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## DIVISION 16. - C-2 LIBERAL RETAIL COMMERCIAL DISTRICT<sup>[16]</sup>

### Sec. 98-1111. Permitted uses.

In the C-2 liberal retail commercial district, the permitted uses for land, buildings and other improvements are subject to the general conditions requiring that all storage of materials and products and all operations of work of every character are carried on entirely within the enclosing walls and under the roof of a building and the following:

- (1) All C-1 restricted retail commercial district uses, except for smoke shops.
- (2) *Air conditioning retail stores.* Establishments engaged in selling new air conditioners and air conditioner supplies and equipment. This does not include air conditioning repair on the premises.
- (3) *Ambulance services.* Establishments engaged in providing transportation of patients by ground or air, along with medical care.
- (4) *Amusement centers.* Amusement centers are subject to the limitations of section 18-63 of this Code. The permitted use shall be based on submission of an approved site plan. Sufficient and adequate parking, traffic flow and circulation patterns shall be given great weight in the determination of whether or not a site plan is approved.
- (5) Auction houses for general merchandise.
- (6) Banquet halls, cultural facilities, lodge halls, museums and community-service and social organizations. The permitted use shall be based on submission of an approved site plan. Sufficient and adequate parking, traffic flow and circulation patterns shall be given great weight in the determination of whether or not a site plan is approved.
- (7) *Bicycle shops.* Establishments primarily engaged in selling new bicycles with activities such as repair services, selling replacement parts and rental of bicycles and mopeds.
- (8) Billiard or pool parlors and bowling centers.
- (9) *Carpet cleaning and repair.* Establishments engaged in cleaning used rugs and carpets.
- (10) *Commercial parking lots and garages.* Establishments engaged in providing parking space for motor vehicles, usually on an hourly, daily or monthly basis and/or valet parking services. Garages are subject to the conditional use permit requirements in section 98-181 of this Code.
- (11) *Dry cleaning services.* Establishments engaged in providing dry cleaning services on the premises.
- (12) Funeral homes, funeral viewing services and cemeteries are subject to the conditional use permit requirements in section 98-181 of this Code. Crematories are prohibited.
- (13) *Home and garden equipment/lawnmower repair and maintenance.* Establishments engaged in selling new home and garden equipment, such as lawnmowers, fences, handheld power tools, edgers, and trimmers, with activities such as repair services, selling replacement parts and rental of equipment.
- (14) *Home center stores.* Establishments engaged in selling lumber; plumbing, electrical and/or hardware materials or supplies; lawn and garden materials or supplies; trees, plants, flowers and/or seeds and other home repair and improvement materials and supplies.
- (15) *Hospitals.* Hospitals are subject to the conditional use permit requirements in section 98-181 of this Code.
- (16) *Hotels and motels.* Establishments engaged in providing short-term lodging, which may offer food and beverage services, recreational services, conference rooms and convention services, laundry services,

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parking and other services. Hotels are subject to the conditional use permit requirements in section 98-181 of this Code.

- (17) *Mechanical carwashes.* Mechanical carwashes are subject to the restrictions in section 98-1898 of this Code.
- (18) *Paint and wallpaper stores.* Establishments engaged in selling paint, wallpaper and related supplies.
- (19) *Pet and pet supplies stores.* Establishments engaged in the sale of pets, pet foods and pet supplies. Boarding of animals is permitted.
- (20) *Reupholstery and furniture repair.* Establishments engaged in reupholstering furniture, refinishing furniture, repairing furniture and/or repairing and restoring furniture.
- (21) *Secondhand (merchandise) dealers and precious metals dealers—Distance separation requirements.* Where either a secondhand (merchandise) dealer, as defined in article VIII of chapter 18, or precious metals dealer, as defined in article VII of chapter 18, is a permitted use, it shall not be located within a 2,500-foot radius of any other secondhand (merchandise) dealer or precious metals dealer use. No variances of the distance separation requirements shall be granted for new business locations established after March 1, 2010.
  - a. *Exception.* The 2,000-foot radius distance separation requirement shall not apply to a precious metals dealer and secondhand dealer if conducting an existing licensed jewelry business as follows:
    1. Licensed jewelry business shall be the primary business, constituting, at a minimum, no less than 75 percent of the annual gross sales of the business. The city may request financial records to verify compliance with this requirement. Failure to provide such financial records will be grounds for revocation or suspension of occupational license.
    2. Licensed activities involving secondhand goods limited to the trade, purchase or sale of jewelry items only and in particular, limited to point-of-sale jewelry transactions of secondhand items or to credit transactions towards the purchase of jewelry. This activity shall not constitute more than 25 percent of annual gross sales of the business and shall be considered secondary to the existing jewelry business at the same location.
    3. Operate business with no outdoor advertising or no exterior signs, or an interior sign otherwise visible from the street or other outside area that advertises or refers to pawning or lending money through the use of signs or symbols associating with pawn or money lending or that use the words "pawn", "empeno", "cash for your jewels", "dinero por sus joyas", "prestamos sobre sus joyas" or other words or phrases that would convey a similar meaning. The business operator shall not utilize any artifice or scheme to circumvent the intent of this section.
    4. The property owner and business owner, if applicable, signs a declaration of restrictive covenants incorporating these restrictions in the county public records in a form acceptable to the city.
    5. The business operator shall not advertise the availability of services involving trading, purchasing or selling of secondhand jewelry in a manner that would:
      - i. Lead a reasonable person to believe the operator is solely or primarily engaged in the provision of these services; or
      - ii. Appeal or attract members of the public to seek the services of the business operator solely for these purposes.

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- (22) *Self-storage facilities.* Establishments containing separate, secured, air-conditioned self-storage areas used for the temporary storage of the following:
- a. Household items and personal effects, excluding motor vehicles, recreational vehicles, boats, trailers, aircraft and other similar items.
  - b. Business files and records consisting of paper or computer-generated documents, office desks, chairs and related professional office furniture; excluding inventory of any nature.
  - c. *Limitations.*
    1. *Setbacks.* Same as C-1 setbacks, except that the side setback shall be at least 15 feet if the property abuts or is adjacent to property zoned residential.
    2. *Landscaping.* In addition to an enclosed wall, a suitable landscape buffer must separate the self-storage facility and an abutting or adjacent property that is zoned residential.
- (23) *Automotive glass/window tinting and replacement.*
- (24) *Automotive alarm systems, security systems, stereos, radios and similar equipment and devices; sales, installation and repair.*
- (25) *Automotive diagnostic testing services, without repair.*
- (26) *Automotive emissions testing services.*
- (27) *Automotive batteries; sales and installation.*
- (28) *Automotive mufflers; sales and installation.*
- (29) *Automotive oil change and lubrication shops and services.*
- (30) *Automotive tires (new and used).* Sales, installation and ancillary services; provided, however, discarded, abandoned or used tires, not for resale in connection with automotive tire sales, installation and ancillary services, shall be stored only within enclosed walls and shall be promptly disposed of and removed according to city, county, state and/or federal law or guidelines.
- (31) *Retail sales (new) of parts and equipment for boats, marine needs and supplies.*
- (32) *Universities, colleges and other post-secondary educational institutions.*
- (33) *Pain management clinics* as defined by F.S. § 458.3265 or § 459.0137, as amended from time to time, and required to be registered with the State of Florida Department of Health, which shall be prohibited in all other zoning districts and subject to the following distance requirements:
- (i) No pain management clinic shall be permitted to locate within a radius of 1,500 feet of another pain management clinic or within a radius of 1,500 feet of an existing pharmacy, or business that operates a pharmacy within the same business location including, but not limited to, drugstores, grocery stores, supermarkets, and superstores, as measured by linear feet from the main entrance of one business to the main entrance of the other business.
  - (ii) No pain management clinic shall be permitted to located within the same establishment, shopping center including any outparcel, or within the same parcel or tract of land of any other pain management clinic or pharmacy.
  - (ii) To the extent that pharmacies are permitted to locate in this zoning district, no new pharmacy shall be permitted to locate in the same establishment, shopping center including any outparcel, or within the same parcel or tract of land, as an existing pain management clinic.
- (34) *Automobile rental satellite facilities.* Satellite facilities which rent automobiles without storage, maintenance, repair, polishing or car washing on site. This use is intended to be a service counter

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ancillary to a principal car rental facility where a large number of vehicles is stored and maintained and is subject to the following requirements:

- (i) Location within an enclosed bay of a shopping plaza with minimum lot area of five acres, in compliance with current parking requirements and where no parking variances were granted by the city.
  - (ii) Maximum bar area of 1,500 square feet.
  - (iii) Maximum of three employees.
  - (iv) A maximum of three rental automobiles may be parked in three designated parking stalls for pick-up or drop-off by customers. No additional rental automobiles may be parked in non-designated parking stalls within the shopping center or on on-street parking spaces.
  - (v) Rental of motorcycles, motor trucks, low speed vehicles and slingshot vehicles as principal or ancillary use is prohibited.
  - (vi) No variances shall be granted to allow increase on the number of rental automobiles to be parked at the location.
- (35) The city may use the North American Industry Classification System (NAICS) as a primary reference for interpreting the nature of the foregoing uses or similar permitted uses.
- (36) *Smoke shops.* Where a smoke shop, as defined in article V of chapter 18, is a permitted use, it shall not be located within a 1,000-foot radius of any other smoke shop, public and private primary or secondary schools, daycare, or public park. Conversely, a public or private primary or secondary school, or daycare shall not be located within a 1,000-foot radius of a smoke shop. Schools or daycares required to obtain a conditional use permit pursuant to section 8-181, which are presently located within 1,000 feet of a smoke shop and operating without the required conditional use permit, shall have 24 months from the effective date of this ordinance to obtain a conditional use permit.

(Ord. No. 2001-84, § 3, 10-23-2001; Ord. No. 02-11, § 1, 2-12-2002; Ord. No. 2008-44, § 1, 5-27-2008; Ord. No. 2010-10, § 2, 2-9-2010; Ord. No. 2012-38, § 1, 6-26-2012; Ord. No. 2022-033, § 2, 4-26-2022; Ord. No. 2022-072, § 1, 9-27-2022)

### **Sec. 98-1112. Uses prohibited.**

In the C-2 liberal retail commercial district, any type of residential construction or residential use is prohibited. Swap shops, trading posts, swap meets, bazaars, flea markets, and any other marketing center as defined in division 26 of this article, whether permanently established or of a temporary nature, are prohibited.

(Ord. No. 771, § 11, 1-26-1954; Ord. No. 788, § XXI, 5-25-1954; Code 1960, § 32-19(a.1); Ord. No. 1474, § 1, 5-22-1962; Ord. No. 1731, §§ 2, 3, 10-13-1964; Ord. No. 2121, § 1, 5-28-1986; Ord. No. 2768, § 2, 7-10-1973; Ord. No. 89-17, § 1, 2-28-1989; Ord. No. 89-82, § 1, 8-22-1989; Ord. No. 90-45, § 1, 5-22-1990; Ord. No. 92-39, § 1, 4-28-1992; Ord. No. 94-19, §§ 2, 3, 3-8-1994; Ord. No. 95-15, § 1, 2-28-1995; Ord. No. 95-51, § 1, 8-8-1995; Ord. No. 2022-045, § 1, 5-24-2022)

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## DIVISION 15. - C-1 RESTRICTED RETAIL COMMERCIAL DISTRICT<sup>[15]</sup>

### Sec. 98-1066. Permitted uses.

In the C-1 restricted retail commercial district, the permitted uses for land, buildings and other improvements are subject to the general conditions requiring that all storage of materials and products and all operations of work of every character are carried on entirely within the enclosing walls and under the roof of a building and the following:

- (1) All B-1 highly restricted retail district uses.
- (2) Antique stores.
- (3) Awards and trophies stores.
- (4) Automotive new parts and equipment or accessory stores (salesroom only).
- (5) *Automotive tires (new)*. Sales, service or installation, but no recapping shall be allowed on the premises; provided, however, discarded, abandoned or used tires, in connection with automotive tire sales, installation and ancillary services, shall be stored only within the enclosed walls and shall be promptly disposed of and removed according to city, county, state and/or federal law or guidelines.
- (6) *Coin-operated or self-service laundries*. Establishments engaged in operating facilities with coin-operated or similar self-service laundry equipment for customer use on the premises. This does not include dry cleaning services or facilities.
- (7) *Copy services or quick printing*. Establishments engaged in photocopying documents, short-run printing, receiving documents in electronic format and directly duplicating, formatting, colorizing and otherwise modifying the original document to improve presentation with fast turnaround times.
- (8) *Full-service restaurants*. Establishments engaged in providing food services where customers order and are served while seated and pay after eating.
- (9) Grocery stores and supermarkets.
- (10) *Motion picture theaters*. Establishments engaged in exhibiting motion pictures or videos. This does not include theaters showing adult films.
- (11) *Vocational and technical schools*. Establishments engaged in offering vocational and technical training in a variety of subjects and trades often leading to job-specific certification. Examples of vocational and technical schools include, but are not limited to, the following: apprenticeship training programs; business and secretarial schools; computer training schools; cosmetology and barber schools; electronic equipment repair training and bartending schools. The permitted use shall be based on submission of an approved site plan. Sufficient and adequate parking, traffic flow and circulation patterns shall be given great weight in the determination of whether or not a site plan is approved.
- (12) Veterinary clinics.
- (13) The city may use the North American Industry Classification System (NAICS) as a primary reference for interpreting the nature of the foregoing uses or similar permitted uses.

(Ord. No. 2001-84, § 2, 10-23-2001; Ord. No. 2019-042, § 1, 5-28-2019)

### Sec. 98-1067. Prohibited uses.

The following uses are prohibited:

- (1) Residential uses.

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- (2) Dry cleaning.
  - (3) Flower, fruit, plant and tree nurseries and garden centers.
  - (4) *Home center stores*. Establishments engaged in selling lumber; plumbing, electrical and/or hardware materials or supplies; lawn and garden materials or supplies; trees, plants, flowers and/or seeds; and other home repair and improvement materials and supplies similar in character.
  - (5) *Manual carwashes*. Establishments engaged in manually cleaning, washing, and/or waxing personal automotive vehicles.
  - (6) *Mechanical car washes*. Establishments engaged in, either freestanding or ancillary in use, mechanically cleaning, washing, and/or waxing vehicles, such as automobiles, minivans, SUVs and pickup and sport utility trucks.
  - (7) Secondhand (merchandise) dealers or sale or pawn of secondhand goods.

(Ord. No. 2001-84, § 2, 10-23-2001; Ord. No. 2019-042, § 1, 5-28-2019)

## **DIVISION 12. - B-1 HIGHLY RESTRICTED RETAIL DISTRICT<sup>[12]</sup>**

### **Sec. 98-926. Permitted uses.**

In the B-1 highly restricted retail district, the permitted uses for land, buildings and other improvements are subject to the general conditions requiring that all storage of materials and products and all operations of work of every character are carried on entirely within the enclosing walls and under the roof of a building and the following:

- (1) All OPS office and professional services district uses.
- (2) *Retail trade and services*. Establishments providing services or engaged in selling small quantities of merchandise, generally without transformation, to the general public and sometimes rendering after-sales services incidental to the sale of merchandise, such as installation and repair. Examples of establishments engaged in the retail of products and services include, but are not limited to, the following: artwork and art supplies stores; camera and photographic supplies stores; clothing and clothing accessories stores; computer stores; convenience stores; department stores; electronics and appliances stores; food and beverage stores; furniture and home furnishings stores; gift, novelty and souvenir stores; gourmet, specialty foods and baked goods stores with baking on the premises for onsite retail sales only and with a maximum floor area of 3,000 square feet; neighborhood grocery stores with a maximum floor area of 3,000 square feet; hardware stores; health and personal care stores and services; jewelry, luggage and leather goods stores; locksmith and home security equipment stores; sporting goods, hobby, book and music stores; school and office supplies and stationery stores; shoe and shoe repair stores and tobacco stores. The floor area limitations of gourmet, specialty foods and baked goods stores and neighborhood grocery stores apply only to this zoning district.
- (3) *Consumer goods (rental)*. Establishments engaged in renting personal and household-type goods and often operate from retail or storefront facilities. Examples of establishments engaged in consumer goods rental include, but are not limited to, the following: consumer electronics and appliances rental stores; formal wear and costume rental stores; furniture rental stores; personal home health

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- equipment rental stores (excluding commercial medical equipment and supplies); sporting goods rental stores and video tape and disc rental stores.
- (4) *Beer, wine and liquor stores.* Establishments engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor with no consumption on the premises and subject to the distance separation requirements as provided in section 6-66 of this Code.
  - (5) *Finance and insurance.* Establishments engaged in financial transactions involving the creation, liquidation or change in ownership of financial assets and/or in facilitating financial transactions. Examples of establishments engaged in finance and insurance include, but are not limited to, the following: commercial banks; consumer lenders; credit unions; insurance carriers; investment banks and securities brokers and savings institutions.
  - (6) *Full-service restaurants.* Establishments engaged in providing food services where customers order and are served while seated and pay after eating. Minimum floor area in this zoning district shall be 850 square feet. No beer, wine or alcoholic beverages shall be offered for sale, sold, delivered, served or consumed on premises.
  - (7) *Limited-service restaurants.* Establishments engaged in providing food services where customers select items and pay before eating. Examples of limited-service restaurants include, but are not limited to, the following: delicatessens; ice cream parlors; pizza parlors, coffee shops and pizza delivery shops; fast-food restaurants serving items such as, but not limited to, fried chicken, tacos and hamburgers; and takeout eating places. Limited-service restaurants shall not sell, offer for sale, deliver, serve or permit to be consumed on the premises any alcoholic beverages, wine and/or beer. Outdoor dining may be permitted based on submission of an approved site plan. Sufficient and adequate parking, traffic flow and circulation patterns shall be given great weight in the determination of whether or not a site plan is approved.
  - (8) Medical and dental clinics and offices.
  - (9) *Individual and family services.* Establishments engaged in nonresidential individual and family social assistance services for youth and adults.
  - (10) *Child day care and nonresidential adult care facilities.* The permitted use shall be based on submission of an approved site plan. Sufficient and adequate parking, traffic flow and circulation patterns shall be given great weight in the determination of whether or not a site plan is approved.
  - (11) *Arts, fitness, sports and recreational instruction.* Establishments engaged in offering instruction in the arts, dance, exercise, athletic and recreational activities. Examples of establishments engaged in arts, exercise, sports and recreational instruction include, but are not limited to, after-school or other programs offering coaching, lessons or training in art, aerobics, cooking, crafts, dance, drama, exercise, fitness, music and martial arts. This does not include fitness centers.
  - (12) *Places of worship.* Places of worship are permitted provided that minimum parking requirements for places of worship are satisfied. The permitted use shall be based on submission of an approved site plan. Sufficient and adequate parking, traffic flow and circulation patterns shall be given great weight in the determination of whether or not a site plan is approved. All ancillary uses, such as day care facilities and schools, must satisfy zoning regulations for such uses. The minimum number of parking spaces may be satisfied by the general requirements for commercial uses if the auditorium or sanctuary is used at a time outside the regular hours of operation of the property. Places of worship are also subject to the conditional use permit requirements in section 98-181 of this Code.
  - (13) *Public and private schools, excluding vocational and technical schools, post-secondary educational facilities, colleges or universities.* The permitted use shall be based on submission of an approved site plan. Sufficient and adequate parking, traffic flow and circulation patterns shall be given great weight in the determination of whether or not a site plan is approved.

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- (14) Self-service laundries, laundromats.
  - (15) *Travel agencies*. Establishments engaged in selling travel, tour and accommodation tickets and services to the general public and commercial clients.
  - (16) Bus terminals and depots for city circulator system.
  - (17) The city may use the North American Industry Classification System (NAICS) as a primary reference for interpreting the nature of the foregoing uses or similar permitted uses.

(Ord. No. 2001-84, § 1, 10-23-2001)

**Sec. 98-927. Prohibited uses.**

The following uses are prohibited:

- (1) Residential uses, except as otherwise permitted in this section.
- (2) Banquet halls, cultural facilities, lodge halls, museums and community-service and social organizations.
- (3) Flower, fruit, plant and tree nurseries and garden centers.
- (4) Home center stores. Establishments engaged in selling lumber; plumbing, electrical and/or hardware materials or supplies; lawn and garden materials or supplies; trees, plants, flowers and/or seeds; and other home repair and improvement materials and supplies similar in character.
- (5) Hospitals.
- (6) Hotels, roominghouses, lodginghouses and motels.
- (7) Secondhand (merchandise) dealers or sale or pawn of secondhand goods.
- (8) Dry cleaning establishments but only where the dry cleaning is performed on the premises or where hazardous materials and flammable solvents are stored or used on the premises.
- (9) Manual and mechanical carwashes.

(Ord. No. 2001-84, § 1, 10-23-2001)