

## ORDINANCE NO. O-22-61

AN ORDINANCE AMENDING THE WINTER HAVEN CODE OF ORDINANCES, CHAPTER 21, ARTICLE II, DIVISION 2, SECTIONS 21-34 THROUGH 21-50 AND CHAPTER 21, ARTICLE II, DIVISION 6, SECTIONS 21-102 AND 21-103(a) FOR THE PURPOSE OF UPDATING ACCESSORY STRUCTURE STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a proposed amendment to the Winter Haven Land Development Code, has been studied, documented, advertised, and heard by the Winter Haven Planning Commission; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that it is expedient to revise Chapter 21, Article II, Division 2, Sections 21-34 through 21-50 and Chapter 21, Article II, Division 6, Sections 21-102 and 21-103(a) relating to accessory structures.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That Chapter 21, Article II, Division 2, Sections 21-34 through 21-50 and Chapter 21, Article II, Division 6, Sections 21-102 and 21-103(a), of the Code of Ordinances of the City of Winter Haven, Florida are hereby amended to read as shown in Exhibit "A", attached hereto and made a part hereof (New text is underlined and deleted text is ~~stricken through~~).

2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

4. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

5. This Ordinance shall become effective immediately upon passage on second reading.

INTRODUCED on first reading this 26<sup>th</sup> day of September, 2022.

PASSED on second reading this 10<sup>th</sup> day of October, 2022.

CITY OF WINTER HAVEN, FLORIDA

\_\_\_\_\_  
MAYOR-COMMISSIONER

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to form:

\_\_\_\_\_  
CITY ATTORNEY

New text is underlined and deleted text is ~~stricken through~~.

**Chapter 21, Article II, Division 2**

**Sec. 21-34. AG, Agriculture.**

- (a) Permissible Future Land Use classifications. The AG zoning district may be assigned to properties designated as Residential Estate and Conservation on the City's Future Land Use Map.
- (b) The purpose of the AG, Agriculture zoning category is to provide for agricultural activities within the City; and to provide for the continuation of agricultural tax exempt status established by Florida Statutes, on property that is at the perimeter of the City, is used for agriculture activities, and does not have any established urban land uses. In general, a wide range of agricultural pursuits and single family detached dwelling units at a maximum density of 0.20 dwelling units per gross acre are permitted.
- (c) Additional permitted uses:
  - (1) Agricultural uses are permitted and include: The use of land for producing or harvesting crops or plants; for raising livestock or fish; for dairying; for forestry, fisheries, animal specialty farms or hunting, trapping and game propagation. Intense agricultural activities such as feed lots and egg production are not allowed within the City limits, unless they are pre-existing uses of the land prior to annexation.
  - (2) Limited agricultural uses are permitted and include: Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses, bee keeping and raising of exotic species with the exception of venomous reptiles.
- (d) Building form standards. All development within the AG zoning district shall follow the building form standards as set forth below in Table 21-34.

**Table 21-34  
 AG Zoning District Development Standards**

<i>Lot and Building Standard</i>		<i>Requirement</i>
Lot/Parcel Size	Area	Minimum 217,500 square feet
	Width	Minimum 250 feet
	Depth	Minimum 400 feet
Living Area		Minimum 900 square feet
Building Setbacks	Front	Minimum 40 feet
	Side	Minimum 30 feet
	Street Side	Minimum 30 feet
	Rear	Minimum 50 feet
Building Height		Maximum 45 feet
Impervious Surface Ratio		None

<u>Accessory Structures</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 15 feet</u>
		<u>Rear</u>	<u>Minimum 25 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>		<u>Maximum 45 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>
	<u>Accessory Residential Unit</u>		<u>Minimum 400 square foot living area</u>
<hr/>			
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 15 feet</u>
		<u>Rear</u>	<u>Minimum 15 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

- (1) Accessory structures and swimming pools may be permitted in the front yard provided a minimum one hundred (100) foot setback from the front lot line is met.
- (2) Accessory structures must comply with provisions located in Section 21-102 of this Code.
- (3) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(e) Other requirements:

- (1) Excess produce and other products that are agricultural in nature and harvested from orchards, vineyards, nurseries, ornamental horticultural areas, groves, noncommercial greenhouses, as well as excess produce harvested from any commercial farm, may be sold on the premises to the general public by the means of a roadside stand or similar structure. Setbacks from rights-of-way and property lines shall be those required for an accessory structure.
- (2) Clubhouses and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association.

**Sec. 21-35. RE, Residential Estate.**

- (a) Permissible Future Land Use classification. The RE zoning district may be assigned to properties designated as Residential Estate on the City's Future Land Use Map.
- (b) The purpose of the RE, Residential Estate zoning district is to provide areas for single-family, very low density residential development with the necessary and incidental accessory uses that are normally located with the principal use. The maximum density permitted in this RE district shall not exceed two (2) dwelling units per gross acre.
- (c) Building form standards.
  - (1) All development within the RE zoning district shall follow the building form standards as set forth below in Table 21-35.

**Table 21-35  
RE Zoning District Development Standards**

<i>Lot and Building Standard</i>		<i>Requirement</i>
Lot/Parcel Size	Area	Minimum 21,750 square feet
	Width	Minimum 125 feet
	Depth	Minimum 125 feet

Living Area		Minimum 1,300 square feet	
Building Setbacks	Front	Minimum 35 feet	
	Side	Minimum 15 feet	
	Street Side	Minimum 30 feet	
	Rear	Minimum 35 feet	
Building Height		Maximum 2 floors up to 35 feet	
Impervious Surface Ratio		Maximum 50 percent	
Accessory Structures	Total <del>Structure Area</del> <u>Lot Coverage</u>	Maximum 7.5% of Lot <del>Area Coverage</del> up to 2,000 square feet	
	Setbacks	<del>Side</del>	Minimum 5 feet <del>from side and rear lot lines</del>
		<del>Rear</del>	<u>Minimum 5 feet</u>
		<del>Highwater Mark</del>	<u>Minimum 25 feet</u>
	<del>Structure Height</del>	<u>Maximum 2 floors up to 26 feet in total structure height</u>	
	<del>Structure Separation</del>	Minimum 5 feet	
<del>Accessory Residential Unit</del>	<u>Minimum 400 square foot living area</u>		
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>	<u>Minimum 5 feet</u>	

(2) Accessory structures and swimming pools may be permitted in the front yard provided a minimum one hundred (100) foot setback from the front lot line is met.

(3) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.

(4) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(5) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(d) Other requirements:

(1) Limited agricultural uses are permitted and are: Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses, bee keeping and raising of exotic species with the exception of venomous reptiles.

(2) Clubhouses and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association.

(3) Home occupation uses are permitted as long as they are an activity conducted in a residential dwelling unit that employs on-site only members of the immediate family residing there. Specific regulations are contained in section 21-201 of this Code.

**Sec. 21-36. R-1, Single Family Residential—Large Lot.**

- (a) Permissible Future Land Use classifications. The R-1 zoning district may be assigned to properties designated as Traditional Neighborhood Area and Residential—Low density on the City’s Future Land Use Map.
- (b) The purpose of the R-1, Single family Residential- Large Lot zoning district is to provide areas for single-family, low density residential development with the necessary and incidental accessory uses that are normally located with the principal use. The maximum density permitted in the R-1 district shall not exceed three (3) dwelling units per gross acre.
- (c) Building form standards. All development within the R-1 zoning district shall follow the building form standards as set forth below in Table 21-36A.

**Table 21-36A  
R-1 Zoning District Development Standards**

<i>Lot and Building Standard</i>		<i>Requirement</i>		
Lot/Parcel Size	Area	Minimum 7,500 square feet		
	Width	Minimum 75 feet		
	Depth	Minimum 100 feet		
Living Area		Minimum 1,000 square feet		
Building Setbacks	Front	Porch	Minimum 15 feet	
		Living Area	Minimum 25	
		Garage	Minimum 25 feet	
	Side	Minimum 5 feet		
	Street Side	Minimum 20 feet		
	Rear	Minimum 20 feet		
Building Height		Maximum 2 floors up to 35 feet		
Impervious Surface Ratio		Maximum 60 percent		
Accessory Structures	Total <del>Structure Area</del> <u>Structure Area Lot Coverage</u>	<u>Lots up to 1 acre in area</u>	Maximum 15% of Lot <del>Area Coverage</del> <u>Area Coverage</u> up to 1,200 square feet	
		<u>Lots greater than 1 acre in area</u>	<u>Maximum 2,000 square feet</u>	
	Setbacks	<u>Side</u>	Minimum 3 feet <del>from side and rear lot lines</del>	
		<u>Rear</u>	<u>Minimum 3 feet</u>	
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>	
	<u>Structure Height</u>		<u>Maximum 2 floors up to 26 feet in total structure height</u>	
	Structure Separation		Minimum 5 feet	
<u>Accessory Residential Unit</u>		<u>Minimum 400 square foot living area</u>		
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 3 feet</u>	
		<u>Rear</u>	<u>Minimum 3 feet</u>	
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>	
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>	

- (1) Accessory structures and swimming pools may be permitted in the front yard provided a minimum one hundred (100) foot setback from the front lot line is met.
- (2) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.
- (3) Accessory structures must comply with provisions located in Section 21-102 of this Code.
- (4) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(d) Other requirements:

- (1) Clubhouses and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association.
- (2) Home occupation uses are permitted as long as they are an activity conducted in a residential dwelling unit that employs on-site only members of the immediate family residing there. Specific regulations are contained in section 21-201 of this Code.

(e) Tree planting requirements.

- (1) A minimum of one tree shall be planted in the front and rear yard of any new lot created in the R-1 zoning district after April 26, 2021.
- (2) Yard trees shall be selected from one of the species identified in Table 21-36B.

**Table 21-36B**

Permitted Yard Tree		Permitted Planting Locations
Common Name	Botanical Name	
Live oak	Quercus virginiana	Rear yard only
Shumard oak	Quercus shumardii	Front or rear yard
Sand live oak	Quercus geminata	Front or rear yard
Red maple	Acer rubrum	Front or rear yard
Sycamore	Plantanus occidentalis	Rear yard only
Sweetgum	Liquidambar styraciflua	Rear yard only
Pignut hickory	Carya glabra	Rear yard only
Scrub hickory	Carya floridana	Rear yard only
Florida elm	Ulmus americana var. floridana	Front or rear yard
Winged elm	Ulmas alata	Front or rear yard
Chinese elm	Ulmas parvifolia	Front or rear yard
Crape myrtle	Lagerstroemia indica	Front yard only
Ligustrum tree	Ligustrum recurvifolium	Front yard only
Tabebuia	Tabebuia caraiba	Front or rear yard
East Palatka holly	Ilex attenuata	Front or rear yard
Chickasaw plum	Prunus angustifolia	Front or rear yard

- (3) Front yard trees shall be planted between five (5) feet and ten (10) feet from the sidewalk and outside of the center one-third (1/3) of the lot.
- (4) New lots preserving existing trees shall be exempt from compliance with 21-36(e)(1) provided the existing tree is a minimum ten (10) feet in height or contains a caliper of one and one-quarter (1¼) inches DBH.

**Sec. 21-37. R-2, Single Family Residential-Small Lot.**

- (a) Permissible Future Land Use classifications. The R-2 zoning district may be assigned to properties designated as Primary Activity Center, Traditional Neighborhood Area, and Residential—Low density on the City's Future Land Use Map.
- (b) The purpose of the R-2, Single Family Residential- Small Lot zoning district is to provide areas for single-family, low to moderate density residential development, with the necessary and incidental accessory uses that are normally located with the principal use. Permitted densities in the R-2 zoning district shall range between two (2) and five (5) dwelling units per gross acre.
- (c) Building form standards.
  - (1) All development within the R-2 zoning district shall follow the building form standards as set forth below in Table 21-37A.

**Table 21-37A  
R-2 Zoning District Development Standards**

<i>Lot and Building Standard</i>		<i>Requirement</i>	
Lot/Parcel Size	Area	Minimum 5,000 square feet	
	Width	Minimum 50 feet	
	Depth	Minimum 100 feet	
Living Area		Minimum 750 square feet	
Building Setbacks	Front	Porch	Minimum 10 feet
		Living Area	Minimum 15 feet; Maximum 20 feet
		Garage	Minimum 25 feet
	Side	Minimum 5 feet	
	Street Side	Minimum 15 feet	
	Rear	Minimum 20 feet	
Building Height		Maximum 2 floors up to 35 feet	
Impervious Surface Ratio		Maximum 60 percent	
Accessory Structures	Total Lot Coverage	<u>Lots up to 1 acre in area</u>	Maximum 15% of Lot <del>Area-Coverage</del> up to 1,000 square feet
		<u>Lots greater than 1 acre in area</u>	<u>Maximum 2,000 square feet</u>
	Setbacks	<u>Side</u>	Minimum 3 feet <del>from the side and rear lot lines</del>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>		<u>Maximum 2 floors up to 26 feet in total structure height</u>
	<u>Structure Separation</u>		Minimum 5 feet <del>between structures</del>
<u>Accessory Residential Unit</u>		<u>Minimum 400 square foot living area</u>	



<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 3 feet</u>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

(2) Lots measuring a minimum of 40-feet in width may be permitted provided vehicular access to the lot is provided from a new or existing alley right-of-way measuring a minimum of 20-feet in width with a minimum pavement width of twelve (12) feet.

(3) Accessory structures and swimming pools may be permitted in the front yard provided a minimum one hundred (100) foot setback from the front lot line is met.

(4) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.

(5) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(6) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(d) Other requirements:

(1) Clubhouses and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association.

(2) Home occupation uses are permitted as long as they are an activity conducted in a residential dwelling unit that employs on-site only members of the immediate family residing there. Specific regulations are contained in section 21-211 of this Code.

(e) Tree planting requirements.

(1) A minimum of one tree shall be planted in the front and rear yard of any new lot created in the R-2 zoning district after April 26, 2021.

(2) Yard trees shall be selected from one of the species identified in Table 21-37B.

**Table 21-37B**

<b>Permitted Yard Tree Common Name</b>	<b>Permitted Planting Locations</b>	<b>Botanical Name</b>
Live oak	Quercus virginiana	Rear yard only
Shumard oak	Quercus shumardii	Front or rear yard
Sand live oak	Quercus geminata	Front or rear yard
Red maple	Acer rubrum	Front or rear yard
Sycamore	Plantanus occidentalis	Rear yard only
Sweetgum	Liquidambar styraciflua	Rear yard only
Pignut hickory	Carya glabra	Rear yard only
Scrub hickory	Carya floridana	Rear yard only
Florida elm	Ulmus americana var. floridana	Front or rear yard
Winged elm	Ulmus alata	Front or rear yard
Chinese elm	Ulmus parvifolia	Front or rear yard
Crape myrtle	Lagerstroemia indica	Front yard only

Ligustrum tree	Ligustrum recurvifolium	Front yard only
Tabebuia	Tabebuia caraiba	Front or rear yard
East Palatka holly	Ilex attenuata	Front or rear yard
Chickasaw plum	Prunus angustifolia	Front or rear yard

(3) Front yard trees shall be planted between five (5) feet and ten (10) feet from the sidewalk and outside of the center one-third (1/3) of the lot.

(4) New lots preserving existing trees shall be exempt from compliance with 21-37(e)(1) provided the existing tree is a minimum ten (10) feet in height or contains a caliper of one and one-quarter (1¼) inches DBH.

(f) Pre-existing Development.

(1) Any house existing or permitted prior to April 26, 2021, shall not be subject to maximum setback requirements contained in Table 21-37A.

**Sec. 21-38. R-3, Multi-family Residential—Low Density.**

(a) Permissible Future Land Use classifications: Primary Activity Center, Neighborhood Activity Center, Traditional Neighborhood Area, and Residential-Low Density.

(b) The R-3, Multi-family Residential- Low Density zoning district is to provide areas for moderate density single family detached residential development, and a wide range of attached types of dwelling units with the incidental accessory uses that are normally located with the principal use.

Specific permitted uses, accessory uses, special uses, and conditional uses for the R-3 zoning district are contained in Table 21-32A of this Code.

In the R-3 zoning district, the maximum density shall not exceed 10 dwelling units per gross acre. For parcels located within 1,320 feet of a transit route or within the area mapped as the Central Urban Core by the Comprehensive Plan's Future Land Use Map, the maximum permitted density may be increased up to 12 dwelling units per gross acre.

The minimum density for parcels within the R-3 zoning district shall be in accordance with the adopted Future Land Use which is described in Table 21-38A.

<b>Table 21-38A</b>	
<b>Future Land Use Designation</b>	<b>Required Minimum Density</b>
Residential-Low Density	2.01 units per acre
Traditional Neighborhood Area	3.0 units per acre
Neighborhood Activity Center	5.0 units per acre
Primary Activity Center	4.0 units per acre

(c) Locational criteria:

(1) The following locational criteria shall be followed when assigning R-3 zoning to parcels in the City:

a. No parcels located beyond 1,320 feet of a potable water line or sewer line shall be designated as R-3 on the Zoning Map. Existing parcels mapped as R-3 by the Official Zoning Map on or prior to October 23, 2017, shall not be subject to this requirement.

- (2) The following locational criteria shall be considered when assigning R-3 zoning to parcels within the City:
- a. Proximity to existing or proposed transit routes;
  - b. Proximity to multi-use trails;
  - c. Proximity to public school facilities;
  - d. Proximity to parks and recreational facilities;
  - e. Proximity to supporting commercial and institutional uses.
- (d) Building form standards. Parcels located within the area mapped as the Central Urban Core by the Future Land Use Map shall follow the urban development standards as contained in Table 21-38B. Parcels located outside of the Central Urban Core shall have the option of following either the development standards contained in Table 21-38B or Table 21-38C.

<b>Table 21-38B R-3 Zoning District Development Standards for properties located within the Central Urban Core Future Land Use Designation</b>			
<b>Lot &amp; Building Standard</b>			<b>Requirement</b>
Lot/Parcel Size	Area	Single-family & Patio Homes	Minimum: 4,500 square feet;
			Maximum
			Lakefront: 25,000 square feet (See Note 1)
			Non-lakefront: 15,000 square feet
		Townhouse	Minimum 2,000 square feet
		Apartments & Condominiums	Minimum 7,200 square feet
	Width	Single-family	Minimum 50 feet
Townhouses		Minimum 20 feet	
Patio Homes		Minimum 40 feet	
Apartments & Condominiums		Minimum 50 feet	
<b>Living Area</b>			
Living Area		Single-family	Minimum 750 square feet
		Townhouses, Apartments, & Condominiums	Minimum 400 square feet
<b>Front Yard Setback</b>			
Front Yard Setback		Living Area (If no porch is present)	Minimum 15 feet; Maximum 60 feet (excluding flag lots)
		Porch/Covered Entry (if present)	Minimum 10 feet
		Front Entry Garage	Minimum 25 feet
<b>Side Yard Setback</b>			
Side Yard Setback		Single-family Detached	Minimum 5 feet (See Notes 2 & 3)
		Apartments & Condominiums	Floors 1 & 2
			Floors 3 & 4
		Townhouses	Minimum 0 feet; 10 feet from project perimeter
		Patio Homes	None, except a building separation is required (See Note 4); 10 feet from project perimeter
		Street Side Yard Setback (all building types)	Minimum 10 feet; Maximum 50 feet

Multi-unit Building Separation		Minimum 15 feet	
Rear Yard Setback (all building types)		Minimum 15 feet	
Building Height (above finished grade)		Maximum 4 Floors up to 52 feet in total building height	
Lot/Parcel Coverage	Single-family, Apartments, & Condominiums	Maximum 50%	
	Townhouses & Patio Homes	Maximum 60%	
Impervious Surface		Maximum 70%; Maximum 60% for waterfront parcels	
Accessory Buildings Structures	<u>Accessory Building Area Total Lot Coverage</u>	<u>Lots up to 1 acre in area</u>	Maximum 10% of Lot <u>Area Coverage</u> up to 1,500 square feet
		<u>Lots greater than 1 acre in area</u>	<u>Maximum 2,000 square feet</u>
	Setbacks	<u>Side</u>	Minimum 3 feet <del>from side and rear</del> <u>property lines</u>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Building Structure Height (above finished grade)</u>		Maximum 2 floors <del>or up to</del> <u>26 feet of in</u> total <u>building structure</u> height
	<u>Building Structure Separation</u>	Single-family & Patio Homes	Minimum 5 feet
		Apartments, Townhouses, & Condominiums	Minimum 15 feet
	<u>Accessory Residential Unit</u>		<u>Minimum 400 square foot living area</u>
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 3 feet</u>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

Table 21-38C R-3 Zoning District Development Standards for properties located outside the Urban Core Future Land Use Designation			
Lot and Building Standard			Requirement
Lot/Parcel Size	Area	Traditional Single-family & Patio Homes	Minimum 5,000 square feet;
			Maximum
			Lakefront: 25,000 square feet (See Note 1) Non-lakefront: 17,000 square feet
	Townhouse	Minimum 3,000 square feet	
	Apartments & Condominiums	Minimum 8,500 square feet	

	Width	Single-family	Minimum 55 feet
		Townhouses	Minimum 25 feet
		Patio Homes	Minimum 40 feet
		Apartments & Condominiums	Minimum 75 feet
Depth			Minimum 100 feet
Living Area	Traditional Single-family & Patio Homes		Minimum 750 square feet
	Townhouses, Apartments, & Condominiums		Minimum 400 square feet
Front Yard Setback	Living Area (if no porch is present)	Local or Collector Street	Minimum 20 feet
		Arterial Street	Minimum 35 feet
	Porch/Covered Entry (if present)	Local or Collector Street	Minimum 15 feet
		Arterial Street	Minimum 30 feet
Side Yard Setback	Single-family, Apartments, & Condominiums	1 or 2 floors	Minimum 5 feet
		3 floors	Minimum 15 feet
	Townhouses		Minimum 0 feet; 15 feet from project perimeter
	Patio Homes		None, except a building separation is required (See Note 3); 15 feet from project perimeter
Street Side Yard Setback (All building types)	Local or Collector Street		Minimum 15 feet
	Arterial Street		Minimum 30 feet
Multi-unit Building Separation			Minimum 15 feet
Rear Yard Setback (all building types)			Minimum 20 feet
Building Height (above finished grade)			Maximum 3 Floors up to 50 feet in total building height
Lot/parcel Coverage	Single-family, Apartments & Condominiums		Maximum 40%
	Townhouses & Patio Homes		Maximum 50%
Impervious Surface			Maximum 60%

<u>Accessory Buildings Structures</u>	Accessory Building Area		Maximum 10% of Lot Area up to 1,500 square feet
	Setbacks	<u>Side</u>	Minimum 3 feet <del>from side and rear lot lines</del>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Building Structure Height</u>		Maximum 2 floors <del>or up to 26 feet</del> <u>in total structure height</u>
	<u>Building Structure Separation</u>	Single-family & Patio Homes	Minimum 5 feet
Apartments, Townhouses, & Condominiums		Minimum 15 feet	
<u>Accessory Residential Unit</u>		<u>Minimum 400 square foot living area</u>	
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 3 feet</u>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

Notes for Tables 21-38B and 21-38C:

Note 1. The Development Special Magistrate may hear requests to exceed the maximum lakefront lot size for existing or proposed lots with extraordinary environmental and/or topographic features or regulatory requirements which may require the creation of an exceptionally large lot.

Note 2. The minimum 5 foot setback may be reduced to a minimum of 3 feet for a maximum of 50% of the side building elevation for certain architectural features. Items that are permitted for encroachment include carports, porches, building entrances, bay windows, and other architectural features as may be approved by the Development Special Magistrate.

Note 3. Provided all applicable fire and building codes are met.

- (1) Accessory structures and swimming pools may be permitted in the front yard provided a minimum one hundred (100) foot setback from the front lot line is met.
- (2) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.
- (3) Accessory structures must comply with provisions located in Section 21-102 of this Code.
- (4) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(e) Other requirements:

- (1) Clubhouses and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association.
- (2) No more than 8 attached units in a row per floor shall be constructed in any one building. Buildings containing between 6 and 8 units in a row per floor shall utilize a varying roof line. The variation may be in the form of elevation changes or the use of multiple roof styles. The Planning Commission may consider requests to increase the maximum number of contiguous units in a row per floor in a building from 8 up to a maximum of 12.
- (3) See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.

- (4) Where additional density is permitted based on proximity to a transit route or terminal, a sidewalk connection to the transit route or terminal shall be required.
- (5) Any development creating 3 or more lots of record shall require a subdivision plat meeting the standards found in Article III for the subdivision of land.
- (6) Cluster or zero lot line developments. Cluster or zero lot line developments shall adhere to the special design standards below. Examples of cluster or zero lot line housing types include cluster houses, patio homes, garden homes, townhouses, zero lot line homes, and z-lot development housing types.
  - a. A cluster or zero lot line development project comprising five (5) or more acres shall be required to provide no less than ten (10) percent of the total project area as park and recreational uses for the occupants of the project. Such park and recreational land shall be provided as common property under the management of a homeowners' association. Such lands may include playing fields, sport courts (indoor or outdoor), recreation buildings, open areas for passive or low intensity recreation use, picnic areas, nature trails, boardwalks, boat ramps, water bodies, and swimming pools.
  - b. Where internal streets are to be retained in private ownership, a security gate or other form of barrier to restrict access may be installed. However, the developer or homeowners' association shall be responsible for providing access to emergency and other government or utility service vehicles into and within the project when necessary.
  - c. Accessory structures may be located on the lot line with a zero setback from the property line provided that a minimum of five (5) feet is maintained from all structures on all adjoining lots.
- (f) Pre-existing Development.
  - (1) Any lot or parcel exceeding the maximum lot or parcel size that was legally created prior to October 23, 2017, shall be considered a legal conforming lot or parcel for the purposes of this code.
  - (2) Any house or multi-family residential building containing an attached garage, and existing or permitted prior to October 23, 2017, shall be considered a legal conforming structure if the attached garage meets the minimum front yard setback for the living area of the house or multi-family residential building as provided for in Table 21-38B.
  - (3) Existing construction permitted on or before October 23, 2017, shall not be subject to maximum setback requirements contained in Table 21-38B.
- (g) Multi-family Conversions. The conversion of a single-family structure into 3 or more residential units shall require special use approval from the Planning Commission. When considering a request for a conversion, the Planning Commission shall, at a minimum, consider the following: density, access to the property, ability to provide required on-site parking, and the impact on public school capacity.
- (h) The Development Special Magistrate is authorized to hear requests to vary building form standards contained in Tables 21-38B and 21-38C. In addition to the criteria contained in Article VII of this Code for the granting of variances, the Development Special Magistrate may take into consideration the existing front yard and street side yard setbacks of principal structures located on the adjacent properties.

**Sec. 21-39. R-4 Multifamily Residential—Medium density.**

- (a) *[Purpose:]* The purpose of R-4, multifamily residential-medium density zoning district is to provide areas for moderate to high density residential development, which permits a wide range of attached and detached types of dwelling units with the incidental accessory uses that are normally located with the principal use.
- (b) *Permissible future land use classifications:* Residential-high density, traditional neighborhood area, primary activity center, neighborhood activity center, and regional activity center.

Specific permitted uses, accessory uses, special uses, and conditional uses for the R-4 zoning district are contained in Table 21-32(A) of this Code. Special use requests for commercial uses shall only be considered on parcels mapped as primary activity center, regional activity center, and neighborhood activity center on the future land use map. When approved, no commercial use shall exceed a floor area ratio of fifteen one hundredths (0.15).

- (c) *Permitted development intensity.* Permitted minimum and maximum residential density for parcels located within the R-4 zoning district shall be in accordance with Table 21-39A, density requirements.

<b>Table 21-39A Density Requirements</b>			
<b>Future Land Use Designation of Parcel</b>		<b>Required Minimum Density</b>	<b>Maximum Permitted Density</b>
Residential-High Density	Greater than 1,320 feet from Transit Route	10.01 units per acre	15.0 units per acre
	Less than 1,320 feet from Transit Route		17.0 units per acre
Traditional Neighborhood Area	Greater than 1,320 feet from Transit Route	5.0 units per acre	15.0 units per acre
	Less than 1,320 feet from Transit Route		15.0 units per acre
Neighborhood Activity Center	Greater than 1,320 feet from Transit Route	5.0 units per acre	15.0 units per acre
	Less than 1,320 feet from Transit Route		17.0 units per acre
Regional Activity Center	Greater than 1,320 feet from Transit Route	7.0 units per acre	15.0 units per acre
	Less than 1,320 feet from Transit Route		20.0 units per acre
Primary Activity Center	Greater than 1,320 feet from Transit Route	6.0 units per acre	15.0 units per acre
	Less than 1,320 feet from Transit Route		20.0 units per acre

- (d) *Locational criteria:* The following locational criteria shall be followed when assigning R-4 zoning to parcels in the city:
  - (1) No parcel located further than one thousand three hundred twenty (1,320) feet of a potable water line and sewer line shall be designated as R-4 on the zoning map.
- (e) *Building form standards:* There are two (2) distinct development patterns in the city-pedestrian oriented urban areas consisting of the earliest neighborhoods surrounding the downtown, and more recently developed, auto-oriented suburban areas found outside of the original urban core. To address the



unique needs for each of these areas, separate building form standards are necessary. Parcels located within the area mapped as the central urban core by the future land use map shall follow the urban development standards as contained in Table 21-39B. Parcels located outside of the central urban core shall have the option of following the urban development standards contained in Table 21-39B or the suburban development standards contained in Table 21-39C.

When permitted, non-residential uses shall follow the building form standards for apartments/condominiums.

<b>Table 21-39B R-4 Zoning District Urban Development Standards</b>		
<b>Lot and Building Standard</b>		<b>Requirement</b>
Lot/Parcel Area	Single-family	Minimum 4,500 square feet
		Maximum
		Lakefront: 25,000 square feet (See Note 1)
		Non-lakefront: 7,500 square feet
	Apartments and Condominiums	Minimum 6,000 square feet
	Townhouses	Minimum 2,000 square feet
Lot/Parcel Width	Single-family	Minimum 45 feet
	Apartments and Condominiums	Minimum 50 feet
	Townhouses	Minimum 20 feet
Living Area	Single-family	Minimum 600 square feet
	Apartments, Townhouses and Condominiums	Minimum 400 square feet
Front Yard Setback (All building types)	Living Area	Minimum 15 feet; Maximum 60 feet (excluding flag lots)
	Porch/Entry (if present)	Minimum 5 feet
	Garage-Side or Front Entry	Minimum 25 feet
Side Yard Setback	Single-family	Minimum 5 feet with reductions permitted to 3 feet for up to 33% of the side building elevation.
	Apartments and Condominiums	Floors 1 to 3: Minimum 8 feet
		Floors 4 and 5: Minimum 15 feet
Townhouses	Minimum 0 feet; 8 feet from project perimeter (See Note 2)	
Street Side Yard Setback (All building types)	Floors 1 to 3	Minimum 15 feet; Maximum 50 feet
	Floors 4 and 5	Minimum 20 feet
Building Separation	Floors 1 to 3	Minimum 15 feet (See Note 2)
	Floors 4 and 5	Minimum 25 feet (See Note 2)
Rear Yard Setback		Minimum 20 feet
Building Height (Above finished grade)		Maximum 5 floors up to 65 feet in total building height

Lot Coverage		Maximum 80%	
Impervious Surface Area		Single-family, Apartments, & Condominiums	Maximum 75%
		Townhouses	Maximum 80%
		Waterfront Parcels	Maximum 60%
Accessory Buildings Structures	<del>Building Area Total Lot Coverage</del>		Maximum 7.5% of Lot <del>Area Coverage</del> up to 2,500 square feet
	Setbacks	<del>Side</del>	<del>Side and Rear</del> : Minimum 3 feet
		<del>Rear</del>	<del>Minimum 3 feet</del>
		<del>Highwater Mark</del>	<del>Minimum 25 feet</del>
	<del>Building Structure Height</del>		Maximum 2 floors <del>or up to</del> 26 feet <del>of in</del> total <del>building structure</del> height
	<del>Building Structure Separation</del>		Minimum 10 feet
<del>Accessory Residential Unit</del>		<del>Minimum 400 square foot living area</del>	
Swimming Pools	Setbacks	<del>Side</del>	<del>Minimum 3 feet</del>
		<del>Rear</del>	<del>Minimum 3 feet</del>
		<del>Highwater Mark</del>	<del>Minimum 25 feet</del>
	<del>Structure Separation</del>		<del>Minimum 5 feet</del>

**Table 21-39C R-4 Zoning District Suburban Development Standards**

Lot and Building Standard		Requirement	
Lot/Parcel Area	Single-family	Minimum 5,000 square feet	
		Maximum	Lakefront: 25,000 square feet (See Note 1)
	Non-lakefront: 9,500 square feet		
	Apartments and Condominiums	Minimum 7,500 square feet	
Townhouses	Minimum 2,500 square feet		
Lot/Parcel Width	Single-family	Minimum 50 feet	
	Apartments and Condominiums	Minimum 75 feet	
	Townhouses	Minimum 20 feet	
Lot/Parcel Depth		Minimum 100 feet	
Living Area	Single-family	Minimum 600 square feet	
	Apartments, Townhouses and Condominiums	Minimum 400 square feet	
Front Yard Setback (All building types)	Living Area	Arterial Street	Minimum 35 feet
		Local or Collector Street	Minimum 25 feet
	Porch/Entry (if present)	Arterial Street	Minimum 25 feet
		Local or Collector Street	Minimum 15 feet
	Front Entry Garage	Arterial Street	Minimum 40 feet
		Local or Collector Street	Minimum 30 feet

Side Yard Setback	Single-family	Minimum 5 feet	
	Apartments and Condominiums	Floors 1 to 3; Minimum 15 feet Floor 4; Minimum 20 feet	
	Townhouses	Minimum 0 feet; 10 feet from project perimeter	
Street Side Yard Setback (All building types)	Arterial Street	Minimum 30 feet	
	Local or Collector Street	Minimum 20 feet	
Building Separation		Minimum 20 feet (See Note 2)	
Rear Yard Setback	Single-family	Minimum 20 feet	
	Apartments, Townhouses, and Condominiums	Minimum 30 feet	
Building Height (Above finished grade)		Maximum 4 floors up to 52 feet in total building height	
Lot Coverage		Maximum 60%	
Impervious Surface Area	Single-family, Apartments, and Condominiums	Maximum 65%	
	Townhouses	Maximum 75%	
	Waterfront Parcels	Maximum 60%	
Accessory Buildings Structures	<del>Building Area Total Lot Coverage</del>		Maximum 7.5% of Lot <del>Area Coverage</del> up to 2,500 square feet
	Setbacks	<del>Side</del>	<del>Side and Rear</del> : Minimum 3 feet
		<del>Rear</del>	<del>Minimum 3 feet</del>
		<del>Highwater Mark</del>	<del>Minimum 25 feet</del>
	<del>Building Structure Height</del>		Maximum 2 floors <del>or up to</del> 26 feet <del>of in</del> total <del>building structure</del> height
	<del>Building Structure Separation</del>		Minimum 15 feet
<del>Accessory Residential Unit</del>		<del>Minimum 400 square foot living area</del>	
Swimming Pools	Setbacks	<del>Side</del>	<del>Minimum 3 feet</del>
		<del>Rear</del>	<del>Minimum 3 feet</del>
		<del>Highwater Mark</del>	<del>Minimum 25 feet</del>
	<del>Structure Separation</del>		<del>Minimum 5 feet</del>

Notes for Tables 21-39B and 21-39C:

Note 1. The Development Special Magistrate may hear requests to exceed the maximum lakefront lot size for existing or proposed lots with extraordinary environmental and/or topographic features or where regulatory requirements may require the creation of an exceptionally large lot.

Note 2. Provided that all applicable fire and building codes are met.

- (1) Accessory structures and swimming pools may be permitted in the front yard provided a minimum one hundred (100) foot setback from the front lot line is met.
- (2) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.
- (3) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(4) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(f) *Other requirements:*

- (1) Clubhouses and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association.
- (2) No more than twelve (12) attached units in a row per floor shall be constructed in any one (1) building.
- (3) Where a multi-unit building contains eight (8) or more units in a row per floor, the use of a varied roof line shall be required. The variation may be in the form of elevation changes or the use of multiple roof styles.
- (4) See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.
- (5) Where additional density is permitted based on proximity to a transit route or terminal, a sidewalk connection to the transit route or terminal shall be required.
- (6) Any development creating three (3) or more lots of record shall require a subdivision plat meeting the standards found in Article III of this code.

(g) *Multifamily conversions:* The conversion of a single-family structure into three (3) or more residential units shall require special use approval from the planning commission. When considering a request for a conversion, the planning commission shall consider the following: density, access to the property, ability to provide required on-site parking, and the impact on public school capacity.

(h) *Pre-existing development:*

- (1) Any lot or parcel exceeding the maximum lot or parcel size that was legally created prior to July 10, 2017, shall be considered a legal conforming lot or parcel for the purposes of this code.
- (2) Any house or multifamily residential building permitted prior to July 10, 2017, shall be considered a legal conforming structure if the minimum front, side, and rear setbacks for the living area of the house are met. Existing construction shall not be subject to the maximum setback requirements contained in Table 21-39B.
- (3) Any single-family residential structure which has been converted to three (3) or more units prior to July 10, 2017, shall be considered a legal permitted use provided each living unit meets minimum living area requirements as set forth by Tables 21-39B or 21-39C, and the total number of units located on the property does not exceed maximum density limitations as set forth in paragraph 21-39(c).

(i) *Sign standards:* All signage for residential properties shall follow the requirements contained in Article IV of this Code for residentially zoned properties. When permitted, commercial uses shall meet the following signage requirements:

- (1) The use of electronic message center signs shall not be permitted.
- (2) No sign permitted in the R-4 zoning district shall be internally illuminated. For externally illuminated signs, the light source shall not be visible from the right-of-way or from adjoining properties.

- (3) All ground-mounted signs shall be limited to single monument sign. Maximum sign size shall be limited to twenty-five one hundredths (0.25) square feet per linear foot of lot frontage up to a maximum of twenty-five (25) square feet. No monument sign shall exceed six (6) feet in height.
- (4) Wall signs shall be limited to a maximum total of seventy-five one hundredths (0.75) square feet per linear foot of building frontage up to a maximum of twenty-four (24) square feet.
- (j) The Development Special Magistrate is authorized to hear requests to vary building form standards contained in Tables 21-39B and 21-39C and criteria relating to parking reductions contained in section 21-39(g). In addition to the criteria contained in Article VII of this code for the granting of variances, the Development Special Magistrate may take into consideration impacts of the location of a building meeting the requirements above on adjoining properties.

**Sec. 21-40. R-5 Multifamily residential—High density.**

- (a) Permissible future land use classifications. The R-5 zoning district may be assigned to properties designated as primary activity center, residential—high density, or regional activity center on the city's future land use map.
- (b) The purpose of the R-5 multifamily residential—high density district is to provide areas attached residential uses in multi-story buildings at high densities along with the incidental accessory and supporting uses that may be located with the principal use. Within the R-5 zoning district, the maximum density for individual parcels shall be as follows:

Parcel's Adopted Future Land Use	Maximum Permitted Density
Residential—High Density	25 units per gross acre
	Within 660 feet of an existing or proposed transit route: 28 units per gross acre
Primary Activity Center	Local street: 15 units per gross acre
	Collector or arterial street: 35 units per gross acre
	Within 660 feet of a transit route or terminal: 35 units per gross acre
Regional Activity Center	20 units per gross acre

The minimum residential density within the R-5 zoning district shall be 10 units per gross acre.

- (c) *Building form requirements.* All development within the R-5 zoning district shall follow the building form requirements as set forth below in Table 21-40:

**Table 21-40  
R-5 Zoning District Development Standards**

Lot and Building Standard	Requirement		
Lot area	Minimum 10,000 square feet		
Lot width	Minimum 75 feet		
Lot depth	Minimum 100 feet		
Living area	Minimum 400 square feet		
Front Building Setback	2- to 4-floor building	Local street	Minimum 15 feet; maximum 50 feet
		Collector or arterial street	Minimum 25 feet; maximum 60 feet
	5- to 7-floor building	Floors 1—3	Minimum 25 feet; maximum 60 feet
		Floors 5—7	Minimum 35 feet

Side Building Setback	2 to 4 floors		Minimum 10 feet
	5 to 7 floors		Minimum 20 feet
Side Street Building Setback	2 to 4 floors	Local street	Minimum 10 feet; maximum 40 feet
		Collector or arterial street	Minimum 25 feet; maximum 60 feet
	5 to 7 floors	Local street	Minimum 25 feet; maximum 40 feet
		Collector or arterial street	Minimum 30 feet
Building Separation	2 to 4 floors		Minimum 15 feet
	5 to 7 floors		Minimum 30 feet
Rear Yard Setback	Minimum 20 feet		
Building Height	Minimum 2 floors above average finished grade		
	Maximum 7 floors or 84 feet above average finished grade		
Lot Coverage	Maximum 60%		
Impervious Surface Area	Maximum 80%; 60% for waterfront parcels		
Accessory Buildings/Structures	<u>Accessory building area Total Lot Coverage</u> - excluding covered parking		Maximum 7.5% of lot <u>area coverage</u> up to 2,500 square feet
	Setbacks	Side	Minimum 5 feet
		Rear	Minimum 5 feet
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Building Structure</u> height		Maximum 2 floors <del>or</del> <u>up to 24-26 feet in total structure height</u>
<u>Building Structure</u> separation		Minimum 15 feet	
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 3 feet</u>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

- (1) Accessory structures and swimming pools may be permitted in the front yard provided a minimum one hundred (100) foot setback from the front lot line is met.
- (2) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.
- (3) Accessory structures must comply with provisions located in Section 21-102 of this Code.
- (4) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(d) *Other requirements.*

- (1) Clubhouses and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners/condominium association or management entity.
- (2) Existing residential uses up to one hundred twenty (120) dwelling units per gross acre shall be permitted in this district.
- (3) Existing residential uses up to two hundred (200) feet in height shall be permitted in this district.

- (4) Where additional density is permitted based on proximity to a transit route or terminal, a sidewalk connection to the transit route or terminal shall be required.
- (e) *Structured parking garages.* To encourage the use of structured parking garages, uses that utilize structured parking garages instead of surface parking lots shall be permitted to increase the maximum lot coverage for the development site from sixty (60) percent to eighty (80) percent or increase the maximum building height by two (2) floors or twenty (20) feet. Where structured parking garages are used, the parking garage shall follow the requirements contained in Table 21-40 for principal structures.
- (f) *Existing construction.* Any multifamily residential building permitted prior to October 14, 2013, shall be considered a legal conforming structure if the minimum front, side and rear setbacks for the living area of the building are met. Existing construction shall not be subject to the maximum setback or minimum building height requirements contained in Table 21-40.
- (g) *Parking reductions for proximity to transit.* Any permitted use located near a fixed transit route shall be entitled to the following reductions in the number of required on-site parking spaces.
  - (1) Adjacent to a transit route: Twenty-five (25) percent
  - (2) Within three hundred fifty (350) feet of a transit route: Twenty (20) percent
  - (3) Within six hundred sixty (660) feet of a transit route: Fifteen (15) percent
  - (4) Within one thousand three hundred twenty (1,320) feet of a transit route: Ten (10) percent
  - (5) Within one thousand three hundred twenty (1,320) feet of a transit terminal: Twenty-five (25) percent

To qualify for the parking reduction, a sidewalk network connecting the use and the transit route must either be in place, programmed for construction within three (3) years, or constructed by the property owner seeking the parking space reduction.

**Sec. 21-41. RM, Manufactured Home Park.**

- (a) Permissible Future Land Use classifications. Residential—Low density and Traditional Neighborhood Area.
- (b) The RM, Manufactured Home Park zoning district is established for the purpose of providing a district for manufactured homes in approved parks and subdivisions, occupied as single-family dwellings, with the intent of creating an environment of a residential character, designed to enhance living conditions and permitting only those uses, activities and services which are compatible with the residential environment. The RM zoning district is a residential district with a maximum density of eight (8) dwelling units per gross acre. The regulations contained in this section are intended to protect the residential character of manufactured home parks.
- (c) Building form standards. All development within the RM zoning district shall follow the building form standards as set forth below in Table 21-41.

**Table 21-41  
RM Zoning District Development Standards**

<i>Lot and Building Standard</i>		<i>Requirement</i>	
Lot/Parcel Size	Area	Minimum 3,200 square feet	
	Width	Minimum 40 feet	
	Depth	Minimum 80 feet	
Living Area		Minimum 500 square feet	
Building Setbacks	Front	Minimum 10 feet	
	Side	Minimum 5 feet	
	Street Side	Minimum 10 feet	
	Rear	Minimum 5 feet	
Building Height		Maximum 35 feet	
Impervious Surface Ratio	Individual Lot	Maximum 80 percent	
	Park	Maximum 60 percent	
<u>Accessory Structures</u>	<u>Total Lot Coverage</u>		
	<u>Maximum 15% of Lot Coverage up to 500 square feet</u>		
	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 3 feet</u>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>		<u>Maximum 2 floors up to 26 feet in total structure height</u>
<u>Structure Separation</u>		<u>Minimum 5 feet</u>	

(1) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.

(2) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(d) Other requirements:

- (1) Manufactured homes must be skirted within thirty (30) days of siting.
- (2) Clubhouses and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association.
- (3) See Article III, Division 11 for additional development standards for manufactured home parks.
- (4) Home occupation uses are permitted as long as they are an activity conducted in a residential dwelling unit that employs on-site only members of the immediate family residing there. Specific regulations are contained in section 21-221 of this Code.

**Sec. 21-42. MX, Mixed use.**

- (a) [Purpose.] The purpose of the MX, Mixed use zoning district is to provide areas for a mixture of low intensity commercial uses and moderate density residential uses. Ideally, MX will be mapped as a transitional district between those areas which are predominately residential in character and those areas which are predominately commercial in character.



- (b) Land use classifications. The MX zoning district may be assigned to properties designated as primary activity center, regional activity center, neighborhood activity center, and commercial on the city's future land use map.

Specific permitted uses, accessory uses, special uses, and conditional uses for the MX zoning district are contained in Table 21-32(a) of this code.

- (c) Permitted development intensity.
  - (1) Permitted development densities for residential uses shall be a minimum of five (5) dwelling units per acre up to a maximum of fifteen (15) dwelling units per acre within areas mapped as primary activity center, regional activity center, and neighborhood activity center on the future land use map and a maximum of seven (7) dwelling units per acre within areas mapped as commercial on the future land use map. For parcels located within 1,320 feet of a transit route and in an area mapped as primary activity center on the Future Land Use Map, the maximum permitted density may be increased up to thirty (30) dwelling units per acre.
  - (2) The maximum floor area ratio for commercial uses shall be as set forth in Table 21-42A.

<b>Table 21-42A, Maximum Commercial Floor Area Ratios</b>	
Inside Central Urban Core	Maximum 1.5
Inside Regional Activity Center or Neighborhood Activity Center	0 to 3.0 acres: Maximum 0.75
	Greater than 3.0 acres: 0.50
All other Areas	Maximum 0.25

- (3) Permitted development densities/intensities for parcels developed with commercial and residential uses shall be as set forth in Table 21-42B.

<b>Table 21-42B, Mixed Use Development Intensities</b>	
<i>Maximum Residential Density</i>	<i>Maximum Commercial Square Footage</i>
0.0 to 5.0 units per gross acre	100% of Permitted Floor Area Ratio
5.01 to 7.5 units per gross acre	80% of Permitted Floor Area Ratio
7.51 to 10.0 units per gross acre	60% of Permitted Floor Area Ratio
10.01 to 12.5 units per gross acre	40% of Permitted Floor Area Ratio
12.51 to 14.0 units per gross acre	20% of Permitted Floor Area Ratio

- (d) Building form standards. All development within the MX zoning district shall follow the building form standards as set forth in Table 21-42C.

<b>Table 21-42C, MX Zoning District Development Standards</b>		
<b>Lot and Building Standard</b>		<b>Requirement</b>
Lot or Parcel Area	Single-family	Minimum 5,000 square feet
	Multi-family	Minimum 6,000 square feet
	Townhouses	Minimum 1,500 square feet
	Commercial	Minimum 7,500 square feet
Lot or Parcel Width	Single-family	Minimum 50 feet
	Multi-family	Minimum 50 feet
	Townhouses	Minimum 20 feet
	Commercial	Minimum 60 feet

Living Area for Residential Units	Attached and Mixed Use: Minimum 400 square feet		
	Detached: Minimum 750 square feet		
Front Yard Setback (all building types)	Minimum	Local Street: 15 feet	
		Collector Street: 20 feet	
		Arterial Street: 25 feet	
	Maximum	Single-family, Townhouses, or Multi-family Residential Building: 25 feet	
Commercial or Mixed Use Building		Local Street: 45 feet	
		Collector Street: 65 feet	
		Arterial Street: 75 feet	
Side Yard Setback	Single-family	Minimum 5 feet	
	Multi-family	Minimum 5 feet	
	Townhouses	Minimum 0 feet; 8 feet from project perimeter	
	Commercial	Minimum 8 feet with reductions permitted to 3 feet for up to 33% of the side building elevation.	
Street Side Yard Setback	Minimum	Local Street: 10 feet	
		Collector Street: 15 feet	
		Arterial Street: 25 feet	
	Maximum	Local Street: 30 feet	
Collector Street: 55 feet			
Arterial Street: 55 feet			
Rear Yard Setback	Single-family	Minimum 20 feet	
	Multi-family, Townhouses, Commercial, or Mixed Use	Minimum 15 feet	
Building Height (Above Finished Grade)	Maximum 4 Floors up to 56 feet		
Impervious Surface Area	Non-waterfront Parcels	Maximum 80%	
	Waterfront Parcels	Maximum 50%	
Accessory Buildings	<u>Building Area Total Lot Coverage</u>	<u>Lots up to 1 acre in area</u>	Maximum 10% of lot <u>area coverage</u> up to 1,500 square feet
		<u>Lots greater than 1 acre in area</u>	<u>Maximum 2,000 square feet</u>
	Setbacks	<u>Side</u>	<del>Side and Rear</del> : Minimum 3 feet
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Building Structure</u> Height	Maximum 2 floors <del>or up to</del> 26 feet <del>of in</del> total <u>building structure</u> height	
	<u>Building Structure</u> Separation	Single-family	Minimum 5 feet
		Multi-family, Townhouses, Commercial, or Mixed Use	Minimum 15 feet
<u>Accessory Residential Unit</u>	<u>Minimum 400 square foot living area</u>		

<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 3 feet</u>
		<u>Rear</u>	<u>Minimum 3 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>	<u>Minimum 5 feet</u>	

- (1) Accessory structures and swimming pools may be permitted in the front yard provided a minimum one hundred (100) foot setback from the front lot line is met.
- (2) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.
- (3) Accessory structures must comply with provisions located in Section 21-102 of this Code.
- (4) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(e) Other requirements.

- (1) See Article III of this code for landscaping, parking, site access, stormwater, and utility connection requirements.
- (2) Where the required building setback is less than the required landscape buffer width, the landscape buffer may be reduced to the width of the minimum building setback for that portion of the buffer adjacent to the building.
- (3) Any new development or redevelopment that consists of an expansion of more than ten (10) percent in a building's leasable square footage or seating capacity, or a change in use from one (1) general use category in Table 21-32(A) to another general use category in Table 21-32(A) shall require the review and approval of a site plan as set forth by the City's site plan review procedures contained in Article VII of this code.
- (4) Any development creating three (3) or more lots of record shall require a subdivision plat meeting the standards found in Article III of this code.

(f) Pre-existing development.

- (1) Any building permitted on or prior to July 10, 2017, shall be considered a legal conforming structure if the minimum front, side, and rear setbacks for the building are met. Existing construction shall not be subject to the maximum setback requirements contained in Table 21-42C.

(g) Special parking provisions. To facilitate redevelopment of older, urban-scale lots found in the City's central urban core, as delineated on the adopted future land use map, the following special parking provisions shall be applied to parcels located within the central urban core:

- (1) Reduced parking space and drive aisle dimensions. The minimum size of standard parking spaces may be reduced to nine (9) feet wide by eighteen (18) feet deep with minimum eighteen-foot wide, two-way, or minimum ten-foot wide, one-way drive aisles under the following circumstances:
  - a. The parcel width is less than seventy-five (75) feet.
  - b. The parcel area is less than seven thousand five hundred (7,500) square feet.

- (2) On-street parking. Where on-street parking currently exists within three hundred fifty (350) feet, the amount of required on-site parking may be reduced by twenty (20) percent.
  - (3) Parking in rear. Where a parcel abuts a paved alley, placement of required on-site parking is required to be placed within the rear yard area. Primary access to the parking area should be from the alley; however, secondary access from the street may be permitted.
- (h) Special landscaping requirements. To facilitate redevelopment of older, urban-scale lots found in the City's central urban core, as delineated on the adopted future land use map, the following special landscaping provisions shall be applied to those uses required to provide landscaping within the central urban core:
- (1) For parcels less than ten thousand (10,000) square feet in area or less than seventy-five (75) feet in width, all buffer yards required by Article III, Division 7 of this code may be reduced to a minimum width of five (5) feet to facilitate placement of buildings, stormwater retention, and off-street parking.
  - (2) For parcels less than seven thousand five hundred (7,500) square feet in area or less than sixty (60) feet in width, all buffer yards required by Article III, Division 7 of this code may be reduced to facilitate placement of buildings, stormwater retention, and off-street parking as follows:
    - a. The front yard buffer yard may be reduced to a minimum width of three (3) feet along with elimination of the requirement to plant over-story trees.
    - b. The side buffer yard may be reduced to a minimum width of three (3) feet along with elimination of the requirement to install plantings provided a minimum six (6)-foot opaque fence is installed. The requirement for the fence shall not extend forward of the front building line of the principal structure.
- (i) Special sign requirements. Due to the unique nature of the MX zoning district, where residential and commercial uses may be located within close proximity of each other, the following special sign requirements shall apply to all properties fronting a local or collector street:
- (1) *Permitted signage.* All permanent signs shall either be wall signs or ground signs consisting of monument type signs.
  - (2) *Sign height, structure, and setbacks.* Monument signs shall have a maximum permitted height of eight (8) feet and shall be setback a minimum of three (3) feet from any property line or public sidewalk located outside of the right-of-way. The monument sign structure shall not exceed 80 square feet in area.
  - (3) *Sign area.* The maximum sign area for individual parcels shall be as indicated in the table below. Signage may be distributed between the front and side street elevations of the parcel only. Signs located on the interior side and rear elevations shall not be permitted; however, businesses with rear access from an alley may be permitted an additional identification sign not to exceed sixteen (16) square feet in area and six (6) feet in height.

Sign Type	Formula	Maximum Permitted Signage
Wall	1.25 sf/linear foot of building frontage	75 square feet
Monument	0.5 sf/linear foot of lot frontage	64 square feet

- (4) *Electronic message center signs.* The use of electronic message centers for the display of changeable copy may be permitted. Messages displayed by the electronic message center shall change no more frequently than once every twenty (20) seconds. The electronic message center shall not exceed twenty-five (25) percent of the copy area of the sign structure in which it is installed; however, in no case shall an electronic message center sign exceed sixteen (16) square feet in area. No electronic message center shall be permitted unless it is part of another legally approved sign structure. No electronic message center sign shall operate between the hours of 8:00 p.m. (9:00 p.m. during daylight savings time) and 8:00 a.m.
- (5) *Portable signs.* Except for a single sandwich board/easel/A-frame type sign up to eight (8) square feet in area, the use of portable ground signs, including commercial and decorative flags and balloons, shall not be permitted. Portable sandwich board/easel/A-frame signs shall be removed from the front yard area of the parcel at the conclusion of business each day. No permit is required for the sandwich board/easel/A-frame type sign.

The use of a building-mounted grand opening or special event banner shall be permitted provided the size of the banner does not exceed thirty-two (32) square feet and is not displayed for a period greater than sixty (60) days. A permit for these types of banners may be issued up to twice per calendar year.

All other provisions from the City's sign requirements contained in Article IV of this Code, which are not in conflict with these special requirements, shall apply.

- (j) The Development Special Magistrate is authorized to hear requests to vary building form standards contained in Table 21-42C and criteria relating to parking reductions contained in section 21-42(g). In addition to the criteria contained in Article VII of this Code for the granting of variances, the Development Special Magistrate may take into consideration impacts of the location of a building in meeting the requirements contained in Table 21-42C on adjoining properties.

**Sec. 21-43. C-1 commercial-downtown.**

- (a) Permissible future land use classification: Primary activity center.
- (b) The purpose of the C-1, commercial-downtown zoning district is to provide for residential, office, commercial, institutional, and cultural uses in the City's central business district (CBD). Within the C-1 zoning district, the following development intensity standards shall apply to individual parcels:

Commercial and Institutional Floor Area Ratio (FAR)	
Parcel Size	Maximum Floor Area Ratio
0.50 acres or less	6.0
More than 0.50 acres	3.0

Residential Density		
Density Tier	Parcel Size	Maximum Permitted Density
1	Up to 0.35 acres	200 units per gross acre
2	0.36 acres to 0.50 acres	150 units per gross acre
3	0.51 acres to 0.75 acres	100 units per gross acre
4	0.76 acres to 1.00 acre	50 units per gross acre
5	Greater than 1.00 acre	40 units per gross acre

When a parcel located in a higher density tier is permitted fewer total dwelling units than a parcel in a lower density tier, the property owner of that parcel may apply to allow a total number of units equal to the maximum number permitted in the next lower tier.

- (c) Mixed uses. The C-1 zoning district permits both commercial and multifamily residential uses with the goal of creating a highly urbanized, interactive core of the City where residents have opportunities to live, work, shop, learn, and socialize in close proximity. For parcels developed with both residential and commercial uses, the breakdown of residential and commercial intensities permitted on a parcel shall be as follows:

Maximum Residential Density	Maximum Commercial Square Footage
4.0 to 25.0 units per gross acre	80% of Floor Area Ratio
25.01 to 50.0 units per gross acre	70% of Floor Area Ratio
50.01 to 75.0 units per gross acre	60% of Floor Area Ratio
75.01 to 100.0 units per gross acre	50% of Floor Area Ratio
100.01 to 150 units per gross acre	40% of Floor Area Ratio
150.01 to 200 units per gross acre	30% of Floor Area Ratio

- (d) Building form standards. All development within the C-1 zoning district shall follow the building form standards as set forth below:

Lot and Building Standard		Requirement	
Lot Area		Minimum 3,000 square feet	
Lot Width		None	
Lot Depth		None	
Living Area		Minimum 400 square feet	
Building Setbacks	Front	Minimum 0 feet	
		Maximum	10 feet if no outdoor seating or courtyard area
			20 feet if outdoor seating area or courtyard is present
	Buildings with 5 or more floors—None		
	Side	None	
	Side Street	Minimum 0 feet	
		Maximum	10 feet if no outdoor seating or courtyard area
			20 feet if outdoor seating area or courtyard is present
	Buildings with 5 or more floors—None		
	Rear	Abutting an alley—3 ½ feet	
Abutting a parcel—7 ½ feet			
Building Height		Maximum 12 floors up to 125 feet above average finished grade; Minimum 2 functional floors above average finished grade	
Lot Coverage		None	
Impervious Surface Ratio		None	
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

(1) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(2) Swimming pools must comply with provisions located in Section 21-103 of this Code.

- (e) Additional development standards. In recognition of the unique, historic quality of this district, and the unique arrangements and orientation of the buildings along downtown streets, the following development standards will apply to parcels located in the C-1 zoning district:
  - (1) Within the C-1 district, all land uses are exempt from requirements to provide off-street parking, off-street loading areas, and landscaping; however, where feasible, best management practices (BMP) shall be implemented for on-site stormwater collection and treatment.
  - (2) It is the intent of this Code to encourage the construction and remodeling and renovation in this zoning district. The City commission finds that it is in the best interest of the City that revitalization occur within this zoning district through the efforts of private enterprise, with the cooperation of local government.
  - (3) In this district, the owner may erect or repair awnings, balconies, overhangs, or similar structures over public property provided they meet all existing building code requirements for construction, do not extend below eight (8) feet in height above the existing sidewalk, do not exceed or extend beyond a vertical line extending upward from a point thirty-six (36) inches inside the existing curb line, and do not interfere with existing utilities.
- (f) Existing construction. Buildings existing or permitted prior to August 24, 2015 shall not be subject to the maximum building setback and minimum building height requirements contained in Section 21-43(b).

**Sec. 21-44. C-2 Commercial-Neighborhood.**

- (a) Permissible Future Land Use classifications. The C-2 zoning district may be assigned to properties designated as Primary Activity Center, Regional Activity Center, Neighborhood Activity Center, or Commercial on the City's Future Land Use Map.
- (b) The purpose of the C-2, Commercial-Neighborhood zoning district is intended primarily to meet the limited shopping and service needs of surrounding neighborhoods generally located within two (2) miles. Retail stores are intended to include convenience, fashion and durable goods.
- (c) Permitted Development Intensity
  - (1) The maximum Floor Area Ratio (FAR) for commercial uses located in the C-2 zoning district shall be as set forth in Table 21-44A.

<b>Table 21-44A, Maximum Commercial Floor Area Ratio</b>		
<i>Adopted Future Land Use Designation</i>		<i>Maximum Permitted FAR</i>
Primary Activity Center	Parcels 0.5 acres or less	6.0
	Parcels more than 0.5 acres	3.0
Regional Activity Center	Parcels less than 1.0 acre	2.0
	Parcels 1.01 acres up to 5.0 acres	1.0
	Parcels more than 5.0 acres	0.50
	Parcels adjacent to or within 1,320 feet of an existing or proposed transit route	2.0
Neighborhood Activity Center	Parcels less than 1.0 acre	1.0
	Parcels 1.01 acres up to 3.0 acres	0.75
	Parcels more than 3.0 acres	0.50
	Parcels adjacent to or within 1,320 feet of an existing or	1.0

	proposed transit route	
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Commercial	Parcels less than 1.0 acre	0.40
	Parcels 1.01 acres up to 3.0 acres	0.30
	Parcels more than 3.0 acres	0.25
	Parcels adjacent to or within 1,320 feet of an existing or proposed transit route	0.40

- (d) Building form standards. All development within the C-2 zoning district shall follow the building form standards as set forth below in Table 21-44B.

<b>Table 21-44B, C-2 Zoning District Development Standards</b>			
<i>Lot and Building Standard</i>			<i>Requirement</i>
Lot Area			Minimum 5,000 square feet
Lot Width			Minimum 50 feet
Lot Depth			Minimum 100 feet
Building Setbacks	Front		Minimum 25 feet
	Side		Minimum 5 feet
	Street Side		Minimum 20 feet
	Rear		Minimum 10 feet
Building Height			Maximum 35 feet
Lot Coverage			Maximum 80 percent
Impervious Surface Ratio			Maximum 80 percent
<b>Accessory Structures</b>			
	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>		<u>Maximum 2 floors up to 26 feet in total structure height</u>
	<u>Structure Separation</u>		<u>Minimum 15 feet</u>
<b>Swimming Pools</b>			
	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

(1) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.

(2) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(3) Swimming pools must comply with provisions located in Section 21-103 of this Code.

- (e) Additional development requirements:

(1) See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.



- (2) Bed and breakfast: Property shall front on a collector or arterial roadway. Primary points of ingress-egress shall connect to such roadway. Signs shall be in accordance with regulations in Article IV. Parking requirements are one (1) space per room/unit available for rent.

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**Sec. 21-45. C-3 Commercial-Highway.**

- (a) Permissible Future Land Use classifications. The C-3 zoning district may be assigned to properties designated as Primary Activity Center, Regional Activity Center, Neighborhood Activity Center, or Commercial on the City's Future Land Use Map.
- (b) The purpose of the C-3, Highway Commercial zoning district is to provide locations for those business establishments which require considerable ground area, a conspicuous and accessible location, and typically have a market area greater than two (2) miles. In support of these businesses, compatible, higher density residential development within areas zoned C-3 is also appropriate. The C-3 zoning district is typically assigned to those parcels with frontages on arterial or collector streets; however, assignment of the C-3 zoning district to parcels fronting local streets may be appropriate where the parcel is in close proximity to an arterial or collector street.
- (c) Permitted Development Intensity.
  - (1) Permitted development densities for residential uses shall be as set forth in Table 21-45A.

<b>Table 21-45A, Permitted Residential Densities</b>		
<i>Adopted Future Land Use Designation</i>		<i>Permitted Densities (Units per gross acre)</i>
Primary Activity Center	Parcels up to 0.35 acres	Maximum 200
	Parcels between 0.36 acres and 0.50 acres	Maximum 150
	Parcels between 0.51 acres and 0.75 acres	Maximum 100
	Parcels between 0.76 acres and 1.00 acre	Maximum 50
	Parcels greater than 1.00 acre	Maximum 40
Regional Activity Center		Minimum 7; Maximum 28
Neighborhood Activity Center		Minimum 5; Maximum 15; Maximum 17 if within 1,320 feet of a transit route
Commercial		Maximum 7 as Accessory Use Only

- (2) The maximum Floor Area Ratio (FAR) for commercial uses located in the C-3 zoning district shall be as set forth in Table 21-45B.

<b>Table 21-45B, Maximum Commercial Floor Area Ratio</b>		
<i>Adopted Future Land Use Designation</i>		<i>Maximum Permitted FAR</i>
Primary Activity Center	Parcels 0.5 acres or less	6.0
	Parcels more than 0.5 acres	3.0
Regional Activity Center	Parcels less than 1.0 acre	2.0
	Parcels 1.01 acres up to 5.0 acres	1.0

	Parcels more than 5.0 acres	0.50
	Parcels adjacent to or within 1,320 feet of an existing or proposed transit route	2.0

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Neighborhood Activity Center	Parcels less than 1.0 acre	1.0
	Parcels 1.01 acres up to 3.0 acres	0.75
	Parcels more than 3.0 acres	0.50
	Parcels adjacent to or within 1,320 feet of an existing or proposed transit route	1.0
Commercial	Parcels less than 1.0 acre	0.40
	Parcels 1.01 acres up to 3.0 acres	0.30
	Parcels more than 3.0 acres	0.25
	Parcels adjacent to or within 1,320 feet of an existing or proposed transit route	0.40

- (d) Building form standards. All development within the C-3 zoning district shall follow the building form standards as set forth below in Table 21-45C.

<b>Table 21-45C, C-3 Zoning District Development Standards</b>			
<i>Lot and Building Standard</i>			<i>Requirement</i>
Lot Area			Minimum 5,000 square feet
Lot Width			Minimum 50 feet
Lot Depth			Minimum 100 feet
Building Setbacks	Front	Minimum 25 feet	
	Side	Minimum 5 feet	
	Street Side	Minimum 20 feet	
	Rear	Minimum 10 feet	
Building Height			Maximum 65 feet
Lot Coverage			Maximum 80 percent
Impervious Surface Ratio			Maximum 80 percent
<b>Accessory Structures</b>			
	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>		<u>Maximum 2 floors up to 26 feet in total structure height</u>
	<u>Structure Separation</u>		<u>Minimum 15 feet</u>
<b>Swimming Pools</b>			
	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

(1) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.

(2) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(3) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(e) Additional development requirements.

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(1) See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.

(2) Minimum living area for residential units shall be 400 square feet of conditioned space.

**Sec. 21-46. C-4 Commercial-Heavy.**

(a) Permissible Future Land Use classifications. The C-4 zoning district may be assigned to properties designated as Primary Activity Center, Regional Activity Center, Neighborhood Activity Center, or Commercial on the City's Future Land Use Map.

(b) The purpose of the C-4 Commercial-Heavy zoning district is to provide locations for a combination of retail, wholesale, distribution and light manufacturing businesses that serve the entire City and markets beyond the City limits. In addition to large retail and service activities with outdoor storage, the district permits the manufacture of small articles and nonobjectionable products and limited production and processing operations. Generally, such districts are served by arterial and major collector streets.

(c) Permitted Development Intensity.

(1) The maximum Floor Area Ratio (FAR) for commercial uses located in the C-4 zoning district shall be as set forth in Table 21-46A.

<b>Table 21-46A, Maximum Commercial Floor Area Ratio</b>		
<i>Adopted Future Land Use Designation</i>		<i>Maximum Permitted FAR</i>
Primary Activity Center	Parcels 0.5 acres or less	6.0
	Parcels more than 0.5 acres	3.0
Regional Activity Center	Parcels less than 1.0 acre	2.0
	Parcels 1.01 acres up to 5.0 acres	1.0
	Parcels more than 5.0 acres	0.50
	Parcels adjacent to or within 1,320 feet of an existing or proposed transit route	2.0
Neighborhood Activity Center	Parcels less than 1.0 acre	1.0
	Parcels 1.01 acres up to 3.0 acres	0.75
	Parcels more than 3.0 acres	0.50
	Parcels adjacent to or within 1,320 feet of an existing or proposed transit route	1.0
Commercial	Parcels less than 1.0 acre	0.40
	Parcels 1.01 acres up to 3.0 acres	0.30
	Parcels more than 3.0 acres	0.25

	Parcels adjacent to or within 1,320 feet of an existing or proposed transit route	0.40
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- (d) Building form standards. All development within the C-4 zoning district shall follow the building form standards as set forth below in Table 21-46B.

<b>Table 21-46B, C-4 Zoning District Development Standards</b>	
<i>Lot and Building Standard</i>	<i>Requirement</i>
Lot Area	Minimum 7,500 square feet

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Lot Width		Minimum 75 feet		
Lot Depth		Minimum 100 feet		
Building Setbacks	Front	Minimum 25 feet		
	Side	Minimum 5 feet		
	Street Side	Minimum 20 feet		
	Rear	Minimum 10 feet		
Building Height		Maximum 35 feet		
Lot Coverage		Maximum 80 percent		
Impervious Surface Ratio		Maximum 80 percent		
<b>Accessory Structures</b>				
	Setbacks	Side	Minimum 5 feet	
		Rear	Minimum 5 feet	
		Highwater Mark	Minimum 25 feet	
	Structure Height		Maximum 2 floors up to 26 feet in total structure height	
	Structure Separation		Minimum 15 feet	
<b>Swimming Pools</b>				
	Setbacks	Side	Minimum 5 feet	
		Rear	Minimum 5 feet	
		Highwater Mark	Minimum 25 feet	
	Structure Separation		Minimum 5 feet	

(1) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.

(2) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(3) Swimming pools must comply with provisions located in Section 21-103 of this Code.

- (e) Additional development requirements.

(1) See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.

**Sec. 21-47. I-1 Industrial-Light.**

- (a) Permissible Future Land Use classification. The I-1 zoning district may be assigned to properties designated as Industrial on the City's Future Land Use Map.

- (b) The purpose of the I-1 Industrial-Light zoning district is to provide areas for the manufacture of small articles and nonobjectionable products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent business and residential property.
- (c) Permitted Development Intensity.
  - (1) The maximum Floor Area Ratio (FAR) for industrial uses located in the I-1 zoning district shall be as set forth in Table 21-47A.

<b>Table 21-47A, Maximum Industrial Floor Area Ratio</b>	
<i>Adopted Future Land Use Designation</i>	<i>Maximum Permitted FAR</i>
Primary Activity Center	Maximum 0.25

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Industrial	Parcels less than 5.0 acres	Maximum 0.50
	More than 5.0 acres	Maximum 0.30
	Convenience retail and services, daycare, and restaurant uses	Maximum 0.01

- (d) Building form standards. All development within the I-1 zoning district shall follow the building form standards as set forth below in Table 21-47B.

<b>Table 21-47B, I-1 Zoning District Development Standards</b>			
<i>Lot and Building Standard</i>		<i>Requirement</i>	
Lot Area		Minimum 7,500 square feet	
Lot Width		Minimum 50 feet	
Lot Depth		Minimum 125 feet	
Building Setbacks	Front	Minimum 25 feet	
	Side	Minimum 5 feet	
	Street Side	Minimum 20 feet	
	Rear	Minimum 25 feet	
Building Height		Maximum 85 feet	
Lot Coverage		Maximum 50 percent	
Impervious Surface Ratio		Maximum 75 percent	
<u>Accessory Structures</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>		<u>Maximum 2 floors up to 26 feet in total structure height</u>
	<u>Structure Separation</u>		<u>Minimum 15 feet</u>
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

- (1) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.
- (2) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(3) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(e) Additional development requirements.

(1) See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.

**Sec. 21-48. I-2 Industrial-Heavy.**

(a) Permissible Future Land Use classification. The I-2 zoning district may be assigned to properties designated as Industrial on the City's Future Land Use Map.

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(b) The purpose of the I-2, Industrial-Heavy zoning district is to provide areas for manufacturing, or the use of processes or machinery having the potential to cause undesirable effects upon nearby residential or business properties.

(c) Permitted Development Intensity.

(1) The maximum Floor Area Ratio (FAR) for industrial uses located in the I-2 zoning district shall be as set forth in Table 21-48A.

<b>Table 21-48A, Maximum Industrial Floor Area Ratio</b>		
<i>Adopted Future Land Use Designation</i>		<i>Maximum Permitted FAR</i>
Primary Activity Center		Maximum 0.25
Industrial	Parcels less than 5.0 acres	Maximum 0.50
	More than 5.0 acres	Maximum 0.30
	Convenience retail and services, daycare, and restaurant uses	Maximum 0.01

(d) Building form standards. All development within the I-2 zoning district shall follow the building form standards as set forth below in Table 21-48B.

<b>Table 21-48B, I-2 Zoning District Development Standards</b>			
<i>Lot and Building Standard</i>		<i>Requirement</i>	
Lot Area		Minimum 20,000 square feet	
Lot Width		Minimum 100 feet	
Lot Depth		Minimum 100 feet	
Building Setbacks	Front	Minimum 35 feet	
	Side	Minimum 15 feet	
	Street Side	Minimum 30 feet	
	Rear	Minimum 25 feet	
Building Height		Maximum 85 feet	
Lot Coverage		Maximum 50 percent	
Impervious Surface Ratio		Maximum 75 percent	
<u>Accessory Structures</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>	<u>Maximum 2 floors up to 26 feet in total structure height</u>	

	<u>Structure Separation</u>	<u>Minimum 15 feet</u>
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(1) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.

(2) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(e) Additional development requirements.

1. See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.

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**Sec. 21-49. PI Public Institutional.**

- (a) Permissible Future Land Use classifications. The PI zoning district may be assigned to properties designated as Primary Activity Center, Regional Activity Center, Neighborhood Activity Center, Industrial, and Institutional on the City's Future Land Use Map.
- (b) The purpose of the PI, Public Institutional zoning district is to establish locations for existing or future public and private institutional uses, such as local, State and Federal government buildings and facilities; schools, hospitals, major medical clinics, hospices, nursing homes, adult and child care facilities, churches, colleges and universities.
- (c) Permitted Development Intensity. The maximum Floor Area Ratio (FAR) for uses located in the PI zoning district shall be 0.90.
- (d) Building form standards. All development within the PI zoning district shall follow the building form standards as set forth below in Table 21-49A.

<b>Table 21-49A, PI Zoning District Development Standards</b>			
<i>Lot and Building Standard</i>			<i>Requirement</i>
Lot Area			Minimum 5,000 square feet
Lot Width			Minimum 50 feet
Lot Depth			Minimum 100 feet
Building Setbacks	Front		Minimum 25 feet
	Side		Minimum 5 feet
	Street Side		Minimum 20 feet
	Rear		Minimum 10 feet
Building Height			Maximum 45 feet
Lot Coverage			Maximum 65 percent
Impervious Surface Ratio			Maximum 65 percent
<u>Accessory Structures</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>		<u>Maximum 2 floors up to 26 feet in total structure height</u>
	<u>Structure Separation</u>		<u>Minimum 15 feet</u>
<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>

		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Separation</u>		<u>Minimum 5 feet</u>

(1) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.

(2) Accessory structures must comply with provisions located in Section 21-102 of this Code.

(3) Swimming pools must comply with provisions located in Section 21-103 of this Code.

(e) Additional development requirements.

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1. See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.

2. Elevated water tanks shall be exempt from meeting the maximum building height requirements.

**Sec. 21-50. PR Recreation.**

(a) Permissible Future Land Use classifications. The PR zoning district may be assigned to properties located in any Future Land Designation.

(b) The purpose of the PR, Recreation zoning district is to establish locations for recreation facilities and properties reserved for open space.

(c) Permitted Development Intensity. The maximum Floor Area Ratio (FAR) for uses located in the PR zoning district shall be 0.35.

(d) Building form standards. All development within the PR zoning district shall follow the building form standards as set forth below in Table 21-50A.

<b>Table 21-50A, PR Zoning District Development Standards</b>			
<i>Lot and Building Standard</i>			<i>Requirement</i>
Lot Area			Minimum 21,500 square feet
Lot Width			Minimum 100 feet
Lot Depth			Minimum 100 feet
Building Setbacks	Front		Minimum 25 feet
	Side		Minimum 5 feet
	Street Side		Minimum 20 feet
	Rear		Minimum 10 feet
Building Height			Maximum 45 feet
Lot Coverage			Maximum 10 percent
Impervious Surface Ratio			Maximum 50 percent
<u>Accessory Structures</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
		<u>Highwater Mark</u>	<u>Minimum 25 feet</u>
	<u>Structure Height</u>		<u>Maximum 2 floors up to 26 feet in total structure height</u>
	<u>Structure Separation</u>		<u>Minimum 15 feet</u>



<u>Swimming Pools</u>	<u>Setbacks</u>	<u>Side</u>	<u>Minimum 5 feet</u>
		<u>Rear</u>	<u>Minimum 5 feet</u>
	<u>Structure Separation</u>		<u>Minimum 25 feet</u>

- (1) The total structure square footage of all accessory structures must be less than the total square footage of the principal structure.
- (2) Accessory structures must comply with provisions located in Section 21-102 of this Code.
- (3) Swimming pools must comply with provisions located in Section 21-103 of this Code.

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(e) Additional development requirements.

- 1. See Article III of this Code for landscaping, parking, site access, stormwater, and utility connection requirements.
- 2. Minimum building spacing shall be fifteen (15) feet.

**Chapter 21, Article II, Division 6**

**Sec. 21-102. Accessory structures.**

[1. *General requirements.*] ~~An accessory structure is a freestanding structure in the rear or side yard of any lot.~~ One (1) or more accessory structures may be permitted on a development site, provided that the following requirements are met:

- (a) Accessory structures are freestanding structures which are incidental to the principal structure such as storage sheds, pool service buildings, gazebos, bath houses, greenhouses, workshops, pergolas, detached garages, detached carports, screened enclosures, and other clearly similar structures.
- (b) Accessory structures may only be permitted in the rear or side yard of any lot unless otherwise permitted by this Code.
- (c) Development standards including setbacks, lot coverage, structure heights, and structure separations vary by zoning district. Accessory structure development standards stated in Article II, Division 2 of this Code shall apply.
  - (1) If a zoning district's development standards does not address an accessory structure development standard, then the standards for a principal structure shall apply.
  - (2) If a Planned Unit Development does not address accessory structure development standards, the following shall apply:
    - a. Single-family uses shall adhere to accessory structure standards for the R-2 zoning district.
    - b. Multi-family uses shall adhere to the accessory structure standards for the R-3 zoning district.

c. Commercial uses shall adhere to the accessory structure standards for the C-3 zoning district.

- ~~(b) For the purposes of this Code, the following are accessory uses and are not regulated under this section, but are regulated separately, following this section, in section 21-103: swimming pools; antennas and satellite dishes; docks, piers and boathouses.~~
- ~~(c) Accessory structures shall be a minimum of five (5) feet from any interior lot line. Accessory structures in a "zero lot line" development may be constructed to a zero foot setback in accordance with the requirements set forth by section 21-201, cluster/zero lot line development.~~
- (d) Accessory structures shall not be constructed prior to the principal structure.

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- (e) All accessory structures shall comply with the Standard Building Code and all standards of this Code pertaining to the principal use.
- (f) Accessory structures shall not be located in a required landscape buffer; or within a public utility easement.
- (g) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- (h) All accessory structures shall be shown on a site development plan when required under Article VII of this chapter.
- (i) Accessory structures may be plumbed for water hose connections, washing machine hookups, and utility sinks, but shall not be served by a water meter separate from that of the principal use.
- (j) Accessory structures shall not be served by an electrical meter separate from that of the principal use.
- ~~(k) Except where otherwise provided, accessory structures shall be separated from each other and from the principal structure by no less than five (5) feet in all residential zoning districts and fifteen (15) feet in all commercial, professional, and industrial zoning districts.~~
- (~~k~~) No manufactured/mobile home, trailer, RV or vehicle of any kind shall be permitted as an accessory structure on any development site.
- ~~(m) Accessory structures permitted in the manufactured home park zoning district shall be temporary additions adjacent to and attached to manufactured homes, including cabanas, carports, and storage units. They shall be of manufactured home type construction and not permanent, conventional type construction. The size of the additions shall not exceed the length, width or height of the manufactured home to which it is attached, and shall not encroach into any required yard or setback.~~
- (~~n~~) An accessory structure shall not be used as habitable living space unless it meets all requirements in the unified land development code as an accessory residential unit. Where permitted, only one (1) accessory residential unit is permitted per lot. ~~a guest house or garage apartment. This shall include setbacks, density, minimum floor space and all other requirements.~~
- (~~em~~) Nonconforming accessory structures shall not be reestablished if destroyed or if use is discontinued for ninety (90) consecutive days.

- (n) Carports attached to the principal structure shall be considered part of the principal structure and subject to the setbacks for the principal structure for the zoning district in which it is located. When there is a setback for a porch, an attached carport may follow this standard.
- (o) Carports and detached garages shall be constructed of wood, masonry, or metal, and designed by an engineer to withstand wind load requirements as determined by the current edition of the Florida Building Code. A permit obtained from the building division shall be required prior to the commencement of construction.
- (p) Temporary carports constructed with canvas, vinyl, fiberglass, or plastic, and not attached to the ground via a permanent foundation approved by the building official, are prohibited.

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- (q) Screened enclosures with a screened roof are considered accessory structures, but may be attached to the principal structure. Screened enclosures with a solid roof attached to the principal structure shall be considered part of the principal structure and subject to the setbacks for the principal structure for the zoning district in which it is located.
- ~~(p) The maximum allowable square feet for a combination of all accessory structures varies for each zoning district. Refer to the table below:~~

<del>Table of Accessory Structure Square Feet</del>	
<del>Zoning District</del>	<del>Maximum Square Feet (s.f.)</del>
<del>RE, R-1</del>	<del>1,000 s.f.</del>
<del>R-2</del>	<del>750 s.f. or 50% of size of principle structure, whichever is less</del>
<del>R-3</del>	<del>750 s.f. or 50% of size of principle structure, whichever is less</del>
<del>R-4</del>	<del>Cumulative total of 750 s.f. or 50% of size of principle structure, whichever is less</del>

- [2. *Gas pumps and pump islands.*] Gas pumps and pump islands are accessory structures normally associated with convenience stores, automotive service businesses, truck stops and terminals, and businesses maintaining fleets of vehicles. The intent of this section is to set forth requirements for the location and appearance of gas pumps and pump islands. All new and substantially reconstructed facilities providing for the dispensing of fuels shall meet the following:
- (a) Gas pumps and pump islands shall be setback a minimum of twenty-five (25) feet from any property line. This distance is to be measured from the property line to the vertical support of the canopy, or if no canopy exists, to the gas pump or dispenser itself.
  - (b) Pump island canopies may not extend more than twelve (12) feet horizontally beyond the vertical canopy supports.
  - (c) Gas pumps or pump islands located between the principle building and an adjoining residentially zoned property shall require the placement of a six-foot wall between the gas pumps or pump island and the adjoining residentially zoned property.
  - (d) Exterior lighting fixtures shall cast no glare beyond the property line.
  - (e) Liquid fuels shall be stored in underground tanks. The design of these tanks shall meet all current standards established for the prevention of leaks and environmental contamination of groundwater

supplies. Fuel tanks located in an industrial or institutional zoning district may be exempt from the requirement to be located underground. Where permitted, above ground fuel tanks shall be required to meet the same setback as a gas pump or pump island.

- (f) Displays on pump islands shall be limited to racks containing lubricating oil or other automotive fluids.
- (g) Advertising located on pump islands shall be limited to that signage which is permitted by Article IV of this Code. Identification signs and those advertisements not clearly visible from the street may be placed upon the pumps.

~~[3. *Carports and detached garages.*] Carports and detached garages are accessory structures typically used for the parking of motor vehicles, boats, or trailers. As accessory structures, carports and detached garages are subordinate to the principal structure located on a parcel.~~

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- ~~(a) All carports and detached garages shall be located to the side or rear of the front building line of the principal structure.~~
- ~~(b) All carports and detached garages shall have a minimum setback from the side and rear property lines of five (5) feet. The minimum separation between the carport or detached garage from the principal structure shall be five (5) feet. Carports attached to the principal structure shall be considered part of the principal structure and subject to the setbacks for the principal structure for the zoning district in which it is located.~~
- ~~(c) No carport or detached garage located in a RE or R-1 residential zoning district shall exceed one thousand (1,000) square feet in floor area, or seven hundred fifty (750) square feet in floor area in residential zoning districts R-2—R-4. Carports and detached garages exceeding seven hundred fifty (750) square feet may be approved by staff if they are in conjunction with a multifamily residential project containing twenty (20) or more dwelling units.~~
- ~~(d) Carports and detached garages shall be constructed of wood, masonry, or metal, and designed by an engineer to withstand wind loads up to one hundred ten (110) miles per hour. A permit obtained from the building division shall be required prior to the commencement of construction.~~
- ~~(e) Temporary carports constructed with canvas, vinyl, fiberglass, or plastic, and not attached to the ground via a permanent foundation approved by the building official, are prohibited. Existing temporary carports shall be removed by the property owner by July 1, 2005.~~

~~[4. *Accessory residential units.*] Where permitted by table 21-32(A), accessory residential units such as garage apartments and caretaker's apartments/cottages shall meet the following criteria:~~

- ~~a. The minimum living area for any accessory residential unit shall be four hundred (400) square feet.~~

**Sec. 21-103. Accessory uses.**

(a) Swimming pools. Swimming pools are permitted as an accessory use and shall meet the following requirements:

- (1) ~~Swimming pools shall be at least five (5) feet from any lot line, as measured from the edge of the water, if no decking exists. Development standards for swimming pools vary by zoning district. Swimming pools development standards stated in Article II, Division 2 of this Code shall apply.~~
  - i. Setbacks shall be measured from the edge of water.

ii. If a zoning district's development standards does not address swimming pools, then the standards for a principal structure shall apply.

iii. If a Planned Unit Development does not address swimming pool development standards, the following shall apply:

a. Single-family uses shall adhere to swimming pool standards for the R-2 zoning district.

b. Multi-family uses shall adhere to the swimming pool standards for the R-3 zoning district.

c. Commercial uses shall adhere to the swimming pool standards for the C-3 zoning district.

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~~(2) Swimming pools, including all decking and screen enclosures, shall be located to the rear of the front building line, and shall not encroach into side yard setback areas. Decking and screen enclosures shall be at least five (5) feet from all lot lines.~~

(2) Swimming pools may only be permitted in the rear or side yard of any lot unless otherwise permitted by this Code.

~~(3) Screen enclosures over and around swimming pools shall be erected so as to conform to setback requirements for accessory buildings; however, such enclosures may be attached to the principal building.~~ Lighting for pools shall be located and installed such that no direct light nor reflected light is visible on adjoining property.

(4) Swimming pools, surrounding decking, screen enclosures and vertical supports for screen enclosures shall not be located within public utility or stormwater management easements along side and rear lot lines.

(5) All swimming pools shall be completely enclosed by a fence, screen enclosure or a wall not less than four (4) feet high, as required by State statute.

~~(6) No pool in residential zoning districts may be used for commercial purposes.~~