

**ORDINANCE NO. 2020-38**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO ZONING MAP AMENDMENT PETITION NO. 19-07RZ, TO CHANGE THE ZONING DESIGNATION FOR PROPERTY GENERALLY LOCATED EAST OF I-75 AND SOUTH OF RUSTIC ROAD (214± ACRES), FROM SARASOTA COUNTY OPEN USE ESTATE (OUE) TO CITY OF VENICE COMMERCIAL, GENERAL (CG) AND RESIDENTIAL, MULTI-FAMILY (RMF-2) DISTRICTS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Zoning Map Amendment Petition No. 19-07RZ (“Petition”) was filed by Mary H. McMullen, Joseph W. Hurt, and Randall C. Hurt Trustees of the Shackett Creek Trust u/a/d November 25, 2002 (hereinafter “the applicant”) to change the official City of Venice Zoning Map designation for the property described in Section 3 below from Sarasota County Open Use Estate (OUE) to City of Venice Commercial, General (CG) and Residential, Multi-Family (RMF-3); and

**WHEREAS**, the subject property has been found to be located within the corporate limits of the City of Venice; and

**WHEREAS**, the City of Venice Planning Commission has been designated as the local planning agency in accordance with F.S. 163.3174;

**WHEREAS**, the Planning Commission held a noticed public hearing on June 16, 2020 and, based on review of the application materials, the staff report and testimony provided during the public hearing , voted 6-0 to recommend denial of the Petition; and

**WHEREAS**, the Venice City Council has received and considered the report of the Planning Commission concerning the Petition; and

**WHEREAS**, the City Council held a duly noticed public hearing on the Petition in accordance with the requirements of the City’s Code of Ordinances, and has considered the evidence and testimony received at said public hearing; and

**WHEREAS**, at the public hearing the applicant requested that the subject property be zoned Residential, Multi-Family (RMF-2) versus Residential, Multi-Family (RMF-3).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:**

**SECTION 1.** The Whereas clauses above are ratified and confirmed as true and correct.

**SECTION 2.** The City Council hereby makes the following findings of fact:

- A. The Council has received and considered the report of the Planning Commission

recommending denial of the Petition.

B. The Council held, after due public notice, a public hearing on the Petition and considered the evidence and testimony received at said public hearing.

C. The proposed rezoning of the property described herein is in accordance with and meets the requirements of the Land Development Code and is consistent with the City of Venice Comprehensive Plan.

**SECTION 3.** The Official Zoning Atlas is hereby amended by changing the zoning classification for the following described property located in the City of Venice from Sarasota County Open Use Estate (OUE) to City of Venice Commercial, General (CG) and Residential, Multi-Family (RMF-2), subject to the stipulation that residential density be limited to a maximum of nine dwelling units per acre.

The subject 214+ acre property is designated as Parcel Identification Nos. 0364-10-0001 and 0377-02-0001 as depicted on the location map shown below and is further described as follows:

PARCEL 1:

The NW 1/4 of the NE 1/4 and the North 1/2 of the NW 1/4 of Section 28, Township 38 South, Range 19 East, LESS 1-75 right of way described as:

BEGIN on the West line of said Section 28, at a point S. 0°09'22" E., 598.21 feet from the NW corner thereof, thence run S. 39°47'50" E, 607.25 feet, to the beginning of a curve concave to the Southwesterly, having a radius of 23,036.31 feet; thence run Southeasterly along said curve 358.40 feet, through a central angle of 0°53'29" to the end of said curve; thence N. 89°45'25" W., 617.96 feet to the West line of said Section 28; thence N. 0°09'22" E., 741.04 feet along said West line to the POINT OF BEGINNING.

PARCEL 2:

The NE 1/4 of NE 1/4 of Section 28, Township 38 South, Range 19 East, LESS the South 60 feet (except for the East 30 feet of said South 60 feet) thereof LESS portion thereof taken by Sarasota County in Eminent Domain (Case No. 88-5219-CA-01, Parcel 04-HR) described as: (Fee Simple)

Commence at the Northeast corner of Section 28, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run S 89°45'40" W., along the North line of said Section 28 for a distance of 30.00 feet to the POINT OF BEGINNING; thence continue S. 89°45'40" W, along said line for a distance of 10.00 feet; thence run S. 00°03'02" W., along a line 40.00 feet West of and parallel with the East line of said Section 28 for a distance of 1323.66 feet; thence run S. 89°20'04" E. along the South line of the properties described in O.R.B. 1872, Page 2609, of the Public Records of Sarasota County, Florida, for a distance of 10.00 feet; thence run N. 00°03'02" E, for a distance of 1323.58 feet to the POINT OF BEGINNING.

(Perpetual Drainage Easement)

That part of O.R.B. 1350, Page 1589, of the Public Records of Sarasota County, Florida, described as follows:

Commence at the Northeast corner of Section 28, Township 38 South, Range 19 East, Sarasota County, Florida, which is certified to the Florida Department of Natural Resources by Corner Record Document No. 18855; thence run S 00°03'02" W., along the East line of said Section 28 for a distance of 475.41 feet; thence run N 89°56'58" W., for a distance of 40.00 feet to the POINT OF BEGINNING; thence continue N 89°56'58" W., for a distance of 95.00 feet; thence to S. 00°03'02" W., for a distance of 193.00 feet; thence run S. 89°56'58" E., for a distance of 95.00 feet; thence run N. 00°03'02" E., along a line 40.00 feet West of and parallel with said Section line for a distance of 193.00 feet to the POINT OF BEGINNING.

Begin at the Northeast corner of South 1/2 of the North 1/2 of Section 28, Township 38 South, Range 19 East, for Point of Beginning; thence N. 89°31'23" W, along North line of said tract, 4731.59 feet to Easterly right-of-way of 1-75; thence Southeasterly along said right-of-way, 24.79 feet; thence S. 89°44'56" E., 720.04 feet; thence S.

89°44'30" E., 1342.05 feet; thence S. 89°45'49" E., 1326.78 feet; thence S. 89°45'59" E., 1327.01 feet to the Point of Beginning. Subject to road right-of-way along Easterly side.

The above parcel consists of 1 acre, more or less, which lies West of the West line of the SE 1/4 of the NE 1/4 of Section 28, Township 38 South, Range 19 East, and a 0.1 acre parcel, more or less, lying East of said line.

The South 60 feet of the NE 1/4 of the NE 1/4 of Section 28, Township 38 South, Range 19 East, LESS the East 40 feet thereof.

Together with easements appurtenant described in Official Records Book 1350, Pages 1591 and 1592, Public Records of Sarasota County, Florida, and all other such easements appurtenant thereto.

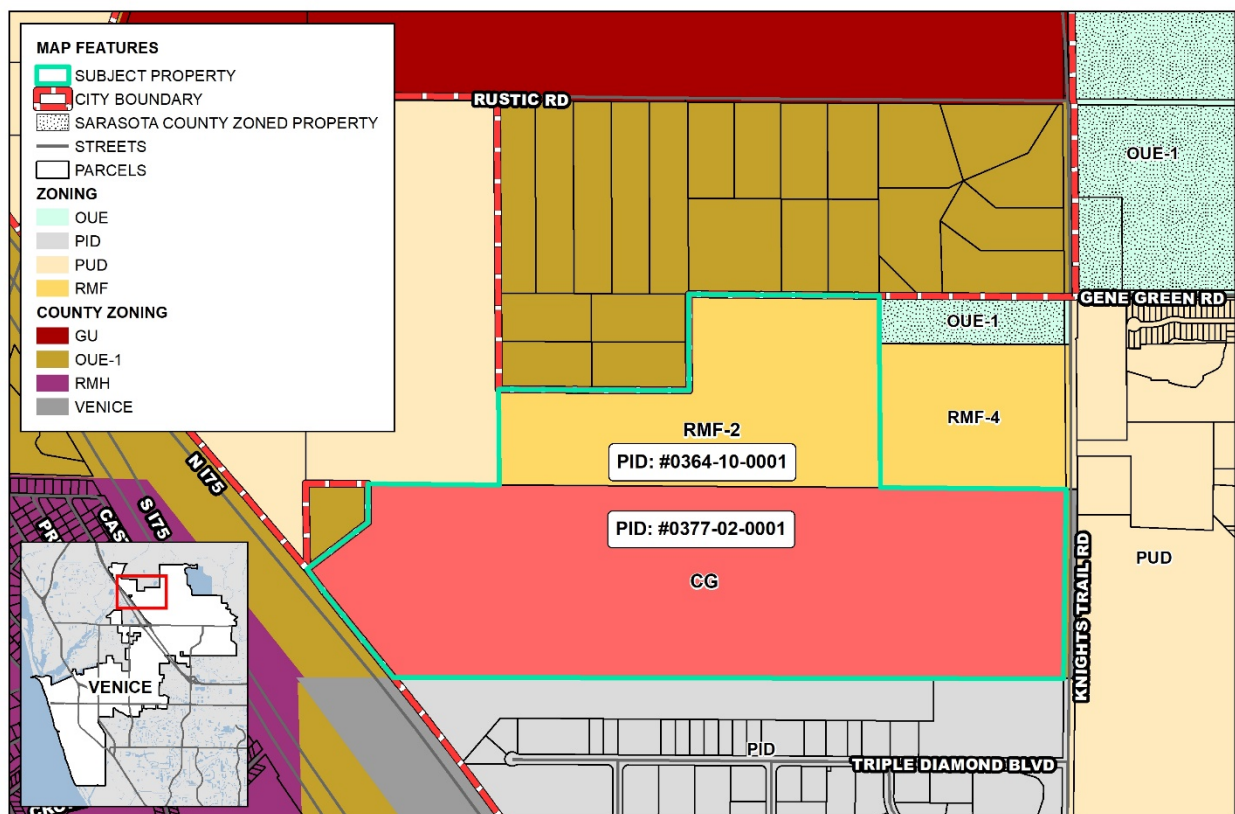
### PARCEL 3:

The SW 1/4 of the SE 1/4 of Section 21, Township 38 South, Range 19 East; the South 1/2 of the SE 1/4 of the SW 1/4 of Section 21, Township 38 South, Range 19 East.

TOGETHER WITH a perpetual non-exclusive access easement for ingress and egress and for drainage and utilities over the East 30 feet of the North 3/4 of the East 1/2 of the SW 1/4 and over the South 30 feet of the East 1/2 of the NW1/4 and over the South 30 feet of the NE 1/4 of said Section 21, Township 38 South, Range 19 East.

ALSO TOGETHER WITH a non-exclusive perpetual easement for public access, drainage and utilities over and across those certain easements described in Official Records Book 1317, Page 931, of the Public Records of SARASOTA County, Florida.

Any discrepancy between the legal description and the map shall resolve in favor of the map.



## HURT PROPERTY

PROPOSED ZONING MAP  
PLANNING AND ZONING DIVISION

0 1,000 2,000 Feet



**SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 5.** If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION 6. Effective date.** This Ordinance shall take effect when Ordinance No. 2020-37 for Comprehensive Plan Amendment Petition No. 19-08CP becomes effective.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 23RD DAY OF FEBRUARY 2021.**

First Reading: November 17, 2020

Final Reading: February 23, 2021

Adoption: February 23, 2021

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Ron Feinsod, Mayor

**Attest:**

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Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 23rd day of February 2021 a quorum being present.

**WITNESS** my hand and the official seal of said City this 23<sup>rd</sup> day of February, 2021.

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Lori Stelzer, MMC, City Clerk

Approved as to form:

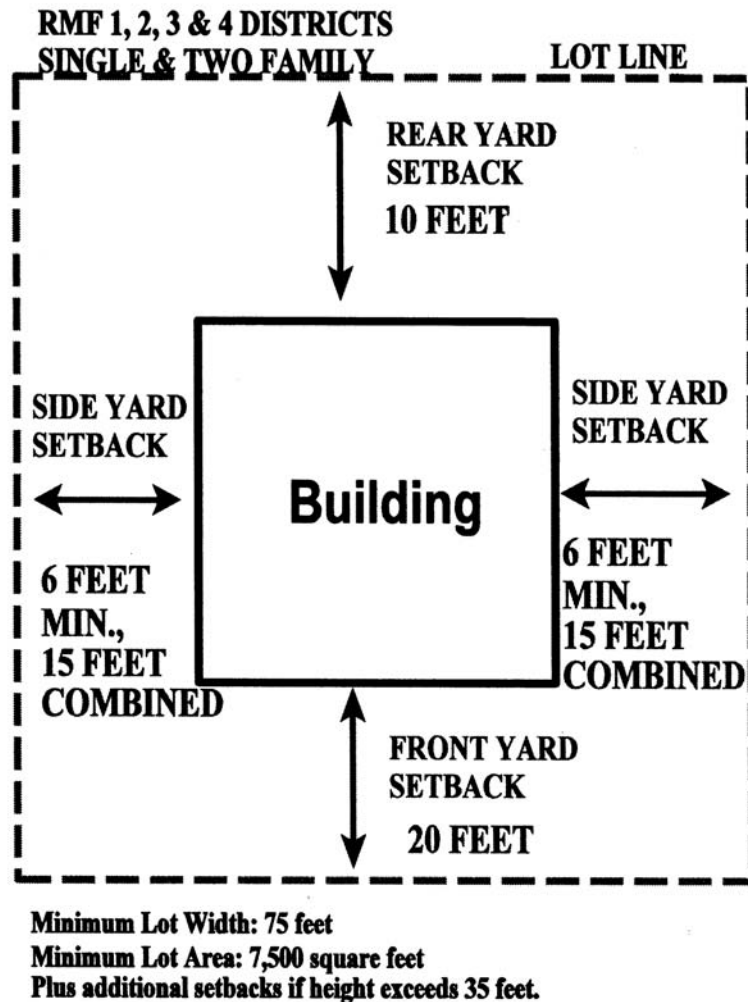
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Kelly Fernandez, City Attorney

# EXHIBIT A -

Sec. 86-82. - RMF residential, multiple-family district.

- (a) *Generally; intent.* The RMF districts are intended to be moderate to medium density districts, with emphasis on multiple-family use. RMF districts are situated so that they are well served by public and commercial services and have convenient access to thoroughfares and collector streets. Permitted uses are the same in all districts, but uses permissible by special exception vary, with the more dense residential uses providing for more special exceptions.



## RMF 1, 2, 3 & 4 Setbacks

- (b) *Permitted principal uses and structures.* Permitted principal uses and structures in the RMF district are:
- (1) Multiple-family dwellings.
  - (2) Patio houses.
  - (3) Two-family dwellings.

- (4) Townhouses or cluster houses.
- (5) Houses of worship (except temporary revival establishments), provided that the minimum parcel size shall be two acres.
- (6) Community residential homes.
- (7) Bed and breakfast inn with not more than ten sleeping rooms for rent, provided:
  - a. Outdoor activity areas shall be buffered from adjacent residential property.
  - b. All rooms shall have access via indoor halls.
- (8) One single-family dwelling per lot.
- (9) Public elementary and high schools with conventional academic curriculums, and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.
- (10) Parks, playgrounds, playfields and city buildings in keeping with the character and requirements of the district, and public libraries.
- (11) Essential services.
- (12) Existing railroad rights-of-way.
- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the RMF district:
  - (1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
  - (2) Do not involve the conduct of business on the premises, provided that accessory home occupations shall be allowed.
  - (3) Are located on the same lot as the permitted or permissible principal use or structure, or on a contiguous lot in the same ownership.
  - (4) Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
  - (5) Do not involve operations or structures not in keeping with the character of single-family, residential estate development.

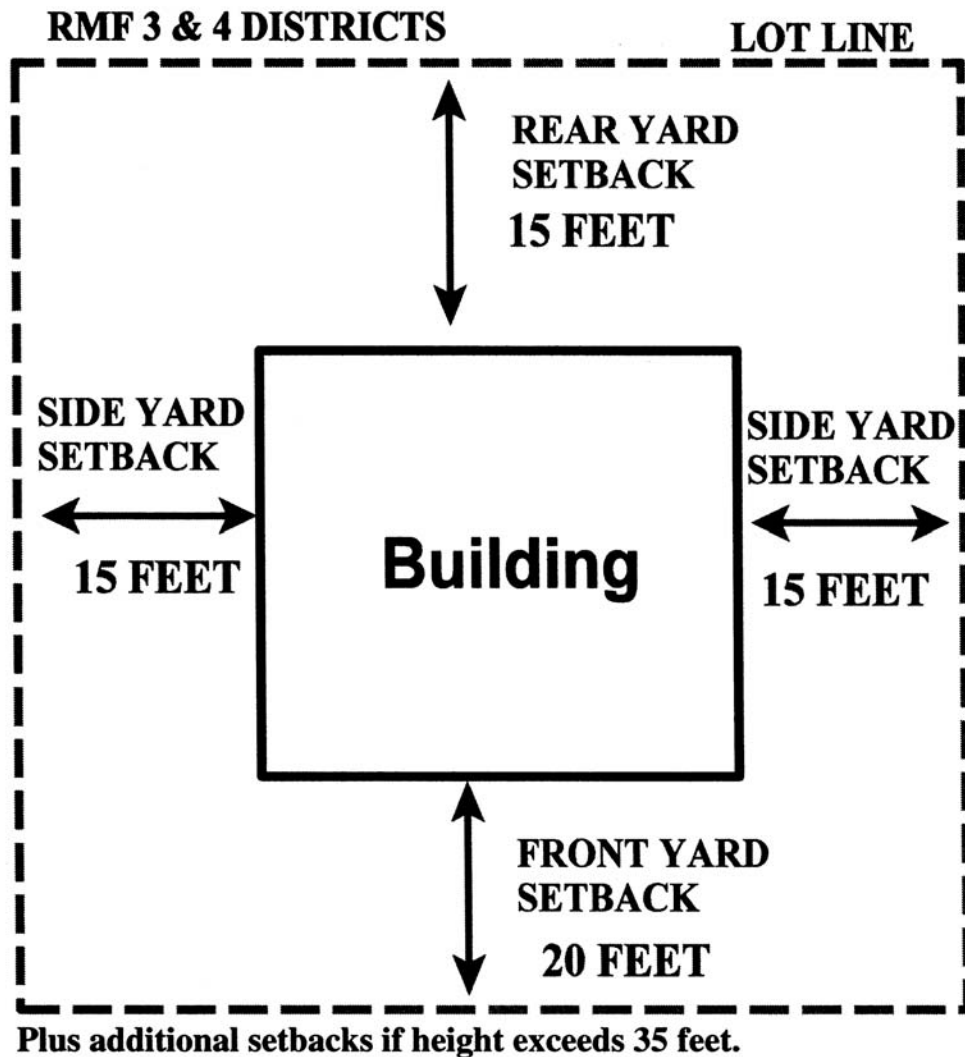
Noncommercial plant nurseries and greenhouses, servants quarters, private garages, toolhouses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools, private docks and the like are permitted in these districts.

- (d) *Prohibited uses and structures.* Any use or structure not specifically, provisionally or by reasonable implication permitted in this section, or permissible by special exception, is prohibited.
- (e) *Special exceptions.* The following special exceptions are permissible in the RMF district after public notice and hearing by the planning commission:
  - (1) RMF-1 and 2:
    - a. Private clubs.
    - b. Marinas.
    - c. Nursing homes and homes for the aged, provided that no structure shall be closer than 50 feet to any boundary line of the property and no off-street parking shall be located closer than 25 feet to any boundary line of the property. A landscaped buffer is required on all non-street property lines.
    - d. When these districts adjoin a commercial or office district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or office uses, provided that:
      - 1. Such parking lots may be permitted only between the commercial or office district.
      - 2. A landscaped buffer area is required on all non-street property lines.
      - 3. No source of illumination for such lots shall be directly visible from any adjoining residential property.
      - 4. No movement of vehicles is permitted on such lots between the hours of 10:00 p.m. and 7:00 a.m., and greater limitations may be imposed where so required.
      - 5.

There shall be no sales, sales display or service activity of any kind; no commercial renting or selling of spaces for any period of less than one week; no parking of automotive vehicles other than passenger automobiles; and no parking of automobiles for periods of longer than 24 hours.

- e. Cemeteries, columbaria and mausoleums, provided that no grave, monument or structure shall be closer than 25 feet to any boundary line of the property.
- f. Infant care centers.
- g. Golf course and country club, not including miniature golf courses or practice driving ranges, provided the total area is at least 110 acres of land in one parcel, and that any required parking area is located at least 100 feet and any building or structure is located at least 300 feet from any other residentially zoned property.
- h. Par 3 golf course, providing that the total area is at least 60 acres of land in one parcel and that any required parking area is located at least 100 feet from any other residentially zoned property.

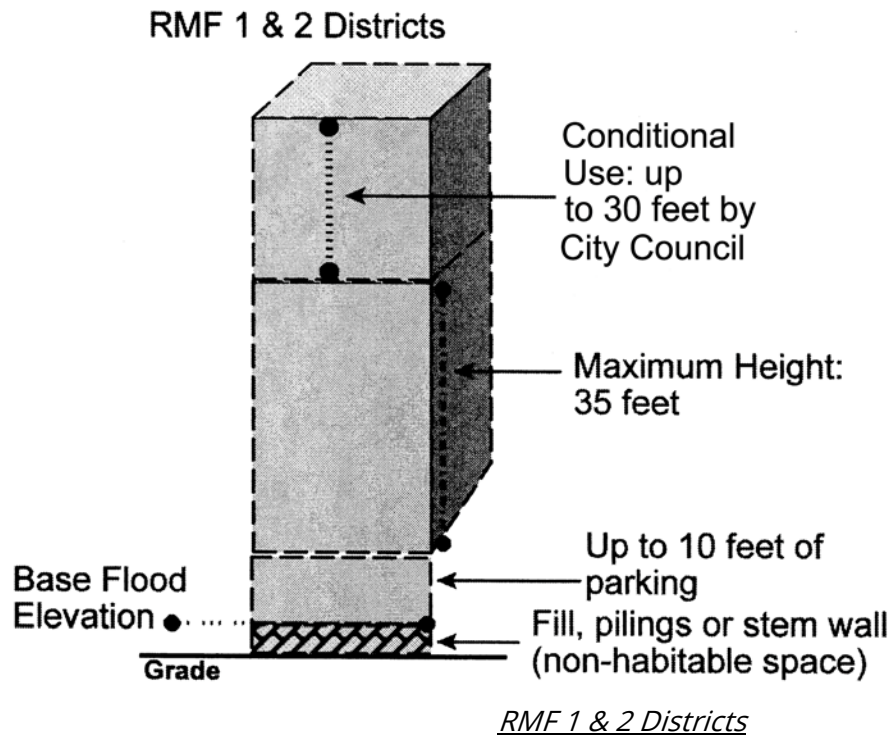




*RMF 3 & 4 Setbacks*

- i. Yacht club, provided that any required parking area is at least 100 feet and any building or structure is at least 200 feet from any other residentially zoned property.
  - j. Tennis club.
  - k. Not more than one attached or detached guesthouse for each permitted single-family dwelling.
  - l. Antennas for permitted, permissible or accessory uses in excess of 35 feet in height.
- (2) RMF-3: As for the RMF-1 and 2 districts, and in addition:
- a. Rooming houses and boardinghouses.
  - b. Nurses' homes and similar housing for institutional employees.
  - c. Monasteries or convents.

- d. Housing for the aged.
- (3) RMF-4: As for the RMF-3 district, and, in addition:
  - a. Reserved.
  - b. Reserved.
- (f) *Conditional use*. The following conditional uses are permissible in the RMF district after public notice and hearing by city council:
  - (1) *RMF-1 and 2*: Buildings and structures in excess of 35 feet in height but not to exceed 65 feet in height.
  - (2) *RMF-3*: Buildings and structures in excess of 45 feet in height but not to exceed 75 feet in height.
  - (3) *RMF-4*: Buildings and structures in excess of 45 feet in height but not to exceed 95 feet in height.
- (g) *Maximum residential density*. Maximum number of dwelling units per acre in the RMF districts for residential uses are:
  - (1) RMF-1: Six units per acre.
  - (2) RMF-2: Nine units per acre.
  - (3) RMF-3: 13 units per acre.
  - (4) RMF-4: 18 units per acre.
- (h) *Minimum lot requirements (area and width)*. Minimum lot requirements in the RMF district are:
  - (1) Single- and two-family dwellings and patio houses: As for the RSF-3 district. Width, 75 feet; area, 7,500 square feet.
  - (2) Townhouses or cluster houses: As for the RSF-4 district. Width, 50 feet; area, 5,000 square feet.
  - (3) Multiple-family dwellings:
    - a. RMF-1: Width, 75 feet; area, 7,260 square feet per dwelling unit.
    - b. RMF-2: Width, 100 feet; area, 4,840 square feet per dwelling unit.
    - c. RMF-3: Width, 100 feet; area, 3,350 square feet per dwelling unit.
    - d. RMF-4: Width, 100 feet; area, 2,420 square feet per dwelling unit.
  - (4) Other permitted or permissible uses and structures: None, except as needed to meet all other requirements set out in this section.



(i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the RMF district is:

- (1) Single-family dwellings and their accessory buildings: 35 percent.
- (2) Two-family dwellings, townhouses or cluster houses and their accessory buildings: 35 percent.
- (3) Multiple-family dwellings:
  - a. RMF-1 and RMF-2: Up to 35 feet in height: 30 percent.  
 36 to 45 feet in height: 28 percent.  
 46 to 55 feet in height: 26 percent.
  - b. RMF-3: Up to 35 feet in height: 30 percent.  
 36 to 45 feet in height: 28 percent.  
 46 to 55 feet in height: 26 percent.  
 56 to 65 feet in height: 24 percent.  
 66 to 85 feet in height: 22 percent.
  - c. RMF-4: Up to 35 feet in height: 30 percent.  
 36 to 45 feet in height: 28 percent.

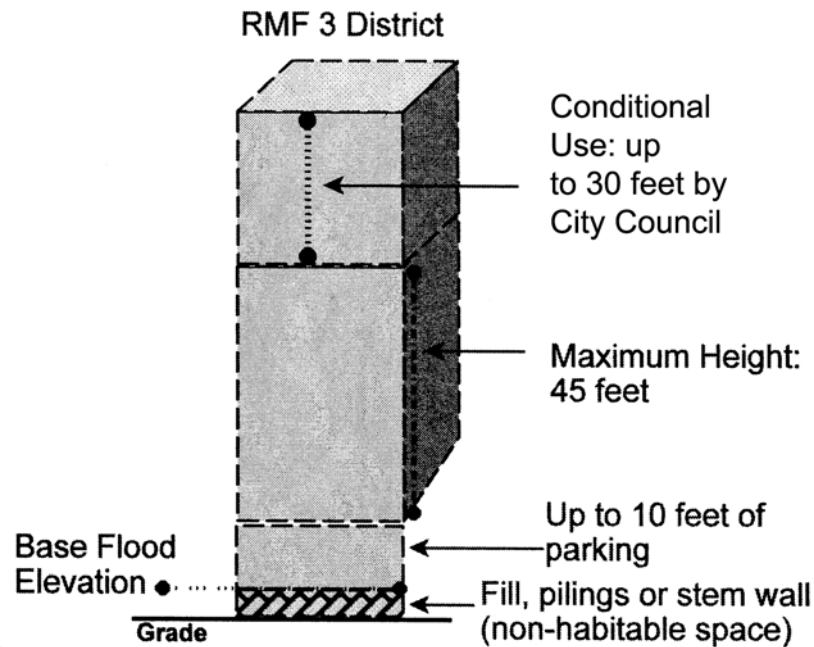
46 to 55 feet in height: 26 percent.

56 to 65 feet in height: 24 percent.

66 to 85 feet in height: 22 percent.

86 to 105 feet in height: 20 percent.

Maximum for all dwellings includes all solid-roofed areas and 50 percent of covered parking of one story not in main structures.



- (4) Other permitted or permissible buildings in connection with permitted or permissible uses, including accessory buildings: 30 percent.

(j) *Minimum yard requirements.* Minimum yard requirements in the RMF district are:

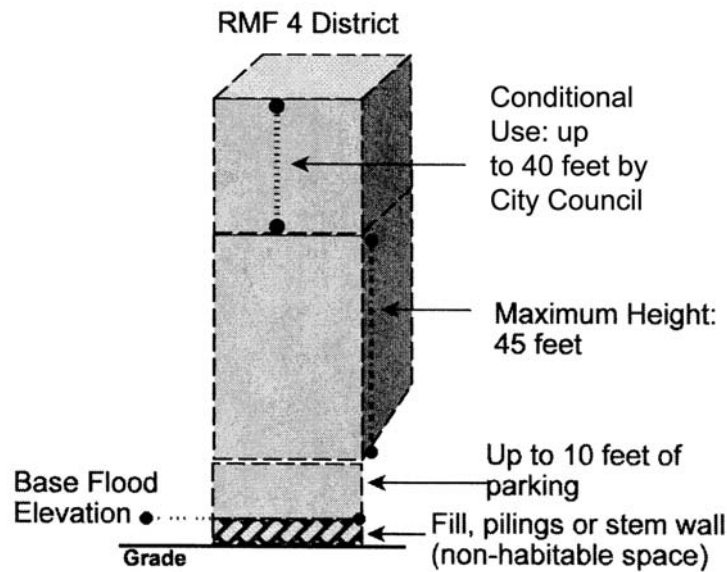
(1) Single- and two-family dwellings:

- a. Front yard: 20 feet.
- b. Side yard: Six feet minimum but in no case less than 15 feet combined side yards.
- c. Rear yard: Ten feet.
- d. Waterfront yards: 20 feet.

(2) Multiple-family dwellings:

- a. Front yard: 20 feet.

- b. Side yard:
    - 1. RMF-1 and RMF-2: 12 feet.
    - 2. RMF-3 and RMF-4: 15 feet.
  - c. Rear yard: 15 feet.
  - d. Waterfront yards: 20 feet.
- (3) Other permitted or permissible uses and structures:
- a. Front yard: 20 feet
  - b. Side yard:
    - 1. Eight feet minimum, but in no case less than 18 feet combined side yards.
    - 2. RMF-3 and 4. Six feet minimum, but in no case less than 15 feet combined side yards.
  - c. Rear yard: Ten feet.
  - d. Waterfront yards: 20 feet.
- (4) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height and a front yard of 25 feet or one-half of the building height, whichever is greater.
- (k) *Maximum height of structures.* No portion of a structure shall exceed the following in the RMF district, except as permissible by conditional use:
- (1) RMF-1 and RMF-2: 35 feet. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.
  - (2) RMF-3: 45 feet. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.
  - (3) RMF-4: 45 feet. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.



RMF 4 District

(Code 1982, § 20-6.1; Ord. No. 97-31, §§ 3, 4, 5-13-97; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 3, 6-14-05; Ord. No. 2014-05, § 3, 2-11-14; Ord. No. 2015-04, § 4, 3-24-15)

Sec. 86-92. - CG commercial, general district.

- (a) *District intent.* The CG district is intended for general commercial activity. Businesses in this category require larger land area and a location convenient to automotive traffic. Pedestrian traffic will be found in this district. The district is not suitable for heavily automotive-oriented uses. It is not the intent of this district that it shall be used to encourage extension of strip commercial areas.
- (b) *Determination of uses.* Uses in the district are regulated through the establishment of categories of uses that are further described by category characteristics, typical permitted uses, accessory uses, and restrictions. The zoning administrator shall utilize district intent and the following criteria to determine if a proposed use is appropriate for the district category of uses:
  - (1) *Category of use* establishes the major heading that is meant to define, organize and encompass the range of specific types of uses allowed.
  - (2) *Category characteristics* describe the general nature of the types of uses for which the category of use is intended.
  - (3)

*Typical permitted uses* establish the specific list of uses typically found and permitted under this category of use. Like uses not specifically identified, but essentially comparable to the typical uses listed, may be approved by the zoning administrator if the nature and impacts of that use are similar to those of the listed uses.

(4) *Accessory uses and structures* provide the permitted accessory uses and structures for the category of use.

a. Accessory uses and structures:

1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
3. Do not involve operations or structures inconsistent with the character of the district.

b. Dwelling units on the same premises and in connection with permitted principal uses and structures are allowed only for occupancy by owners or employees thereof.

c. Other accessory uses are identified for specific categories of use and specific permitted uses in this section.

d. Like accessory uses not specifically identified, but essentially comparable to the accessory uses listed may be approved by the zoning administrator if the nature and impacts of that use are similar to those of the listed accessory uses.

(5) *Restrictions* provide additional detail and guidance regarding restrictions on the application of the category of use.

(c) *Commercial, general—Permitted uses.*

Category of Use
<p>1) <b>Retail Commercial</b></p> <p><b>Category Characteristics:</b> Uses providing primarily for the display and sale of new and used merchandise at retail within an enclosed building.</p>

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>• Retail sale of apparel, toys, sundries and notions, books and stationery, leather goods and luggage, art, hardware, jewelry, electronics, sporting goods, musical instruments, office equipment and supplies, furniture, home furnishings, auto parts and accessories, antiques, food, swimming pool supplies, appliances, and the like</li> </ul>	<p>Indoor manufacturing and production of items for sale on-premises only.</p> <p>Repair of goods sold on-premises.</p>	<p>Outdoor sale and display of merchandise requires special exception.</p> <p>No animal kennels associated with pet shops.</p>
<ul style="list-style-type: none"> <li>• Convenience stores</li> </ul>		
<ul style="list-style-type: none"> <li>• Grocery stores</li> </ul>		
<ul style="list-style-type: none"> <li>• Pharmacies</li> </ul>		
<ul style="list-style-type: none"> <li>• Produce markets</li> </ul>		
<ul style="list-style-type: none"> <li>• Bakeries</li> </ul>		
<ul style="list-style-type: none"> <li>• Florists</li> </ul>		
<ul style="list-style-type: none"> <li>• Gift shops</li> </ul>		



• Hobby shops		
• Automotive convenience centers as defined in <u>Section 86-570</u>		
• Pet shops		
<b>2) Personal and Business Services.</b> <b>Category Characteristics:</b> Uses providing for one's personal care and for rendering professional services to individuals and businesses.		
Typical Permitted Uses	Accessory Uses	Restrictions
• Hair and beauty care		No animal kennels associated with pet grooming.
• Pet grooming		
• Health spas		
• Shoe repair		No transmitter towers are allowed in relation to radio and television stations.
• Clothing repair and alteration		
• Dry cleaning/laundry services		

• Copying and duplication services		
• Photography studios		
• Funeral home		
• Radio or television stations		
• Electronics repair		
• Interior decorators		
<b>3) Commercial Recreation, Entertainment (Completely Indoors).</b> <b>Category Characteristics:</b> Uses providing primarily for private, indoor commercial recreation and entertainment.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Studios for instruction in dance, music, yoga, cheer/gymnastics, and similar activities	Sale and rental of clothing and equipment associated with the on-site activity.	
• Movie theaters	Sale of food and drinks for on-premises consumption.	
• Bowling alleys		
• Billiard parlors		

• Swimming pools		
<b>4) Professional, Medical, and Business Offices.</b> <b>Category Characteristics:</b> Uses providing primarily for professional, medical, administrative or clerical occupations or services.		
Typical Permitted Uses	Accessory Uses	Restrictions
• Medical and dental clinics		Boarding of animals associated with an animal hospital or clinic shall be within a completely enclosed structure.
• Animal hospitals and clinics		
• Newspaper offices		
• Travel agency		
• Employment office		Pain management clinics as defined in <u>Section 86-570</u> require special exception.  No printing or circulation activities associated with newspaper offices.

**5) Bank, Financial Institutions.****Category Characteristics:** Uses providing primarily for financial services.

Typical Permitted Uses	Accessory Uses	Restrictions
• Banks and financial institutions	Drive-thru facilities	
• Credit unions		
• Savings and loans		
• Credit agencies		
• Other lending institutions		

**6) Eating Establishments.****Category Characteristics:** Uses providing primarily for the sale of food for consumption on the premises.

Typical Permitted Uses	Accessory Uses	Restrictions
• Restaurants	Drive-thru facilities.	Drive-in restaurants require special exception.
	Reserved parking for pick-up of takeout items.	

**7) Vocational, Trade, and Business Schools.****Category Characteristics:** Uses providing primarily for private education and training for professional, technical, and business occupations including those providing career employment skills.

Typical Permitted Uses	Accessory Uses	Restrictions
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- Vocational, trade, and business schools

All activities associated with school must be conducted within completely enclosed buildings.

#### 8) Marinas, Docks and Piers.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>• Marinas</li> <li>• Commercial and noncommercial piers and docks</li> </ul>	Boat rental, marine fuel sales, sale of fishing and marine related items including bait and tackle.	Boat storage lots are not permitted.

#### 9) Institutional.

**Category Characteristics:** Uses of a public, private, or quasi-public nature providing primarily educational, religious, and civic facilities and services.

Typical Permitted Uses	Accessory Uses	Restrictions
<ul style="list-style-type: none"> <li>• Houses of worship</li> </ul>		

#### 10) Civic, Service Organizations.

**Category Characteristics:** Uses providing primarily private non-profit club functions.

Typical Permitted Uses	Accessory Uses	Restrictions
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• Clubs such as civic, social, veteran, fraternal and humanitarian, and similar organizations.		
• Private libraries		
<b>11) Commercial Parking Lots, Garages.</b> <b>Category Characteristics:</b> Uses providing primarily for the parking of automobiles on an hourly, daily, or monthly basis, including in an improved surface lot or in a structure designed for such purpose.		
<b>Typical Permitted Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Commercial parking lots		
• Commercial parking garages		
<b>12) Existing Single-Family and Two-Family Dwellings.</b>		
	<b>Accessory Uses</b>	<b>Restrictions</b>
		New single-family and two-family dwellings are not permitted in this zoning district.

(d) *Commercial, general—Special exceptions.*

**Category of Use**

1) **Automotive Service Stations** as defined in Section 86-570.

2) **Multi-Family Dwellings** as defined in Section 86-570.

3) **Motorbus Terminals**.

4) **Essential Services** as defined in Section 86-570.

**Typical Special Exception Uses**

**Accessory Uses**

**Restrictions**

- Electrical substations, lift stations and similar installations.

Does not include electric or gas generation plants.

5) **Outdoor Display and Sale of Retail Merchandise**

**Typical Special Exception Uses**

**Accessory Uses**

**Restrictions**

- Sale and display in other than completely enclosed buildings of any merchandise otherwise allowed as a permitted use in this district.

6) **Temporary Lodging**.

**Category Characteristics:** Uses offered or available for temporary lodging for a term less than one month.

**Typical Special Exception Uses**

**Accessory Uses**

**Restrictions**

• Hotels and motels		
• Interval occupancy accommodations		
<b>7) Outdoor Recreation</b> <b>Category Characteristics:</b> Uses providing primarily for private, outdoor commercial recreation.		
<b>Typical Special Exception Uses</b>	<b>Accessory Uses</b>	<b>Restrictions</b>
• Miniature golf courses		
<b>8) Pain Management Clinic as defined in <u>Section 86-570</u>.</b>		
9) Package stores for sale of alcoholic beverages, and bars or taverns for on-premises consumption of alcoholic beverages.		
<b>10) Plant nurseries.</b>		
<b>11) Boat liveryes.</b>		
<b>12) Drive-in restaurants.</b>		
<b>13) Brewpubs.</b>		
	<b>Accessory Uses</b>	<b>Restrictions</b>
	Food service	Brewed beer may only be sold for on-site consumption.



(e) *Commercial, general—Conditional uses.*

Category of Use
1) Structures in excess of 35 feet, but no more than 85 feet in height.

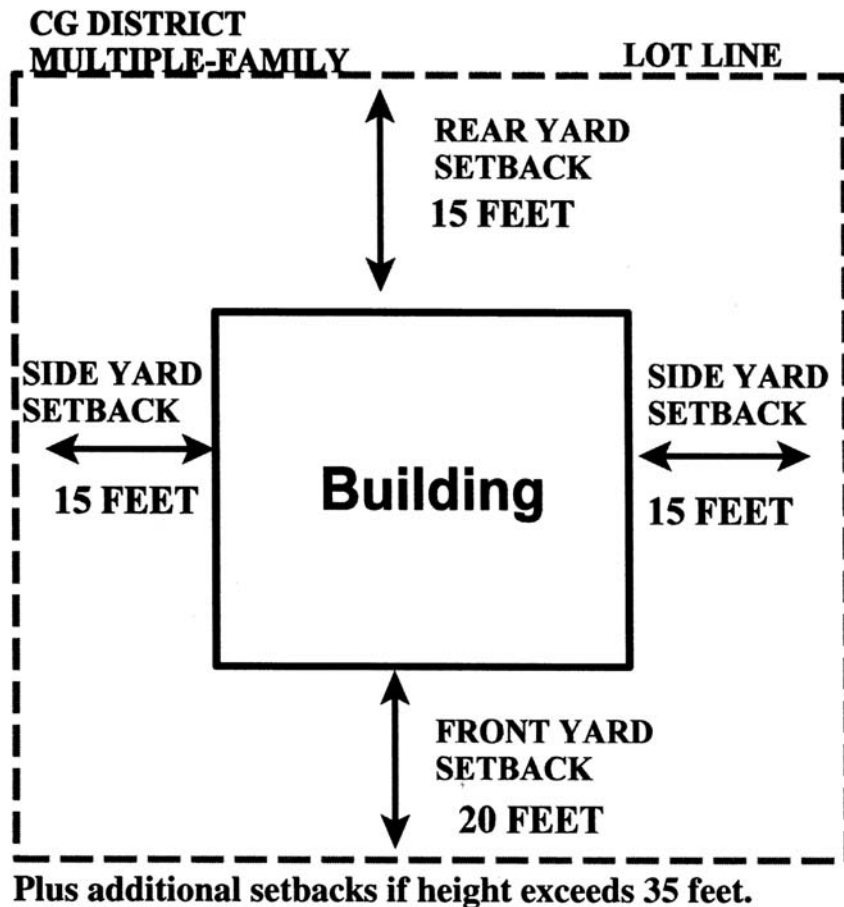
(f) *Commercial, general—Prohibited uses.*

Category of Use
1) Adult Entertainment Establishments as defined in <u>Section 86-570</u> .
2) New single- or two-family dwellings.
3) Manufacturing activities except as specifically permitted or permissible.
4) Warehousing or storage, except as accessory to and within the same structure as a permitted or permissible use.
5) Pawn shops.
6) Any use which is potentially dangerous, noxious or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or radiation, or likely for other reason to be incompatible with the character of the district.

(g) *Maximum residential density.* Maximum number of dwelling units per acre in the CG district is 18.

(h) *Minimum lot requirements (area and width).* Minimum lot requirements in the CG district are:

- (1) Multiple-family dwellings: Width, 100 feet; area, 2,420 square feet per dwelling unit.
- (2) Other permitted or permissible uses and structures: None, except as needed to meet other requirements set out in this section.
- (i) *Maximum lot coverage by all buildings.* Maximum lot coverage in the CG district is:
  - (1) Multiple-family dwellings and their accessory buildings: 30 percent.
  - (2) Other permitted or permissible buildings: Unrestricted, except as needed to meet other requirements set out in this section.



CG Setbacks

- (j) *Minimum yard requirements.* Minimum yard requirements in the CG district are:
  - (1) *Commercial, service, office, hotel, motel or similar activities:*
    - a. Front yard: 20 feet; provided that, where a CG zoned lot is located in a block a portion of which is zoned residential, requirements of the residential district apply to the CG zoned lot.
    - b. Side yard:

1. Fire-resistive construction: Buildings may be:
  - i. Set to the side property line; or
  - ii. Set not less than eight feet back from the side property line.
2. Non-fire-resistive construction: Buildings must be set back not less than eight feet from the side property line.
- c. Rear yard: Ten feet.

Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height, and a front yard of 25 feet or one-half of the building height, whichever is greater.

(2) Automotive service stations and automotive convenience centers:

- a. Front yard:
  1. Structures: 20 feet.
  2. Gas pumps: 15 feet.
- b. Side yard:
  1. Structures: Eight feet.
  2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.
- c. Rear yard:
  1. Structures: Ten feet.
  2. Gas pumps: 25 feet from residentially zoned property, 15 feet from all other properties.

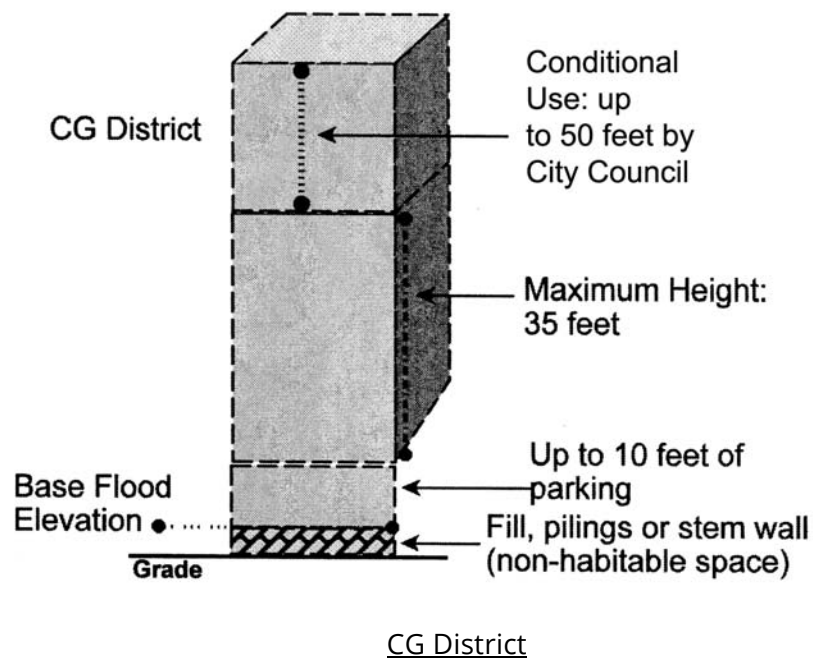
(3) Special provisions:

- a. Where a CG zoned lot abuts property zoned residential, with or without an intervening alley, then, at the time of development of the CG zoned lot, a landscaped buffer is required for rear yards and for side yards as the case may be. Such rear or side yards shall not be less than 20 feet in width or depth. No yards are required adjacent to the mean high-water line or adjacent to railroad rights-of-way.
- b. Reserved.

(4) Multiple-family dwellings:

- a. Front yard: 20 feet.

- b. Side yard: 15 feet.
  - c. Rear yard: 15 feet.
  - d. Waterfront yards: 20 feet.
- (5) Other permitted or permissible uses:
  - a. Front yard: 20 feet.
  - b. Side yard: Ten feet.
  - c. Rear yard: 15 feet.
  - d. Waterfront yards: 20 feet.
- (6) Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height and a front yard of 25 feet or one-half of the building height, whichever is greater.
- (k) *Maximum height of structures.* No portion of a structure shall exceed 35 feet in the CG district, except as permissible by conditional use. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.



(Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 5, 6-14-05; Ord. No. 2013-03, § 4, 2-12-13; Ord. No. 2014-05, § 4, 2-11-14; Ord. No. 2016-10, § 2, 8-23-16)