

Section 2-701.1. - Maximum development potential.

The Commercial District ("C") may be located in more than one land use category. It is the intent of the C District that development be consistent with the Countywide Future Land Use Plan as required by State law. The uses and development potential of a parcel of land within the C District shall be determined by the standards found in this Development Code as well as the Countywide Future Land Use Designation of the property, including any acreage or floor area restrictions set forth in the Rules Concerning the Administration of the Countywide Future Land Use Plan, as amended from time to time. Development potential for the Countywide Future Land Use Designations that apply to the C District are as follows:

Countywide Future Land Use Designation	Maximum Dwelling Units per Acre of Land	Maximum Floor Area Ratio/ Impervious Surface Ratio	Overnight Accommodations Units per Acre
Commercial Neighborhood	10 dwelling units per acre	FAR .40/ISR .80	N/A
Commercial Limited	18 dwelling units per acre	FAR .45/ISR .85	30 units per acre
<u>Commercial General</u>	24 dwelling units per acre	✓ FAR .55/ISR .90	40 units per acre
<u>Residential</u> /Office/Retail	18 dwelling units per acre	✓ FAR .40/ISR .85	30 units per acre
Resort Facilities High	30 dwelling units per acre	FAR 1.0/ISR .95	50 units per acre

(Ord. No. 7949-08, § 2, 5-1-08; Ord. No. 7926-08, § 1, 7-17-08; Ord. No. 8043-09, § 9, 9-3-09)

Section 2-703. - Flexible standard development.

The following uses are Level One permitted uses in the "C" District subject to the standards and criteria set out in this Section and other applicable provisions of Article 3.

Table 2-703. "C" District Flexible Standard Development Standards

Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Min. Off-Street Parking Spaces
				Front	Side	Rear	
Accessory Dwellings	n/a	n/a	n/a	n/a	n/a	n/a	1 space per unit
Alcoholic Beverage Sales	10,000	100	25	25	10	20	5 per 1,000 GFA
Automobile Service Stations	10,000	100	25	25	10	20	5/1,000 SF GFA
Bars	10,000	100	25	25	10	20	10 per 1,000 GFA
Brewpubs	3,500—10,000	30—100	25—50	25	0—10	10—20	1.5/1,000 GFA dedicated to brewery operations and support services; and 7—12/1,000 GFA for all other use area
Educational Facilities(1)	40,000	200	25	25	10	20	1 per 2 students
Funeral Homes	3,500—	30—100	25—50	25	0—10	10—20	0.25 per seat

	10,000						
Governmental Uses(1)	10,000	100	25—50	25	10	20	4 spaces per 1,000 GFA
Indoor Recreation/Entertainment	5,000—10,000	50—100	25	25	10	20	3—5/1000 SF GFA or 3—5/lane, 1—2/court or 1/machine
Medical Clinics(1)	10,000	100	25-50	25	0 - 10	10-20	3 - 5/1,000 GFA
Microbreweries	3,500—10,000	30—100	25—50	25	0—10	10—20	1.5/1,000 GFA dedicated to brewery operations and support services; and 7—12/1,000 GFA for all other use area
Mixed Use	5,000—10,000	50—100	25—50	25	0—10	10—20	Based upon specific use requirements
Nightclubs	10,000	100	25	25	10	20	10 per 1,000 GFA
Offices	3,500—10,000	30—100	25—50	25	0—10	10—20	3/1,000 SF GFA
Off-Street Parking	10,000	100	n/a	25	10	20	n/a
Overnight Accommodations	20,000—40,000	150—200	25—50	25	0—10	10—20	1 per unit

Places of Worship(2)	20,000— 40,000	100—200	25—50	25	10	20	.5-1 per 2 seats
Public Transportation Facilities(3)	n/a	n/a	10	n/a	n/a	n/a	n/a
Restaurants	3,500— 10,000	30—100	25—50	25	0—10	10—20	7—12 spaces per 1,000 GFA
Retail Plazas	15,000	100	25—50	25	0—10	10—20	4 spaces per 1,000 GFA
Retail Sales and Services	3,500— 10,000	30—100	25—50	25	0—10	10—20	4—5 spaces per 1,000 GFA
Schools (5)	40,000	200	25	25	0—10	10—20	1 per 3 students
Social and Community Centers (1)	3,500— 10,000	35—100	25—35	25	0—10	10—20	4—5 spaces per 1,000 GFA
Utility/Infrastructure Facilities(4)	n/a	n/a	20	25	10	20	n/a
Vehicle Sales/Displays	20,000— 40,000	150—200	25	25	10	20	2.5 spaces per 1,000 of lot sales area
Veterinary Offices	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	4 spaces per 1,000 GFA

- (1) Educational facilities, Governmental uses, Medical clinics and Social and community centers uses shall not exceed five acres. Any such use, alone or when added to contiguous like uses which exceed five acres shall require a land use plan map amendment to Institutional which shall include such uses and all contiguous like uses.
- (2) Places of worship shall not exceed five acres. Any such use, alone or when added to contiguous like uses which exceed five acres shall require a land use plan map amendment to Institutional which shall include

such uses and all contiguous like uses.

- (3) Public transportation facilities shall not exceed three acres. Any such use, alone or when added to contiguous like uses which exceed three acres shall require a land use plan map amendment to Transportation/Utility which shall include such uses and all contiguous like uses.
- (4) Utility/infrastructure uses shall not exceed three acres. Any such use, alone or when added to contiguous like uses which exceed three acres shall require a land use plan map amendment to Transportation/Utility which shall include such uses and all contiguous like uses.
- (5) In the Commercial Neighborhood (CN), Commercial Limited (CL) and Commercial General (CG) land use categories, Schools shall not exceed five acres. Any such use, alone or when added to contiguous like uses which exceed five acres shall require a land use plan map amendment to Institutional which shall include such uses and all contiguous like uses.

Flexibility criteria:

- A. *Accessory dwelling.* One accessory dwelling, which is subordinate and accessory to a principal permitted use provided that:
 1. Title to the accessory dwelling is vested in the ownership of the principal use;
 2. The floor area of the accessory dwelling does not exceed 25 percent of the floor area of the principal use.
- B. *Alcoholic beverage sales.*
 1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
 2. The parcel proposed for development is not located within 500 feet of a parcel of land used for a place of worship or a public or private school, unless the floor area of the use which is devoted to the display and storage of alcoholic beverages is less than ten percent of the total floor area of the use and there is no signage located on the parcel proposed for development which identifies the use as a location where alcoholic beverages are sold;
 3. The parcel proposed for development is not located within 500 feet of a parcel of land used for a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the alcoholic beverage sales is unlikely to have an adverse impact on such school or use as a place of worship.
- C. *Automobile service stations.*
 1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
 2. The use does not involve the overnight, outdoor storage of automobiles;
 3. No more than two service bays front on a public street.
- D. *Bars.*
 1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;

2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a public or private school unless the intervening land uses, structures or context are such that the location alone bar is unlikely to have an adverse impact on such school or use as a place of worship.

E. *Brewpubs.*

1. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
2. Any overhead loading doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
3. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. *Height:* The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
5. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
6. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.
7. *Off-street parking:*
 - a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and
 - b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

F. *Educational facilities.*

1. The parcel proposed for development fronts on a road with at least four lanes;
2. The proposed development does not have an access which connects to a local street at a point more than 100 feet from the four lane road on which the parcel proposed for development fronts.

G. *Funeral homes.*

1. *Lot area and/or width:* The reduction shall not result in a building which is out of scale with existing buildings in the immediate vicinity;
2. *Height:* The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance;
3. *Side and/or rear setback:*
 - a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking or

improved design and appearance;

- c. The reduction in side and/or rear setback does not reduce the amount of landscaped area otherwise required.

H. *Governmental uses.*

1. *Height.*

- a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance.
- b. The increased height will not reduce the vertical component of the view from any contiguous residential property.

I. *Indoor recreation/entertainment.*

1. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes; and
2. *Lot area and/or lot width:* The reduction shall not result in a building which is out of scale with existing buildings in the immediate vicinity.

J. *Medical clinics.*

1. *Side and/or rear setback:*

- a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and/or rear setback does not reduce the amount of landscaped area otherwise required.
2. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes.
 3. *Height:* The increased height results in an improved site plan or improved design or appearance.

K. *Microbreweries.*

1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the microbrewery is unlikely to have an adverse impact on such school or use as a place of worship.
3. No more than 75 percent of the total gross floor area shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling

and storage, fermentation tanks, conditioning tanks and serving tanks;

4. Any overhead loading doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
5. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
6. *Height:* The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
7. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
8. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.
9. *Off-street parking:*
 - a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and
 - b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

L. *Mixed use.*

1. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
2. *Side and rear setback:*
 - a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles.
 - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking, or improved design appearance and landscaped areas are in excess of the minimum required.
3. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance.

M. *Offices.*

1. *Height:*
 - a. The increased height results in an improved site plan, landscaping area in excess of the minimum required or improved design and appearance.
 - b. The increased height will not reduce the vertical component of the view from any adjacent residential property.
2. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by

emergency vehicles;

- b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required.
3. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.

N. *Nightclubs.*

1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the nightclub is unlikely to have an adverse impact on such school or use as a place of worship.

O. *Off-street parking.*

1. Access to and from the parking lot shall be based on the size and design of the lot and approved by the community development coordinator;
2. All outdoor lighting is so designed and located so that no light fixtures cast light directly on to adjacent land;
3. If the parking lot is adjacent to residentially used or zoning property, such off-street parking spaces shall be screened by a wall or fence of at least four feet in height which is landscaped on the external side with a continuous hedge or non-deciduous vine.

P. *Overnight accommodations.*

1. *Lot area and/or width:* The reduction shall not result in a building which is out of scale with existing buildings in the immediate vicinity;
2. The parcel proposed for development fronts on but will not involve direct access to a major arterial street unless no other means of access would be possible;
3. *Height:*
 - a. The increased height shall result in an improved site plan through landscape areas in excess of the minimum required dimensions, and landscape materials in excess of the minimum required quantities; and
 - b. The increased height will not reduce the vertical component of the view from any adjacent residential property.
4. *Signs:* No sign of any kind is designed or located so that any portion of the sign is more than six feet above the finished grade of the front lot line of the parcel proposed for development unless such signage is a part of an approved comprehensive sign program.
5. *Side and rear setback:*
 - a. The reduced setback does not prevent access to the rear of any building by emergency vehicles and/or personnel;

- b. The reduced setback results in an improved site plan through the provision of a more efficient off-street improved building design and appearance; and
 - c. The reduced setback will not result in a loss of landscaped area, as those areas being diminished by the setback reduction will be compensated for in other areas through a Comprehensive Landscape Plan; and
- 6. The parcel proposed for development shall, if located within the coastal storm area, have a hurricane evacuation plan requiring the use close when a hurricane watch is posted.
- 7. *Accessory uses:*
 - a. Accessory uses must be incidental, subordinate, and customarily accessory to overnight accommodations;
 - b. The maximum floor area for accessory uses located within the building interior shall be limited to ten percent of the gross floor area of the development;
 - c. Signage for any accessory use shall be subordinate to and incorporated into the primary freestanding signage for the overnight accommodation use. In no case shall more than 25 percent of the sign area be dedicated to the accessory uses;
 - d. Overnight accommodations with fewer than 50 rooms that have a full service restaurant shall comply with the parking standards for the restaurant use as contained in Table 2-703. The lowest number of spaces allowed shall be used to calculate the additional amount of off-street parking required for the restaurant.
- Q. *Places of worship.*
 - 1. *Lot area:*
 - a. The reduction in lot area will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development;
 - b. The reduction in lot area does not prevent access to the rear of any building by emergency vehicles;
 - c. The reduction in lot area results in an improved site plan, more efficient parking or improved design and appearance;
 - d. The reduction in lot area does not reduce the day/night activity level along building façades on public streets.
 - 2. *Location:* The use of the parcel proposed for development fronts on but will not involve direct access to a major arterial street;
 - 3. *Height:*
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from any adjacent residential property.
 - 4. *Off-street parking:* The total number of off-street parking spaces including off-site parking spaces within 600 feet of the parcel proposed for development will be available on a shared basis to meet the peak period demands of the facility.

5. *Lot width.* The parcel proposed for development was an existing lot of less than 200 feet and was not in common ownership with any contiguous property on May 1, 1998 or the reduction in lot width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.

R. *Public transportation facilities.*

1. The public transportation facilities are not located within 1,000 feet of another public transportation facility unless necessary to serve established transit stops with demonstrated ridership demand;
2. The public transportation facilities are designed, located and landscaped so that the structures are screened from view from any residential use or land designated as residential in the Zoning Atlas;
3. Any lighting associated with the public transportation facilities is designed and located so that no light is cast directly on any residential use or land designated as residential in the Zoning Atlas.

S. *Restaurants.*

1. *Lot area and width:* The parcel proposed for development was an existing lot of less than 10,000 square feet and was not in common ownership with any contiguous property on May 1, 1998 or the reduction in lot area will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development;
2. *Location:* The use of the parcel proposed for development fronts on but will not involve direct access to a major arterial street;
3. *Height:*
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from any adjacent residential property.
4. *Signs:* No sign of any kind is designed or located so that any portion of the sign is more than six feet above the finished grade of the front lot line of the parcel proposed for development unless such signage is a part of an approved comprehensive sign program;
5. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required.
6. *Off-street parking:*
 - a. The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes;
 - b. Fast food restaurants shall not be eligible for a reduction in the number of off-street parking spaces.

T. *Retail plazas.*

1. *Height:*

- a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
- b. The increased height will not reduce the vertical component of the view from any adjacent residential property.

2. *Side and rear setback:*

- a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
- b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
- c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required.

3. Restaurants within the retail plaza may occupy up to 25 percent of the total gross floor area of the retail plaza. Any restaurant, or fraction thereof, that exceeds 25 percent must provide off-street parking at a rate consistent with the parking requirement for the restaurant use in the district.
4. All retail plaza buildings, including outparcels, must be unified in terms of color, materials, and architectural style.
5. *Medical marijuana treatment center dispensing facilities:* Shall comply with the requirements set forth in F.S. § 381.986, as amended.

U. *Schools.*

1. The parcel proposed for development fronts on a major arterial street;
2. All off-street parking is located at least 200 feet from any property designated as residential in the Zoning Atlas;
3. *Side and rear setback.*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required;
4. *Compatibility:* The parcel proposed for development, if located within a parcel with multiple tenants, does not contain adult uses, alcohol beverage sales (package), nightclubs or problematic uses, and is not located within 500 feet of a parcel of land used for purposes of adult uses, alcohol beverage sales (package), nightclubs or problematic uses;
5. All outdoor lighting is designed and located so that no light falls directly on a parcel of land which is designated as residential in the Zoning Atlas, to avoid a nuisance or glare to the residential parcels;
6. A drop-off area shall be provided that can accommodate a vehicle stacking area adequate to meet the demand, based on the number of students, the grade levels, and the estimated number of students who

can walk or ride the bus to the school. The drop-off area shall be adjacent to a sidewalk or landing area which connects to the main entrance of the school;

7. A circulation plan shall be submitted by the applicant that demonstrates how students will access the site from adjacent roadways and once on site, ensures a safe flow of traffic that does not create conflicts between student drop-off area, potential van and bus drop-off area, parking, access driveway, pedestrian and bicycle paths on the site.

V. *Social and community centers.*

1. The parcel proposed for development does not abut any property designated as residential in the Zoning Atlas.
2. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
3. *Side and rear setback:* The reduction in side and/or rear setback is necessary to preserve protected trees and/or results in an improved site plan or more efficient design and appearance and results in landscaping in excess of the minimum required.
4. *Lot size and width:* The parcel proposed for development was an existing lot of less than 10,000 square feet and was not in common ownership with any contiguous property on May 1, 1998.
5. *Height:*
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from any contiguous residential property.
6. *Off-street parking:* The physical characteristics are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generated purposes.

W. *Retail sales and service.*

1. *Lot size and width:* The parcel proposed for development was an existing lot of less than 10,000 square feet and was not in common ownership with any contiguous property on May 1, 1998.
2. *Height:*
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from any contiguous residential property.
3. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise

required.

4. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes.
5. *Medical marijuana treatment center dispensing facilities:* Shall comply with the requirements set forth in F.S. § 381.986, as amended.

X. *Utility/infrastructure facilities.*

1. Any above ground structure other than permitted telecommunication towers and utility distribution lines located on or along a rear lot line shall be screened from view by a landscaped opaque wall or fence which is at least two-thirds the height of the above ground structure and shall be landscaped with trees and hedges which five years after installation will substantially obscure the fence or wall and the above ground structure.

Y. *Vehicle sales/displays.*

1. The gross floor area of enclosed buildings is at least 7,000 square feet;
2. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
3. No area suitable for the display of vehicles for sale is located within the front setback of the parcel proposed for development;
4. Provision is made to dim outdoor lighting at all times when the automobile sales and service uses is not open to the public to that level necessary to maintain the security of the premises;
5. The use of the parcel proposed for development fronts on but will not involve direct access to a major arterial street.

Z. *Veterinary offices.*

1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
2. The use of the parcel proposed for development does not involve animal confinement facilities that are open to the outside.
3. *Lot area and width:* The reduction in lot area and width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. *Side and rear setback:*
 - a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.
5. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.

(Ord. No. 6417-99, § 3, 8-19-99; Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6928-02, §§ 11—14, 5-2-02; Ord. No. 7449-05, § 9, 12-15-05; Ord. No. 7631-06, § 3, 11-2-06; Ord. No. 7926-08, §§ 2, 3, 7-17-08; Ord. No. 8044-09, § 2, 10-1-09; Ord. No. 8211-10, § 2, 10-5-10; Ord. No. 8311-12, § 2, 3-1-12; Ord. No. 8349-12, §§ 7, 8, 9-6-12; Ord. No. 8423-13, § 2, 8-14-13; Ord. No. 8654-15, § 9, 2-5-15; Ord. No. 8715-15, § 6, 6-18-15; Ord. No. 8810-16, § 3, 1-21-16; Ord. No. 8931-16, § 5, 9-1-16; Ord. No. 8988-17, § 3, 2-2-17; Ord. No. 9042-17, § 2, 12-7-17)

Section 2-704. - Flexible development.

The following uses are Level Two permitted uses in the "C" District subject to the standards and criteria set out in this section and other applicable provisions of Article 3.

Table 2-704. "C" District Flexible Development Standards

Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Min. Off-Street Parking Spaces
				Front	Side	Rear	
Alcoholic Beverage Sales	5,000—10,000	50—100	25	15—25	0—10	10—20	5 per 1,000 GFA
Animal Boarding	5,000—10,000	50—100	25	15—25	0—10	10—20	4 spaces per 1,000 GFA
Bars	5,000—10,000	50—100	25	15—25	0—10	10—20	10 per 1,000 GFA
Brewpubs	3,500—10,000	30—100	25—50	15—25	0—10	10—20	1.5/1,000 GFA dedicated to brewery operations and support services; and 7—12/1,000 GFA for all other use area
Comprehensive Infill	n/a	n/a	n/a	n/a	n/a	n/a	Determined by

Redevelopment Project							the community development coordinator based on the specific use and/or ITE Manual standards
Indoor Recreation/Entertainment	3,500—10,000	30—100	25—50	15—25	0—10	10—20	3—5/1000 SF GFA or 3—5/lane, 1—2/court or 1/machine
Light Assembly	5,000—10,000	50—100	25	15—25	0—10	10—20	4—5 spaces per 1,000 GFA
Limited Vehicle Service	5,000—10,000	50—100	25	15—25	0—10	10—20	4—5 spaces per 1,000 GFA
Marinas and Marina Facilities	5,000—20,000	50	25	25	10	20	1 space per 2 slips
Microbreweries	3,500—10,000	30—100	25—50	15—25	0—10	10—20	1.5/1,000 GFA dedicated to brewery operations and support services; and 7—12/1,000 GFA for all other use area
Mixed Use	5,000—10,000	50—100	25—50	15—25	0—10	10—20	Based upon specific use requirements

Nightclubs	5,000— 10,000	50—100	25	15—25	0—10	10—20	10 per 1,000 GFA
Offices	3,500— 10,000	30—100	25—50	15—25	0—10	10—20	3/1,000 SF GFA
Off-Street Parking	10,000	100	n/a	15—25	0—10	10—20	n/a
Outdoor Recreation/Entertainment	20,000	100	25	15—25	10	10—20	1—10 per 1,000 SQ FT of land area or as determined by the community development coordinator based on ITE Manual standards
Overnight Accommodations	20,000— 40,000	100—200	25—50	15—25	0—10	10—20	1 per unit
Problematic Uses	5,000	50	25	15—25	10	10—20	5 spaces per 1,000 SF GFA
Restaurants	3,500— 10,000	35—100	25—50	15—25	0—10	10—20	7—12 spaces per 1,000 GFA
Retail Plazas	15,000	100	25—50	15—25	0—10	10—20	4 spaces per 1,000 GFA
Retail Sales and Services	3,500— 10,000	30—100	25—50	15—25	0—10	10—20	4—5 spaces per 1,000 GFA
RV Parks	40,000	200	25	15—25	20	10—20	1 space per RV space
Schools (2)	30,000—	100—200	25—50	15—25	0—10	10—20	1 per 3 students

	40,000						
Self Storage	20,000	100	25	15—25	10	10—20	1 per 20 units plus 2 for manager's office
Social/Public Service Agencies(1)	5,000— 10,000	50—100	25—50	15—25	0—10	10—20	3—4 spaces per 1,000 GFA
Vehicle Sales/Displays	10,000— 40,000	100—200	25	15—25	10	10—20	2.5 spaces per 1,000 SQ FT of lot area

- (1) Social/public service agencies shall not exceed five acres.
- (2) In the Commercial Neighborhood (CN), Commercial Limited (CL) and Commercial General (CG) land use categories, Schools shall not exceed five acres. Any such use, alone or when added to contiguous like uses which exceed five acres shall require a land use plan map amendment to Institutional which shall include such uses and all contiguous like uses.

Flexibility criteria:

A. Alcoholic beverage sales.

1. Location:

- a. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
- b. The parcel proposed for development is not located within 500 feet of a parcel of land used for a place of worship or public or private school unless the floor area of the use which is devoted to the display and storage of alcoholic beverages is less than ten percent of the total floor area of the use and there is no signage located on the parcel proposed for development which identifies the use as a location where alcoholic beverages are sold;
- c. The parcel proposed for development is not located within 500 feet of a parcel of land used for a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the alcoholic beverage sales is unlikely to have an adverse impact on such school or use as a place of worship;
- d. The use of the parcel proposed for development will not involve direct access to a major arterial street;

2. *Lot area and width:* The reduction in lot area and/or will not result in a building which is out of scale with exist the immediate vicinity of the parcel proposed for development.
 3. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
 4. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking layout or improved design and appearance and landscaped areas are in excess of the minimum required.
- B. *Animal boarding.*
1. The parcel is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas.
 2. The use of the parcel does not involve animal confinement facilities that are open to the outside.
 3. Animals may have supervised outdoor exercise but only between 7:00 a.m.—9:00 p.m. In no case shall animals be left unsupervised while outdoors.
 4. Accessory boarding facilities shall contain waste control facilities and an air- handling system for disinfection and odor control.
 5. *Lot area and width:* The reduction in lot area and width will not result in a building which is out of scale with existing buildings in the immediate vicinity.
 6. *Side and rear setback:*
 - a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.
 7. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
- C. *Bars.*
1. *Location:*
 - a. The parcel is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
 - b. The parcel is not located within 500 feet of a parcel of land used for a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the stand alone bar is unlikely to have an adverse impact on such school or use as a place of worship;
 - c. The parcel has frontage on an arterial street but will not involve direct access to a major arterial street;
 2. *Lot area and width:* The reduction in lot area and width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
 3. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.

4. *Side and rear setback:*

- a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
- b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.

D. *Brewpubs.*

1. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
2. Any overhead loading doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
3. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. Height: The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
5. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance;
6. Side and rear setback:
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required;
7. Off-street parking:
 - a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and
 - b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

E. *Marinas and marina facilities.*

1. The parcel proposed for development is not located in areas identified in the Comprehensive Plan as areas of environmental significance including:
 - a. The north end of Clearwater Beach;
 - b. Clearwater Harbor grass beds;
 - c. Cooper's Point;
 - d. Clearwater Harbor spoil islands;
 - e. Sand Key Park;
 - f. The southern edge of Alligator Lake.
2. No commercial activities other than the mooring of boats on a rental basis shall be permitted on any parcel

of land which is contiguous to a parcel of land which is designated as residential in the Zoning Atlas, unless the marina facility is totally screened from view from the contiguous land which is designated as residential and the hours of operation of the commercial activities are limited to the time period between sunrise and sunset.

3. *Lot area:* The parcel proposed for development was an existing lot of less than 20,000 square feet and was not in common ownership with any contiguous property on May 1, 1998 or the reduction in lot width will not result in a facility which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. All marina facilities shall comply with the commercial dock requirements set forth in Section 3-601.C.3 and the marina and marina facilities requirements set forth in Section 3-603.

F. *Comprehensive infill redevelopment projects.*

1. The development or redevelopment is otherwise impractical without deviations from the use and/or development standards set forth in this zoning district;
2. The development or redevelopment will be consistent with the goals and policies of the Comprehensive Plan, as well as with the general purpose, intent and basic planning objectives of this Code, and with the intent and purpose of this zoning district;
3. The development or redevelopment will not impede the normal and orderly development and improvement of surrounding properties;
4. Adjoining properties will not suffer substantial detriment as a result of the proposed development;
5. The proposed use shall otherwise be permitted by the underlying future land use category, be compatible with adjacent land uses, will not substantially alter the essential use characteristics of the neighborhood; and shall demonstrate compliance with one or more of the following objectives:
 - a. The proposed use is permitted in this zoning district as a minimum standard, flexible standard or flexible development use;
 - b. The proposed use would be a significant economic contributor to the city's economic base by diversifying the local economy or by creating jobs;
 - c. The development proposal accommodates the expansion or redevelopment of an existing economic contributor;
 - d. The proposed use provides for the provision of affordable housing;
 - e. The proposed use provides for development or redevelopment in an area that is characterized by other similar development and where a land use plan amendment and rezoning would result in a spot land use or zoning designation; or
 - f. The proposed use provides for the development of a new and/or preservation of a working waterfront use.
6. Flexibility with regard to use, lot width, required setbacks, height and off-street parking are justified based on demonstrated compliance with all of the following design objectives:
 - a. The proposed development will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in this zoning district;

- b. The proposed development complies with applicable design guidelines adopted by the city;
- c. The design, scale and intensity of the proposed development supports the established or emerging character of an area;
- d. In order to form a cohesive, visually interesting and attractive appearance, the proposed development incorporates a substantial number of the following design elements:
 - Changes in horizontal building planes;
 - Use of architectural details such as columns, cornices, stringcourses, pilasters, porticos, balconies, railings, awnings, etc.;
 - Variety in materials, colors and textures;
 - Distinctive fenestration patterns;
 - Building stepbacks; and
 - Distinctive roofs forms.
- e. The proposed development provides for appropriate buffers, enhanced landscape design and appropriate distances between buildings.

G. *Indoor recreation/entertainment.*

- 1. *Lot area and/or lot width:* The reduction shall not result in a building that is out of scale with existing buildings in the immediate vicinity;
- 2. *Height:* The increased height shall result in an improved site plan through landscape areas in excess of the minimum required dimensions, and landscape materials in excess of the minimum required quantities;
- 3. *Front setback:* The reduced setback shall result in an improved site plan through the provision of a more efficient off-street parking area, and/or improved building design and appearance;
- 4. *Side and rear setbacks:*
 - a. The reduced setback does not prevent access to the rear of any building by emergency vehicles and/or personnel;
 - b. The reduced setback results in an improved site plan through the provision of a more efficient off-street parking area, and/or improved building design and appearance; and
- 5. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes.

H. *Light assembly.*

- 1. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
- 2. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.

3. *Side and rear setback:*
 - a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaping areas are in excess of the minimum required.
 4. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes.
 5. The parcel proposed for development shall have no outdoor storage of goods, materials and products.
 6. The parcel proposed for development shall have no process carried on within the building which causes any external negative impact with regard to noise, fumes, or odors.
 7. The building design of the parcel proposed for development shall be architecturally compatible with the surrounding area.
- I. *Limited vehicle service.*
1. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
 2. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance and landscaped areas are in excess of the minimum required.
 3. *Side and rear setback:*
 - a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.
 4. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes.
 5. Garage doors and bays shall be located perpendicular to the abutting streets. Bays shall be screened from adjacent property by landscaped walls or fences.
 6. The façade of the building which fronts on public roads are designed with windows, cornices or other architectural features or treatments.
 7. The use does not involve the overnight, outdoor storage of automobiles.
 8. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas.
 9. The design of the parcel proposed for development is compatible with the surrounding area.
- J. *Microbreweries.*
1. The parcel proposed for development is not contiguous to a parcel of land which is designated as

residential in the Zoning Atlas;

2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the microbrewery is unlikely to have an adverse impact on such school or use as a place of worship.
3. No more than 75 percent of the total gross floor area shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
4. Any overhead loading doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
5. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
6. Height: The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
7. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance.
8. Side and rear setback:
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.
9. Off-street parking:
 - a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and
 - b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

K. *Mixed use.*

1. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
2. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
3. *Side and rear setback:*
 - a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles.
 - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking, or improved design appearance and landscaped areas are in excess of the minimum required.
4. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of

significant portions of the building are used for storage or other non-parking demand-generating purposes.

5. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance.

L. *Nightclubs.*

1. *Location:*

- a. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
- b. The parcel proposed for development is not located within 500 feet of a parcel of land used for a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the nightclub is unlikely to have an adverse impact on such school or use as a place of worship;
- c. The use of the parcel proposed for development has frontage on an arterial street but will not involve direct access to a major arterial street;

2. *Lot area and width:* The reduction in lot area and width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.

3. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.

4. *Side and rear setback:*

- a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
- b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.

M. *Offices.*

1. *Height:*

- a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance;
- b. The increased height will not reduce the vertical component of the view from any adjacent residential property.

2. *Signs:* No sign of any kind is designed or located so that any portion of the sign is more than six feet above the finished grade of the front lot line of the parcel proposed for development unless such signage is a part of an approved comprehensive sign program;

3. *Side and rear setback:*

- a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
- b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
- c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required.

4. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building for storage or other non-parking demand-generating purposes.
 5. *Lot area and width:* The reduction in lot area and width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
 6. *Front setback:* The reduction in front setback results in an improved site plan or improved appearance and landscaped areas are in excess of the minimum required.
- N. *Off-street parking.*
1. Access to and from the parking lot shall be based on the size and design of the lot and approved by the community development coordinator.
 2. All outdoor lighting is so designed and located so that no light fixtures cast light directly onto adjacent land.
 3. If the parking lot is adjacent to residentially used or zoning property, such off-street parking spaces shall be screened by a wall or fence of at least four feet in height which is landscaped on the external side with a continuous hedge or non-deciduous vine.
- O. *Outdoor recreation/entertainment.*
1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
 2. All signage is a part of a comprehensive sign program;
 3. Sound amplification is designed and constructed to ensure that no amplified sound can be heard to the extent that the sound is recognizable in meaning of words or the melody of music or when wind conditions are less than ten miles per hour at a distance of more than 100 feet in all directions or when wind conditions are ten miles per hour or greater, at a distance of more than 150 feet in all directions;
 4. All outdoor lighting is designed and constructed so that no light falls directly on land other than the parcel proposed for development;
 5. *Off-street parking:* The operational character of the outdoor recreation/ entertainment use and the location of the parcel proposed for development is such that the likely use of the property will require fewer parking spaces per land area than otherwise required or that significant portions of the land will be used for passive or other non-parking demand-generating purposes.
 6. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
 7. *Rear setback:*
 - a. The reduction in rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.
- P. *Overnight accommodations.*
1. *Lot area and/or width:* The reduction shall not result in a building which is out of scale with existing buildings in the immediate vicinity;

2. The parcel proposed for development fronts on but will not involve direct access to a major arterial street unless means of access would be possible;
3. *Height:*
 - a. The increased height shall result in an improved site plan through landscape areas in excess of the minimum required dimensions, and landscape materials in excess of the minimum required quantities; and
 - b. The increased height will not reduce the vertical component of the view from any adjacent residential property.
4. *Signs:* No sign of any kind is designed or located so that any portion of the sign is more than six feet above the finished grade of the front lot line of the parcel proposed for development unless such signage is a part of an approved comprehensive sign program;
5. *Side and rear setback:*
 - a. The reduced setback does not prevent access to the rear of any building by emergency vehicles and/or personnel;
 - b. The reduced setback results in an improved site plan through the provision of a more efficient off-street parking area, and/or improved building design and appearance; and
 - c. The reduced setback will not result in a loss of landscaped area, as those areas being diminished by the setback reduction will be compensated for in other areas through a Comprehensive Landscape Plan.
6. *Front setback:*
 - a. The reduced setback shall result in an improved site plan through the provision of a more efficient off-street parking area, and/or improved building design and appearance; and
 - b. The reduced setback will not result in a loss of landscaped area, as those areas being diminished by the setback reduction will be compensated for in other areas through a Comprehensive Landscape Plan; and
7. The parcel proposed for development shall, if located within the coastal storm area, have a hurricane evacuation plan requiring the use close when a hurricane watch is posted.
8. *Accessory uses:*
 - a. Accessory uses must be incidental, subordinate, and customarily accessory to overnight accommodations;
 - b. The following shall apply to required parking for accessory uses:
 - i. Accessory uses located within the building interior may occupy between ten percent and 15 percent of the gross floor area of the development, but only when additional parking is provided for that portion of the accessory uses which exceeds ten percent. The required amount of parking shall be calculated by using the minimum off-street parking development standard for the most intensive accessory use(s). Where there is a range of parking standards, the lowest number of spaces allowed shall be used to calculate the additional amount of off-street parking

required for the project. In projects where the interior accessory uses exceed 15 percent of the building gross floor area, all interior accessory uses shall be considered additional primary uses for purposes of calculating development potential and parking requirements.

- ii. Regardless of the gross floor area percentage, overnight accommodations with fewer than 50 rooms that have a full service restaurant shall comply with the parking standards for the restaurant use as contained in Table 2-704. The lowest number of spaces allowed shall be used to calculate the additional amount of off-street parking required for the restaurant;
- c. Signage for any accessory use shall be subordinate to and incorporated into the primary freestanding signage for the overnight accommodation use. In no case shall more than 25 percent of the sign area be dedicated to the accessory uses.

Q. *Problematic uses.*

1. *Location.*

- a. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
- b. The use is not located within 500 feet of another problematic use;

2. *Design.*

- a. The building in which the use is located is painted or otherwise finished in materials and colors which are muted;
- b. There are no security bars on the outside of doors or windows which are visible from a public right-of-way;

3. *Signs.* Any signage which has a height of greater than six feet is a part of a comprehensive sign program;

4. The building in which the use is located is a building which is conforming to all current land development and building regulations;

5. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance;

6. *Rear setback:*

- a. The reduction in rear setback does not prevent access to the rear of any building by emergency vehicles.
- b. The reduction in rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.

R. *Restaurants.*

1. *Lot area and width:* The reduction in lot area will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development;

2. *Location:* The use of the parcel proposed for development fronts on but will not involve direct access to a major arterial street;

3. *Height:*

- a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;

- b. The increased height will not reduce the vertical component of the view from any adjacent residential property.
 - 4. *Signs:* No sign of any kind is designed or located so that any portion of the sign is more than six feet above the finished grade of the front lot line of the parcel proposed for development unless such signage is a part of an approved comprehensive sign program;
 - 5. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.
 - 6. *Off-street parking:*
 - a. The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes;
 - b. Fast food restaurants shall not be eligible for a reduction in the number of off-street parking spaces.
 - 7. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
- S. *Retail plazas.*
 - 1. *Height:*
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from any adjacent residential property.
 - 2. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
 - 3. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required.
 - 4. Restaurants within the retail plaza may occupy up to 25 percent of the total gross floor area of the retail plaza. Any restaurant, or fraction thereof, that exceeds 25 percent must provide off-street parking at a rate consistent with the parking requirement for the restaurant use in the district.
 - 5. All retail plaza buildings, including outparcels, must be unified in terms of color, materials, and architectural style.
 - 6. *Medical marijuana treatment center dispensing facilities:*

- a. Shall comply with the requirements set forth in F.S. § 381.986, as amended;
- b. May be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater.

T. *Retail sales and service.*

1. *Lot area and width:* The reduction in lot area will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development;
2. *Location:* The use of the parcel proposed for development fronts on but will not involve direct access to a major arterial street;
3. *Height:*
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from any adjacent residential property.
4. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.
5. *Off-street parking:*
 - a. The physical characteristics of the proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes;
 - b. Convenience retail shall not be eligible for a reduction in the number of off-street parking spaces.
6. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
7. *Medical marijuana treatment center dispensing facilities:*
 - a. Shall comply with the requirements set forth in F.S. § 381.986, as amended;
 - b. May be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater.

U. *RV parks.*

1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
2. The perimeter of the RV Park is screened to a height of four feet by a landscaped wall or fence so that headlamps from automobiles in the off-street parking area can not project into adjacent properties and streets;
3. All outdoor lighting is designed and located so that light fixtures do not cast light directly on to adjacent

land used for residential purposes;

4. All waste disposal containers which serve the use are located within a landscaped enclosed structure;
5. *Front setback*: The reduction in front setback results in an improved site plan or improved design and appearance;
6. *Rear setback*:
 - a. The reduction in rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.

V. *Schools*.

1. The parcel proposed for development fronts on a major arterial street;
2. All off-street parking is located at least 200 feet from any property designated as residential in the Zoning Atlas;
3. Lot area and/or lot width: The reduction shall not result in a building which is out of scale with existing buildings in the immediate vicinity;
4. Height.
 - a. The increased height results in an improved site plan, landscaping area in excess of the required minimum and/or improved design and appearance;
 - b. The increased height will not materially reduce the vertical component of view from a parcel of land which is designated as low density residential in the Zoning Atlas;
5. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance;
6. Side and rear setback.
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required;
7. Compatibility: The parcel proposed for development, if located within a parcel with multiple tenants, does not contain adult uses, alcohol beverage sales (package), nightclubs or problematic uses, and is not located within 500 feet of a parcel of land used for purposes of adult uses, alcohol beverage sales (package), nightclubs or problematic uses;
8. All outdoor lighting is designed and located so that no light falls directly on a parcel of land which is designated as residential in the Zoning Atlas, to avoid a nuisance or glare to the residential parcels;
9. A drop-off area shall be provided that can accommodate a vehicle stacking area adequate to meet the demand, based on the number of students, the grade levels, and the estimated number of students who can walk or ride the bus to the school. The drop-off area shall be adjacent to a sidewalk or landing area

which connects to the main entrance of the school;

10. A circulation plan shall be submitted by the applicant that demonstrates how students will access the site from adjacent roadways and once on site, ensures a safe flow of traffic that does not create conflicts between student drop-off area, potential van and bus drop-off area, parking, access driveway, pedestrian and bicycle paths on the site.

W. *Self storage.*

1. Access doors to individual storage units are located within a building or are screened from view from adjacent property or public rights-of-way by landscaped walls or fences located no closer to the property lines of the parcel proposed for development than five feet.
2. The parcel proposed for development does not abut land which is designated or used for residential purposes.
3. The façades of the building in which the individual storage units are located which front on public roads are designed with windows, cornices, retail sales and service uses or other architectural features or treatments.
4. Vehicular access to the parcel proposed for development shall be by way of a local or collector street. The local/collector street shall not be located more than 100 feet from an arterial street.
5. *Off-street parking:* The physical characteristics of the proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for non-parking demand generating purposes.
6. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
7. *Rear setback:*
 - a. The reduction in rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.

X. *Social/public service agencies.*

1. The parcel proposed for development does not abut any property designated as residential in the Zoning Atlas.
2. The social/public service agency shall not be located within 1,500 feet of another social/public service agency.
3. *Lot area and width:* The reduction in lot area and/or will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
5. *Side and rear setback:*
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking layout

or improved design and appearance and landscaped areas are in excess of the minimum required.

Y. *Vehicle sales/displays.*

1. The gross floor area of enclosed buildings is at least 4,000 square feet;
2. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
3. The display of vehicles for sale shall be located within an enclosed building;
4. The use of the parcel proposed for development fronts on but will not involve direct access to a major arterial street.
5. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
6. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance.
7. *Rear setback:*
 - a. The reduction in rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.

(Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6680-01, § 3, 4-5-01; Ord. No. 6928-02, §§ 15, 16, 5-2-02; Ord. No. 7106-03, § 1, 9-18-03; Ord. No. 7413-05, § 8, 5-5-05; Ord. No. 7449-05, § 10, 12-15-05; Ord. No. 7605-06, §§ 1, 2, 4-20-06; Ord. No. 7631-06, § 9, 11-2-06; Ord. No. 7835-07, § 3, 1-17-08; Ord. No. 7926-08, §§ 4, 5, 7-17-08; Ord. No. 8044-09, § 3, 10-1-09; Ord. No. 8211-10, § 3, 10-5-10; Ord. No. 8311-12, § 3, 3-1-12; Ord. No. 8349-12, §§ 9, 10, 9-6-12; Ord. No. 8423-13, § 2, 8-14-13; Ord. No. 8654-15, § 10, 2-5-15; Ord. No. 8715-15, § 7, 6-18-15; Ord. No. 8988-17, § 4, 2-2-17; Ord. No. 9042-17, § 3, 12-7-17)
