

DIVISION 5. - COMMERCIAL ZONE DISTRICTS

Sec. VI-501. - Intent and purpose.

- (a) Intent and purpose. The intent and purpose of the commercial (C) districts is to preserve land for retail, office and service developments and provide employment and purchasing opportunities. The differences in the zones reflect the diversity of commercial areas in the city. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are a neighborhood scale and character, while other zones allow commercial areas that have a community or regional market. The regulations promote uses and development that will enhance the economic viability of the specific commercial district and the city as a whole.

In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters that support the intent of the specific zone. In addition, the regulations provide clarity to property owners, developers and neighbors about the limits of what is allowed.

- (b) List of the commercial zone districts. The full names, short names and map symbols of the commercial districts are listed below. When this Code refers to the commercial zones it is referring to the zone districts listed here.

Full Name	Short Name/Map Symbol
Commercial Neighborhood District	CND
Commercial Storefront District	CSD
Commercial Residential District	CRD
Commercial General District	CGD
Commercial Shopping Center	CSC
Commercial Business Newtown (Newtown CRA only)	CBN
North Trail (North Trail only)	NT
Commercial Tourist (St. Armands only)	CT
The following zone districts are not implementing districts and may not be used in future petitions for rezoning. See section VI-101.	

Commercial Neighborhood	CN
Commercial Park	CP
Commercial Shopping Center Neighborhood	CSCN
Commercial Shopping Center Community	CSCC
Commercial Shopping Center Regional	CSCR
Commercial General	CG

(c) Characteristics of the zones.

- (1) CND. The Commercial Neighborhood district (CND) is intended for small commercial sites and areas in or near residential neighborhoods. Development is intended to be pedestrian-oriented with buildings close to and oriented towards the sidewalk especially at street corners. The emphasis of the zone is on uses that provide services for the nearby residential areas, and other uses that are small scale and have little off-site impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas.



CND

- (2) CSD. The Commercial Storefront district (CSD) is intended for areas that have or desire a storefront character. The desired character includes buildings close to and oriented towards the sidewalk especially at street corners. Development is intended to be pedestrian-oriented. The zone may also be appropriate at signalized intersections on busy streets to create a more pedestrian oriented environment or sleeve to cross these major streets. The zone allows a full range of retail, service and business uses with a local, community or regional market area.



CSD

- (3) CRD. The Commercial Residential district (CRD) promotes mixed-use development that combines commercial and housing uses in a single or multiple buildings. This zone allows increased development opportunities on busier streets without fostering a strip commercial appearance. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalks, especially at street corners. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the city. Development will consist primarily of businesses on the ground floor with housing on upper stories. The zone should be limited in its application to locations that will not be negatively impacted by the height bonus, for example, signalized intersections on busy streets to create a more pedestrian oriented environment or sleeve to cross these major streets. The emphasis of the nonresidential uses is primarily on local or community oriented retail, service and office uses.



CRD

- (4) CGD. The Commercial General district (CGD) is intended to allow auto-accommodating commercial development. The zone allows a full range of retail and service businesses with a local, community or regional market. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential

areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians and the businesses themselves.



CGD

- (5) CSC. The Commercial Shopping Center (CSC) is intended to provide for the development of planned commercial developments on larger sites. The zone allows for a full range of retail and service businesses with a local, community or regional market. Development is expected to be auto-accommodating. The zone's development standards promote attractive development, an open and pleasant street appearance that does not have the appearance of strip commercial development. Development is intended to be aesthetically pleasing for motorists, while remaining pedestrian friendly.



CSC

- (6) CBN. The intent and purpose of the CBN district is to provide for a mixture of residential and nonresidential uses and foster an urban community that is diverse, compact and walkable. In an ideal setting, buildings would form a continuous edge, generally up against the outer edge of the right-of-way, with large expanses of glass for pedestrians to see what is happening inside, and a constant sense of give-and-take between inside and outside. The width of the buildings along the street would be relatively narrow, with a range and variety of stores and shops. Restaurants and other uses might spill out onto the sidewalk creating open-air cafes, galleries and other attractions. Landscaping is prevalent, but does not dominate the setting, and does not prevent the pedestrian from getting close to the buildings, storefronts and display windows.



- (7) NT. The intent and purpose of the NT district is to permit a mix of neighborhood scale commercial; cultural and educational facilities; tourist accommodations and attractions; multifamily residential and mixed uses and to facilitate their proper development and use. The commercial and service activities within this zone are primarily oriented toward serving the needs of local residents, tourists and students. Development and redevelopment shall be compatible with, and preserve and enhance, the character of the adjoining neighborhoods. It is further intended that this district is to promote development and redevelopment in a manner that creates a safe and attractive environment for specified uses as well as cultivate an attractive gateway to the city.



- (8) CT. The intent and purpose of the CT district is to serve the nonresidential needs of tourists by providing a variety of goods and services for tourists. The application of this district is restricted to St. Armand's Key.



The following zone districts are not implementing districts and may not be used in future petitions for rezoning. See section VI-101.

- (9) CN. The intent and purpose of the CN district is to permit small-scale neighborhood oriented commercial facilities and to facilitate their proper development and use through substantial buffering and design techniques to lessen and/or prevent impacts on adjacent or nearby residential uses. Businesses in this district are within convenient traveling distance from one or several neighborhoods. The primary uses provided for include food, drugs, hardware and similar items and the provision of personal services. This is not an implementing district and there shall be no further rezonings to the CN zone district. The standards contained in this district shall only be applied to those zoning lots which are currently zoned CN.
- (10) CP. The intent and purpose of the CP district is to permit medium scale commercial facilities and to facilitate their proper development and use. Businesses in this district serve a community-wide market area and offer a wide range of goods and services. It is further intended that substantial buffering and other design techniques shall be used to lessen and/or prevent impacts on adjacent or nearby residential uses. This Commercial Park district is limited in application to zoning lots with frontage on major arterials or and interstate connectors. This is not an implementing district and there shall be no further rezonings to the CP zone district. The standards contained in this district shall only be applied only to those zoning lots which are currently zoned CP.
- (11) CSC-N. The intent and purpose of the CSC-N districts is to provide for the development of planned commercial facilities on large tracts of land. It is further intended that the uses be used to provide a variety of goods and services in a unified development scheme and not single purpose activities. Since a shopping center may well be located in proximity to residential areas, great care must be used to fit a center into its surroundings. This is not an implementing district

and there shall be no further rezonings to the CSC-N zone district. The standards contained in this district shall only be applied only to those zoning lots which are currently zoned CSC-N.

- (12) CSC-C. The intent and purpose of the CSC-C districts is to permit the development of planned commercial facilities on large tracts of land. The nature of the primary uses in the CSC-C district are intended to provide a variety of goods and services in a unified development scheme and not single purpose activities. Since the shopping center may well be located in proximity to residential areas, great care must be used to fit it into its surroundings. This is not an implementing district and there shall be no further rezonings to the CSC-C zone district. The standards contained in this district shall only be applied only to those zoning lots which are currently zoned CSC-C.
- (13) CSC-R. The intent and purpose of the CSC-R districts is to permit the development of planned commercial facilities on large tracts of land. The nature of the primary uses in the CSC-R district are intended to provide a variety of goods and services in a unified development scheme and not single purpose activities. Since the shopping center may well be located in proximity to residential areas, great care must be used to fit it into its surroundings. This is not an implementing district and there shall be no further rezonings to the CSC-R zone district. The standards contained in this district shall only be applied only to those zoning lots which are currently zoned CSC-R.
- (14) CG. The intent and purpose of the CG district is to permit medium scale commercial facilities and to facilitate their proper development and use. Businesses in this district serve a community-wide market area and offer a wide range of goods and services. It is further intended that substantial buffering and other design techniques shall be used to lessen and/or prevent impacts on adjacent or nearby residential uses. This is not an implementing district and there shall be no further rezonings to the CG zone district. The standards contained in this district shall only be applied only to those zoning lots which are currently zoned CG.

(Ord. No. 02-4357, 4-29-02; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 09-4890, § 2(att. 1), 10-19-09)

Sec. VI-502. - Primary uses.

- (a) Definitions. Certain specific uses are defined in article II, division 2. The use categories are described in article II, division 3.
- (b) Permitted uses. Uses permitted in the commercial zones are listed in tables VI-501 and VI-501-A with a "P." These uses are allowed if they comply with the development standards and other regulations of this Code.
- (c) Conditional uses. Uses allowed in the commercial zones, if approved through the conditional use review process, are listed in tables VI-501 and VI-501-A with either a "C" if the use is a major conditional use, or an "MC" if the use is a minor conditional use. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and any other regulations of this Code.
- (d) Provisional uses. Uses allowed, if approved through the provisional use review process, are listed in tables VI-501 and VI-501-A with an "L". Provisional uses are similar to those regulated by a conditional use permit that, by their nature, may, but do not necessarily have significant adverse effects on the environment, overburden public land and services, change the desired character of an area, create major nuisances, or most importantly present the possibility of a change in circumstances during their life.
- (e) Use limitations. Uses allowed that are subject to limitations are identified with bracketed numbers in tables VI-501 and VI-501-A. The limitations that correspond to the bracketed numbers are stated at the end of tables VI-501 and VI-501-A. These uses are allowed if they comply with the use limitations, development standards and other regulations of this Code.

- (f) Accessory uses. Common accessory uses are listed as examples with each use category. Accessory uses are allowed by right, in conjunction with the primary use, unless stated otherwise in these regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. See article VII, division 9 for specific accessory use standards.
- (g) Prohibited uses. Uses listed in tables VI-501 and VI-501-A without any symbol (i.e., blank space) are prohibited as primary uses, however, some may be permissible as accessory uses as prescribed in article VII, division 9 of this Code. Existing uses in categories listed as prohibited may be subject to the regulations of article V, vested rights and nonconformities.

Table VI-501. Primary Uses Allowed in the Commercial Zones

Use Categories	CND (2,3,4)	CSD (2,3)	CRD (2,3)	CGD	CSC
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P = Permitted Use					
RESIDENTIAL USE CATEGORIES					
Household Living	P(1)	P(1)	P(1)		
Group Living			P (1)		
COMMERCIAL CATEGORIES					
Commercial Recreation				C	C
Commercial Parking	L	L	L	L	
Quick Vehicle Servicing				C	
Major Event Entertainment				C	
Office	P	P	P	P	P
Retail Sales and Service	Only retail sales and service as noted below				
Sales-oriented	P	P	P	P	P
	Exceptions to sales-oriented noted below				
Alcoholic Beverage Store	C	C	C	C	P

Convenience Store	C	C	C	C	C
Motor vehicle/boat sales agency				C	
Motor vehicle/boat showroom				P	P
Personal service-oriented	P	P	P	P	P
Entertainment-oriented	P	P	P	P	P
	Exceptions to entertainment-oriented noted below				
Bars, Tavern, Nightclubs	C	C	C	C	C
Hotel/Motel and Other Temporary Lodging		P	P	P	
Repair-oriented	P	P	P	P	P
Adult Use Establishments (see article IV, division 4)					C
Self-Storage					
Vehicle Repair				C	
INDUSTRIAL USE CATEGORIES					
Artist, sculptor, potter, weaver, etc. studios	L	L	L	L	L
INSTITUTIONAL USE CATEGORIES					
Basic Utilities	P	P	P	P	P
Colleges		C	C	C	C
Community Services		C	C	C	C
	Exceptions to community services noted below				

Short Term Housing and Mass Shelters				C	
Libraries/Museums	P	P	P	P	P
Day Care	P	P	P	P	P
Medical Centers					
Parks and Open Space	P	P	P	P	P
Private Clubs	MC	MC	MC	MC	MC
Religious Institutions	P	P	P	P	P
Schools	P	P	P	P	P
OTHER USE CATEGORIES					
Aviation and Surface Passenger Terminals	C	C	C	C	C
Detention Facilities					
Radio and Frequency Transmission Facilities					
Commercial Wireless Telecommunication Towers	C	C	C	C	C
Rail Lines and Utility Corridors					

Notes for table 501:

(1) Residential use limitation.

- a. Housing types are limited to those defined in table 502.
- b. Residential uses on a CND or CSD zoning lot must be located above first floor of any building.
- c. Residential uses on the ground floor on a CRD zoning lot must be less than 50 percent of the total ground floor area of the project, which may consist of one or more buildings. In addition, non-residential portions of mixed-use projects must be completed and receive an occupancy permit in advance or at the same time as an occupancy permit for any residential portion of the project.

- (2) Parking area location limitation. Parking areas shall not be located any closer to a public street right-of-way than the distance by which the principal building is set back from the street right-of-way. This provision shall not be construed to preclude parking lot access driveways. Parking areas shall not be located on street corners unless one of the following conditions exist.
 - a. If a zoning lot fronts on three streets, then parking may be located on only one corner.
 - b. If a zoning lot fronts on four streets, then parking may be located on only two corners.
- (3) Drive-through facility limitation. Drive-up windows and drive-through uses are prohibited.
- (4) Small business limitation. Each individual business is limited to 10,000 square feet of total floor area exclusive of parking area. Uses are limited in size in order to limit their potential impacts on residential uses and to promote a relatively local market area.

Table VI-501-A. Primary Uses Allowed in the Commercial Zones

Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P = Permitted Use									
RESIDENTIAL USE CATEGORIES									
Household Living	Only household living use types below								
Single		P							
Two		P							
Townhouse		P	P						
Multiple		P	P						
Mixed use development		P	P	P(4)					
Group Living	Only group living use types below								
Assisted living facility		P	P						
Community residential home		P	P						
Dormitory, educational	P	P	P						P

Group home facility		P	P						
Nursing home		P	P						
COMMERCIAL CATEGORIES									
Commercial Recreation	Only commercial recreation use types below								
Recreational facilities (indoor)	C		C		C	C	C	MC	MC
Recreational facilities (outdoor)									
Commercial Parking	P	P	P		P	P	P	P	P
Quick Vehicle Servicing	Only quick vehicle service use types below								
Automatic fueling station									
Car wash (non self-service)	C		C				MC	MC	MC
Car wash (self-service)	MC	MC	MC			MC	MC	MC	MC
Motor vehicle fuel station	MC	MC	MC			MC	P	P	P
Motor vehicle service station			MC				P	P	P
Major Event Entertainment	Only major event entertainment use types below								
Auditorium, convention center	P	P	P			P	P	P	P
Pari-mutual facility									
Office	Only office use types below								
Alarm system, security operation office	P	P	P		P	P	P	P	P
Contractor, tradesman's shop/office									
Data and computer services		P			P		P	P	P

Employment Office	P	P	P		P	P	P	P	P
Financial Institutions	P	P	P	MC(4)	P	P	P	P	P
Medical/dental laboratory		P			P				
Newspaper office w/o printing	P	P	P		P	P	P	P	P
Office, business or professional	P	P	P	P(4)	P	P	P	P	P
Office or clinic, medical or dental	P	P	P	P(4)	P	P	P	P	P
Optical and eye care facility	P	P	P				P	P	
Travel agency	P	P	P	P(4)	P	P	P	P	P
Radio and television station w/o transmission towers or dishes	P	P	P		P	P	P	P	P
Retail Sales and Service	Only retail sales and service use types below								
Adult bookstore/video store (2)							P	P	P
Adult theater (2)							C	C	C
Alcoholic beverage store	C	C	C	C		C	C	C	C
Antique store	P	P	P	P	P	P	P	P	P
Apparel/clothing store	P	P	P	P	P	P	P	P	P
Appliance and household equipment sales, lease or service	P	P	P		P	P	P	P	P
Art or framing gallery	P	P	P	P	P	P	P	P	P
Art or craft supplies, retail	P	P	P	P	P	P	P	P	P
Automobile rental agencies	P(1)	P(1)	P(1)			P(1)	P(1)	P(1)	P(1)

Bakery, retail	P	P	P	P	P	P	P	P	P
Bar or tavern			C	C				C	C
Barber, beauty shop, tanning salon	P	P	P	P	P	P	P	P	P
Bed and Breakfast	P	P	P		P				P
Boat sales, rental or lease			MC						
Book, stationery store	P	P	P	P	P	P	P	P	P
Carpet or floor retail sales		P	P		P		P	P	P
Convenience store	C	C	C			C	C		C
Copying, duplicating shop	P	P	P			P	P	P	P
Crematory	P	P	P						P
Dance and music studio	P	P	P	P(4)	P			P	P
Delicatessen	P	P	P		P	P	P	P	P
Department store					P		P	P	
Drug store or pharmacy	P	P	P	P	P	P	P	P	P
Dry cleaners or laundromat, retail	P	P	P	P	P	P	P	P	P
Florist, plant or gift shop	P	P	P	P	P	P	P	P	P
Food or grocery store	P	P	P	P	P	P	P	P	P
Fortune tellers, astrologists, psychics, palmists, etc.									
Funeral homes	P	P	P						P

Furniture sales	P	P	P	P	P	P	P	P	P
Garden center or plant nursery (w/o outside bulk material storage)	P	P							P
Hardware store	P	P	P			P	P	P	P
Health club or spa, exercise, exercise instruction or dance facility	P	P	P	P(4)	P	P	P	P	P
Home electronic sales, lease or service	P	P	P		P	P	P	P	P
Home improvement center								P	
Hotel/motel		P	P		P				P
Interior design and decorating shop	P	P	P		P	P	P	P	P
Jewelry store	P	P	P	P	P	P	P	P	P
Lawn mower sales and service		P							
Locksmith	P	P	P		P	P	P	P	P
Motor vehicle parts, retail		P	P				P	P	P
Motor vehicle sales agency									C
Motor vehicle sales lot (used)									
Motor vehicle showroom		P(1)	P						P
Music store	P	P	P		P	P	P	P	P
Newspaper, magazine or tobacco store	P	P	P	P	P	P	P	P	P
Nightclub			C	C				C	C
Office equipment sales, lease and service		P	P		P		P	P	P

Pawn shop									
Pet grooming services (3)	P	P	P			P	P	P	P
Pet store (w/o kennels)	P	P	P		P	P	P	P	P
Photographic studios	P	P	P	P	P	P	P	P	P
Photographic stores, retail	P	P	P	P	P	P	P	P	P
Physical culture establishment (2)									C
Restaurant	P	P	P	P	P	P	P	P	P
Restaurant, fast food	P	P	P	P	P	P	P	P	P
School, vocational, trade or business		P	P						P
Shoe repair	P	P	P		P	P	P	P	P
Shoe store, sales (retail)	P	P	P	P	P	P	P	P	P
Sporting goods, retail (not boats)	P	P	P	P	P	P	P	P	P
Tailor or dressmaker	P	P	P		P	P	P	P	P
Theater, commercial		P	P				P	P	P
Theater, non-profit community	P	P	P		P	P	P	P	P
Thrift shop	P	P	P			P	P	P	P
Variety retail	P	P	P	P	P	P	P	P	P
Variety, sundry or candy store	P	P	P	P	P	P	P	P	P
Veterinary clinic	P	P	P		P	P	P	P	P
Video, movie store (non-adult)	P	P	P	P	P	P	P	P	P

Self-Storage										
Vehicle Repair										
INDUSTRIAL USE CATEGORIES										
Industrial Service	Only industrial service use types below									
Printing shop	P	P	P			P	P	P	P	P
Taxi or limousine dispatching service		P(1)	P							P
Taxi or limousine operations facility										P
Tool and equipment rental		P								P
Manufacturing and Production	Only manufacturing and production use types below									
Artist, sculptor, potter, weaver, etc. studios		P	P							
Warehouse and Freight Movement										
Waste-Related										
Wholesale Sales	Only wholesale sale use types below									
Wholesale facility (w/o manufacturing onsite)										
INSTITUTIONAL USE CATEGORIES										
Basic Utilities	P	P	P	P	P	P	P	P	P	P
Colleges	P	P	P							P
Community Services	Only community service use types below									
Library	P	P	P			P	P	P	P	P

All other community services	C(5)								
Day Care	Only day care use types below								
Adult day care	P	P		P	P	P	P	P	P
Child care	P	P	P		P	P	P	P	P
Family day care		P	P						
Medical Centers									
Parks and Open Space	Only park use types below								
Cemeteries, columbaria and mausoleums	P	P	P			P	P	P	P
Park	P	P	P	P	P	P	P	P	P
Private Clubs	P	P	P		P	P	P	P	P
Yacht club									
Religious Institutions	P	P	P		P	P	P	P	P
Schools	P	P			P	P	P	P	
OTHER USE CATEGORIES									
Aviation and Surface Passenger Terminals	Only Aviation and Surface Passenger Terminal use types below								
Bus and transportation terminals	C(1)								P
Detention Facilities									
Radio and Frequency Transmission Facilities	Only Radio and Frequency Transmission Facility use types below								

Commercial wireless telecommunication towers	C	C	C	C	C	C	C	C	C
Rail Lines and Utility Corridors									

Notes for table VI-501A:

- (1) Storage limitation. No on-site permanent vehicle storage allowed.
- (2) Adult use limitation. See specific restrictions in article IV, division 4 of this Code.
- (3) Pet grooming limitation. No boarding, kennel or veterinary services are permitted.
- (4) Location limitation. Use must be located above first floor of the building.
- (5) Community service limitation in CBN. The following community service uses are prohibited: short-term housing, mass shelters, labor pool, halfway houses, food pantries, and soup kitchens.

(Ord. No. 02-4357, 4-29-02; Ord. No. 03-4429, § 7, 1-21-03; Ord. No. 06-4663, § 2, 3-20-06; Ord. No. 06-4682, § 2, 7-26-06; Ord. No. 07-4720 § 2, 5-21-07; Ord. No. 07-4770, § 2, 12-17-07; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 11-4962, § 2(att. 1), 6-6-11; Ord. No. 13-5055, § 2(Att. 1), 5-6-13)

Sec. VI-503. - Development standards.

- (a) Residential structure types allowed. A very narrow range of residential structure types is allowed in the commercial zones. This range allows for options to increase housing variety and housing opportunities, while maintaining the primary nature and focus of the zones. The residential structure types allowed in the commercial zones are stated in tables VI-502 and VI-502-A. The residential structure types are defined in article II, division 2.

Table VI-502. Residential Structure Types Allowed in the Commercial Zones

Structure Type	CND	CSD	CRD	CGD	CSC
P = Permitted C = Major conditional use MC = Minor conditional use blank = Prohibited use					
Accessory dwelling unit	P	P	P	P	P
Attached duplex					
Attached single family			P		
Cluster housing					

Detached single family					
Duplex/two family					
Group living structure			P		
Manufactured home					
Manufactured home park					
Mobile home					
Multi-dwelling development					
Multi-dwelling structure			P		
Triplexes/three family					
Live/work unit	P	P	P		
Mixed use development	P	P	P		

Table VI-502-A Residential Structure Types Allowed in the Commercial Zones

Structure Type	CN	CBN	NT	CT	CP	CSCN	CSCC	CSCR	CG
	See table VI-501-A for allowed residential structure types								

(b) Density.

(1) Purpose. Density standards serve several purposes. For example, they serve to establish housing density with the availability of public services and the carrying capacity of the land. In addition, density standards promote development opportunities for housing and promote urban densities in less developed areas. Density regulations are also one tool to judge equivalent compatibility of projects.

(2) The maximum density allowed is stated in table VI-503 and 503A.

(c) Floor area ratio.

- (1) Purpose. Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a zoning lot. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with height, setback, and building coverage standards to control the overall bulk of development.
 - (2) FAR standard. The floor area ratios are stated in table VI-503 and 503A. These FARs apply to all nonresidential development including hotel/motel uses and certain community service uses that may also have to comply with a density standard. Additional floor area is allowed for residential (residential use categories) development.
- (d) Reserved.
- (e) Height.
- (1) Purpose. The height limits are intended to control the overall scale of buildings. The height limits in the CND zone discourage buildings that visually dominate adjacent residential areas. The height limits in the CBN, CSD, CRD, CGD and CSC zones allow for a greater building height at a scale that generally reflects the city's higher intensity nonresidential areas. Generally, light, air and the potential for privacy are intended to be preserved in adjacent residential areas.
 - (2) Height standard. The height standards for all structures are stated in tables VI-503 and VI-503-A.
 - (3) Extensions (encroachments) above the maximum height. Extensions above the maximum height of structures are detailed under height limitations in section VI-102(p).
- (f) Setbacks.
- (1) Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CBN, CND, CSD and CRD zones setbacks promote buildings close to the sidewalk to reinforce a pedestrian-oriented and built-up streetscape. The setback requirements of areas that abut residential zones promote nonresidential development that will maintain a visual transition, light, air and the potential for privacy for adjacent residential zones. The minimum and maximum setback standards apply to all buildings and structures on the site except as specified in (3) and (4) below.
 - (2) Required setbacks. The required minimum and maximum building setbacks are stated in tables VI-503 and VI-503-A. Other setbacks may apply to specific types of development or situations. For example, setbacks for parking areas are stated in article VII, divisions 2 and 3.
 - (3) Extensions (encroachments) into required building setbacks. Allowable encroachments into required building setbacks are stated in article VII, division 12.
 - (4) Administrative reduction. The director of neighborhood and development services may approve the reduction or elimination of the maximum setback requirement.
 - a. If a zoning lot fronts on three or more streets, then the maximum front yard setback only applies to two frontages where the logical major pedestrian pattern occurs.
 - b. Up to 25 percent of the length of each street-facing facade of a building is exempt from the maximum setback in order to enhance a building's design by creating a forecourt/courtyard or a chamfered corner.

Applicants seeking this option must submit their request in writing to the director of neighborhood and development services and explain the basis for the request.
- (g) Optional building roof lighting standards.
- (1) Purpose. Building lighting can provide an attractive and cohesive design element for business districts. While not mandatory, if building roof lighting is installed it should be installed in a consistent manner. Consistent and similar lighting can provide a common element which unifies and connects a variety of dissimilar buildings.

- (2) Optional building roof lighting shall be installed based on the following standards:
 - a. Clear lights of no more than 7½ watts;
 - b. Non-flashing;
 - c. Bulbs placed on a strand between 12-inch and 18-inch intervals;
 - d. Limited to outlining the roof and eaves of the building; and
 - e. Installation must meet all applicable provisions of the adopted electrical code (as may be amended).

(h) Ground floor windows.

- (1) Purpose. Blank walls on the ground level of buildings are limited in order to:
 - a. Provide a pleasant, rich and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - b. Encourage continuity of office and service uses;
 - c. Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - d. Avoid a monotonous pedestrian environment.

Table VI-503 identifies the zone districts where this regulation applies.

- (2) Qualifying types of development. This regulation applies to all new development and remodeling projects that exceed 50 percent of the structure's assessed valuation. Assessed valuation shall be determined by reference to the official property tax assessment rolls of the year the structure is to be remodeled.
- (3) Required amounts of window area.
 - a. Exterior walls of a building facing a street on the ground level must meet the general window standard in subsection b. below. However, on corner zoning lots, the general standard must be met on one street frontage only. The general standard must be met on the street that has the lower street classification, unless the logical major pedestrian pattern occurs on the higher classified street in a specific instance. On the other street(s) the requirement is one-half of the general standard.
 - b. General standard. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas of a building include all exterior wall areas up to nine feet above finished grade. The requirement does not apply to the walls of residential structures or parking structures.
 - c. Security grilles, if any, shall be at least 50 percent transparent and shall be located on the inside of the glassed area.
- (4) Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances (e.g., doorways), or display windows set into a wall. Display cases attached to the outside of a wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent public sidewalk elevation.
- (5) Administrative reduction. When exterior walls of a building are more than 20 feet from the front zoning lot line, the director of neighborhood and development services may reduce or eliminate the required amount of window area provided one (1) or more of the following techniques is used on the exterior wall of the building and/or on a streetwall: wall murals (trompe l'oeil); decorative masonry patterns; vertical or horizontal change in wall plane; vertical trellises; landscaped or raised planter beds placed in front of the wall; canopies; or awnings. Except for decorative openings, streetwalls may have openings no larger than necessary to allow vehicle and pedestrian access. Applicants requesting this option must submit their request in writing to the director of neighborhood and development services and explain the basis for the request.

(i) Screening.

- (1) Purpose. These screening standards address specific unsightly features that detract from the appearance of nonresidential buildings.

Table VI-503 identifies the zone district(s) where this regulation applies.

- (2) Qualifying types of development. This regulation applies to all new development and remodeling projects that exceed 50 percent of the structure's assessed valuation. Assessed valuation shall be determined by reference to the official property tax assessment rolls of the year the structures is to be remodeled.
- (3) Garbage collection areas. All exterior garbage cans, dumpsters and garbage collection and compaction areas must be screened from the street and any adjacent properties. These areas shall be located and screened so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public streets. Trash receptacles for pedestrian use are exempt. See section VII-1401 for specific requirements.
- (4) Mechanical equipment. Mechanical equipment, located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from public streets and any adjacent properties. All rooftop mechanical equipment must be screened from the ground level of public streets and any adjacent properties by integrating it into building and roof design.
- (5) Other screening requirements. The screening and buffering requirements for uses, parking areas, exterior storage and exterior display areas are stated with the regulations for those types of items.

(j) Pedestrian standards.

- (1) Purpose. The pedestrian standards encourage a safe, attractive and usable pedestrian circulation system in all nonresidential developments. They ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

Table VI-503 identifies the zone district(s) where this regulation applies.

- (2) Qualifying types of development. This regulation applies to all new development and remodeling projects that exceed 50 percent of the structures assessed valuation. Assessed valuation shall be determined by reference to the official property tax assessment rolls of the year the structures is to be remodeled.
- (3) Standards. An on-site pedestrian circulation system must be provided. The system must meet all standards of this section.

a. Connections.

1. Connection to street. The sidewalk system must connect all abutting streets to the main entrance.
2. Internal connections. The sidewalk system must connect all buildings on the zoning lot, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas and any other amenities.

b. Materials.

1. The circulation system must be hard-surfaced, and be at least five feet wide.
2. Where the system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, different paving materials, or other similar method. Stripping does not meet this requirement.
3. Where the system is parallel and adjacent to a motor vehicle travel lane, the system must be a raised path or be separated from the lane by a raised curb, bollards,

landscaping or other physical barrier. If a raised path is used the ends of the raised portions must be equipped with ADA (Americans with Disabilities Act) accessible curb ramps.

- c. Lighting. The on-site pedestrian circulation system must be lighted to a level where the employees, residents, visitors and customers can safely use the system at night. All lighting fixtures must be shielded and directed to confine light spread within the site boundaries. See the standards in section VII-1402, site lighting.

(k) Exterior display, storage and work activities.

- (1) Purpose. The standards of this section are intended to assure that exterior display, storage and work activities:

- a. Will be consistent with the desired character of the zone;
- b. Will not be a detriment to the overall appearance of a commercial area;
- c. Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- d. Will not have an adverse impact on the environment.

Tables VI-503 and 503-A identify the zone district(s) where this regulation applies.

- (2) Qualifying types of development. This regulation applies to all existing, new, remodeling projects.

- (3) Exterior display and storage. Exterior display of goods is prohibited except for the display and storage of plants, produce, motor vehicles and boats subject to the following limitations:

- a. Such uses must be accessory to an approved primary use.
- b. Display areas for plants and produce are limited to an area equal to 15 percent of the principal uses' gross floor area. There is no limit for approved motor vehicle or boat sales/rental lots and plant nurseries.
- c. Except for approved plant nurseries, all plant and produce merchandise must be stored inside the building after permitted hours of operation. Motor vehicles and boats may remain outdoors.
- d. Hours of operation are limited from 6:00 a.m. to 9:00 p.m.
- e. Display areas are not permitted in required landscape, parking, or pedestrian areas.

- (4) Exterior work activities. Exterior work activities are prohibited except for the following uses that comply with all applicable regulations: restaurants; plant nurseries; entertainment and recreation uses that are commonly performed outside; sales or rental of motor vehicles and boats; fuel sales; car washes; commercial surface parking lots; and outdoor markets.

(l) Residential height bonus.

- (1) Purpose and description. A special height bonus for residential uses is intended to provide incentives for new housing opportunities in the city. The bonus is designed to allow additional building height in a manner that is still consistent with the purposes of the CRD zone.

The bonus is applicable to a range of development sizes. However, it may be more practical, feasible, or workable for large projects. Therefore, all developments will not qualify for this bonus option.

- (2) Qualifying types of development. The height bonus provisions are applicable to all existing or new principal structures in CRD zone.

- (3) CRD height bonus. The maximum height may be increased to 65 feet provided the additional height over 35 feet is used exclusively for residential uses.

- a. Compliance with the standards. Variances to any of the development standards of the base zone or any overlay district are prohibited if the project is to receive any height bonus. It is the responsibility of the applicant to document that all of the bonus requirements are met.
- b. Covenants. The applicant must sign a covenant that ensures that the additional height will continue to be used exclusively for residential for the life of the development. The city attorney must approve the covenant as to form. The covenant must be recorded prior to issuance of the first building permit for the project.

(m) Ground floor retail.

- (1) Purpose. The standard is intended to ensure the desired character of the zone.

Table VI-503 identifies the zone district(s) where this regulation applies.

- (2) Qualifying types of development. This regulation applies to all new development and remodeling projects that exceed 50 percent of the structures assessed valuation. Assessed valuation shall be determined by reference to the official property tax assessment rolls of the year the structures is to be remodeled.
- (3) All buildings on a zoning lot must devote at least 75 percent of the ground floor street frontage to retail sales and service uses identified in table VI-501.

(n) Building recess.

- (1) Purpose. The standard is intended to prevent the effect of canyon-like streets by establishing human scale proportions for new buildings at eye level.

Table VI-503 identifies the zone district(s) where this regulation applies.

- (2) Qualifying types of development. This regulation applies only to new development.

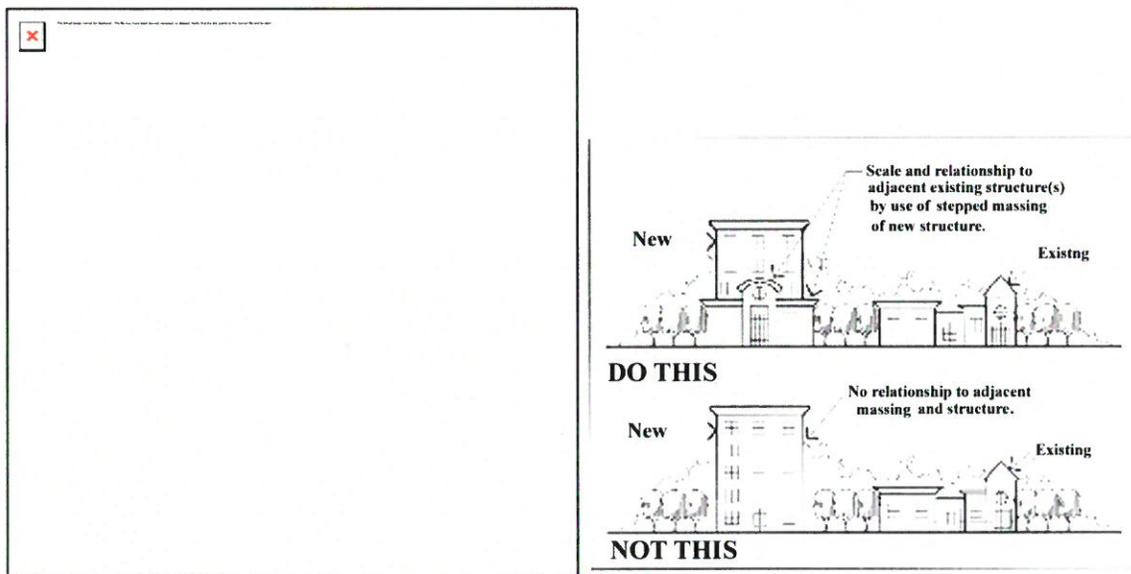


Illustration VI-501

- (3) In the CRD, any portion of a building that exceeds 35 feet in height above finished grade, shall be recessed a minimum of ten additional feet along all street frontages above 35 feet. The design and placement of the recess shall also consider the scale and relationship of adjacent existing structures (see illustration VI-501).

Table VI-503. Development Standards in the Commercial Zones.

Standard	CND	CSD	CRD	CGD	CSC
Maximum Density (dwelling units/acre) See section VI-503(b)	13	13	25	none	none
Hotel/Motel (guest units/acre) See section VI-503(c)	none	25	35	35	none
Maximum FAR See section VI-503(c)	0.5	0.75	0.75	0.75	0.75
Minimum Zoning Lot Size	none	none	none	none	5 acres
Maximum Height See section VI-503(e)	28 ft.	35 ft.	35 ft. (1)	45 ft. (2)	45 ft.(6)
Building Setbacks: See section VI-503(f)					
Min. front	0/5 ft. (3)	0/5 ft. (3)	5/10 ft. (4)	5/10 ft. (4)	50 ft.
Max. front	15 ft.	15 ft.	15/20 ft.(4)	none	none
Min. side	0/15 ft. (5)	0/15 ft. (5)	0/15 ft. (5)	0/15 ft. (5)	50 ft.
Min. rear	0/15 ft. (5)	0/15 ft. (5)	0/15 ft. (5)	0/15 ft. (5)	50 ft.
Maximum Building Coverage	none	none	none	none	none
Optional Building Roof Lighting See section VI-503(g)	No	No	No	No	No
Ground Floor Windows Apply See section VI-503(h)	Yes	Yes	Yes	Yes	Yes

Screening Requirements Apply See section VI-503(i)	Yes	Yes	Yes	Yes	Yes
Pedestrian Standards Apply See section VI-503(j)	Yes	Yes	Yes	Yes	Yes
Exterior Display, Storage and Work Activity Requirements Apply See section VI-503(k)	Yes	Yes	Yes	Yes	Yes
Residential Height Bonuses Apply See section VI-503(l)	No	No	Yes	No	No
Ground Floor Retail Requirements Apply See section VI-503(m)	No	Yes	No	No	No
Building Recess Requirements Apply See section VI-503(n)	No	No	Yes	No	No
Other Regulations	The regulations in this division state the allowed uses and development standards for the base zones. Sites with overlay zones are subject to additional regulations. The official zoning maps indicate which sites are subject to these additional regulations. General standards that may be applicable are found in division 1 of this article. Specific uses or development types may also be subject to article VII, regulations of general applicability.				

Table VI-503 Notes:

- (1) The maximum height may be increased if allowed by the residential height bonus regulations of subsection VI-503(l).

- (2) There is no height limit for aviation control towers and major event entertainment uses. However, these uses are subject to major conditional use approval.
- (3) The larger setback requirement applies to the ground floor of buildings fronting on arterial and higher classified streets. The setback for upper stories may be the smaller setback requirement.
- (4) The larger setback requirement applies to structures fronting on arterial and higher classified streets.
- (5) The larger setback is required for zoning lots abutting residentially zoned property.
- (6) The maximum height may be increased to 50 feet for structures or portions of structures which are set back 100 feet or greater from residentially zoned property. In addition, storefront entrance/entry architectural features for such structures or portions of structures which are set back 100 feet or greater from residentially zoned property may be allowed up to a maximum height of 65 feet.

Table VI-503-A. Development Standards in the Commercial Zones

Standard	CN	CBN	NT	CT	CP	CSCN	CSCC	CSCR	CG
Maximum Density See section VI-503(b) (dwelling units/acre)	See Below	See Below	See Below	See Below	none	none	none	none	See Below
Single and two family		13							
Multiple family		25	35						
Assisted living		25	35						
Community residential home		25	35						
Dormitories, educational	13	none	none						25
Group home facility		25	35						
Nursing home		none	35						

Mixed use development		25	35	13 (6)					
Hotel/Motel (guest units/acre) See Section VI-503(c)	none	50	50	none	50	none	none	none	35
Maximum FAR See section VI-503(c)	none	2.0	none	none	none	none	none	none	none
Minimum Zoning Lot Size: Min lot area Min lot width	none none	none none	none none	none none	1 acre 150 ft.	4 acres 200 ft.	10 acres 300 ft.	25 acres 600 ft.	none none
Maximum Height See section VI-503(e)	35 ft.	35 ft.(12)	25 ft. (3)	35 ft.	35 ft.	35 ft.	35 ft.	50 ft.	45 ft.
Building Setbacks: See section VI-503(f) Min. front Max. front Min. side Min. rear	20 ft. none 0 ft. (1) 15 ft.	none 15 0 ft. (2) 0 ft. (2)	10 ft. (4) none 0 ft. (5) 15 ft.	5 ft. (7) none 0 ft. 0 ft.	20 ft. none 10 ft. 10 ft.	50 ft. (9) none 50 ft. (9) 50 ft. (9)	50 ft. (9) none 50 ft. (9) 50 ft. (9)	50 ft. (9) none 50 ft. (9) 50 ft. (9)	10 ft. none 0 ft. (1) 15 ft.
Maximum Building Coverage	none	none	none	none	30% (8)	30 %	30 %	30 %	none
Optional Building Roof Lighting	No	No	No	Yes	No	No	No	No	No

See section VI-503(g)									
Ground Floor Windows Apply See section VI-503(h)	No	Yes	No	Yes	No	No	No	No	No
Screening Requirements Apply See section VI-503(i)	No	Yes	No	Yes	No	No	No	No	No
Pedestrian Standards Apply See section VI-503(j)	No	Yes	No	No	No	No	No	No	No
Exterior Display, Storage, and Work Activity Requirements Apply See section VI-503(k)	Yes	Yes	Yes	Yes(10)	Yes	Yes	Yes	Yes	Yes
Special Standards Apply See section VI-504	No	No	Yes	Yes	Yes	No	No	No	No
Other Regulations	<p>The regulations in this division state the allowed uses and development standards for the base zones. Sites with overlay zones are subject to additional regulations. The official zoning maps indicate which sites are subject to these additional regulations. General standards that may be applicable are found in division 1 of this article. Specific uses or development types may also be subject to article VII, regulations of general applicability.</p>								

Table VI-503A notes:

CN, CG DISTRICTS

- (1) Minimum side yard setback is eight feet where property abuts residentially zoned property.

CBN DISTRICT

- (2) Minimum setback is 15 feet where property abuts residential.
- (12) Maximum building height may be increased to 45 feet for contiguous parcels that abut the intersection of Dr. Martin Luther King Jr. Way and Osprey Avenue.

NT DISTRICT

- (3) Maximum height for hotels/motels, theaters and third floor residential is 35 feet.
- (4) Unenclosed balconies may extend two feet on the second and third floor; unenclosed porches on the ground floor and marquees and awnings above the ground floor may extend five feet into the front yard setback.
- (5) Minimum side setback adjacent to residential use and fronting on N. Tamiami, eight feet; adjacent to residential use and fronting side streets intersecting with N. Tamiami 15 feet.

CT DISTRICT

- (6) Residential must be located above the first floor of the building.
- (7) Minimum setback is zero feet above the first story. New buildings with upper stories that project over the first story, must have the projection cantilevered without ground supports.
- (10) The display of merchandise on doors open to the outside is prohibited.

CP DISTRICT

- (8) If interior structured parking is utilized, for at least 50 percent of the minimum required parking for a project, the maximum site coverage for the floors uses exclusively for parking shall be 50 percent.

CSC-N, CSC-C, CSC-R DISTRICTS

- (9) Minimum setback is 100 feet where property abuts residentially zoned property.

(Ord. No. 02-4357, 4-29-02; Ord. No. 03-4429, § 7, 1-21-03; Ord. No. 03-4472, § 2, 6-16-03; Ord. No. 04-4513, § 3, 1-20-04; Ord. No. 04-4547, §§ 7—9, 6-7-04; Ord. No. 06-4663, § 2, 3-20-06; Ord. No. 07-4770, § 2, 12-17-07; Ord. No. 08-4799, § 2, 4-28-08; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 10-4912, § 2(att. 1), 6-7-10; Ord. No. 10-4927, § 2(att. 1), 2-22-11)

Sec. VI-504. - Special NT, CP and CT development standards.

(a) North Trail (NT) district.

- (1) Site plan review is required in accordance with article IV, division 5.
- (2) Exterior lighting shall be provided for nighttime illumination of display areas, parking lots, walkways, entrances, and exits. These areas shall be lit, at a minimum, one-half hour after sunset and one-half hour before sunrise during hours of operation. The use of a photoelectric switch is highly recommended.

- (3) Prohibited hours of operation are from 10:00 p.m. to 6:00 a.m., except as otherwise provided in subsection (5)b. Urgent care centers, colleges, universities, restaurants, theaters, hotels, and motels, residential uses, bed and breakfast inns, and existing radio and television stations, transmitters, bars, and taverns are excluded from this restriction. All other allowable uses shall apply for a major conditional use to extend their hours of operation.
 - (4) Preparation and storage areas shall be conducted within a completely enclosed building, except as permissible under subsection (6) below. Outdoor recreational facilities such as swimming pools or tennis courts are permitted.
 - (5) Trash and garbage shall be stored within closed containers or recycling containers that are screened from general view.
 - (6) In order to develop a zoning lot for nonresidential use, the zoning lot shall have frontage on North Tamiami Trail (U.S. 41), 10th Street, Dr. Martin Luther King, Jr. Way, Myrtle Street, or University Parkway (f/k/a DeSoto Road). A zoning lot which does not meet the frontage requirement on one of the above-described streets may be integrated into a site and development plan with another zoning lot which has frontage on one of the above-described streets, regardless of whether there is an intervening street or alley between the zoning lot lacking such frontage and the zoning lot abutting one of the above-described streets. A zoning lot that is developed for nonresidential use as of January 1, 1994, which does not satisfy the requirements of this subsection, shall be exempt from such requirement.
 - (7) Curb cut requirements.
 - a. No new curb cuts are allowed on North Tamiami Trail within 70 feet of the projected curbline of any intersecting public street.
 - b. Two curb cuts on North Tamiami Trail may be allowed if there is not access available from a side street or alley. The total width of both driveways shall not exceed 50 percent of the property frontage on North Tamiami Trail.
 - c. All other state department of transportation and city regulations regarding curb cuts and driveways shall be met.
 - (8) Location of off-street parking. Parking shall be permitted in required yards.
 - (9) Pedestrian-related design features.
 - a. Direct pedestrian access shall be provided from the principal entrance of the building to the sidewalk on North Tamiami Trail or side street, if any. Pedestrian access shall be provided from rear parking facilities to the ground floor uses, either through rear or side building entrances, pedestrian ways along the perimeter of buildings, or by pedestrian throughways that connect the rear parking lots to the sidewalks along North Tamiami Trail. Pedestrian throughways may be exterior and located between buildings or may be incorporated into the interior design of a structure. Pedestrian throughway shall be a minimum of six feet wide, well lighted and visually accessible from either the interior of the building or street and parking areas. The intention is to provide a safe and aesthetically pleasing environment.
 - b. Parking, vehicular service areas, and all pedestrian areas shall be well lighted to provide both a secure and aesthetically pleasing environment. Lighting shall be directed away from adjacent residential properties and roadways.
 - c. Combined ground floor and second floor building frontage on all front yards shall contain a minimum of 15 percent transparent or translucent materials per gross area of frontage.
- (b) Commercial Park (CP) district.
- (1) One curb cut permitted for every 150 feet of frontage.
 - (2) No curb cut shall be permitted on an interstate connector or major arterial within 60 feet of any intersecting public street when access to the development is possible from the intersecting street.

- (3) Property owners shall provide acceleration/deceleration lanes at any entrance or exit to or from an interstate connector or major arterial as may be required by the city engineer and approved by the planning board.
 - (4) All trash and garbage shall be stored within closed containers that are screened from general view.
 - (5) When abutting zoning lot owners utilize one shared access point to a major arterial or interstate connector, there shall be no required side yard setback for their parking areas and no required side yard landscaping; these standards to allow combined parking area.
- (c) Commercial Tourist (CT) district.
- (1) New awnings, canopies, marquees and similar features may not encroach into the public right-of-way along the front property line.
 - (2) New awnings, canopies and similar features (where allowed) shall be constructed of high quality materials. "Plastic" looking materials that have a glossy or shiny appearance are prohibited. Backlighting of awnings, canopies and similar features is prohibited.

(Ord. No. 02-4357, 4-29-02; Ord. No. 06-4682, § 2, 7-26-06; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 10-4927, § 2(att. 1), 2-22-11)