

1967

## City of West Palm Beach, Florida Zoning Code

City Commission

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West Palm Beach, Florida



**ZONING CODE**

**CITY OF WEST PALM BEACH - FLORIDA**

**ZONING CODE**

**adopted June 15, 1964**

**C I T Y C O M M I S I O N**

**Reid Moore, Jr.**

**Mayor**

**David H. Brady - Vice Mayor**

**Eugene Potter - Pres Pro Tem**

**C. Harold Earnest**

**Fred O. Easley, Jr.**

**William H. Tyre**

**City Manager**

**"Second printing, including ordinances  
adopted through May 1967".**

Table of Contents	
Definitions	
Establishment of Districts	
Rules for Interpretation	
Application of Dist. Reg.	

F - 1
R - 1
R - 1A
R - 2
R - 3
R - 4
R - 5
R - 6
C - M
C - MI
C - 1
C - 2
C - 3
C - 4
M - 1
M - 2
W
P

## QUICK REFERENCE GUIDE

To find section desired, simply bend booklet as if you were going to flip through it's pages. Black mark will appear on the edge of the desired page and will line up with the rapid reference classification on the edge of this page.

Suppl. District Reg.	
N u i s a n c e s	
Expt.to & Mod.of-Dist.Reg.	
Non - Conforming Uses	
Adm.& Enfrce-Bldg.Permits	
Schedule of Fees, etc.	
Minimum Requirements	
Zoning Board of Appeals	
A m e n d m e n t s	
Appeals from City Plan. Board	
Complaints re: Violations	
Penalties for Violations	
Separability Clause	
I N D E X	



# TABLE OF CONTENTS

---

Page

## S 53-1 Definitions

1. Person .....	1
2. Present Tense and Number .....	1
3. Shall - May .....	1
4. Used - Occupied .....	1
5. Lot .....	1
6. Accessory Use or Structure .....	1
7. Alley .....	1
8. Apartment .....	1
9. Apartment House - see Dwelling, Multiple .....	3
10. Basement .....	2
11. Boarding House .....	2
12. Building .....	2
13. Building, Height of .....	2
14. Cellar .....	2
15. Combination Home .....	2
16. Convalescent Home .....	2
17. District .....	3
18. Dwelling .....	3
19. Dwelling, Single-Family .....	3
20. Dwelling, Two-Family .....	3
21. Dwelling, Multiple-Family .....	3
22. Family .....	3
23. Farm .....	3
24. Filling Station .....	3
25. Frontage .....	3
26. Garage Apartment .....	4
27. Garage, Private .....	4
28. Garage, Public .....	4
29. Garage, Storage .....	4
30. Grade of Lot .....	4
31. Gross Floor Area .....	4
32. Home Occupation .....	4
33. Home for Aged (Boarding House) .....	5
34. Hotel .....	5
35. Institutions .....	5
36. Junk Yard .....	5
37. Lot .....	5
38. Lot, Corner .....	6

	Page
39. Lot, Double Frontage .....	6
40. Lot, Parking-see S 53-22, subsecs. (3) & (4) ..	43-44
41. Lot of Record .....	6
42. Main Building .....	6
43. Motel .....	6
44. Non-Conforming Use .....	6
45. Nursing Home .....	6
46. Parking Lot-see S 53-22, subsecs. (3) & (4) ...	43-44
47. Parking Space, Off-Street .....	7
48. Party Wall .....	7
49. Rooming House .....	7
50. Setback Line .....	7
51. Special Exception .....	7
52. Story .....	7
53. Story, Half .....	7
54. Street .....	8
55. Street Line .....	8
56. Structure .....	8
57. Structural Alterations .....	8
58. Tourist Home .....	8
59. Tourist or Trailer Park .....	8
60. Townhouse .....	8
61. Townhouse Complex .....	8
62. Yard .....	8
63. Yard, Front .....	9
64. Yard, Rear .....	9
65. Yard, Side .....	9
66. Variance .....	9
67. Zoning Board of Appeals .....	10
<b>S 53-2 Establishment of Districts:</b>	
<b>Provisions for Official Zoning Map .....</b>	<b>10</b>
1. Official Zoning Map .....	10
2. Replacement of Official Zoning Map .....	11
<b>S 53-3 Rules for Interpretation of</b>	
<b>District Boundaries .....</b>	<b>12</b>
1. As to Streets .....	12
2. As to Platted Lot Lines .....	12
3. As to City Limits .....	12
4. As to Railroad Lines .....	12

# TABLE OF CONTENTS

	Page
5. As to Shore Lines .....	12
6. As to Distances not Indicated .....	12
7. As to Future Annexed Property .....	12
8. As to Variances .....	13
<b>S 53-4 Application of District Regulations .....</b>	<b>13</b>
1. As to Occupancy or Use .....	13
2. As to Erection or Alteration .....	13
3-4. As to Use of Yards, etc. ....	13
5. As to Number of Main Buildings .....	14
6. As to Extra Depth Lots .....	14
7. As to Minimum Lot Size .....	14
8. As to Off-Street Parking .....	14
<b>S 53-5 "F-1" Floodway District .....</b>	<b>14</b>
1. Use Regulations .....	14
a. Uses Permitted .....	15
b. Uses and Improvement Prohibited .....	15
<b>S 53-6 "R-1" Single-Family Residential</b>	
<b>District Regulations .....</b>	<b>15</b>
1. Use Regulations .....	15
2. Height Regulations .....	16
3. Parking Regulations .....	16
a. Single-Family Dwelling .....	16
b. Schools and Public Buildings .....	16
4. Area Regulations .....	16
a. Front Yard .....	16
(1) Double Frontage Lots .....	16
(2) Lots at Intersections .....	16
(3) Accessory Building .....	16
b. Side Yard .....	16
c. Rear Yard .....	17
d. Lot Area per Family .....	17
<b>S 53-6A "R-1A" Single-Family - Garage Apartment</b>	
<b>Residential District Regulations .....</b>	<b>16A</b>
1. Use Regulations .....	16A
a. Same as "R-1" Single-Family District .....	16A
b. Garage Apartment .....	16A
c. Home Occupations .....	16A
2. Height Regulations .....	16A

3.	Parking Regulations .....	16A
4.	Area Regulations .....	16A
a.	Front Yard .....	16A
b.	Side Yard .....	16A
c.	Rear Yard .....	16A
d.	Lot Area per Family .....	17
<b>S 53-7</b>	<b>"R-2" Two-Family Residential</b>	
	<b>District Regulations .....</b>	<b>17</b>
1.	Use Regulations .....	17
a.	Same as "R-1A" Single-Family - Garage Apartment District .....	17
b.	Two-Family Dwelling .....	17
c.	Home Occupation .....	17
2.	Height Regulations .....	17
3.	Parking Regulations .....	17
4.	Area Regulations .....	17
a.	Front Yard .....	17
b.	Side Yard .....	18
c.	Rear Yard .....	18
d.	Lot Area per Family .....	18
<b>S 53-8</b>	<b>"R-3" Three-Family Residential</b>	
	<b>District Regulations .....</b>	<b>18</b>
1.	Use Regulations .....	18
a.	Same as "R-2" Two-Family District .....	18
b.	Two-Family Dwellings .....	18
c.	Three-Family Dwelling .....	18
d.	Accessory Buildings .....	18
2.	Parking Regulations .....	18
3.	Height Regulations .....	19
4.	Area Regulations .....	19
a.	Front Yard .....	19
b.	Side Yard .....	19
c.	Rear Yard .....	19
d.	Lot Area per Family .....	19
<b>S 53-9</b>	<b>"R-4" Four-Family Residential</b>	
	<b>District Regulations .....</b>	<b>19</b>
1.	Use Regulations .....	20
a.	As in "R-3" Three-Family Residential Distr. ....	20
b.	Multiple Dwellings for Not More Than Four Families .....	20

# WEST PALM BEACH CITY CODE

c.	Rooming and Boarding Houses .....	20
d.	Churches and Temples .....	20
e.	Convalescent Homes and Home for Aged .....	20
f.	Accessory Buildings .....	20
g.	Location of Accommodations .....	20
2.	Parking Regulations .....	20
3.	Height Regulations .....	21
4.	Area Regulations .....	21
a.	Front Yard .....	21
b.	Side Yard .....	21
c.	Rear Yard .....	21
d.	Lot Area per Family .....	21
<b>S 53-10</b>	<b>"R-5" Multiple Dwelling District Regulations.</b>	<b>21</b>
1.	Use Regulations .....	22

# TABLE OF CONTENTS

	Page
a. Any Use as in "R-4" District .....	22
b. Multiple Dwellings .....	22
c. Hotels, etc. ....	22
d. Institutions .....	22
e. Public Buildings .....	22
f. Hospitals .....	22
g. Clubs, etc. ....	22
h. Location of Accommodations .....	22
i. Accessory Buildings .....	22
2. Parking Regulations .....	22
3. Height Regulations .....	23
4. Area Regulations .....	23
a. Front Yard .....	23
b. Side Yard .....	23
c. Rear Yard .....	23
d. Lot Area per Family .....	24
<b>S 53-11 "R-6" Townhouse District Regulations .....</b>	<b>24</b>
1. Use Regulations .....	24
a. Any Use as in "R-1" Single-Family Dwelling District .....	24
b. Multiple Dwellings .....	24
c. Townhouse Complexes .....	24
d. Accessory Buildings .....	25
2. Height Regulations .....	25
3. Parking Regulations .....	25
4. Area Regulations .....	25
a. Front Yard .....	25
b. Side Yard .....	25
c. Rear Yard .....	25
d. Lot Area per Family .....	25
e. Townhouse Area Requirements .....	26
<b>S 53-12 "C-M" Commercial Marine Repair District Regulations .....</b>	<b>26</b>
1. Use Regulations .....	26
a. Any Use Permitted in "R-5" District .....	26
b. Boat Repair and Storage .....	26
c. Boat Sales and Rental .....	26
d. Filling Station for Marine Fuels .....	26
e. Garage or Storage for Boats .....	26

	Page
f. Parking Space .....	26
g. Repair Shops for Marine Equipment .....	26
h. Store for Selling Marine Equipment .....	26
i. Restaurants .....	26
j. Yacht Manufacturing .....	26
k. Accessory Buildings .....	27
2. Parking and Loading Regulations .....	27
3. Height Regulations .....	27
4. Area Regulations .....	27
a. Front, Side and Rear Yards .....	27
b. Lot Area per Family .....	28
<b>S 53-13 "C-M1" Commercial Marine One District</b>	
<b>Regulations</b> .....	28
1. Use Regulations .....	28
a. Any Use Permitted in "R-5" District .....	28
b. Repair of Boats Not Over 40' in Length .....	28
c. Boat Rentals .....	28
d. Filling Stations for Marine Fuels .....	28
e. Garage or Storage for Boats .....	28
f. Sale of Marine Supplies .....	28
g. Marine Clubhouse .....	28
h. Marina Docks .....	28
i. Restaurant .....	28
j. Accessory Buildings .....	28
2. Parking and Loading Regulations .....	28
3. Height Regulations .....	29
4. Area Regulations .....	29
a. Side Yard .....	29
b. Lot Area per Family .....	29
<b>S 53-14 "C-1" Neighborhood Shopping District</b>	
<b>Regulations</b> .....	30
1. Use Regulations .....	30
a. Any Use Permitted in "R-5" District .....	30
b. Amusement Place or Theatre .....	30
c. Bank .....	30
d. Bakery .....	30
e. Barber Shop or Similar Personal Service .....	30
f. Bicycle Sales and Repairs .....	30
g. Business or Related Schools .....	30



# TABLE OF CONTENTS

	Page
h. Catering or Delicatessen .....	30
i. Custom Dressmaking or Allied Retail Trade ..	30
j. Dry Cleaning Plants .....	30
k. Filling Stations .....	31
l. Garage, Storage .....	31
m. Greenhouses .....	31
n. Laundromats .....	31
o. Locksmith Shop .....	31
p. Message or Telegraph Service .....	31
q. Offices .....	31
r. Parking Lots for Automobiles .....	31
s. Photographer's Studio .....	31
t. Plant Nurseries .....	31
u. Receiving Store for Cleaning and Laundry ...	31
v. Restaurant .....	31
w. Shoe Repair Shop .....	31
x. Electrical and Radio Equipment Repair .....	32
y. Retail Business .....	32
z. Undertaking Establishments .....	32
aa. Upholstery Shop .....	32
bb. Accessory Buildings .....	32
2. Parking and Loading Regulations .....	32
3. Height Regulations .....	33
4. Area Regulations .....	33
a. Front Yard .....	33
b. Side Yard .....	33
c. Rear Yard .....	33
d. Lot Area per Family .....	33
<b>S 53-15 "C-2" Commercial District Regulations .....</b>	<b>33</b>
1. Use Regulations .....	34
a. Any Use Permitted in "C-1" District .....	34
b. Dyeing and Cleaning Works .....	34
c. Hospital or Clinic for Animals .....	34
d. Laundries .....	34
e. Plumbing Shop .....	34
f. Printing Shop .....	34
g. Public Garage and Auto Salesroom .....	34
h. Tinsmithing Shop .....	34
i. Used Car Sales and Storage .....	34

	Page
j. Radio and Television Stations .....	34
k. Milk Distributing .....	34
l. General Service and Repair .....	34
m. Small Wholesale Establishments .....	34
n. Automatic Car Wash .....	34
2. Parking and Loading Regulations .....	35
3. Height Regulations .....	35
4. Area Regulations .....	35
a. Front Yard .....	35
b. Side Yard .....	35
c. Rear Yard .....	35
d. Lot Area per Family .....	35
<b>S 53-16 "C-3" Commercial Industrial District</b>	
<b>Regulations .....</b>	<b>36</b>
1. Use Regulations .....	36
a. Any Use Permitted in "C-2" District .....	36
b. Bakeries .....	36
c. Bottling Works .....	36
d. Contractors' Storage Yard .....	36
e. Dyeing and Cleaning Establishments .....	36
f. Laundry .....	36
g. Lumber Yard .....	36
h. Milk Distributing Station .....	36
i. Printing Plants .....	36
j. Plumbing Shop .....	36
k. Warehouse and Storage Plants .....	36
l. Wholesale Establishments .....	36
m. Public Utility Substations and Facilities ..	36
n. Industrial and Manufacturing Plants .....	36
2. Parking and Loading Requirements .....	36
3. Height Regulations .....	37
4. Area Regulations .....	37
a. Front Yard .....	37
b. Side Yard .....	37
c. Rear Yard .....	37
d. Lot Area per Family .....	37
<b>S 53-17 "C-4" Central Business District Regulations</b>	<b>37</b>
1. Use Regulations .....	38
a. Any Use Permitted in "C-3" District .....	38

# TABLE OF CONTENTS

	Page
2. Parking and Loading Requirements .....	38
3. Height Regulations .....	38
4. Area Regulations .....	38
a. Front, Side and Rear Yard .....	38
<b>S 53-18 "M-1" Light Industrial District Regulations ..</b>	<b>38</b>
1. Use Regulations .....	38
a. Any Use Permitted in "C-3" District .....	38
b. Blacksmith Shop .....	38
c. Wood and Coal Yards .....	38
d. Junk Yards .....	38
2. Height Regulations .....	38
3. Parking and Loading Regulations .....	39
4. Area Regulations .....	39
a. Front Yard .....	39
b. Side Yard .....	39
c. Rear Yard .....	39
<b>S 53-19 "M-2" Industrial District Regulations .....</b>	<b>39</b>
1. Use Regulations - Any Use <u>Except</u> Specified Uses as in Subsections a. - z. ....	40
2. Height Regulations .....	40
3. Parking and Loading Regulations .....	41
4. Area Regulations .....	41
a. Front Yard .....	41
b. Side Yard .....	41
c. Rear Yard .....	41
d. Lot Area per Family .....	41
<b>S 53-20 "W" Conservation District Regulations .....</b>	<b>41</b>
1. Use Regulations .....	42
a. Farming .....	42
b. Truck and Flower Gardens, etc. ....	42
c. Single-Family Dwelling .....	42
d. Forests and Wildlife Reservations .....	42
e. Parks .....	42
f. Golf Courses .....	42
g. Gun Clubs .....	42
h. Roadside Stands .....	42
i. Riding Stables .....	42
j. Institutions .....	42

	Page
k. Removal of Muck, etc. or Growing Grass .....	42
l. Accessory Buildings .....	42
2. Height Regulations .....	42
3. Area Regulations .....	42
a. Yards .....	42
b. Lot Area per Family .....	42
<b>S 53-21 "P" Parks District .....</b>	<b>42</b>
1. Private Use .....	43
2. Public Use .....	43
<b>S 53-22 Supplementary District Regulations .....</b>	<b>43</b>
1. Visibility at Intersections in Residential Districts .....	43
2. Fences, Walls and Hedges .....	43
3. Parking Lots, in General .....	43
a. Definition .....	43
b. Entrance and Exits .....	43
c. Surfacing of .....	43
d. Plans for .....	44
4. Parking Lots-Additional Special Restrictions ...	44
a. Use as to Customer Parking .....	44
b. Lighting Facilities .....	44
c. Entrances and Exits .....	44
d. Walls .....	44
5. Building Setback Lines on Thoroughfares and Future Street Lines .....	45
6. Nuisance - Maintenance Prohibited .....	47
<b>S 53-23 Exceptions To and Modifications of District         Regulations .....</b>	<b>47</b>
1. Exceptions to and Modifications of Height Limitations .....	48
a. Exemptions .....	48
b. Exceptions as to Certain Buildings .....	48
2. Exceptions to and Modifications of Yard and Open Space Requirements .....	48
a. As to Dwelling Units .....	48
b. As to Institutional or Public Buildings ....	48
c. Side Yard Regulations as to Certain Dwellings .....	48

	Page
d. Alley as Portion of Rear Yard .....	49
e. Requirements as to Yards .....	49
f. As to Fire Escapes, etc. ....	49
g. Roadside Stands .....	49
h. Setbacks as to Certain Lots .....	49
i. Swimming Pools .....	49
j. Swimming Pools, Walls for .....	50
k. Swimming Pools, Plans for .....	50
3. Exceptions and Modifications to Use Regulations.	
a. As to Railroads and Utilities .....	50
b. Temporary Buildings .....	50
c. Rentals in Certain Districts .....	50
d. Retail Sales of Alcoholic Beverages .....	51
4. Regulation of Accessory Buildings .....	51
a. Location of .....	51
b. As to Lot Lines .....	51
c. Height of .....	52
5. Community Unit Plan .....	52
a. Effect on Adjacent Property .....	52
b. Promote Welfare .....	52
c. Restricted Use .....	52
d. Average Lot Area .....	52
<b>S 53-24 Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures and Non- Conforming Uses of Structures and Premises ...</b>	53
1. Intent .....	53
2. Non-Conforming Lots of Record .....	54
3. Non-Conforming Uses of Land .....	54
4. Non-Conforming Structures .....	55
5. Non-Conforming Use of Structures .....	55
6. Repairs and Maintenance .....	56
7. Uses Under Exception Provisions Not Non- Conforming Uses .....	56
<b>S 53-25 Administration and Enforcement-Building Permits and Certificates of Approval and Occupancy .....</b>	57
1. Administration and Enforcement .....	57
2. Building Permits Required .....	57
3. Application for Building Permit .....	58
4. Certificates of Approval and Occupancy .....	58

	Page
<b>S 53-26 Schedule of Fees, Charges and Expenses .....</b>	<b>58</b>
<b>S 53-27 Provisions of Chapter Declared to be Minimum Requirements .....</b>	<b>59</b>
<b>S 53-28 Zoning Board of Appeals, Procedure .....</b>	<b>59</b>
1. Proceedings of the Zoning Board of Appeals .....	60
2. Hearings; Appeals; Notice .....	60
3. Stay of Proceedings .....	61
<b>S 53-29 Zoning Board of Appeals, Powers and Duties ...</b>	<b>61</b>
1. Administrative Review .....	62
Decision of Zoning Board of Appeals .....	62
2. Special Exceptions: Conditions Governing Applications; Procedures .....	62
3. Variances; Conditions Governing Applications; Procedures .....	64
a. Contents of Application .....	64
b. Notice of Public Hearing .....	64
c. Hearing to be Held .....	64
d. Findings as to Requirements .....	64
e. Findings as to Variance Sought .....	65
f. Findings as to Harmony .....	65
<b>S 53-30 Appeals from Zoning Board of Appeals .....</b>	<b>67</b>
<b>S 53-31 Duties of Administrative Official, Zoning Board of Appeals, City Commission and Courts on Matters of Appeal .....</b>	<b>67</b>
<b>S 53-32 Amendments .....</b>	<b>68</b>
<b>S 53-32 (a) Appeals from City Planning Board .....</b>	<b>68A</b>
<b>S 53-33 Complaints Regarding Violations .....</b>	<b>69</b>
<b>S 53-34 Penalties for Violations .....</b>	<b>69</b>
<b>S 53-35 Separability Clause .....</b>	<b>69</b>

ORDINANCE NO. 869-64

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE SAID CITY, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 24981, LAWS OF FLORIDA, SPECIAL ACTS, 1947 (CITY CHARTER) AS AMENDED, AND CHAPTER 176, FLORIDA STATUTES, 1961, SUCH ZONING REGULATIONS TO BE A PART OF AND KNOWN AS "CHAPTER 53" OF THE CITY CODE, 1962; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, INCLUDING CHAPTER 47 OF THE CITY CODE, 1957, AS AMENDED, AND FOR OTHER PURPOSES.

\* \* \* \* \*

WHEREAS, Chapter 24981, Laws of Florida, Special Acts, 1947 (City Charter) as amended, and Chapter 176, Florida Statutes, 1961 empower the City to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the City Commission deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to enact such an ordinance; and

WHEREAS, the City Commission, pursuant to the aforementioned statutory provisions, has appointed the City Planning Board of said City, as a Zoning Commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and

WHEREAS, the Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety



from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

**WHEREAS**, the Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

**WHEREAS**, the Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Commission; and

**WHEREAS**, the City Commission has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

**WHEREAS**, all requirements of the aforementioned statutory provisions with regard to the preparation of the report of the Zoning Commission and the subsequent action of the City Commission have been met;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA:

SECTION 1: That a chapter to be known as "Chapter 53 - Zoning" be added to the City Code of West Palm Beach, Florida, 1962 as follows:

## CHAPTER 53 - ZONING

### Sec. 53-1. Definitions.

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

1. The word "*person*" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

3. The word "*shall*" is mandatory, the word "*may*" is permissive.

4. The words "*used*" or "*occupied*" include the words "*intended*", "*designed*", or "*arranged to be used or occupied*."

5. The word "*lot*" includes the words "*plot*" or "*parcel*."

6. *Accessory Use or Structure* - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

7. *Alley* - A public thoroughfare which affords only a secondary means of access to property abutting thereon.

8. *Apartment* - A room or suite of rooms intended or designed for use as a residence by a single family, including bath and culinary accommodations.

9. *Apartment House* - See Dwelling, Multiple.

10. *Basement* - A story having part, but not more than one-half (1/2) of its height above grade and used for storage, garage for use of occupants of the building, janitor or watchman facilities, or other utilities common to the rest of the building. A basement used for any of the above purposes shall not be counted as a story, provided its height in the clear shall not exceed seven feet six inches (7'6").

11. *Boarding House* - A building other than a hotel where, for compensation pursuant to previous arrangement, lodging or lodging and meals are provided for three (3) or more persons.

12. *Building* - Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

13. *Building, Height of* - The vertical distance from the grade of lot to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

14. *Cellar* - That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half (1/2) of its height below grade.

15. *Combination Home* - A building where, for compensation pursuant to previous arrangement, a combination of the type of services offered and provided by a nursing home, a convalescent home, and a home for the aged (boarding home), as those terms are defined elsewhere herein, are offered or provided for three (3) or more persons.

16. *Convalescent Home* - A building where, for compensation pursuant to previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than mental or chronic illness or a contagious disease, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital.

17. *District* - Any section of the City for which the zoning regulations governing the use of buildings and premises, the heights of buildings, the size of yards, and the intensity of use are uniform throughout the city.

18. *Dwelling* - Any building or portion thereof which is designed for or used for residential purposes.

19. *Dwelling, Single-Family* - A detached residence designed for or occupied by one family only.

20. *Dwelling, Two-Family* - A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

21. *Dwelling, Multiple-Family* - A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

22. *Family* - One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over five persons.

23. *Farm* - An area which is used for the growing of the usual farm products such as vegetables, fruits and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals and grazing, pasture or running areas therefor. The term *farming* includes the operating of such area for one or more of the above uses including dairy farms with the necessary accessory uses for treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

24. *Filling Station* - Any building, structure, or land used for the sale, or offering for sale at retail of any automobile fuels or oils.

25. *Frontage* - All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the front property line of the street, or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, as measured along the front property line.

26. *Garage Apartment* - An accessory building, where a portion of such accessory building contains living facilities for not more than one family, and a private garage for one or more automobiles.

27. *Garage, Private* - An accessory building or a portion of the main building designed or used for the storage of vehicles owned or used by the occupants of the building to which it is an accessory use. A carport or porte cochere is also considered a private garage and shall be of minimum size of ten (10') by twenty (20') feet.

28. *Garage, Public* - A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing of motor-driven vehicles.

29. *Garage, Storage* - A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

30. *Grade of Lot* - The grade of lot shall be the elevation of the back of the sidewalk at the center of the building wall facing the street, as specified by the Building Code of the City or established by its Engineering Department.

31. *Gross Floor Area* - The sum of the total areas taken on a horizontal plane of a floor or several floors of a building measured between the outside face of exterior walls, having a ceiling height of five feet, six inches (5'6") or more, including interior balconies, mezzanines and the like.

32. *Home Occupation* - Any occupation, or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign, other than a name plate not more than one (1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; that there is no commodity sold upon the premises; that no person is employed other than a member of the immediate family residing on the pre-

mises; and that no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

33. *Home for the Aged (Boarding Home)* - A building where, for compensation pursuant to previous arrangement, domiciliary and custodial care is furnished for three (3) or more aged persons, some of whom may require medical and nursing supervision.

34. *Hotel* - A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a rooming house, or an apartment house, each of which is herein separately defined.

35. *Institutions* - A building occupied by a non-profit corporation or a non-profit establishment for public use.

36. *Junk Yard* - A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, based, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding pawn shops and establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations. The storage of non-operable machinery, equipment or automobiles for sixty days or longer shall be prima facie evidence the property is a junk yard.

37. *Lot* - For zoning purposes, as covered by this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;

c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.

38. *Lot, Corner* - A lot abutting upon two (2) or more streets at their intersection.

39. *Lot, Double Frontage* - A lot, other than a corner lot, having frontage on more than one street.

40. *Lot, Parking* - See definition in Sec. 53-22, subsections (3) and (4).

41. *Lot of Record* - A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Palm Beach County; or a parcel of land, the deed of which was recorded in the Office of the Clerk of the Circuit Court of Palm Beach County.

42. *Main Building* - The principal building situated or erected on a lot which is used for any purpose, the use of which is determined by the zoning classification of the lot on which it is erected.

43. *Motel* - A group of two (2) or more attached, detached or semi-detached buildings, containing guest rooms or apartments with automobile storage or parking space provided in connection therewith, designed for use primarily by transients.

44. *Non-Conforming Use* - A building, structure or use of land existing at the time of the enactment of this chapter, and which does not conform to the regulations of the district in which it is located.

45. *Nursing Home* - A building where, for compensation pursuant to previous arrangement, care is offered or provided for three (3) or more persons of varying grades of illness but not of sufficient severity to require hospital attention. Patients or residents of nursing homes are normally persons in some state of chronic illness requiring a large measure of domiciliary care in addition to nursing care.



46. *Parking Lot* - See definition in Sec. 53-22, subsections (3) and (4).

47. *Parking Space, Off-Street* - An off-street parking space shall have minimum dimensions of nine feet by twenty feet (9' x 20') plus necessary maneuvering space. Space for maneuvering, incidental to parking, shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way. **Every** off-street parking space shall be surfaced with a smooth, nondusting durable surface. (Ord. 994-67 7/17/67)

48. *Party Wall* - For the purposes of this ordinance, the term "Party Wall" shall mean a common wall or parallel, adjacent solid walls with no visible separation between walls.

49. *Rooming House* - A building, other than a hotel, where lodging for three (3) or more persons is provided for compensation by agreement between the parties, but where no food is served.

50. *Setback Line* - A line marking the building setback distance from the street line, or lot lines.

51. *Special Exception* - A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this chapter.

52. *Story* - That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

53. *Story, Half* - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3') feet above the top floor level, and in which space not more than sixty percent (60%) of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with, and by the occupants of, the floor immediately below.

54. *Street* - A public thoroughfare which affords the principal means of access to abutting property.

55. *Street Line* - The future street line as established in Section 53-22, paragraph 5. If said street line is not set forth in said section, the street line shall be construed as the Right of Way line existing at the time of Building Permit issuance.

56. *Structure* - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, towers, walls, fences, billboards, and poster panels.

57. *Structural Alterations* - Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls, excepting such repairs or replacements as may be required for the safety of the existing building.

58. *Tourist Home* - A building, other than a hotel, where lodging is provided and offered to the public for compensation for three (3) or more persons, but not exceeding twenty (20) individuals, and which is open to transient guests, on which there is used only one sign not more than two (2) square feet in area, the lighting of which shall be regulated by the Building Code.

59. *Tourist or Trailer Park* - An area where one (1) or more tents or auto trailers can be or are intended to be parked, designed or intended to be used as temporary living facilities of one (1) or more families and intended primarily for transients traveling by automobile.

60. *Townhouse* - For the purposes of this Chapter "Townhouse" shall mean a single family residential building attached to a series of other single family residential buildings by not more than two party walls.

61. *Townhouse Complex* - For the purposes of this Chapter, a "Townhouse Complex" shall mean a group of not less than four nor more than eight townhouses connected by party walls.

62. *Yard* - A required open space unoccupied and unobstructed by any structure or portion of a structure from 30

inches above the general ground level of the graded lot upward, provided however that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

63. *Yard, Front* - A yard extending across the front of a lot between the "*street line*", and the required "*setback line*", but not including the usual uncovered steps. On corner lots in residential districts, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

64. *Yard, Rear* - A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main structure or any projections thereof, other than projections of uncovered steps. On all lots the rear yard shall be in the rear of the front yard.

65. *Yard, Side* - A yard between any structure and the side line of the lot, extending from the required front yard to the required rear yard, and on inside lots being the minimum horizontal distance between a side lot line and the side of the structure or any projections thereto, and on the side of a corner lot being the minimum horizontal distance between the street line and any structure or any projections thereof other than the projections of uncovered steps.

66. *Variance* - A variance is a relaxation of the terms of the zoning code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning divisions or districts.

67. *Zoning Board of Appeals* - That body provided for by Section 4 (27) of the Charter of the City of West Palm Beach.

**Sec. 53-2. Establishment of Districts:  
Provision for Official Zoning Map.**

1. *Official Zoning Map* - The city is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The said zones or districts shall be as follows:-

- "F-1" Floodway District
- "R-1" Single-Family Residential District
- "R-1A" Single-Family - Garage Apartment Residential District
- "R-2" Two-Family Residential District
- "R-3" Three-Family Residential District
- "R-4" Four-Family Residential District
- "R-5" Multiple Dwelling District
- "R-6" Townhouse District
- "C-M" Commercial Marine Repair District
- "C-M1" Commercial Marine One District
- "C-1" Neighborhood Shopping District
- "C-2" Commercial District
- "C-3" Commercial Industrial District
- "C-4" Central Business District
- "M-1" Light Industrial District
- "M-2" Industrial District
- "W" Conservation District
- "P" Park District

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 53-2 of Chapter 53 of the City Code of West Palm Beach, Florida, 1962

together with the date of the adoption of this chapter.

If, in accordance with the provisions of this chapter and applicable Statutes, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Commission, together with an entry on the Official Zoning Map, as follows:

"On \_\_\_\_\_, by official action of the City Commission, the following (change) changes were made in the Official Zoning Map:

."

which entry shall be signed by the Mayor and attested by the City Clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under Sec. 53-34 of this chapter.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the city.

2. *Replacement of Official Zoning Map* - In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words:

"This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted

as part of Chapter 53 of the City Code of West Palm Beach, Florida, 1962."

**Sec. 53-3. Rules for Interpretation of District Boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

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

3. Boundaries indicated as approximately following city limits shall be construed as following city limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. All territory which may hereafter be annexed to the City shall be automatically classified in "R-1" Single Family Residential District unless and until changed by amendment.

8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 7 above, the Zoning Board of Appeals shall interpret the district boundaries.

#### **Sec. 53-4. Application of District Regulations.**

The regulations set forth by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:

- a. To exceed the height;
- b. To accommodate or house a greater number of families;
- c. To occupy a greater percentage of lot area;
- d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required; or in any other manner contrary to the provisions of this ordinance.

3. No part of yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.



5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building and the allowable accessory buildings on one lot, in the "R-1, R-2, and R-3" districts.

6. If platted lots, existing prior to June 3, 1963, and located in an R-3 or R-4 district have normal frontage, but are of sufficient extra depth to contain more than 10,000 square feet, the following conditions shall apply, subject to the approval of the Building Official:

a. A single family residence may be constructed on each additional area of not less than 6,000 square feet, or

b. A multiple dwelling may be constructed on each additional area of not less than 10,000 square feet. The additional lot areas are exclusive of an access road having a minimum paved width of twenty (20') feet with proper turn around facilities, to be secured by recorded easements, maintained by the owners to permit perpetual service.

7. Residential lots in new subdivisions and resubdivisions shall have a minimum width at the building line of sixty (60') feet, shall front on a public street, and shall contain a minimum area of 6,000 square feet. Resubdivisions or changes in existing plats shall conform to the same requirements as the Subdivision Ordinance.

8. Off-street parking spaces within the street lines shall not be included in the computation of required off-street parking space.

#### **Sec. 53-5. "F-1" Floodway District.**

The regulations set forth in this section, or set forth elsewhere in this ordinance, when referred to in this Section are the district regulations of the "F-1" Floodway District.

1. *Use Regulations* - For the purpose of providing safety to the public and the further purpose of avoiding undue damage to lives and property in time of floods, within the F-1 Floodway District, as shown on the Zoning Map, the following regulations shall apply:



a. Uses permitted.

Any use permitted in the nearest adjacent zoning district.

b. Uses and Improvement Prohibited.

(1) No building or structure, other than boat docks and landings accessory to the main use permitted on the property, screened enclosures for swimming pools, screened enclosures for tennis courts and similar structures shall be constructed, altered, or extended in said flood area, and no building or structure except as herein provided shall be moved within or into the F-1 District.

(2) No land fill or dumping shall be permitted in the said flood area.

(3) No permanent storage of materials or equipment shall be permitted in said zone.

Limitations and restrictions imposed hereby shall not apply to construction, extension or filling for a municipal, county, state, or public purpose.

**Sec. 53-6. "R-1" Single-Family Residential District Regulations.**

The regulations set forth in this Section, or set forth elsewhere in this Chapter, when referred to in this Section, are the district regulations in the "R-1" Single-Family Residential Districts.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

- a. One (1) single-family dwelling;
- b. Parks, playgrounds and community buildings owned or operated by public agencies;
- c. Public libraries and museums;
- d. Public schools or private schools having a curriculum corresponding to that offered in comparable public schools having no rooms regularly used for housing or sleeping purposes of the students provided that before any building occupied by a private school, the applicant shall be required to appear before the Zoning Board of Appeals and prove, by substantially competent evidence, that the proposed occupancy will be by a school offering a curriculum substantially similar to that offered in comparable public schools.

e. Accessory buildings, including a private garage and accessory uses, customarily incident to the above uses (not involving the conducting of business), and the use of a lot or portion thereof for a normal vegetable or flower garden. Every accessory building shall be not less than ten (10') feet from the main building and not less than ten (10') feet from the front wall of the main building.

2. *Height Regulations* - No building shall exceed two (2) stories or thirty (30') feet in height, except as herein-after provided.

3. *Parking Regulations* - Whenever the following structures are erected or reconstructed they shall be provided with off-street parking space on the same lot as the main building in accordance with the following minimum requirements.

a. *Single-Family Dwelling* - One (1) parking space for each one (1) family dwelling unit shall be required.

b. *Schools and Public Buildings* - One (1) parking space for every one thousand (1,000) square feet of floor area. Kindergarten and nursery schools shall have one (1) parking space for every three hundred (300) square feet of floor area.

4. *Area Regulations* -

a. *Front Yard* - There shall be a front yard having a depth of not less than twenty-five (25') feet.

1. On double frontage lots the required front yard shall be provided on both streets.

2. Where a lot is located at the intersections of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the width of the yard along the side street shall not be less than twelve and one-half (12-1/2') feet. On lots of fifty (50') feet or less, side yards shall be ten (10') feet.

3. No accessory building or radio or T.V. antenna pole shall extend into the front yard on any street.

b. *Side Yard* - There shall be two side yards, one on each side of the building, having a combined width of not less than fifteen (15') feet, provided that in no case shall either side yard be less than five (5') feet in width.

c. *Rear Yard* - Except as hereinafter provided, there shall be a rear yard having a depth of not less than ten (10%) percent of the depth of the lot but which need not exceed fifteen (15') feet.

d. *Lot Area per Family* - Every lot or tract of land shall have an area of not less than six thousand (6,000) square feet and an average width of not less than sixty (60') feet, except that if a lot or tract has less area or width than herein required and was of record prior to June 3, 1954, that lot or tract may be used for single-family dwelling purposes only.

#### **Sec. 53-6A "R-1A" Single Family - Garage Apartment Residential District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations in the "R-1A" Single Family - Garage Apartment Residential Districts. Buildings constructed in these districts shall provide for the occupancy by not more than two (2) families on one lot.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

a. Any use permitted in the "R-1" Single-Family Residential Districts.

b. Garage Apartment - but only when the area of the lot conforms to the lot area requirements of this section.

c. Home occupations.

2. *Height Regulations* - The height regulations are the same as those in the "R-1" Single-Family Residential Districts.

3. *Parking Regulations* - The parking regulations are the same as those in the "R-1" Single-Family Residential Districts, except that an off-street parking space shall be provided for each living unit on the premises.

#### **4. Area Regulations -**

a. *Front Yard* - The front yard regulations are the same as those in the "R-1" Single-Family Residential Districts.

b. *Side Yard* - The side yard regulations are the same as those in the "R-1" Single-Family Residential Districts.

c. *Rear Yard* - The rear yard regulations are the same as those in the "R-1" Single-Family Residential Districts.

d. *Lot Area Per Family -*

(1) Every lot or tract of land shall have an area of not less than six thousand (6,000) square feet and an average width of not less than sixty (60'), except that if a lot has less area or width than herein required and was of record prior to June 3, 1954, that lot or tract may be occupied by a single-family dwelling only, except as provided in subparagraph (d2) hereof.

(2) Any lot or tract upon which a garage apartment is erected shall contain not less than six thousand (6,000) square feet, except that if a lot has less area or width than herein required and was of record prior to June 3, 1954, that lot or tract may be occupied by a garage apartment, but not on a lot having less than five thousand (5,000) square feet.      **Ord. 971-66 12/8/66**

**Sec. 53-7 "R-2" Two-Family Residential District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations in the "R-2" Two-Family Residential Districts. Buildings constructed in these districts shall provide for the occupancy by not more than two (2) families on one lot.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

a. Any use permitted in the "R-1A" Single Family - Garage Apartment Residential Districts.

b. Two Family Dwellings - but only when the area of the lot conforms to the lot area requirements of this section.

c. Home occupations.

2. *Height Regulations* - The height regulations are the same as those in the "R-1" Single-Family Residential Districts.

3. *Parking Regulations* - The parking regulations are the same as those in the "R-1" Single-Family Residential Districts, except that an off-street parking space shall be provided for each living unit on the premises.

4. *Area Regulations* -

a. *Front Yard* - The front yard regulations are the same as those in the "R-1" Single-Family Residential Districts.

b. *Side Yard* - The side yard regulations are the same as those in the "R-1" Single-Family Residential Districts.

c. *Rear Yard* - The rear yard regulations are the same as those in the "R-1" Single-Family Residential Districts.

d. *Lot Area Per Family* -

(1) Every lot or tract of land shall have an area of not less than six thousand (6,000) square feet and an average width of not less than sixty (60') feet, except that if a lot has less area or width than herein required and was of record prior to June 3, 1954, that lot or tract may be occupied by a single-family dwelling only, except as provided in subparagraph (d2) hereof.

(2) Any lot or tract upon which a two family dwelling is erected shall contain not less than six thousand (6,000) square feet, except that if a lot has less area or width than herein required and was of record prior to June 3, 1954, that lot or tract may be occupied by a two family dwelling, but not on a lot having less than five thousand (5,000) square feet. (Ord. 973-66 12/8/66)

#### **Sec. 53-8 "R-3" Three-Family Residential District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations of the "R-3" Three-Family Residential Districts. Buildings constructed in these districts shall provide for occupancy by not more than three (3) families on one lot.

1. *Use Regulations* - A building or premises shall be used only for the following purposes: -

- a. Any use permitted in the "R-2" Two-Family District.
- b. Two-Family dwellings.
- c. Three-Family dwellings.

d. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conducting of a business, however a garage apartment may not be constructed on the same lot as a three-family dwelling.

2. *Parking Regulations* -

a. The parking regulations for single-family dwellings, garage apartments, schools, and public buildings are

the same as those in the "R-1" and "R-2", Single and Two-Family Residential Districts.

b. Whenever a building is erected, converted, or structurally altered for a two family dwelling, one (1) parking space shall be provided on the lot for each dwelling unit in the building.

3. *Height Regulations* - No building shall exceed two and one-half (2-1/2) stories nor thirty-five (35') feet in in height, except as hereinafter provided.

4. *Area Regulations* -

a. *Front Yard* - The front yard regulations are the same as those in the "R-1" Single Family Residential District, including corner lot setbacks as in "R-1" Single-Family Residential Districts.

b. *Side Yard* - The side yard regulations are the same as those in the "R-1" Single-Family Residential Districts.

c. *Rear Yard* - The rear yard regulations are the same as those in the "R-1" Single-Family Residential Districts.

d. *Lot Area Per Family* - Except as hereinafter provided, every dwelling hereafter erected, enlarged, relocated, reconstructed, or structurally altered, shall be located upon lots containing the following areas -

(1) A lot occupied by a single-family or a two-family dwelling shall contain an area of not less than five thousand (5,000) square feet.

(2) An additional area of fifteen hundred (1,500) square feet shall be required whenever a garage apartment is erected upon any lot in addition to a two-family dwelling.

(3) Where a lot has less area than herein required and was of record prior to June, 3, 1954, that lot may be used for single-family dwelling purposes only.

**Sec. 53-9 "R-4" Four-Family Residential District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations of the "R-4" Four-Family Residential Districts. Buildings constructed in these districts shall provide for occupancy by no more than four (4) families on one lot.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

a. Any use permitted in the "R-3" Three-Family Residential Districts.

b. Multiple dwellings accommodating not more than four (4) families on one lot.

c. Rooming and boarding houses.

d. Churches and temples.

e. Convalescent homes and homes for the aged (boarding homes).

f. Accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, convalescent home, or home for the aged. Every accessory building shall be not less than ten (10') feet from the main building and not less than ten (10') feet from the front wall of the main building.

g. Such accommodations may be divided among more than one main building, provided there is a minimum of ten (10') feet maintained between all buildings on the premises, and the other yard and setback requirements are complied with.

2. *Parking Regulations* -

a. The parking regulations for single-family dwellings, garage apartments, schools and public buildings are the same as those in the "R-1", "R-2", and "R-3" Residential Districts.

b. Where a lot is occupied by a two-family or multiple dwelling, there shall be provided an accessible parking space on the lot adequate to accommodate not less than one (1) car for every dwelling unit within the building.

c. Whenever a structure is erected or used for a rooming or boarding house, there shall be provided accessible parking space on the lot adequate to accommodate one (1) car for every two (2) guest rooms.

d. The parking requirements for churches or temples are: one (1) parking space for every five (5) seats in the main auditorium; and one (1) space for each one thousand (1,000) square feet of floor area in Sunday School rooms and other special rooms, all to be located on the same lot or adjoining lots.



3. *Height Regulations* - No building shall exceed thirty-five (35') feet in height, except as hereinafter provided.

4. *Area Regulations*-

a. *Front Yard*.

(1) There shall be a front yard having a depth of not less than twenty (20') feet.

(2) Where lots have a double frontage, the required front yard shall be provided on both streets.

(3) Where a lot is located at the intersection of two (2) or more streets, the width of the side yard along the side street shall not be less than twelve and one-half (12-1/2) feet.

b. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a combined width of not less than fifteen (15') feet; provided, that in no case shall either side yard be less than five (5') feet in width.

c. *Rear Yard* - Except as hereinafter provided, there shall be a rear yard having a depth of not less than fifteen (15') feet, except that the rear yard need not exceed ten (10%) percent of the total depth of the property.

d. *Lot Area Per Family* - Except as hereinafter provided, every dwelling hereafter erected, enlarged, relocated, reconstructed, or structurally altered shall be located upon lots containing the following areas:

(1) A lot occupied by a two-family dwelling shall contain a lot area of not less than four thousand (4,000) square feet.

(2) A lot occupied by a three-family dwelling or a four-family dwelling shall contain an area of not less than five thousand (5,000) square feet, except that this regulation shall not apply to rooming or boarding houses, where no cooking is done in individual rooms or apartments.

(3) Where a lot has less area than herein required and was of record prior to June 3, 1954, that lot may be used only for single-family dwelling purposes.

**Sec. 53-10 "R-5" Multiple Dwelling District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section,



are the district regulations of the "R-5" Multiple Dwelling Districts.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

a. Any use permitted in the "R-4" Four-Family Residential Districts.

b. Multiple dwellings.

c. Hotels and motels.

d. Institutions of a religious, educational, eleemosynary, or philanthropic nature, but not penal or mental institutions.

e. Any public building owned or leased by any municipality, county, state or federal government.

f. Hospitals - except criminal or mental hospitals, nursing homes, combination homes, schools, doctors and dentists offices or clinics.

g. Fraternities, sororities, private clubs, and lodges, excepting those whose chief activity is a service customarily carried on as a business.

h. Such accommodations may be divided among more than one main building, provided there is a minimum of ten (10') feet maintained between all buildings on the premises, and the other yard and setback requirements are complied with.

i. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hotel, club, hospital or institutional building. Every accessory building shall be not less than ten (10') feet from the main building and not less than ten (10') feet from the front wall of the main building.

2. *Parking Regulations* -

a. The parking regulations for "R-5" Multiple Dwelling Districts are the same as those in the "R-4" Four-Family Residential District. Parking for kindergartens, child nurseries, doctors and dentists offices or clinics shall be one (1) space for each three hundred (300) square feet of floor area in the building.

b. Whenever a structure is erected, converted or structurally altered for a hospital or institution, sorority or fraternity, there shall be provided accessible parking space

upon the lot adequate to accommodate one (1) car for every six (6) beds contained in the structure.

c. Whenever a building is erected or reconverted as a hotel or motel, there shall be one parking space (1) for every two (2) guests' sleeping rooms or for every one (1) dwelling unit in the building.

d. Whenever a structure is erected, converted or structurally altered for a lodge or private club there shall be provided accessible parking space on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building.

3. *Height Regulations* - No building shall exceed forty-five (45') feet in height of the required front, side and rear yard lines, but, above the height permitted at the said yard lines, ten (10') feet may be added to the height of the building for each three (3') feet that the building or portion thereof is setback from the required yard line, except that no building located on a lot zoned R-5 that abuts on Flagler Drive or Lake Worth shall exceed one hundred twenty-five (125') feet in height.

4. *Area Regulations* -

a. *Front Yard* - The front yard regulations for buildings not exceeding forty-five (45') feet in height are the same as those in the "R-4" Four-Family Residential Districts.

b. *Side Yard* -

(1) The side yard regulations for buildings not exceeding forty-five (45') feet in height are the same as those in the "R-4" Four-Family Residential Districts.

(2) Except as hereinafter provided, there shall be a side yard on each side of a forty-five (45') foot or more high building, which said side yard shall have a width of not less than eight (8') feet.

(3) For buildings exceeding forty-five (45') feet in height, the width of the side yard shall be increased in accordance with the regulations of paragraph 3 of this section.

c. *Rear Yard* - The rear yard regulations for buildings not exceeding forty-five (45') feet in height are the same as those in the "R-1" Single-Family Residential Districts.

For buildings exceeding forty-five (45') feet in height, the rear yard shall be increased in accordance with the requirements of paragraph 3 of this section.

d. *Lot Area Per Family* - Except as hereinafter provided, every dwelling hereafter erected, enlarged, relocated, reconstructed, or structurally altered shall be located upon lots containing the following areas:

(1) A lot occupied by a two-family dwelling shall contain a lot area of not less than four thousand (4,000) square feet.

(2) A lot occupied by a three-family dwelling or a four-family dwelling shall contain an area of not less than five thousand (5,000) square feet, except that this regulation shall not apply to rooming or boarding houses, where no cooking is done in individual rooms or apartments.

(3) A lot on which there is erected a multiple dwelling, hotel or motel shall contain an area of not less five thousand (5,000) square feet for the first four units and five hundred (500) square feet of additional lot area per family for each unit over 4, except that this regulation shall not apply to dormitories, fraternities, sororities, hotels, or motels where no cooking is done in individual rooms or apartments.

(4) Where a lot has less area than herein required and was of record prior to June 3, 1954, that lot may be used for single-family dwelling purposes or for other non-dwelling uses permitted in this section.

#### **Sec. 53-11 "R-6" Townhouse District Regulations.**

The regulations set forth in this Section, or set forth elsewhere in this ordinance when referred to in this Section are the district regulations of the "R-6" Townhouse District.

1. *Use Regulations* - A building or property shall be used only for the following purposes:

- a. Any use permitted in the "R-1" Single-Family Dwelling District.
- b. Multiple dwellings.
- c. Townhouse Complexes.

d. Accessory buildings and uses customarily incidental to any of the above uses including storage garages, where the lot is occupied by a multiple dwelling, or institutional building, provided, however that no accessory buildings other than automobile garages and carports may be constructed on any lot occupied by a townhouse.

2. *Height Regulations* - No building shall exceed two and one half (2-1/2) stories, nor shall it exceed thirty-five (35') feet in height, except as hereinafter provided.

3. *Parking Regulations* - Parking regulations shall be the same as for "R-1" Residential Districts except that as to townhouse complexes, each townhouse shall have at least one (1) parking space located on the lot occupied by the townhouse.

4. *Area Regulations* -

a. *Front Yards* -

(1) There shall be a front yard having a depth of not less than twenty-five (25') feet.

(2) On double frontage lots the required front yard shall be provided on both streets.

(3) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot.

b. *Side Yard* - The side yard requirements for all buildings other than townhouses and multiple family residences, shall be the same as in "R-1" Single-Family Districts.

(1) Townhouses having two party walls are not required to have side yards. Townhouses having only one party wall are required to have only one ten (10') foot side yard.

(2) Side yard requirements for multiple family residences shall be the same as in "R-5" Multiple Family Districts.

c. *Rear Yard* - There shall be a rear yard having a depth of not less than fifteen (15') feet, except that the minimum rear yard need not exceed ten (10%) percent of the total depth of the lot.

d. *Lot Area Per Family* - When a lot is improved for any permitted use other than a townhouse, the lot shall have an area of not less than six thousand (6,000) square feet, except that if a lot or tract has less area or width than

herein required and was of record prior to June 3, 1954, that lot or tract may be occupied by a one-family dwelling, but not on a lot having less than five thousand (5,000) square feet.

e. *Townhouse Area Requirements -*

(1) A lot occupied by a townhouse shall have an area of not less than eighteen hundred (1,800) square feet.

(2) A lot occupied by a townhouse shall have a minimum width of not less than eighteen (18') feet.

(3) Every townhouse shall have a minimum gross floor area of nine hundred (900) square feet usable living area, exclusive of utility areas, attic and garage.

(4) No townhouse complex or part thereof or building accessory thereto shall be constructed within twenty (20') feet of another townhouse complex, or any part thereof or building accessory thereto.

**Sec. 53-12 "C-M" Commercial Marine Repair District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section are the district regulations of the "C-M" Commercial Marine Repair Districts.

1. *Use Regulations -* A building or premises shall be used only for the following purposes:

a. Any use permitted in the "R-5" Multiple Dwelling Districts.

b. Boat repair shop with boat storage facilities.

c. Boat sales and rental.

d. Filling station for marine fuel sales only.

e. Garage and/or storage for boats only.

f. Parking space and lots for the parking of automobiles.

g. Shop for the repair of marine electrical and radio equipment.

h. Store or shop for the conduct of a retail business selling marine supplies.

i. Restaurants.

j. Yacht manufacturing.

k. Accessory buildings and uses customarily incidental to the above listed uses, including a sign or a bulletin board relating only to services, articles or products offered within the building to which the sign is attached.

**2. *Parking and Loading Regulations -***

a. The parking regulations for this district are the same as those in the "R-5" Multiple Dwelling District, for the uses permitted in that zone.

b. Where any building is erected, reconstructed, or converted for any of the business purposes permitted in this section, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space in the building which is used for commercial purposes, except that any recreation or amusement building or any restaurant or establishment whose primary use is to serve meals, lunches, or drinks to patrons, either in its patrons' cars or in the building, shall provide parking spaces on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building. Such parking space must be located on the same lot as the building and such parking space may be located within the required front yard.

c. Any building hereafter erected or converted for any of the commercial uses permitted in this district shall provide one (1) parking space, with minimum dimensions of ten (10') feet by twenty-five (25') feet and a minimum height clearance of fourteen (14') feet for the loading and unloading of trucks either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less. One additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

**3. *Height Regulations -*** No building shall exceed thirty-five (35') feet in height.

**4. *Area Regulations -***

a. *Front, Side and Rear Yards -* The front, side and rear yard regulations for dwellings are the same as those in the "R-5" Multiple Dwelling District. In all other cases a side and rear yard is not required except on the side of

a lot abutting on a residential dwelling district, in which case there shall be a side or rear yard of not less than fifteen (15') feet. A front yard is not required except for dwellings.

b. *Lot Area Per Family* - When a lot is improved with a single-family, two-family or a multiple dwelling, or when living facilities are erected above such other uses, the lot area per family regulations are the same as those required in the "R-5" Multiple Family Dwelling Districts.

#### **Sec. 53-13 "C-M1" Commercial Marine One District Regulations.**

The regulations set forth in this section are the district regulations of the "C-M1" Commercial Marine One Districts.

1. *Use Regulations* - A building or premises shall be used only for the following purposes -

a. Any use permitted in the "R-5" Multiple Family Dwelling Districts.

b. Repair of boats not over 40 feet in length.

c. Boat rentals.

d. Filling station for marine fuel sales only.

e. Garage and/or storage for boats only.

f. Sale of marine supplies.

g. Marine clubhouse facilities.

h. Marina docks.

i. Restaurant.

j. Accessory buildings and uses customarily incidental to the above listed uses, including a sign or bulletin board relating only to the services, articles and products offered within the building to which the sign is attached.

#### **2. *Parking and Loading Regulations* -**

a. The parking regulations for this district are the same as those in the "R-5" Multiple Dwelling Districts, for the uses permitted in that zone.

b. Where any building is erected, reconstructed or converted for any of the business purposes permitted in this section, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each three hun-



dred (300) square feet of floor space in the building which is used for commercial purposes, except that any recreation or amusement building or any restaurant or establishment whose primary use is to serve meals, lunches, or drinks to patrons, either in the patrons' cars or in the building, shall provide parking spaces on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building. Such parking space may be located on the same lot as the building, or in an area within this district and within three hundred (300') feet of the building, and such parking space may be located within the required front yard. Two or more owners of buildings may join together in providing this parking space. There shall also be provided one parking space for every five (5) docking spaces.

c. Any building hereafter erected or converted for any of the commercial uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10') feet by twenty-five (25') feet and a minimum height clearance of fourteen (14') feet for the loading or unloading of trucks, either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less. An additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

3. *Height Regulations* - No building shall exceed thirty-five (35') feet in height.

4. *Area Regulations* -

a. *Front, Side and Rear Yards* - The front, side and rear yard regulations for dwellings are the same as those the "R-5" Multiple Dwelling District Regulations. In all other cases, a side yard or rear yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard or rear yard of not less than fifteen (15') feet. A front yard is not required except for dwellings.

b. *Lot Area Per Family* - When a lot is improved with a single-family, two-family or a multiple dwelling, or when living facilities are erected above such other uses, the lot area regulations are the same as those required in the "R-5" Multiple Dwelling District.



**Sec. 53-14 "C-1" Neighborhood Shopping District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations of the "C-1" Neighborhood Shopping District.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

a. Any use permitted in the "R-5" Multiple Family Dwelling Districts.

b. Amusement places, theatres and other places of assembly as defined in the building code, except open air drive-in theatres, provided however, that no such use shall be permitted unless there is provided on the same lot, or within three hundred (300') feet thereof within this district, a space for off-street parking which contains an area adequate to accommodate one (1) automobile for every five (5) seats in the place of assembly.

c. Bank.

d. Bakery employing not more than five (5) persons when products are sold only at retail on the premises.

e. Barber shop, beauty parlor, massage or similar personal service shop.

f. Bicycle sales and repair shop.

g. Business or commercial schools or dancing or music academies.

h. Catering and delicatessen business.

i. Custom dressmaking, millinery, tailoring or similar retail trade, employing not more than five (5) persons on the premises.

j. Dry cleaning plants using modern automatic dry cleaning systems with a completely enclosed process and with solvent and vapor recovery units designed to prevent the emission of objectionable odors and effluents; provided

(1) That such establishments employ not more than five (5) persons on the premises, exclusive of owner or manager and employees who spend the greater part of their time outside of, rather than on the premises, such as delivery men, salesmen or business solicitors.

(2) That such cleaning process meets with the approval of the Building Official and the Fire Chief and has the endorsement of the Board of Fire Underwriters.

k. Filling stations with minor garage work, where nature of garage work is incidental use to the filling station operation.

(1) No gasoline and oil filling station and no service station shall be erected within three hundred fifty (350) yards of any church, hospital, school or other such institution where large numbers of pedestrians congregate, or within seven hundred fifty (750') feet of the location of another gasoline and oil filling station or service station. The method of measurement that shall apply in such cases shall be by measurement of airline distance made or taken from the nearest boundary of the lot or premises whereon such station is located to such building or structure used as a church, hospital, school or other institution or to the boundary of the lot or premises whereon such other station is to be erected; provided however, nothing herein shall prohibit:

(a) The operation of existing gasoline and oil filling stations or service stations; or

(b) The improvement, alteration or reconstruction of any presently existing gasoline and oil filling stations or service stations.

- l. Garage, storage.
- m. Greenhouses.
- n. Laundromats.
- o. Locksmith shop.
- p. Messenger and telegraph service station.
- q. Offices.
- r. Parking space and lots for the parking of automobiles.
- s. Photographer's studio.
- t. Plant nurseries.
- u. Receiving store for wet, dry or steam cleaning or laundry, which cleaning or laundering shall be done elsewhere.
- v. Restaurant.
- w. Shoe repairing shop, employing not more than five (5) persons.

x. Shop for the repair of electrical and radio equipment and other similar commodities employing not more than five (5) persons on the premises and not involving the conduct of any manufacturing on the premises.

y. Store or shop for the conduct of a retail business. The sale of new or used small boats and small boat trailers whether sold or displayed indoors or on storage lots.

z. Undertaking establishment; provided however, that no undertaking establishment shall be erected or reconstructed unless there is provided on the same lot a space for off-street parking which contains an area adequate to accommodate one (1) car for every one hundred (100) square feet of floor space in the chapel or parlor.

aa. Upholstery shops employing not more than two (2) persons.

bb. Accessory buildings and uses customarily incident to the above listed uses, provided setback is a minimum of fifteen (15') feet from the property line where abutting upon residential districts.

## 2. *Parking and Loading Regulations -*

a. The parking regulations for this district are the same as those in the "R-5" Multiple Family Dwelling Districts, for the uses permitted in that district.

b. Where any building is erected, reconstructed or converted for any of the business purposes permitted in this section, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor area in the building which is used for commercial purposes, except that any recreation or amusement building or any restaurant or establishment whose primary use is to serve meals, lunches, or drinks to patrons, either in their cars or in its building, shall provide parking spaces on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor area in the building. Floor space in the building which is used for commercial purposes shall include any of the area used for open-air displays or sales of merchandise whether or not any actual flooring or roof is placed over the grounds so occupied. Such parking space must be located on the same lot as the building or on an adjoining lot.

c. Any building hereafter erected or converted for any of the commercial uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10') feet by twenty-five (25') feet and a minimum height clearance of fourteen (14') feet, for the loading or unloading of trucks, either within the building or upon the lot, for every building containing ten thousand (10,000) square feet or less. One additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

3. *Height Regulations* - No building shall exceed forty-five (45') feet in height, except height on residential uses to be same as those permitted in the "R-5" Multiple Dwelling District.

4. *Area Regulations* -

a. *Front Yard* - No front yard is required.

b. *Side Yard* - The side yard regulations for dwellings are the same as those in the "R-5" Multiple Dwelling Districts. In all other cases, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than fifteen (15') feet.

c. *Rear Yard* - The rear yard regulations for dwellings are the same as those in the "R-5" Multiple Dwelling Districts. In all other cases, a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than fifteen (15') feet.

d. *Lot Area Per Family* - When a lot is improved with a single-family, a two-family or a multiple dwelling, or when living facilities are erected above such other uses, the lot area per family regulations are the same as those required in the "R-5" Multiple Dwelling Districts.

**Sec. 53-15 "C-2" Commercial District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations of the "C-2" Commercial District.

1. *Use Regulations* - A building or premises shall be used only for the following purposes -

a. Any use permitted in the "C-1" Neighborhood Shopping District.

b. Dyeing and cleaning works employing not more than ten (10) persons on the premises, exclusive of owners or drivers or employees who spend the greater part of their time outside rather than on the premises, and using a cleaning fluid whose base is of a material other than petroleum or one of its derivatives.

c. Hospital or clinic for animals, but no open kennels shall be maintained on the premises.

d. Laundries employing not more than ten (10) persons on the premises, exclusive of owners or drivers or employees who spend the greater part of their time outside rather than on the premises.

e. Plumbing shop employing not more than ten (10) persons on the premises.

f. Printing shop employing not more than ten (10) persons on the premises.

g. Public garage and automobile sales room.

h. Tinsmithing shop employing not more than ten (10) persons on the premises.

i. Used car sales and storage lots.

j. Radio broadcasting and telecasting stations, studios and offices.

k. Milk distributing station but not involving any bottling on the premises.

l. General service and repair establishments similar in character to those enumerated in this section but employing not more than ten (10) persons on the premises.

m. Small wholesale establishments employing not more than five (5) persons on the premises, exclusive of owners or drivers or employees who spend a great deal of their time outside rather than on the premises, and whose operations would not be objectionable to nearby residents by reasons of noise, odors, fumes, dust, smoke, or activities carried on after usual business hours, shall be permitted.

n. Automatic Car Wash.

## 2. *Parking and Loading Regulations -*

a. The parking regulations for dwellings, schools, institutions and similar uses are the same as those in the "R-5" Multiple Dwelling Districts.

b. The parking regulations for business uses are the same as those in the "C-1" Neighborhood Shopping District.

c. Whenever any building is erected, reconstructed or converted for service establishments permitted in this district, there shall be provided parking space at a ratio of not less than one (1) parking space for each one thousand (1,000) square feet of floor space in the building.

d. Any building hereafter erected or converted for any of the commercial or service uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10') feet by twenty-five (25') feet, with a minimum height of fourteen (14') feet, for the loading and unloading of trucks, either within the building or upon the lot, for every building containing ten thousand (10,000) square feet or less. One (1) additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

3. *Height Regulations -* No building shall exceed fifty (50') feet in height, except height on residential uses to be the same as those permitted in the "R-5" Multiple Dwelling Districts.

## 4. *Area Regulations -*

a. *Front Yard -* No front yard is required.

b. *Side Yard -* The side yard regulations for dwelling uses are the same as those in the "R-5" Multiple Dwelling District. In all other cases, a side yard is not required except on the side of a lot abutting on a dwelling district in which case there shall be a side yard of not less than fifteen (15') feet.

c. *Rear Yard -* The rear yard regulations for dwellings are the same as in the "R-5" Multiple Dwelling District. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than fifteen (15') feet.

d. *Lot Area Per Family -* When a lot is improved with a single-family, a two-family or a multiple dwelling, the lot area per family regulations are the same as those required in the "R-5" Multiple Dwelling Districts.

**Sec. 53-16 "C-3" Commercial Industrial District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations of the "C-3" Commercial Industrial District.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

- a. Any use permitted in the "C-2" Commercial District.
- b. Bakeries.
- c. Bottling works.
- d. Contractors' storage yard.
- e. Dyeing and cleaning establishments.
- f. Laundry.
- g. Lumber yard.
- h. Milk distributing station.
- i. Printing plants.
- j. Plumbing shop.
- k. Warehouse and storage plants.
- l. Wholesale establishments.
- m. Public utility substations and facilities.
- n. Industrial and manufacturing plants where the scale of operations and the process of manufacturing or treatment of materials is such that the amount of dust, odor, gas, smoke or noise resulting therefrom will not result in a lowering of values of nearby property and otherwise will not be objectionable to surrounding districts and where the operations are conducted in one or more buildings and not more than ten (10%) percent of the lot or tract is used for the open storage of products, materials or equipment.

2. *Parking and Loading Requirements* -

a. The parking regulations for uses permitted in the "C-1" and "C-2" Commercial Districts shall apply to such uses when located in the "C-3" Commercial Industrial District. For the uses permitted in this district, one (1) space must be provided for each five hundred (500) square feet of building area.

b. The parking regulations for dwellings, schools, institutions and similar uses are the same as those in the "R-5" Multiple Dwelling Districts.



c. Any building hereafter erected or converted for any of the commercial or industrial uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10') feet by twenty-five (25') feet, with a minimum height of fourteen (14') feet, for the loading or unloading of trucks, either within the building or upon the lot, for every building containing ten thousand (10,000) square feet or less. One (1) additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

3. *Height Regulations* - No building shall exceed a height at the street line of one hundred (100') feet, but above the height permitted at the street line, three (3') feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from all sides of the lot.

4. *Area Regulations* -

a. *Front Yard* - No front yard is required.

b. *Side Yard* - The side yard regulations for dwellings are the same as those in the "R-5" Multiple Dwelling District. In all other cases a side yard is not required, except when a lot abuts upon a dwelling district, in which case there shall be a side yard of not less than fifteen (15') feet.

c. *Rear Yard* - The rear yard regulations for dwellings are the same as those in the "R-5" Multiple Dwelling District. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than fifteen (15') feet.

d. *Lot Area Per Family* - The lot area per family regulations are the same as those in the "R-5" Multiple Dwelling Districts.

**Sec. 53-17 "C-4" Central Business District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations of the "C-4" Central Business District.



1. *Use Regulations* - A building or premises shall be used only for the following purposes:

a. Any use permitted in the "C-3" Commercial Industrial District.

2. *Parking and Loading Requirements* -

a. In the "C-4" Central Business District, no parking facilities are required.

b. The loading regulations of the "C-4" Central Business District, are the same as those in the "C-3" Commercial Industrial District.

3. *Height Regulations* -

a. The height regulations of the "C-4" Central Business District are the same as those in the "C-3" Commercial Industrial District.

4. *Area Regulations* -

a. The front, side and rear yard regulations, and the lot area per family regulations are the same as those in the "C-3" Commercial Industrial District Regulations.

#### **Sec. 53-18 "M-1" Light Industrial District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations in the "M-1" Light Industrial District.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

a. Any use permitted in the "C-3" Commercial Industrial District.

b. Blacksmith shop.

c. Wood and coal yards.

d. Junk yards, but only when the area of such a lot or tract devoted to such use is covered by a building in conformity with the Code requirement of the City.

2. *Height Regulations* - No building shall exceed fifty (50') feet in height, unless it is set back one (1') foot from all required yard lines for each additional foot of height above fifty (50') feet.

### 3. *Parking and Loading Regulations -*

a. The parking regulations for uses permitted in "C-1" and "C-2" Commercial Districts apply to such uses when located in the "M-1" Light Industrial District. Parking spaces for uses permitted in the "C-3" District and uses permitted in this district shall be one (1) space for each five hundred (500) square feet of floor area in the building.

b. Any building hereafter erected or converted for any of the commercial or industrial uses permitted in this district shall provide one (1) space with minimum dimensions of ten (10') feet by twenty-five (25') feet with a minimum height of fourteen (14') feet for the loading and unloading of trucks, either within the building or upon the lot, for every building containing ten thousand (10,000) square feet or less. One additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

### 4. *Area Regulations -*

a. *Front Yard* - No front yard shall be required.

b. *Side Yard* - The side yard regulations for dwellings are the same as in the "R-5" Multiple Dwelling Districts. In all other cases, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than fifteen (15') feet.

c. *Rear Yard* - The rear yard requirements for dwellings are the same as in the "R-5" Multiple Dwelling District. In all other cases a rear yard is not required except on a lot abutting on a dwelling district, in which case there shall be a rear yard of not less than fifteen (15') feet in depth.

### Sec. 53-19 "M-2" Industrial District Regulations.

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations in the "M-2" Industrial Districts.

1. *Use Regulations* - A building or premises may be used for any except the following purposes:

- a. Acid manufacture.
- b. Arsenal.
- c. Blast furnace.
- d. Boiler works.
- e. Cemeteries, mausoleums and crematories.
- f. Cement, lime, gypsum or plaster of paris manufacture.
- g. Coke ovens.
- h. Creosote treatment or manufacture.
- i. Distillation of bones, coal or wood.
- j. Fat rendering.
- k. Fertilizer manufacture.
- l. Fireworks or explosive manufacture or storage.
- m. Garbage, offal or dead animal reduction or dumping, except garbage incinerators operated by the City.
- n. Glue, size or gelatin manufacture.
- o. Paper and pulp manufacture.
- p. Petroleum products, refining thereof.
- q. Potash works.
- r. Smelting of tin, copper, zinc or iron ores in large quantities.
- s. Stock yards or slaughter of animals.
- t. Tallow, grease or lard manufacture or refining from animal fat.
- u. Tanning, curing or storage of raw hides or skins.
- v. Tar distillation or manufacture.
- w. Trailer Courts.
- x. Junk yards, unless enclosed by a solid fence or wall at least as high as the junk material is piled but not less than six (6') feet high.
- y. Bulk storage of liquefied petroleum gases, and flammable liquids.
- z. Any similar uses which may be obnoxious or offensive by reason of emission of large quantities of odor, dust, smoke, gas, noise or vibration.

2. *Height Regulations* - No building shall exceed fifty (50') feet in height unless it is set back one (1') foot from all required yard lines for each foot of additional height above fifty (50') feet.

### 3. *Parking and Loading Regulations -*

a. A parking space shall be provided on the lot or in a building on the lot for each five hundred (500) square feet of building area, except that the parking regulations for uses permitted in the "C-1", "C-2" and "C-3" Commercial Districts shall apply to such uses when located in the "M-2" Industrial District.

b. Any building hereafter erected or converted for any of the commercial or industrial uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10') feet by twenty-five (25') feet, for the loading or unloading of trucks either within the building or upon the lot, for every building containing ten thousand (10,000) square feet or less. One (1) additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

### 4. *Area Regulations -*

a. *Front Yard* - No front yard shall be required.

b. *Side Yard* - The side yard regulations for dwellings are the same as in the "R-5" Multiple Dwelling Districts. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than fifteen (15') feet.

c. *Rear Yard* - The rear yard requirements for dwellings are the same as those in the "R-5" Multiple Family Dwelling Districts. In all other cases a rear yard is not required except on a lot abutting on a dwelling district, in which case there shall be a rear yard of not less than fifteen (15') feet in depth.

d. *Lot Area Per Family* - The lot area per family regulations for dwellings are the same as those in the "R-5" Multiple Dwelling Districts.

## Sec. 53-20 "W" Conservation District Regulations.

The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the district regulations in the "W" Conservation District.

1. *Use Regulations* - A building or premises shall be used only for the following purposes:

- a. Farming, including the usual farm buildings and structures.
- b. Truck and flower gardening, nurseries and green-houses.
- c. A single-family dwelling.
- d. Public and private forests and wildlife reservations or similar conservation projects.
- e. Public parks.
- f. Golf courses, except miniature golf courses and practice driving ranges.
- g. Gun and rifle clubs.
- h. Roadside stands offering for sale only farm or truck garden products produced on the premises.
- i. Riding stables and open kennels.
- j. Institutions of an educational, religious, eleemosynary, philanthropic or similar nature.
- k. Removal of muck or topsoil and growing of grass.
- l. Accessory buildings and uses customarily incidental to any of the above uses, including home occupations and professional offices of one who lives in the main building.

2. *Height Regulations* - No building shall exceed two and one half (2-1/2) stories or thirty-five (35') feet in height except as hereinafter provided.

3. *Area Regulations* -

a. *Yards* - No building shall be erected within thirty (30') feet of any property line or any street line; provided however, that temporary roadside stands may be located within the front yard.

b. *Lot Area Per Family* - Every lot or tract of land upon which a single-family dwelling is erected shall have an area of not less than one (1) acre, except that if a lot or tract has less area than herein required and was of record prior to June 3, 1954, that lot may be used for single-family dwelling purposes.

**Sec. 53-21 "P" Parks District.**

The regulations set forth in this section are the district regulations in the "P" Parks District.

1. *Private Use* - No private structure or private business operation shall be permitted or carried on unless and until approval therefor shall have been granted by the City Commission.

2. *Public Use* - All such property shall be open to the public for public and semi-public uses in accordance with law under the supervision of the Parks and Recreation Commission of the City, subject to the general control and direction of the City Commission.

### **Sec. 53-22 Supplementary District Regulations.**

1. On any corner lot on which a front, side, or rear yard is required by this ordinance, no wall, fence, or other structure shall be erected or maintained, and no hedge, tree, shrub, wall, or other growth shall be maintained on such location within such required yard space within twenty (20') feet of the property corner at a height of more than thirty (30") inches above the sidewalk grade, so as to cause danger to traffic by obstructing the view.

2. On all lots on which a front, side and rear yard is required, on other than corner lots, all walls, fences and hedges shall be limited to a height of five (5') feet, unless the written consent of the adjacent property owners affected thereby be filed with the City Building Department, in which case, such walls, fences, and hedges may be erected, constructed, or maintained at a height not in excess of six (6') feet. Easements of record shall not be used in any manner inconsistent with the purpose for which granted.

3. *Parking Lots, in General* - The regulations governing parking lots shall be as follows:

a. For the purpose of this chapter, a parking lot shall be considered any space utilized for the parking of more than four (4) vehicles.

b. The entrances and exits shall be approved as to location by the City Traffic Engineer, where deemed necessary by the Administrative Official of the City.

c. The parking area shall be surfaced with a smooth non-dusting surface in compliance with the standards pre-

scribed by the City Engineering Department. Parking surfaces shall be maintained free of all weeds, grass, dust and accumulated trash.

d. All plans for parking lots shall be inspected by the Engineering Department and must comply with all the above regulations in addition to sidewalks and concrete driveway approaches and in a manner as prescribed by the Building Code. When necessary, walls, swales and/or planting areas shall be installed to protect adjoining property owners from flooding, glaring lights and noise.

#### 4. *Parking Lots - Additional Special Restrictions -*

Additional regulations governing parking lots or parking areas located in or adjacent to residential districts shall be as follows:

a. If the parking lot or area is used for customer parking it shall be operated and open for use only during the customary business hours of the adjacent store, or group of stores, for the sole use of patrons parking passenger vehicles and no fee shall be charged for the use of such off-street parking facility.

b. Lighting facilities, if provided, shall be so arranged as to be reflected away from any adjacent residential district, so as not to cause any annoying glare to the adjacent property.

c. Entrances and exits to parking lots that are adjacent to property zoned for commercial uses ("C" or "M") or a lower classification, shall be located only on land within a district zoned for the same or a lower usage, or through a dedicated street or alley.

d. An opaque wall shall be erected to a height of not less than four (4') feet and not more than five (5') feet and not closer than six (6") inches to lot lines along the side and rear lot lines when such a parking lot or area adjoins a residential district, except that such wall shall not be required where the applicant for a permit shall have secured and filed with the application a notarial waiver duly signed under seal by all abutting landowners waiving objection to the existence of an unwallled parking lot or area. Said walls, where required, shall be erected in compliance with the City Building Code.

*5. Building Setback Lines on Thoroughfares and Future Street Lines -*

In order that the comprehensive land use plan embodied in this chapter shall be properly related to a comprehensive plan of thoroughfares for the city; and to assure that the continuing intensification of land use in the foreseeable future will not result in the erection of buildings in locations which will adversely affect the natural and scenic beauty of the City or unduly restrict vehicular traffic capacity, it is hereby determined that building setbacks greater than those set forth in the regulations for the respective districts established herein are required for buildings adjacent to certain of the thoroughfares within the city. It is further determined that, in furtherance of this policy, future street lines may also be required.

Each building erected adjacent to any thoroughfare listed in this section shall be set back at least as far as the dimensions specified below from the existing or future centerline of such thoroughfare as indicated.

- (a) Australian Avenue
  - (1) entire length - - - - - 53 feet
- (b) Belvedere Road
  - (1) Australian Avenue to west City limits - - 53 feet
  - (2) Olive Avenue to Australian Avenue - - - - 40 feet
- (c) Broadway
  - (1) entire length - - - - - 40 feet
- (d) Chase Avenue
  - (1) Okeechobee Road to Flagler Drive - - - - 30 feet
- (e) Clematis Street
  - (1) Sapodilla Avenue to Tamarind Avenue - - - 40 feet
  - (2) Sapodilla Avenue to Narcissus Avenue - - - 33 feet
- (f) Datura Street
  - (1) Dixie Highway to Tamarind Avenue - - - - 30 feet
  - (2) Dixie Highway to Narcissus Avenue - - - - 33 feet
- (g) Dixie Highway
  - (1) entire length - - - - - 40 feet
- (h) Evernia Street
  - (1) South Olive Avenue to Tamarind Avenue - - 40 feet
  - (2) Olive Avenue to Flagler Drive - - - - - 33 feet



- (i) Fern Street
  - (1) Olive Avenue to Tamarind Avenue - - - - - 40 feet
  - (2) Olive Avenue to Flagler Drive - - - - - 30 feet
- (j) Flagler Drive
  - (1) 36th Street to south City Limits - - - - - 40 feet
- (k) Florida Avenue
  - (1) Okeechobee Road to Clematis Street - - - - 30 feet
- (l) Forest Hill Boulevard
  - (1) Flagler Drive to west City Limits - - - - 40 feet
- (m) Georgia Avenue
  - (1) Okeechobee Road to south City Limits - - - 30 feet
- (n) Greenwood Avenue
  - (1) entire length - - - - - 40 feet
- (o) Lakeview Avenue
  - (1) Dixie Highway to Flagler Drive - - - - - 30 feet
- (p) Lakewood Road
  - (1) entire length - - - - - 30 feet
- (q) Loftin Street
  - (1) entire length - - - - - 60 feet
- (r) Okeechobee Road
  - (1) State Road 9 to west City Limits - - - - - 53 feet
  - (2) Flagler Drive to State Road 9 - - - - - 40 feet
- (s) Olive Avenue
  - (1) 12th Street to south City Limits - - - - - 30 feet
- (t) Palmetto Street
  - (1) entire length - - - - - 30 feet
- (u) Park Street
  - (1) entire length - - - - - 30 feet
- (v) Parker Avenue
  - (1) Forest Hill Boulevard to Park Street - - - 40 feet
- (w) Pershing Way
  - (1) Olive Avenue to Flagler Drive - - - - - 30 feet
- (x) Rosemary Avenue
  - (1) Clematis Street to 11th Street - - - - - 30 feet
  - (2) 25th Street to north City Limits - - - - - 40 feet
- (y) Southern Boulevard
  - (1) Parker Avenue to west City Limits - - - - 53 feet
  - (2) Flagler Drive to Parker Avenue - - - - - 40 feet
- (z) Tamarind Avenue
  - (1) Okeechobee Road to 23rd Street - - - - - 30 feet

- (aa) Tanglewood Court
  - (1) Dixie Highway to Flagler Drive - - - - - 15 feet
- (bb) Trinity Place
  - (1) Dixie Highway to Flagler Drive - - - - - 20 feet
- (cc) 1st Street
  - (1) Tamarind Avenue to Dixie Highway - - - - - 30 feet
  - (2) Dixie Highway to Narcissus Avenue - - - - - 27 feet
- (dd) 15th Street
  - (1) Dixie Highway to Seaboard Airline  
Railroad - - - - - 40 feet
- (ee) 23rd Street
  - (1) Flagler Drive to Dixie Highway - - - - - 40 feet
  - (2) Dixie Highway to Seaboard Airline  
Railroad - - - - - 30 feet
- (ff) 45th Street
  - (1) entire length - - - - - 53 feet
- (gg) 54th Street
  - (1) entire length - - - - - 40 feet

The regulations set forth in this section shall not be construed to prevent minor non-structural alterations or repair of any existing non-conforming building within any prohibited area.

It shall be unlawful for any person to erect or construct or cause the erection or construction of any building or structure, or parts thereof (excepting marquees and roof overhangs which will be permitted on the basis of a letter, signed by the owner, certifying that he will remove such feature at his own expense, whenever requested to do so by the State, County, or City) between the future street lines.

Whenever the setback provisions of this Section are at variance with any other provisions of this Chapter the provision requiring the greater setback shall govern.

#### 6. Nuisances - Maintenance Prohibited.

The maintenance of any property within any district for a business, trade or other use that is noxious or offensive by reason of the emission of dust, odor, smoke, gas, fumes, noise or vibration, or which is unsightly is hereby declared to be a nuisance and is prohibited.

#### Sec. 53-23 Exceptions To and Modifications of District Regulations.

The regulations set forth in this section qualify or

supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

1. *Exceptions to and Modifications of Height Limitations.*

a. The height limitations of this chapter shall not apply to:

church spires	ornamental towers and spires
belfries	radio or television antennae
monuments	or aerials
tanks	chimneys
water towers	elevator bulkheads
fire towers	smoke stacks
stage towers or scenery	oil derricks
lofts	conveyors
cooling towers	flag poles

b. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60') feet, churches and temples may be erected to a height not exceeding seventy-five (75') feet when the required front, side and rear yards are each increased by at least one (1') foot for each one (1') foot of additional building height above the height limit otherwise provided in the district in which the building is located.

2. *Exceptions to and Modifications of Yard and Open Space Requirements.*

a. Where dwelling units are erected above commercial and industrial structures in commercial and industrial districts, no side yards are required except such side yards as may be required in the district regulations for a commercial or industrial building on the side of a lot abutting on a dwelling district. Where a side yard is provided but not required, such yard shall be not less than three (3') feet in width.

b. More than one main institutional, public or semi-public, commercial or industrial building may be located upon a tract or lot, provided no such building or portion thereof is located outside the buildable area of the lot.

c. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be con-

sidered as one building occupying one lot.

d. Whenever a lot abuts upon an alley, one-half (1/2) of the alley width may be considered as a portion of the required rear yard, but never to allow a building within five (5') feet of the property line.

e. Every part of a required yard shall be completely open to the sky except where accessory buildings are permitted and except that all buildings shall be so situated on the lot that the outside edge of the projection of roofs, sills, belt courses, cornices and ornamental features shall be not less than three feet six inches (3'6") from the lot line, and not more than five (5') feet into the required front yard. It is further provided that parking spaces may be provided in the required front, side and rear yards of any districts. Such parking spaces may not be provided within the setback line as noted in Section 53-22.5.

A porte-cochere, open porch or canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed and is removed at least five (5') feet from the nearest side lot line. Awnings and shutters attached to and supported entirely by the house, without posts covering doors and windows, are excepted from this side yard provision, but must be not less than twelve (12") inches from the lot line.

f. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Official for a distance of not more than five (5') feet, but only where the same are so placed as not to obstruct light and ventilation.

g. Temporary roadside stands in the "W" Conservation District may be located within the front yard.

h. On corner lots having fifty (50') feet or less frontage on the narrow end, which narrow ends are located back to back, a ten (10') foot setback line on the side street is allowed.

i. All public and private swimming pools, wading pools, or bathing pools (excepting small portable plastic or rubber wading pools) are hereby designated as structures

which must comply with all applicable zoning, building, plumbing, electrical and sanitary code provisions of the City, as well as all state laws. Such pools shall have the same front yard setbacks as buildings in the zone in which located, but may set back not less than six (6') feet from any property line, if ten (10') feet from the main building. If closer than ten (10') feet from the rear of the main building, it must have the same rear yard setback required for the main building.

j. All public and private swimming pools, wading pools or bathing pools shall be protected by either a fence or wall or an adequate enclosure surrounding the property or pool area. Such enclosure including gates therein must be not less than four (4') feet above the underlying ground. All gates must be self-latching with latches placed four (4') feet above the underlying ground or otherwise made inaccessible from the outside to small children.

k. All plans and specifications for swimming pools or similar structures as hereinabove designated shall be approved in writing by a registered engineer of the State of Florida and the same shall comply with all code provisions of the City and State laws.

### 3. *Exceptions and Modifications to Use Regulations.*

a. Existing non-conforming railroads and utilities may continue to be operated and maintained in dwelling and commercial districts, but no new railroad or utility structure other than the usual poles, wires and underground utilities shall be established in such districts except when so authorized by the Zoning Board of Appeals.

b. Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

c. Upon application, the Administrative Official shall issue a permit for the renting of not more than three rooms to tourists in the "R-2" Two-Family and "R-3" Three-Family Districts; however, no sign shall be displayed upon the premises indicating that such rooms are available nor shall any meals be served to persons renting the rooms. No such

permit shall be issued until a proper occupational license has been applied for, nor shall any such permit be issued unless one off-street parking space is available for each room to be rented. Such off-street parking space shall be in addition to the parking space required for the single-family dwelling.

(d) **Except for** sales by bona fide motor courts, restaurants and clubs, which shall be governed by the regulations set forth in Sections 4-12 (c) (2) through 4-12 (c) (6) of the City Code, retail sales of alcoholic beverages for consumption on premises will be permitted within five hundred (500') feet of any property zoned R-1 through R-6 residential only upon the following conditions:

(1) Buildings used for such purpose shall have no openings within two hundred (200') feet of any property zoned R-1 through R-6 other than doors for the purpose of ingress and egress, which shall be kept closed at all times except when persons are actually entering or leaving through such doors. No openings in such buildings, including doors, shall be located within fifty (50') feet of any property zoned R-1 through R-6.

(2) Ceilings in all buildings devoted to retail sales of alcoholic beverages located within five hundred (500') feet of residential zones shall be finished with an acoustical product having an average noise production coefficient of not less than 0.50.

(3) Parking lots located on the premises must be separated from residential districts by a six (6') foot high solid eight (8") inch masonry wall.

The method of measurement that shall apply to determine whether a place of business applying for a certificate of occupancy to sell alcoholic beverages for consumption on the premises is within five hundred (500') feet of property zoned R-1 through R-6 residential, shall be by air line measurement made or taken from lot line to lot line between the closest lot lines of the respective properties.

(Ord. 892-65 1/25/65 and Ord. 988-67 5/8/67)

**4. Regulation of Accessory Buildings -**

a. Every accessory building shall be not less than ten (10') feet from the main building and not less than ten (10') feet from the front wall of the main building.

b. Accessory buildings, including a garage apartment may be built in required yards, but no accessory buildings shall be nearer than five (5') feet to any lot line with a total of side yards to be a minimum of fifteen (15') feet.

c. Accessory buildings erected in required yards shall not exceed twenty (20') feet in height.

#### 5. *Community Unit Plan -*

An authorized agent of the municipal, county, state or federal government or the owner or owners of any tract of land comprising an area of not less than ten (10) acres, may submit to the City Commission of the City, a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the City Planning Board for study and report and for public hearings thereon. Notice and publication of such public hearings shall conform to the procedure prescribed in Sec. 53-28 for hearings on changes and amendments. If the City Planning Board recommends the plan, it shall then be submitted to the City Commission for consideration and action. The approval and recommendations of the City Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets with the following conditions:

a. That the property adjacent to the area included in the plan will not be adversely affected.

b. That the plan is consistent with the intent and purposes of this chapter to promote public health, safety, morals and general welfare.

c. That the buildings shall be used only for single-family, two-family or multiple dwellings and the usual accessory uses, such as private or storage garages, storage space, and for community activities, including churches.

d. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

If the City Commission approves the plan, building permits and certificates of approval and occupancy may be issued, even though the use of the land and location and height of buildings to be erected in the area and the yard and open space contemplated by the plan do not conform in



all respects to the district regulations of the district in which it is located.

**Sec. 53-24 Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures and Non-Conforming Uses of Structures and Premises.**

1. *Intent* - Within the districts established by this chapter or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this chapter was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment.

It is the intent of this chapter to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be



deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

The otherwise lawful use of land for open storage uses, temporary storage sheds, equipment shelters, and other man-made devices such as advertising signs and billboards, which does not conform to the provisions of this Ordinance, shall be discontinued immediately. With regard to the uses of land mentioned in this paragraph which, by reason of this Ordinance become non-conforming the same shall be discontinued within five (5) years from the date of adoption of this Ordinance.

2. *Non-Conforming Lots of Record* - In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district, in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Zoning Board of Appeals.

3. *Non-Conforming Uses of Land* - Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occu-

pied by such use at the effective date of adoption or amendment of this chapter.

c. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

4. *Non-Conforming Structures* - Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such structure may be enlarged or altered in a way which increases its non-conformity;

b. Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at time of destruction, as determined by the Building Official, it shall not be reconstructed except in conformity with the provisions of this chapter;

c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. *Non-Conforming Uses of Structures* - If a lawful use of a structure, or of structure and premises in combination exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

b. Any non-conforming use may be extended throughout

any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building;

c. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this chapter;

d. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed;

e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one consecutive year, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located;

6. *Repairs and Maintenance* - on any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10%) percent of the current replacement value of the building.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. *Uses under Exception Provisions Not Non-Conforming Uses* - Any use for which a special exception is permitted as provided in this chapter shall not be deemed a non-conform-

ing use, but shall without further action be deemed a conforming use in such district.

**Sec. 53-25 Administration and Enforcement - Building Permits and Certificates of Approval and Occupancy.**

1. *Administration and Enforcement* - An administrative official titled the Zoning Administrator designated by the Building Official shall administer and enforce this chapter. He may be provided with the assistance of such other persons as the Building Official may direct, and he shall be an employee subject to the protection of civil service.

If the administrative official shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or prevent violation of its provisions.

2. *Building Permits Required* - No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Zoning Board of Appeals.

3. *Application for Building Permit* - All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing

on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this chapter.

One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the administrative officials.

4. *Certificates of Approval and Occupancy* - Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building, shall be made, nor shall any new building be occupied for any purpose until a valid certificate of approval and occupancy has been issued by the Building Official. Every occupancy permit shall state that the new occupancy complies with all provisions of this Ordinance and all other applicable laws and regulations.

No permit for excavation for, or the erection or alteration of, any building shall be issued before an application has been made for and tentative approval given for an occupancy permit, and no building or premises shall be occupied until such occupancy permit in final form is issued by the Building Official.

A record of all occupancy permits shall be kept on file in the office of the Building Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such occupancy permit.

No occupational license shall be issued by the City Tax Collector unless there be in existence a valid occupancy permit as to the premises in which such occupation is to be carried on duly authorizing such use and occupancy.

#### **Sec. 53-26 Schedule of Fees, Charges, and Expenses.**

The City Commission shall establish a schedule of fees, charges, and expenses, and a collection procedure for appeals, and other matters pertaining to this chapter. The schedule of fees listed below shall be posted in the office

of the administrative official, and may be altered or amended only by the City Commission.

No application for special exception, variance, or special permit shall be accepted, nor shall any action be taken on proceedings before the Zoning Board of Appeals unless or until preliminary charges and fees have been paid in full.

1. *Fees, Charges and Expenses*

Filing fee for appeal to Zoning Board	
of Appeals - - - - -	\$35.00
Filing fee for hearing before Planning	
Board - - - - -	\$35.00

**Sec. 53-27 Provisions of Chapter Declared to be Minimum Requirements.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

**Sec. 53-28 Zoning Board of Appeals: Procedure.**

A Zoning Board of Appeals is hereby established, which shall consist of five (5) members and one (1) alternate member to be appointed by the City Commission, each for a term of three years. Members of the Zoning Board of Appeals may be removed from office by the City Commission for cause upon written charges and after public hearing. Vacancies shall be filled by the City Commission for the unexpired term of the members affected. All members of the Zoning Board of Appeals shall be residents of the City and shall serve without compensation.

The present members of said Zoning Board of Appeals shall continue in office until their respective terms expire and

their successors are appointed in the manner provided by law and duly qualified.

The alternate member of said Zoning Board of Appeals may attend all meetings of the Zoning Board of Appeals but shall act only in the absence, disability or disqualification of a regular member thereof.

When an alternate member acts, the minutes of the Zoning Board of Appeals shall reflect the name of the absent, disabled or disqualified member in whose place and stead the alternate is acting. The absence of a member, including the alternate member, for three consecutive meetings, without an excuse approved by the chairman of the Zoning Board of Appeals, and noted in the minutes, shall be deemed cause for removal by the City Commission.

The alternate member of the Zoning Board of Appeals, shall become the first appointment of the City Commission to fill a vacancy created on the Zoning Board of Appeals, and a new alternate member shall be named.

1. *Proceedings of the Zoning Board of Appeals* - The Zoning Board of Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the chairman and at such other times as the Zoning Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Board of Appeals.

2. *Hearings; Appeals; Notice* - Appeals to the Zoning Board of Appeals concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be



provided by the rules of the Zoning Board of Appeals, by filing with the administrative official and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by an attorney at law authorized to practice in the State of Florida. Representation of any party by anyone other than an attorney, as aforedescribed, is prohibited.

The giving of public notice of hearing, as hereinabove required, shall be deemed sufficient when said notice is published at least two (2) times in a newspaper of general circulation in the City, the first publication of which shall be at least fifteen (15) days before the hearing and a copy of such notice is mailed by certified mail to all property owners, as shown in the records of the City Tax Assessor, within two hundred (200') feet of the property involved in the application.

3. *Stay of Proceedings* - An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

#### **Sec. 53-29 The Zoning Board of Appeals; Powers and Duties.**

The Zoning Board of Appeals shall have the following powers and duties.



1. *Administrative Review* - To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this chapter.

*Decisions of the Zoning Board of Appeals* - In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

Variances and exceptions shall become void if not exercised within six (6) months of the date granted.

Before this six (6) months period has expired, the applicant may make a request to the Zoning Board of Appeals by letter for an additional six (6) months extension. Any further extensions of time shall require a new application to be processed as a new case.

2. *Special Exceptions: Conditions Govering Applications; Procedures* - To hear and decide only such special exceptions as the Zoning Board of Appeals is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Zoning Board of Appeals unless and until:

a. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested;

b. Notice of public hearing shall be given as in Sec. 53-28 above.

c. The public hearing shall be held. Any party may appear in person or by attorney.

d. The Zoning Board of Appeals shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

The Zoning Board of Appeals shall have the following powers:

(1) Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Ordinance, where the street layout actually on the ground varies from street layout as shown on the map aforesaid.

(2) Permit the erection and use of a building or the use of premises for railroads or public utility purposes.

(3) Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy to the extent of more than fifty (50%) percent of its replacement cost at time of destruction, as determined by the Building Official, where the Zoning Board of Appeals finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.

(4) Waive or reduce the parking requirements in any of the districts whenever the character of use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship on the use of the lot, as contrasted with merely granting an advantage or convenience.

(5) Permit land within three hundred (300') feet of a usage to be improved for the parking spaces required in connection with such usage, but only when there is positive assurance that such land will be used for such purpose during the existence of such usage.

(6) To determine whether an industry should be permitted within the "M-1" Light Industrial and "M-2" Industrial Districts because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

In granting any special exception, the Zoning Board of

Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under Sec. 53-34 of this Chapter.

**3. Variances; Conditions Governing Applications; Procedures** - To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Zoning Board of Appeals unless and until:

a. A written application for variance is submitted demonstrating;

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

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

b. Notice of public hearing shall be given as in Section 53-28 above.

c. The public hearing shall be held. Any party may appear in person or by attorney.

d. The Zoning Board of Appeals shall make findings

that the requirements of Section 53-29 (3) (a) have been met by the applicant for a variance;

e. The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

f. The Zoning Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The Zoning Board of Appeals shall have the authority to grant the following variances:

(1) Permit a variance in the yard or area requirements of any district where there are unusual and practical difficulties in carrying out of these provisions due to an irregular shape of the lot, topographical, or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.

(2) Permit a variance when an owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alterations of the buildings or structure or the use of the land will impose upon him unusual and practical difficulties, but not loss of money value alone, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Zoning Board of Appeals is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate such demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this Ordinance, and at the same time the surrounding property will be properly protected, but not to authorize spot zoning based on loss of value or revenue alone from property by changing the use permitted. All applications for such variance shall be in writing and be supported by written affidavits and proof at the time same are filed. At the hearing such additional proof shall be submitted as required.

The Zoning Board of Appeals may, by special permit and subject to such protective restrictions as are deemed necessary, authorize the location, extension, or structural alteration of any of the following buildings or uses, or an increase in their height, in any district from which these are prohibited or limited by this Ordinance:

(1) Any public building erected or leased and used by any department of a Municipal, County, State, or Federal Government.

(2) Hospitals, clinics, and institutions, except institutions for criminals; provided however, that such buildings may occupy not over fifty (50%) percent of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property; and, provided further, that the building shall be set back from all yard lines heretofore established on additional distance of not less than one (1') foot for every foot of building height, and that adequate off-street parking space will be provided.

(3) Airport, landing field, or landing strip for aircraft, and heliports.

(4) Commercial greenhouses, provided that any such structure shall not be less than one hundred (100') feet from all property lines.

(5) Nursery and truck gardens.

(6) Roadside stands, commercial amusement, or recreational development for temporary or seasonal periods.

(7) Extraction of sand, gravel, shell, top soil, and other natural resources.

(8) Parking lots on lands not more than three hundred (300') feet from the boundary of any shopping, commercial, or industrial district under such conditions as will protect the character of surrounding property.

(9) Drive-in theatres in the "C-2" Commercial District or "M-1" Light Industrial District or in the "W" Conservation District.

(10) Radio or television broadcasting tower or station.

(11) Churches and temples.

In granting any variance, the Zoning Board of Appeals may

prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 53-34 of this chapter.

Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

The concurring vote of three members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in the application of this chapter.

#### **Sec. 53-30 Appeals from the Zoning Board of Appeals.**

Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Zoning Board of Appeals may seek review of such decision by a court of record, in the manner provided by the laws, the City Charter and Chapter 176, Florida Statutes.

#### **Sec. 53-31 Duties of Administrative Official, Zoning Board of Appeals, City Commission and Courts on Matters of Appeal.**

It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the administrative official and that such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the administrative official and that recourse from the decisions of the Zoning Board of Appeals shall be to the courts, as provided by law, the City Charter and Chapter 176, Florida Statutes.

It is further the intent of this chapter that the duties

of the City Commission in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter the City Commission shall have only the duties of (1) considering and adopting or rejecting proposed amendment or the repeal of this chapter, as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 53-26, above.

#### **Sec. 53-32 Amendments.**

The regulations, restrictions and zoning district boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed, provided however that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city.

In case, however, of a protest against such change signed by the owners of twenty (20%) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent, within five hundred (500') feet of the proposed change, such amendments shall not become effective except by the favorable vote of four-fifths (4/5) of the governing body of the city.

**Provided further,** that no person may resubmit a rezoning request for the same parcel of land within twelve (12) months after a previous request has been acted upon by the City Commission, unless there are material changes and new circumstances surrounding the case, recognized by the City Manager. (Ord. 925-65 9/20/65)



Sec. 53-32 (a) APPEALS FROM CITY PLANNING BOARD.

Any person who initiates a change in zone or who is adversely affected or aggrieved by the action or decision of the Planning Board may appeal such action or decision to the City Commission. The appeal shall be in writing, be executed by the appellant, his agent or attorney, in duplicate, shall state and specify briefly the grounds or reasons for the appeal, and shall be filed with the City Clerk within ten (10) days after receipt of a notice of the decision or action by the Planning Board. The Planning Board shall send a notice of its decision, by certified mail, to the applicant; however, if for any valid reason the applicant fails to receive the notice, then, and in that event, the time for taking an appeal shall be extended for a period of thirty (30) days from the date of the decision of the Board. The City Clerk shall transmit one copy of the appeal to the Director of Planning and the Director of Planning shall thereupon transmit to the City Manager the report and proceedings of the Planning Board. The City Manager, after receiving the report from the Planning Board, will transmit the same to the City Commission at a regular meeting.

The City Commission shall, upon receiving the report from the City Manager, set the date and time for a public hearing on the appeal, which date and time shall not be more than thirty (30) days from the date the City Commission receives the report, said hearing may be adjourned from time to time as the circumstances warrant. A notice of the hearing on the appeal shall be published in a newspaper of general circulation within the City at least fifteen (15) days prior to the time of such hearing and the notice shall state the time and place of such hearing.

After the hearing, the City Commission may affirm the action or the decision of the Planning Board or overrule the action of the Planning Board; and, in the event the Planning Board denied the request, the City Commission may by a four-fifths (4/5) vote enact an ordinance effecting the change in zone. (Ord. 950-66 4/25/66)



### **Sec. 53-33 Complaints Regarding Violations.**

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

### **Sec. 53-34 Penalties for Violation.**

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than sixty (60) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

### **Sec. 53-35 Separability Clause.**

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 2:** All ordinances, including Chapter 47 of the City Code, 1957, as amended, or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed. This ordinance shall become effective immediately upon its adoption.

**SECTION 3:** Specific authority is hereby granted to codify this ordinance.

WEST PALM BEACH CITY CODE

FIRST READING THE 13th DAY OF APRIL, 1964.

SECOND, FINAL READING IN FULL AND PASSAGE THE 15th DAY OF  
JUNE, 1964.

Fred O. Easley, Jr.  
George S. Williams  
R. A. Hurley

City Commission

(Corporate Seal)

ATTEST:

Joe. J. Eassa, Jr.  
City Clerk

# SUMMARY OF ZONING RESTRICTIONS CITY OF WEST PALM BEACH, FLORIDA

DISTRICTS	HEIGHT		LOT AREA	*PARKING REQUIREMENT	MINIMUM YARD REQUIREMENTS		SIDE YARDS	
	Stories	Feet			Front	Rear	Minimum	Sum
F -1 Floodway	None	None	None	None	None	None	None	None
R -1 Single Family	2	30	6000 Sq. ft. (60' WD.)	1 Space	25' from bldg. setback line	15' or 10% depth	5 feet	15 feet
R -1A Single Family (garage apt.)	2	30	6000 sq. ft. (60' wd.)	1 Space per unit	25' from bldg. setback line	15' or 10% depth	5 feet	15 feet
R -2 Two Family	2	30	6000 sq. ft. (60' wd.)	1 Space per unit	25' from bldg. setback line	15' or 10% depth	5 feet	15 feet
R -3 Three Family	2½	35	5000 sq. ft. for 2 units plus 1500 sq. ft. for 3rd unit	1 Space per unit	25' from bldg. setback line	15' or 10% depth	5 feet	15 feet
R -4 Four Family		35 45 ft with min. yards	2 family -4000 sq ft. 3 or 4 family - 5000 sq. ft.	1 Space per unit (apartment)	20' from bldg. setback line	15' or 10% depth	5 feet	15 feet
R -5 Multiple Family	Unlimited except along Flagler Dr. or Lake Worth 125 ft max. height with add'l yards.		4 family -5000 sq ft. 500 sq. ft. per family additional over 4 families.	1 Space per unit (apartment)	20' from bldg. setback line. 45' height & over 20' plus 3' for every Add'l 10 ft.	15' or 10% depth Add 3' for each add'l 10' over 45'	45' height & over 8' min. plus 3' for every add. 10 ft.	16' min. plus (45' or over) 15' under 45' high.
R -6 Townhouse	2½	35	1800 sq. ft. for townhouse. 6000 sq. ft. for apts.	1 Space per unit	25' from bldg. setback line	15' or 10% depth	R -1 Usage same as in R-1 zone. Townhouse interior - none. Townhouse end - 10 ft. Apt. same as R-5.	
C -M Commercial Marine Repair		35	None (see R -5)	1 space for each 300 sq. ft. area and loading zone	None	None (If adjacent to residential 15 feet)	None	None
C -M-1 Commercial Marine		35	None (see R -5)	Same as C -M	Same as C -M	Same as C -M	Same as C -M	Same as C -M
C -1 Neighborhood Shopping	45' except residential same R-5		None (see R -5)	Same as C -M	Same as C -M	Same as C -M	Same as C -M	Same as C -M
C -2 Commercial	50 ft. except residential same R-5.		None (see R -5)	Depending on type occupancy and location.	Same as C -M	Same as C -M	Same as C -M	Same as C -M
C -3 Commercial Industrial	100 ft. and unlimited with add. setback.		None (see R -5)	Same as C -2	Same as C -M	Same as C -M	Same as C -M	Same as C -M
C -4 Central Business	Same as C -3		None (see R -5)	Loading zone only	Same as C -M	Same as C -M	Same as C -M	Same as C -M
M -1 Light Industry	50' and unlimited with add. setback		None (see R -5)	Depending on type occupancy and location.	Same as C -M	Same as C -M	Same as C -M	Same as C -M
M -2 Industrial	Same as M -1		None (see R -5)	Same as M -1	Same as C -M	Same as C -M	Same as C -M	Same as C -M
W - Conservation	2½	35	43,560 sq ft. acre	None	30' from bldg. setback line	30 ft	30 ft.	60 ft. min.
P - Parks	None		None	None	None	None	None	None

\* Check zoning code for type of occupancy

NOTE: All information is general - Consult zoning code for details

IMPORTANT: Regulations subject to change. Investigate before you invest.

