing. The provisions contained herein shall not be construed to be more stringent than those standards required to be met in the manufacture of mobile homes and manufactured homes.

- A. Prior to relocation within or transport into the unincorporated area of the City of Moore Haven for the purpose of placement within such incorporated area, each mobile home or manufactured home is required to be inspected and certified for soundness and habitable living conditions

based on the standards established by the City and contained within the *"Pre-Inspection Report of Used Mobile/Manufacture Homes"* form provided by the City Building Department. Such standards shall include, but not be limited to, structural adequacy, plumbing, heating, electrical systems, and fire and life safety. The inspection and certification shall be performed by an engineer, architect, residential building or general contractor certified or registered by Florida, building inspector certified by Florida, or the City Building Official. The City of Moore Haven's Building Official may establish agreements of reciprocity with other counties and municipalities within the state to conduct the inspections required by the provisions contained herein.

- B. Each applicant for pre-inspection must complete an affidavit form, a copy of which is entitled *"Mobile/Manufactured Home Pre-Inspection Standards"* and available from the Building Department.
- C. The *"Pre-Inspection Report of Used Mobile/Manufacture Homes"* must accompany each request for a permit to place or relocate a used mobile home or manufactured home in the City.
- D. Each application for a pre-inspection or any other inspections or permits pursuant to the provisions of this section shall be accompanied by the appropriate fee(s), as established by the City.
- E. If a pre-inspection reveals deficiencies, but which are deemed repairable, a Remodel and Repair permit may be required. This determination will be addressed in the summary within the *"Pre-Inspection Report of Used Mobile/Manufacture Homes"*. If a Remodel or Repair permit is required, the applicant shall be subject to all necessary inspections to assure code compliance and is required to obtain said permit prior to beginning the remodel/repair work. Remodeling and Repair permits are valid for no more than 90 days.
- F. If the required remodel/repair work is to be conducted within the City, a surety device shall be required to be filed with the City Building Official in an amount sufficient to cover the costs of removing the mobile home o[r] manufactured home from the City if such work is not conducted within the allotted time period. Such surety may in the form of a surety bond, cashier's check, instruments of credit, or other collateral in the form and amount determined by the City. If the required remodel/repair work is to be conducted outside the City, no surety shall be required by the City of Moore Haven.
- G. No move-on permits for used mobile homes or manufactured homes will be issued until all required inspections have been completed and applicable standards have been met and certified in writing by the appropriate contractor or inspector(s).

ARTICLE XIV. - SUPPLEMENTAL REGULATIONS—ALCOHOLIC BEVERAGES

§ 125-71. - County laws re-opening and closing of sales establishments adopted.

The opening and closing laws for the sale of alcoholic beverages as may exist from time to time and as are established by the Board of County Commissioners in and for Glades County, Florida and the City of Moore Haven Ordinance Number 111, are hereby adopted.

§ 125-72. - Consumption in vicinity of sale and other public places.

- A. *Definition.* As used in this section: The term alcoholic beverages includes all beverages containing one percent (1%) or more alcohol by volume.
- B. *Consumption restricted.* It shall be unlawful for any person to drink or consume any alcoholic beverages, as herein defined, within the City of Moore Haven upon any public highways, roads,

streets and sidewalks of this town or upon any areas available for use by the public for motor vehicular parking purposes where such areas adjoin or are adjacent to any establishment where alcoholic beverages are sold or dispensed.

C. *Responsibilities of licensees.* It shall be unlawful for any person, or for the officers, employees, servants or agents of any person, firm, association or corporation holding a license to sell alcoholic beverages to:

- (1) Serve alcoholic beverages as herein defined to any person upon any motor vehicular parking areas which is adjacent to or adjoining any establishment within the City of Moore Haven licensed for sale of any alcoholic beverages.
- (2) Knowingly permit the consumption of any alcoholic beverages, as herein defines, to any person upon any motor vehicular parking area which is adjacent to or adjoining any establishment within the City of Moore Haven licensed for the sale of alcoholic beverages.
- (3) *Posting of notice.* It shall be the responsibility of each licensee of any establishment licensed to sell alcoholic beverages to have conspicuously posted at all times a sign, which shall be furnished without charge by the sheriff, calling to the attention of the public the provisions of this article.

§ 125-73. - Sale near churches and schools restricted.

It shall be unlawful for any person owning or operating a package store, convenience store, bar, lounge or nightclub located within an Industrial or Residential Zoning District to sell, offer for sale, cause to be sold, barter or exchange or otherwise deal in liquors, wines, beer or other beverages containing more than one percent of alcohol by weight for consumption.

§ 125-74. - Consumption or open containers prohibited on certain properties.

It shall be unlawful for any person to consume any alcoholic beverages or possess any alcoholic beverage in an open container on any property belonging to the City of Moore Haven, including alleys, streets, parking lots, athletic fields, parks, and public buildings.

§ 125-75. - Penalties for violation of sections 125-73 or 125-74.

Any person who violates any provision of Section[s 125-73 or 125-74] shall, upon convictions thereof, be punishable by a fine of not more than \$500.00 or imprisonment for not more than 60 days, or both. Each day, or any part thereof, that such a violation continues shall be deemed a separate offense.

ARTICLE XV. - SUPPLEMENTAL REGULATIONS—TEMPORARY PORTABLE STORAGE TRAILERS/UNITS IN RESIDENTIAL DISTRICTS

[Adopted 8-4-2009 by Ord. No. 295]

§ 125-76. - General.

Temporary portable storage unit (aka POD) is defined as a self-contained storage unit designed to be delivered to a site by separate vehicle where it is removed from the vehicle and left at the site. Once

on site, it is used as a temporary, short-term storage shelter. It may also be loaded with stored material and then transported by separate vehicle to an off-site storage location for longer periods of time.

§ 125-77. - Standards.

Except for temporary storage units (aka PODs) on construction sites, which are governed by the provisions of Section 125-78, one temporary storage unit may be parked in the front yard, provided the following conditions are met:

- A. Said temporary portable storage unit shall not be located on the lot for a period of more than five consecutive days.
- B. The City Council may grant a waiver of the five-day time limitation if the person's property has suffered a natural disaster or other act of God, making compliance with the time limitation an extreme hardship or impossibility. The Mayor, or City designee, may grant an initial waiver which shall be subject to confirmation at the next regular meeting of the City Council.
- C. The temporary portable storage unit shall be removed from the property within six hours of the issuance of an official tropical storm warning or hurricane warning.
- D. The temporary portable storage unit shall comply with all sign regulations.

§ 125-78. - Real estate development (construction) projects.

In the case of real estate development or construction projects in any zoning district, the developer may request a temporary use permit for the necessary commercial, promotional, sales, storage and construction activities which occur during construction of the project, and which terminate upon completion of construction of the project. The following activities may be permitted as a temporary use under this section:

- A. Real estate sales office.
- B. Construction materials and equipment storage, including temporary portable storage units (aka, PODs), processing and fabrication. A temporary use permit is not required if temporary storage has been approved as part of a building permit.
- C. Offices for persons actively engaged in the development.
- D. Model homes.

ARTICLE XVI. - SUPPLEMENTAL REGULATIONS—USE OF HISTORICALLY SIGNIFICANT STRUCTURES

[Adopted 6-7-2011 by Ord. No. 306]

§ 125-79. - General.

As an incentive to encourage the preservation of locally identified historically significant structures, limited adaptive nonresidential use of such structures shall be permitted in the R-1 and R-2 Residential Districts.

§ 125-80. - Standards.

Locally identified historically significant structures may be used for certain nonresidential uses and activities provided each of the following conditions is met:

- A. The property on which the adaptive nonresidential use occurs must be identified as a historically significant property in the Historic Properties Survey, January 1995 prepared by Historical and Architectural Research Services or any subsequent such document prepared for the City of Moore Haven or Glades County and accepted by the City as a basis for the identification of historic properties in the City.
- B. The property must be owned by the Glades County Historical Society or other such nonprofit society or association formally recognized by the City of Moore Haven as an authority on historic structures and properties within the City.
- C. Not fewer than four parking spaces must be available to serve the historic structure, at least two of which must be located on the property. The other two spaces may be "on-street" parking provided the parking spaces are located not more than 100 feet from the subject property.
- D. Permitted nonresidential uses and activities are limited to the following:
 - 1. Conducting tours of the historic structure.
 - 2. Operation of a gift/souvenir shop selling articles directly associated with the historic nature of the structure, history of the City of Moore Haven, or the operation of the nonprofit organization owning and running the facility.
 - 3. Holding of meetings, weddings, or other such social functions suited to the size and capacity of the historic structure.
- E. No operation of the gift/souvenir shop, tours, meetings, weddings or other social functions shall occur on more than three days in any week and no activity shall begin prior to 9:00 a.m. or extend beyond 9:00 p.m. on any day of the week.
- F. The aggregate floor area devoted to the display and/or sale of gifts or souvenirs must not exceed 60 square feet.
- G. The aggregate of the number of employees and persons attending any event or tour should be limited to the sum of the number of off-street and on-street parking spaces multiplied by 2.5.