

Article 10 - TOURIST DISTRICTS

FOOTNOTE(S):

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Cross reference— Zoning, art. 1, § 4.

SECTION 1. - TOURIST DISTRICTS ESTABLISHED

Sec. 1.1. - Districts.

The tourist districts are hereby established as T-1 (tourist accommodations), T-2 (tourist, office, restaurant), T-2a (tourist, office), T-3 (tourist, office, retail), T-4 (tourist, office, retail, auto service), and T-5 (tourist, highway interchange).

Sec. 1.2. - Purpose.

The tourist districts are intended to provide for the wide variety of uses associated with tourism, including retail uses, accommodations, and restaurants. The T-1 through T-4 districts are intended as general tourist areas. The T-5 district is intended to be located near highway interchanges, with many services permitted in order to minimize frequent ingress and egress to arterial roads, and to provide an attractive well-planned entrance to the urban area.

SECTION 2. - TOURIST DISTRICTS USE SCHEDULE

Sec. 2.1. - Schedule of uses for tourist districts.

Zoning District	Permitted Uses	Conditional Uses Refer to Section 3 or <u>Article 17</u>	Special Uses Refer to Section 4 or <u>Article 17</u>
Tourist Accom. T-1	Accommodations Clubs & lodges Duplexes Hotels Motels Multifamily dwellings Parking lots & garages Single-family dwellings	Auto rental office Carnivals & circuses Churches Cocktail lounges Drug, florist, gift, & beach apparel shops Games of skill Multifamily complex Newsstands	

		Personal services Poolside activities Restaurants A-1 & A-2 Snack bars Swimming pools Ticket offices Cemeteries Country club & golf courses Day care centers Off-site parking Schools Townhouse subdivisions	
Tourist, office, & rest. T-2	T-1 permitted uses Business services Professional services Restaurant A-1 Hair & nail salons	T-1 conditional uses Community res. homes Day care centers Nursing/convalescent homes Schools Accessory retail sales & service	Cemeteries Country club & golf courses Fraternities & sororities Off-site parking Townhouse subdivisions
Tourist & office T-2A	T-1 permitted uses Business services Professional services	T-2 conditional uses	T-2 special uses except fraternities & sororities
Tourist, office, & retail T-3	T-2 permitted uses Personal services Pickup, self-serve, & coin laundries Retail sales & services Restaurant A-2	T-2 conditional uses Alcoholic beverages accessory to food service establishment	T-2a special uses Alcoholic beverages Funeral homes
Tourist, office, retail, & auto service T-4	T-3 permitted uses Indoor recreation area Vehicular service, light	T-2 conditional uses Alcoholic beverages accessory to food service establishment Beach concession vehicle storage	T-3 special uses

		Light recreation vehicle rentals Light vehicle rentals	
Tourist, highway interchange T-5	Business services Clubs & lodges Cocktail lounges Hotels Motels Multifamily residential Personal services Professional services Retail sales & services Restaurants A-1 & A-2 Tourist accommodations Vehicular service, light	T-1 conditional uses	T-1 Special uses

(Ord. No. 01-253, § 1, 6-20-2001; Ord. No. 05-108, § 4, 3-16-2005; Ord. No. 08-303, § 1, 11-19-2008)

SECTION 3. - CONDITIONAL USE REQUIREMENTS

Sec. 3.1. - Beach concession vehicle storage.

The storage of beach concession vehicles shall be permitted as an accessory use to a light vehicular service facility in accordance with the following restrictions:

- (a) The rental of vehicles, trucks, or trailers shall not be an accessory use at the same time.
- (b) No more than one beach concession vehicle shall be parked at a facility.
- (c) The beach concession vehicle shall not be parked closer to the right-of-way than the principal building, and not closer to the right-of-way than 25 feet.

Sec. 3.2. - Games of skill.

A game of skill shall be permitted as an accessory use in any tourist district, pursuant to the following restrictions:

- (a) In hotels, motels, tourist accommodations, and apartments, one game per five rental units shall be permitted up to a maximum of 30 games.
- (b) In restaurants, cocktail lounges, clubs, and lodges, one game shall be permitted per 15 seats up to a maximum

of ten games.

- (c) In motion picture theaters, one game shall be permitted per 100 seats up to a maximum of ten games per establishment. Games shall be accessible only to theater ticket holders and not to the general public.
- (d) In other retail establishments, two games shall be permitted for the first 10,000 square feet of gross floor area and one additional game for every additional 10,000 square feet of gross floor area, up to a maximum of ten games per establishment.
- (e) In indoor recreation areas, a maximum of 30 games shall be permitted.
- (f) No outside advertising and no separate entrance shall be permitted for the accessory use.

Sec. 3.3. - Poolside activities.

Outside sale of sun tanning products and other articles related to guest recreation activities, and outside sale and preparation of beverages and food, including alcoholic beverages, shall be permitted in accordance with the following conditions:

- (a) Sales and service shall be primarily for the guests of the facility, and there shall be no outside advertising of the outside activities or use.
- (b) Sales and service shall be provided from no more than two portable bars, one no greater than 120 square feet and the other no greater than 80 square feet. If there are two structures, one shall be for the sale of food and beverage only, and the other for the sale of sun tanning products and recreational items only.
- (c) Walls beneath the portable bar surface may be completely enclosed, but not more than one solid wall above the bar surface shall be permitted. Shutters may be allowed above the bar surface to protect the contents of the bar when it is not in use. The overall height of the bar shall not exceed 12 feet. These requirements are intended to insure that structures located oceanward of the building restriction line are relatively small portable bars and not permanent buildings. In case of severe storm, portable bars shall be temporarily relocated inside the principal building or anchored to the principal building, or otherwise secured.

Sec. 3.4. - Reserved.

Editor's note—

Ord. No. 05-108, § 5, adopted March 16, 2005 repealed § 3.4 in its entirety. Formerly, said section pertained to underground parking facilities as a conditional use for lots fronting the Atlantic Ocean Beach within the T-1 (tourist accommodation) zoning district.

Sec. 3.5. - Uses in tourist and apartment facilities.

Hotels, motels, tourist accommodations, and apartment buildings shall be permitted to establish A-2 restaurants, newsstands, snack bars, automobile rental offices, and ticket offices, provided the following conditions are met:

- (a) The use shall be located within the principal building and designed to serve primarily the guests of the facility. The use shall be accessible only from an interior court, lobby, corridor, or pool deck. The use shall have no

outside advertising.

- (b) One parking space for each rental automobile shall be provided up to ten percent of the total guestrooms with a maximum of 25 cars permitted.
- (c) Ticket offices shall be excluded from the requirements to serve primarily the guests of the facility and from the prohibition on outside advertising. At least two off-street parking spaces per ticket office shall be provided. Parking shall be located on the same side of the street and contiguous to the principal building housing the office. The spaces shall be identified as reserved for ticket customers only during ticket office hours.

Sec. 3.6. - Uses in facilities with 100 or more rental units.

Establishments with 100 or more rental units may have drug and sundry shops, florists, gift and confectionery shops, personal services, beach and swimming apparel shops, type A-1 restaurants with dancing and entertainment areas, and cocktail lounges as accessory uses as follows:

- (a) The accessory use shall meet all conditions in 3.5 above.
- (b) The accessory use shall occupy no more than six square feet of floor area per rental unit.
- (c) Parking shall be provided for A-1 restaurants and cocktail lounges. The restaurant or lounge may be accessible from the exterior of the building and may be located in a separate accessory building structurally attached to the principal building, but shall not be directly accessible from the Atlantic Ocean beach.

Sec. 3.7. - Light vehicle rental.

The rental of light vehicles, shall be permitted as an accessory use to a vehicular service facility in accordance with the following restrictions:

- (a) Only one portion of the service station lot, not exceeding 50 percent of the entire lot, shall be used for the accessory use.
- (b) No individual rental vehicle shall be parked for storage closer to the right-of-way than the principal building, and no rental vehicle shall be parked closer to the right-of-way than 25 feet.
- (c) No more than 25 vehicles for rental may be parked on the site.
- (d) Vehicles may not be displayed or stored in such a manner as to interfere with required parking for the principle use.
- (e) The use of the property for light recreational vehicle rentals shall not entitle the owner or occupant to additional signage.

(Ord. No. 01-253, § 2, 6-20-2001)

Sec. 3.8. - Reserved.

Sec. 3.9. - Light recreation vehicle rentals.

The rental of light recreation vehicles shall be permitted in accordance with the following restrictions:

- (a) Light recreation vehicle rentals shall be permitted only along Atlantic Avenue.
- (b) Vehicles may not be displayed or stored within ten feet of any public right-of-way, or be located in such a manner to interfere with traffic safety, required parking, or landscaped areas.

(c) The combined building area and display area shall not exceed 60 percent of the gross area of the entire site.

(Ord. No. 01-253, § 3, 6-20-2001; Ord. No. 02-322, § 3, 6-19-2002)

Sec. 3.10. - Retail sales and service.

Retail sales and services shall be permitted as an accessory use to hair and nail salons in the T-2 zoning district provided:

- (a) Retail sales and services shall be a subordinate portion of the personal service business. The area dedicated to retail sales shall not exceed 10% of the gross floor area of the business.

(Ord. No. 08-303, § 1, 11-19-2008)

SECTION 4. - SPECIAL USE REQUIREMENTS

Sec. 4.1. - Off-site parking for accommodation facilities.

Off-site parking may be permitted as a special use on the west side of Atlantic Avenue for accommodation facilities located on the east side of Atlantic Avenue, provided the following requirements are met:

- (a) Surface parking and drives, not including fire lanes, shall be limited to not more than 15 percent of the site east of Atlantic Avenue. The balance of the site east of Atlantic Avenue, not including any surfaces above underground parking structures, shall be landscaped. Where a site is adjacent to the Atlantic Ocean beach, the site shall include all property between the bulkhead line, the front property line, and the side property lines. There shall be no aboveground parking garages on sites adjacent to the beach.
- (b) Access to the parking facility shall be from Atlantic Avenue. Alternatively, or in addition, access may be from a side street provided such access is not across from a residential district.
- (c) The parking facility shall be set back a minimum of 50 feet from a residential district. The setback area shall be landscaped and a six-foot screening wall or landscape screening shall be provided.
- (d) If the parking facility contains a structure, the structure shall architecturally compliment and be consistent with the design features of the accommodation facility, so that the entire complex maintains a continuity of exterior design and materials.
- (e) Any structure on the parking facility site shall be used exclusively for parking above the ground floor. Parking and any use permitted in the district shall be permitted on the ground floor, except accommodations and residential uses. Any use other than parking shall provide off-street parking required for the use.
- (f) The site on which the parking facility is located shall have at least 30 feet of frontage directly across from the accommodations site, measured at a right angle to Atlantic Avenue.
- (g) An enclosed pedestrian walkway over Atlantic Avenue shall link the accommodation site and parking facility. The pedestrian walkway shall be exempt from front yard setback requirements, and must be approved by the

Florida Department of Transportation.

Sec. 4.2. - Fraternities and sororities.

Fraternity houses, sorority houses, and student cooperatives may be permitted as a special use in T-2 districts, provided the use does not adversely impact the neighborhood.

Sec. 4.3. - Reserved.

Editor's note—

Ord. No. 05-108, § 6(a), adopted March 16, 2005 repealed § 4.3 in its entirety. Formerly, said section pertained to additional floors for buildings as special uses on lots east of Atlantic Avenue within the T-1 (tourist accommodation) zoning district.

Sec. 4.4. - Reserved.

Editor's note—

Ord. No. 05-108, § 6(b), adopted March 16, 2005 repealed § 4.4 in its entirety. Formerly, said section pertained to parallelogram and corner lot side setbacks as special uses on lots east of Atlantic Avenue within the T-1 (tourist accommodation) zoning district.

Sec. 4.5. - Reserved.

Editor's note—

Ord. No. 05-108, § 6(c), adopted March 16, 2005 repealed § 4.5 in its entirety. Formerly, said section pertained to rear setback as special uses on lots east of Atlantic Avenue within the T-1 (tourist accommodation) zoning district.

SECTION 5. - LOT AND BUILDING REQUIREMENTS

Sec. 5.1. - General requirements for lots and buildings.

- (a) The lot and building requirements set forth in this section 5 shall apply to all development in the tourist districts, except for all single-family uses in T districts, which shall comply with the lot and building requirements established in LDC article 9, section 5, for R-3 districts.
- (b) All development shall be required to provide parking as set forth in article 8 of the LDC.
- (c) All development shall comply with the limits on the applicable floor area ratios (FAR) set forth in the City's comprehensive plan. Parking garages and drive aisles shall not be included in the gross floor area of the building for the purpose of calculating FAR, subject to the provisions of LDC article 10, section 5.2(b)(2).
- (d) The table below, and the notes referenced in the table, sets forth general lot and building requirements. For purposes of the table, the notes, and this section 5, the "front yard" for any corner oceanfront lot shall be adjacent

to and face Atlantic Avenue.

Zone		Min. Lot Area Sq. Ft.	Min. Lot Width at Bldg. Line	Min. Lot Depth	Min. Front Yard	Min. Side Yard Interior	Min. Side Yard Street	Min. Rear Yard	Max. % of Lot Cover.	Max. Bldg. or Struct. Height	Max. Res. Density units per acre
T-1	Oceanfront	40,000	75	200	25'	Note 1	Note 1	Note 3	60% and Note 4	None	40 upa
		All other	10,000	50'	None	20'	Notes 1, 2	10' and Notes 1, 2	10' plus 4" for each ft. of bldg. height over 35'	60%	None
T-2, T-2a		10,000	50'	None	20'	Notes 1, 2	10' and Notes 1, 2	Same as T-1	60%	None	40 upa
T-3		10,000	50'	None	10'	Notes 1, 2	10' and Notes 1, 2	Same as T-1	60%	None	40 upa
T-4		10,000	50'	None	10'	Notes 1, 2	10' and Notes	Same as T-1	60%	None	40 upa

						1, 2				
T-5	39,375	175'	225'	50' on major arterial 20' on minor arterial	15' plus 4" for each ft. of bldg. height over 35'	15' plus 4" for each ft. of bldg. height over 35'	15' plus 4" for each ft. of bldg. height over 35'	60% and Note 4	None	20 upa

Note 1. *Minimum side yard, oceanfront lots.*

- (a) *General requirement.* Subject to the maximum north-south width set forth in subsection (b) of this Note 1, and any adjustments authorized by art. 10, sec. 5.3 and 5.4, the minimum side yard shall be fifteen feet, plus one foot for each two feet of building height over 55 feet above mean sea level.
- (b) *Maximum north-south width.*
- Existing structures 250 feet in width or greater measured along Atlantic Avenue may not be increased in width. Existing structures less than 250 feet in width may be increased to 250 feet if all minimum setback requirements are met.
 - New structures shall not exceed 250 feet in width. Where two or more structures are to be developed on the same property, each structure shall be treated as though it were on an individual lot. In order to allow the proper relationship between structures and amenities, the side setbacks may be less than required, provided the separation between buildings shall not be less than the distance of the largest required side setback, and the setback that was lost shall be provided elsewhere on the site.

Note 2. *Minimum side yard, all others.* For lots with street frontage of 100 feet or less the minimum side yard shall be ten feet plus four inches for each foot of building height over 42.5 feet. For lots with street frontage over 100 feet the minimum side yard shall be 15 feet, plus four inches for each foot of building height over 57.5 feet.

Note 3. *Minimum rear setback, oceanfront lots.*

- (a) *General requirement.* Subject to the adjustment authorized by subsection (b) of this Note 3, for oceanfront lots, the minimum rear setback shall be the Atlantic Ocean building line established by article 16, section 5.3(c), LDC.
- (b) *Encroachments permitted; conditions.* Any principle building may encroach into the minimum rear yard setback set forth in (a) of this Note 3, to a point no less than 50 feet from and parallel to either of the following: (i) the bulkhead, or (ii) where there is no existing bulkhead, the bulkhead line established by article 16, section 5.3(c),

LDC. In either case, the front yard for the principle building shall be increased by the same distance as the encroachment into the minimum rear setback.

Note 4. *Lot coverage.* Off-street parking, drives, and walkways shall occupy no more than 75 percent of any front, side, or rear yard. A minimum of 25 percent of the front, side, and rear side yards shall be landscaped.

(Ord. No. 05-108, § 7, 3-16-2005)

Sec. 5.2. - Requirements for parking structures on oceanfront lots.

- (a) This section applies only to parking structures that may be constructed as part of a hotel, motel, or multi-family development on an oceanfront lot. For purposes herein, a parking structure includes all ramps accessing the structure.
- (b) For purposes of this subsection, an above grade parking structure is any portion or floor of a hotel, motel, or multifamily building which is used for parking and which is also visible from Atlantic Avenue. The following requirements apply to above-grade parking structures:
 - (1) Above-grade parking structures shall not be constructed in whole or in part within a required front, side or rear yard.
 - (2) Hotel, motel, and residential units may be located on the perimeter of any floor of an above-grade parking structure, so long as the total area of these units does not exceed 50% of the total floor area of the floor. Where residential units are located on a floor of an above-grade parking structure, the residential units shall be counted toward floor area ratio requirements set forth in article 16, section 5.1, LDC, but the parking areas shall not be so counted.
 - (3) Adjustments to height of buildings may be authorized where an above-grade parking structure is incorporated into a hotel, motel or multi-family building, pursuant to section 5.3 of this section 5.
- (c) For purposes of this subsection, a below grade parking structure is any portion or floor of a hotel, motel, or multifamily building which is used for parking and which is not visible from Atlantic Avenue. The following requirements shall apply to underground parking structures:
 - (1) Underground parking structures shall be constructed in a manner that does not hamper the installation or maintenance of required landscaping or associated irrigation.
 - (2) Underground parking structures shall not extend beyond the bulkhead, or where there is no existing bulkhead the bulkhead line established by LDC article 16, section 5.3(c).
 - (3) The maximum elevation of any underground parking structure shall not exceed 20 feet above mean sea level.

(Ord. No. 05-108, § 7, 3-16-2005)

Sec. 5.3. - Adjustment to height of certain buildings on oceanfront lots with above-grade parking structures.

For every floor of an above-grade parking structure that is incorporated into the footprint of a permitted hotel, motel or multifamily building on an oceanfront lot, the top of the building may be increased by one additional floor, without requiring a corresponding increase in the minimum side yard as would otherwise be required pursuant to section 5.1(d) of this section 5. Only floors within a parking structure that have at least 50 percent of their space devoted to parking shall be eligible for adjustment.

(Ord. No. 05-108, § 7, 3-16-2005)

Sec. 5.4. - Adjustments to minimum side yard setbacks for certain oceanfront lots.

- (a) The primary buildings on parallelogram lots and corner side lots may encroach into the minimum side yard setback a distance of up to ten-percent of the required setback.
- (b) A side yard setback may be reduced so long as the other side yard setback on the same lot is increased by the same distance; provided, however, that no side setback may be reduced to less than 25 feet.

(Ord. No. 05-108, § 7, 3-16-2005)

Sec. 5.5. - Site design and architectural standards for oceanfront lots.

- (a) High standards of site design and architectural quality are essential to the success of the city's tourism industry. Therefore, all non-residential and multifamily buildings on oceanfront lots shall meet the following site design and architectural standards:
 - (1) Building materials shall be resistant to the effects of the sun and salt water.
 - (2) Each elevation shall have multiple surface planes such that relief from flat, boxy surfaces is provided. All building wall elevations shall comply with the appearance standards in article 18, section 4.3(c).
 - (3) Walls of each story of a building shall have a certain percentage of window area based on whether the walls face the front, rear or sides:
 - a. Front and rear walls, shall have at least 25 percent window area.
 - b. Each side wall, shall have at least 15 percent window area.
 - (4) All windows shall have exterior ornamentation (sills, frames, awnings, shutters, louvers, balconies, false balconies, etc.) such that relief from a flat building surface is provided.
 - (5) Buildings shall have a color scheme consisting of three complementary colors; one of which shall be the principal (base) color and the others used as highlights and accents.
 - (6) All building roofs shall comply with the appearance standards in article 18, section 4.3(c).
 - (7) Pedestrian level lighting shall be provided on the A1A side from the sidewalk to the building, consistent with any applicable federal, state and local environmental requirements relating to protected or endangered species. Non-glare exterior lighting in the landscape areas is encouraged.
 - (8) Water features such as reflecting pools and lighted fountains are encouraged.
 - (9) Signage shall be limited to monument signs that are appropriately integrated into the project architecture or landscaping plans. Signage shall not be permitted on seawalls.
 - (10) Landscaping shall consist of palm tree groves established on the Atlantic Avenue frontage, ocean frontage, at the building corners, and within side setbacks. Palm tree groves shall consist of at least three palms per cluster, the trunks being in close proximity to each other. Cabbage palms shall not be acceptable unless the number of palms per cluster is at least five. The palms shall be a minimum clear trunk height of ten feet with varying heights within the cluster. The palm groves shall be placed 50 feet on center along the perimeter of the site and at the corners of the building. The front yard of the property and the first ten feet inside the property from the bulkhead/seawall shall be heavily landscaped. The predominant view toward the property from A1A and the

beach shall be one of noticeable, and dense landscaping and not of hard surfaces or features. Washingtonian and Sabal palms shall be mixed with date palms and included on the Atlantic Avenue frontage. No pavement shall encroach in these areas except for permitted driveways entering and exiting the site in an east-west direction and pathways to the beach. Architectural placement, parking design, and project ground signs shall be subordinate to and coordinated with the landscaping. Flowering plants shall be incorporated into the design.

- (11) Driveways and at-grade surface parking areas to the north and south of the structure shall be constructed of colored interlocking pavers or stamped colored concrete. All applicable parking lot landscaping requirements of article 18, section 2, LDC, and setback requirements of article 8, section 2, LDC, shall be observed.
- (12) Mechanical equipment and dumpsters shall be screened from public view.
- (13) All utilities shall be installed underground.

The planning board may modify or waive any of the requirements referenced in this section 5.5, provided that suitable features are provided in substitution. Features shall only be deemed to be suitable if they have a similarly positive overall effect on the aesthetic quality and character of the development, as the requirement that is proposed to be waived.

(Ord. No. 05-108, § 7, 3-16-2005; Ord. No. 11-200, § 1, 9-7-2011)

Sec. 5.6. - Public access required of oceanfront lots.

For all hotels, motels and multifamily buildings, final development approval shall not be given unless the project developer constructs and dedicates to the public, through an instrument that is in a form satisfactory to the city attorney, a public beach access meeting the requirements of this section.

- (1) For sites having a street frontage of 400 feet or more, the beach access shall be 15' wide at a minimum, and shall include a ten-foot wide paved path alongside a five-foot wide area that shall be landscaped and irrigated in accordance with the requirements of this section.
- (2) For sites having a street frontage of 399 feet or less, the beach access shall be ten feet wide at a minimum, and shall include a five-foot wide path that is landscaped and irrigated in accordance with the requirements of this section.
- (3) In all cases, the following shall apply:
 - a. The public access shall be lit, consistent with any applicable federal, state and local environmental requirements relating to protected or endangered species;
 - b. The landscaping area shall be lushly planted with salt tolerant palm trees and seaside plant materials, and provided with a fully automatic underground irrigation system providing 100 percent coverage.
 - c. The public access shall be deemed to be included within the lot boundaries of the development site, for purposes of meeting the minimum side yard requirements of this Code.
- (4) The city commission, upon receipt of advice and recommendation of the planning board, may waive or modify any of the requirements referenced in paragraphs (1) through (3) of this section 5.6, provided that suitable features are provided in substitution on a one-for-one basis.

(Ord. No. 05-108, § 7, 3-16-2005)