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## Sec. 94-105. - Use requirements.

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- a. Intent. This section shall provide a list of uses permitted within the various subdistricts established for the DMP, uses permitted with additional requirements, prohibited uses, and the definitions of uses particular to the downtown area.
- b. Permitted uses within all districts. The following uses are permitted within all districts as a matter of right without specific listing in the permitted use table: parks, recreation areas, and urban open spaces; aboveground and buried utility lines for local distribution of electricity, telephone, and cable television service; accessory and appurtenances apparatus such as poles, guy wires, transformers, and switching boxes; public and private streets and roads; railroad rights-of-way; water and sanitary sewer lines; gas and liquid fuel distribution lines; and public water canals.
- c. Prohibited uses within all districts. The following uses shall be prohibited within the DMP area: outdoor sales of motor vehicles; motor vehicles service stations; drive-in facilities except banking facilities; pawn shops; chemical manufacturing; storage or distribution as primary use, except as otherwise provided in this article; unscreened outdoor storage either as a primary or accessory use, except as otherwise provided in this article; enameling; painting or plating, except artist's studios; off-premises signage; carting; moving or hauling terminal or yard, except delivery of goods to businesses; prisons; detention centers; sites for disposal of hazardous waste materials; scrap yards; mobile homes; sand, gravel or other mineral extraction; exterior kennels except as ancillary use to police station or courthouses; rooming houses; halfway houses; adult entertainment establishments; and retail uses selling adult material.

- d. Permitted use tables.

1. Permitted use tables. Permitted uses in each planning area are listed in the permitted use tables: [Tables IV-1, IV-2, and IV-3](#). Additional requirements for specific uses may be found in [section 94-106](#) and/or the district regulations for each planning area. Uses in the permitted use tables are classified as follows:
  - a. Uses permitted by right (P). Uses allowed throughout a subdistrict as a matter of right, subject to all applicable provisions of this chapter. These uses are designated "P" in [Tables IV-1, IV-2, and IV-3](#).
  - b. Uses permitted with additional requirements and restrictions (P+number). Uses allowed throughout a subdistrict only with the additional requirements and restrictions indicated by the specific permitted use symbol (P+number) in the permitted use tables, [Table IV-1, IV-2, and IV-3](#), and subject to all applicable provisions of this chapter. The permitted use symbols correspond to the following additional requirements and restrictions:

- P1 Ground floor residential uses shall be permitted, except on streets designated as avenues.
- P2 Ground floor residential uses shall be permitted only on 2nd street, and on those properties facing Evernia Street and Datura Street between Rosemary Avenue and Sapodilla Avenue.
- P3 Ground floor residential uses shall be permitted, except on Dixie Highway.
- P4 Multiple family dwellings shall be limited to the rehabilitation of structures originally constructed and legally permitted as multiple family residential structures.
- P5 Off-site accessory surface parking lots will be permitted when accessory to uses located within BPD-R, NoRA-5 and NoRA-2. Surface parking lot shall comply with the following:
  - a. Off-site accessory surface parking lots for uses within NoRA or BPD-R will be permitted only on vacant properties with frontage along North Railroad Avenue, Spruce Avenue, or 11th Street. Parking lots shall not be allowed along the 10th Street frontage, except within 100 feet from North Railroad Avenue.
  - b. Demolition of existing structures will not be permitted for the construction of off-site accessory surface parking lots.
  - c. When located in a residential subdistrict, off-site accessory parking lots will not be required to comply with the minimum setback required for the district.
  - d. Off-site accessory surface parking lots shall comply with all landscape requirements as included in [Section 94-443.c.](#), except that divider medians shall be required only when more than four consecutive rows of parking are provided.

- P6 Ground floor retail uses, office and other commercial uses, may be allowed in existing structures originally designed for commercial uses provided a class B special use permit is obtained. Such structures are designed with original, distinguishing, nonresidential characteristics, such as, but not limited to, storefront windows, placement and orientation to the street, and floor to ceiling height. The special use permit shall be limited to the existing building and such structures shall not expand in net interior area. Residential structures with previous commercial or retail uses shall not qualify for such special use permit. Retail uses, office, and other commercial uses shall be permitted by right for properties fronting 7th Street, between Rosemary Avenue and Sapodilla Avenue; and properties fronting Henrietta Avenue, south of the alley located between 8th Street and 9th Street. Bars, clubs, convenience stores, game arcades, and dry cleaning establishments shall not be permitted anywhere within the NWD-R-C1.
- P7 Live/work and commercial uses shall be limited to office uses, design arts related uses, studios, personal services, and limited retail as an accessory use to permitted uses. Mixed-uses shall be permitted within the same structure.
- P8 Ground floor retail and other commercial uses shall be limited to 2,500 square feet.
- P9 Live/work uses located on the first floor cannot be converted entirely into residential uses.
- P10 Office uses shall be limited to professional office use only.
- P11 Bed and breakfast establishments shall be limited to the rehabilitation of existing structures. In the NWD-R-C1 subdistrict, bed and breakfast establishments shall be limited to the rehabilitation of historically contributing structures. B&Bs shall comply with requirements in Section 94-273(5.2).
- P12 Restaurant uses shall be limited to occupancy of 75 patrons.
- P13 Structured parking shall comply with the subdistrict building requirements.
- P14 Surface parking lots shall be permitted only on secondary street designations and shall comply with the parking requirements of section 94-111 and landscape requirements of subsection 94-443(c).  
Temporary surface parking lots as primary use with frontage along a primary street may be allowed within the Quadrille Business District with the following conditions:
- a. Minimum size and location. Temporary surface parking lots as primary use shall be allowed on parcels that are one or more acres in size, and shall be located within 500 feet of an existing commercial/retail development with a minimum of 250,000 square feet of existing floor area. Access to temporary surface parking lots may be from public right-of-way.
  - b. Setback. Temporary surface parking as primary use is not required to comply with minimum ground floor setback as prescribed by the corresponding subdistrict building requirement table. A minimum of six feet wide sidewalk shall be provided if not existed along the frontage line.
  - c. Landscape. Landscape shall be provided according to subsection 94-113(f), except as otherwise prescribed by this section. For properties with frontage along Rosemary Avenue, landscape buffer shall be a minimum of six feet in width, and shall be enhanced with an additional under-story shrub planting subject to the review and approval of the landscape planner. Required perimeter buffers along public streets shall be provided from the back side of the sidewalk.
  - d. Parking. Parking area shall comply with all applicable provisions on section 94-111 except as otherwise prescribed by this section. One interior landscape island shall be provided for every 12 parking spaces or fraction thereof.
  - e. Bicycle racks. Bicycle racks shall be provided at a ratio of one bicycle parking space per every 15 parking spaces provided. Bicycle racks may be located off-site at locations agreed by the city, and installed by issuance of certificate of completion of the temporary surface parking lot.
  - f. Time limitation. Surface parking lots with frontage along a primary street are only allowed for a period of 36 months after issuance of certificate of completion. A one-time 12-month extension may be allowed by the city commission. After four years, the surface parking lot shall be removed at the applicant's expense, and property restored pursuant to section 94-450.
- P15 Surface parking lots as a primary use are permitted provided a class B special use permit is obtained. A maximum of one surface parking lot with parking as the primary use shall be permitted on each block.

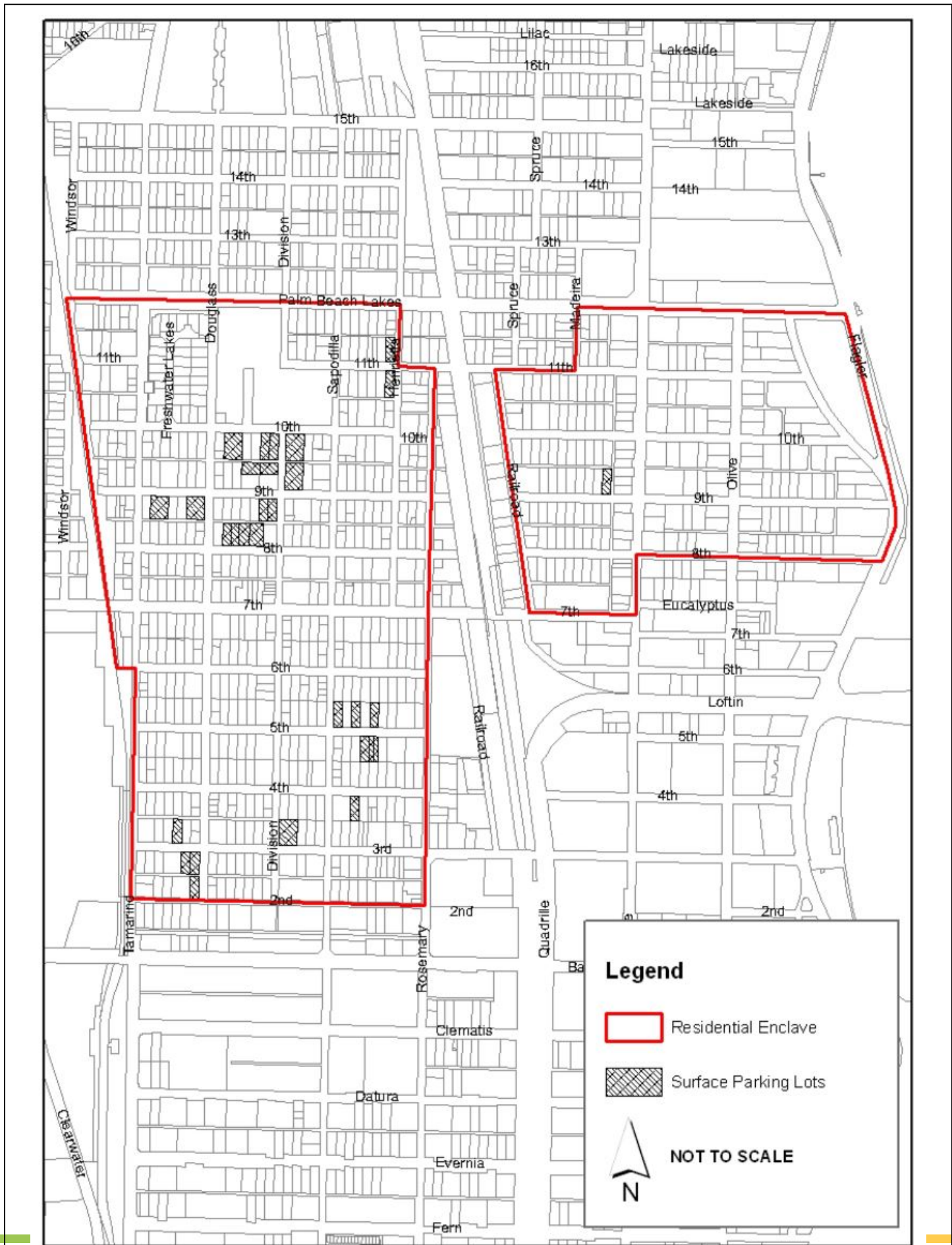
- P16 Off-site accessory surface parking lots in residential subdistricts identified on [Figure IV-2](#), may be allowed to continue with the following conditions:
1. The lots shall be improved to the following minimum standards:
    - i. Surface parking lots shall comply with requirements of section [94-111](#).
    - ii. Paving materials shall be limited to stabilized grass, brick pavers, plain or colored concrete, or asphalt.
    - iii. Surface parking lots existing as of November 1, 2022, are not required to comply with the minimum ground front setback, but a landscape buffer shall be provided along the street frontage in compliance with section [94-113\(f\)](#).
  2. Legally permitted surface parking lots, as demonstrated by an approved building permit, shall be exempt from these requirements.
  3. Shared usage of surface parking lots and cross-access easements are strongly encouraged.
  4. If a permit for improvements which comply with the minimum standards has not been obtained and site improvements have not commenced prior to January 1, 2027, the off-site accessory surface parking use shall be discontinued and the lot shall be automatically removed from [Figure IV-2](#).
  5. If improvements to comply with the minimum standards are proposed to be completed in different project phases, an approval of a class B special use permit by DAC is required.
- P17 Outdoor storage as accessory to commercial uses located adjacent to Railroad Avenue shall be limited to existing accessory outdoor storage as of January 1, 2008, subject to a class B special use permit obtained by December 31, 2009, and subject to the following requirements:
1. The outdoor storage shall be screened on all sides by a minimum three-foot wide landscape buffer which shall include a fence or wall, and a planted hedge not to exceed eight feet in height along streets, alleys, and adjacent property lines. Fence or walls shall be limited to chain link, masonry, or stucco on brick. The maximum height of outdoor storage shall not exceed the height of the fence or wall enclosure.
  2. Hedging shall be required on all sides of the property. Along rights-of-way, the hedging shall be outside the fencing and the fence shall be set back a minimum of three feet from the property line. Hedging shall be located inside fencing when adjacent to property under separate ownership.
  3. The outdoor storage shall not expand to adjacent properties.
  4. If a lawfully permitted outdoor storage use ceases to operate as an accessory to a commercial use for more than six months, the class B special use permit shall be void and the uses allowed shall be restricted to those permitted in the BPD-R subdistrict. Waiver of this requirement is prohibited.
  5. Commercial vehicle access to Railroad Avenue permitted outdoor storage shall be by way of 7th Street between the hours of 7:00 a.m. and 7:00 p.m. daily. Access to lots shall be directly off of Railroad Avenue.
  6. Storage shall be limited to those materials and supplies normally produced by the primary business or necessary for the day-to-day operation of the primary business or facility. Storage may additionally include parking for work and employee vehicles related to the primary business.
  7. Lighting shall be installed at a height not to exceed 12 feet, and shall be directed away from adjacent properties.
  8. No outdoor speakers or sound systems shall be permitted.
  9. Razor wire and barbed wire shall be prohibited.
  10. No signage shall be permitted on properties utilized for outdoor storage.
  11. Any proposed structures shall conform to the requirements of section [94-127](#).
  12. If a class B special use permit is not obtained prior to December 31, 2009, the outdoor storage use shall be discontinued.
- P18 Off-site accessory surface parking lot uses are permitted provided a class B special use permit is obtained, and shall comply with parking requirements on section [94-111](#) and landscape requirements on subsection [94-443\(c\)](#).
- P19 Self storage and warehousing for families and small business as a primary use is permitted with the following conditions:
- a. Active use requirement. For buildings up to two stories, active uses are required along a minimum of 80 percent of the first floor buildable lot frontage. For building above two stories, active use shall be provided along 80 percent of the first and second floors. Self storage or warehousing uses are not permitted within any required active use area.
  - b. Active use minimum depth. Required active use shall comply with the minimum depth as required by the corresponding building requirement table.
  - c. Maximum height. The maximum height of the storage building shall be limited to three stories or 40 feet.
  - d. Maximum lot size. The maximum lot size allowed for a self storage facility is 1.5 acres.

- P20 Temporary surface parking lots may be allowed with the following conditions:
1. Location and appearance:
    - i. Temporary surface parking lots will be allowed only on those districts where permanent surface parking lots are allowed.
    - ii. Access shall be provided from the alley if existing or from an existing curb cut. No new curb cuts will be allowed.
    - iii. Compliance with landscape requirements shall not be required.
    - iv. A four feet high opaque wood or pvc fence shall be provided along the street frontage.
  2. Technical requirements:
    - i. Temporary surface parking lots shall obtain approval from the engineering services division for storm water management.
    - ii. Temporary surface parking lots shall comply with all federal regulations necessary for compliance with the Americans with Disabilities Act.
  3. Time restrictions:
    - i. Temporary surface parking lots are only permitted when associated with the construction of a new parking garage structure, and only in those cases where the original surface parking is being displaced by the new construction.
    - ii. Temporary surface parking lots cannot start operation until site work associated with the construction for the new structure parking has commenced.
    - iii. Temporary surface parking lots shall be removed within 30 days after a temporary certificate of occupancy for the associated parking structure is issued by the city. The final certificate of occupancy for the structure parking and its associated use will not be issued unless the temporary surface parking lot has been removed.
    - iv. The maximum duration of a temporary surface parking lot shall be 24 months.
- P21 Light Industrial uses may be allowed when associated with a retail component that occupies a minimum of 20% of the tenant space.
- P22 Permitted only for properties with frontage along North Railroad Avenue.
- P23 Not permitted along 10th Street except within 100 feet of North Railroad Avenue or Dixie Highway.

c. Prohibited uses. Uses prohibited within a subdistrict are indicated by a dashed line (—).

**FIGURE IV-2:  
SURFACE PARKING LOTS - RESIDENTIAL ENCLAVES**





**TABLE IV-1:  
PERMITTED USE TABLE FOR DMP**

USE	PLANNING AREA: URBAN CORE													
	CULTURAL ARTS DISTRICT	CLEAR-LAKE DISTRICT	OKEECHOBEE BUSINESS DISTRICT		QUADRILLE BUSINESS DISTRICT				QUADRILLE GARDEN DISTRICT			TRANSIT ORIENTED DISTRICT		
	5	25	5	25	10	8	5	3	25	10	5	25	10	8
<b>RESIDENTIAL</b>														
Ground Floor Residential	P1	P	—	—	P2	P2	—	P2	—	P1	—	—	P1	P
Multiple Family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Live/Work	P	P	P	P	P, P9	P, P9	P	P	P	P	P	P	P	P
Single-family Dwelling	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Outbuilding	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>COMMERCIAL</b>														
Ground Floor Retail	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Office	—	P	P	P	P	P	P	P	P	P	P	P	P	P
Hotel	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Restaurant	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Other Commercial	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>PARKING</b>														
Structured Parking as Primary Use	P13	P13	—	—	P13	P13	P13	P13	P13	P13	P13	P13	P13	P13
Surface Parking as Primary Use	P14, P20	P14, P20	—	—	P14, P20	P14, P20	P14, P20	P14, P20	P14, P20	P14, P20	P14, P20	P14, P20	P14, P20	P14, P20
Off-site Accessory Surface Parking	P14	P14	—	—	P14	P14	P14	P14	P14	P14	P14	P14	P14	P14

P = Permitted

R = Required

— = Prohibited

TABLE IV-2: PERMITTED USE TABLE FOR DMP										
USE	PLANNING AREA: SPECIAL DISTRICTS									
	CLEMATIS WATERFRONT DISTRICT			FLAGLER WATER-FRONT DISTRICT	NORTH RAILROAD AVENUE DISTRICT		LOFTIN DISTRICT			
	10	5	CD	5	5	2	10	5	4	R
<b>RESIDENTIAL</b>										
Ground Floor Residential	—	—	—	P1	P, P3	P	P3	P1, P3	P	P
Multiple Family Dwelling	P	P	P	P	P	P	P	P	P	—
Live/Work	P	P	P9	P	P	P	P	P	P	P
Single-family Dwelling	—	—	—	—	—	P	—	—	—	P
Outbuilding	—	—	—	—	—	P	—	—	—	P
<b>COMMERCIAL</b>										
Ground Floor Retail	P	P	P	P	P, P21	P, P21, P23	P	P	P	—
Office	P	P	P	P	P	P, P23	P	P	P	P10
Hotel	P	P	P	P	P	P, P23	P	P	P	—
Restaurant	P	P	P	P	P	P, P23	P	P	P	—
Other Commercial	P	P	P	P	P, P19	P, P23	P	P	P	—
<b>PARKING</b>										
Structured Parking as Primary Use	P13	P13	P13	P13	P13	P13	P13	P13	P13	—
Surface Parking as Primary Use	—	—	—	—	—	—	P14	P14	P14	—
Off-site Accessory Surface Parking	—	—	—	—	P5	P5	P14	P14	P14	—
P = Permitted                      R = Required                      — = Prohibited										

TABLE IV-3: PERMITTED USE TABLE FOR DMP										
USE	PLANNING AREA: RESIDENTIAL ENCLAVE									
	BRELSFORD PARK DISTRICT		NORTHWEST NEIGHBORHOOD DISTRICT						PROVIDENCIA PARK DISTRICT	
	5	R	8	5	4	2	2C	R	PO	R
<b>RESIDENTIAL</b>										
Ground Floor Residential	P1, P3		P	P	P	P	P	P	P	P
Multiple Family Dwelling	P	P	P	P	P	P	P	P4	—	—
Live/Work	P	P7	P	P	P	P	P	—	P	—



TABLE IV-3: PERMITTED USE TABLE FOR DMP	
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USE	PLANNING AREA: RESIDENTIAL ENCLAVE									
	BRELSFORD PARK DISTRICT		NORTHWEST NEIGHBORHOOD DISTRICT						PROVIDENCIA PARK DISTRICT	
	5	R	8	5	4	2	2C	R	PO	R
Single-family Dwelling	—	—	P	P	P	P	P	P	P	P
Outbuilding	—	P	—	P	P	P	P	P	P	P
COMMERCIAL										
Ground Floor Retail	P	P22	P	P8	P8	P8	P8	P6	—	—
Office	P	P	P	P	P	P	P	P6	P10	—
Hotel	P	P22	P	P	P	—	—	—	—	—
Bed and Breakfast	P	P11	P11	P11	P11	P11	P11	P11	—	—
Restaurant	P	P22	P	P12	P12	P12	P8	P6	—	—
Other Commercial	P, P19	P7, P17	P	P8	P8	P8	P8	P6	—	—
PARKING										
Structured Parking as Primary Use	P13	—	—	—	—	—	—	—	—	—
Surface Parking as Primary Use	P15	—	—	P15	P15	—	—	—	—	—
Off-site Accessory Surface Parking	P18	P5, P16	P18	P18	P18	—	P16	P16	P16	—
<div> P = Permitted R = Required — = Prohibited </div>										

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4238-09, § 3, 11-2-2009; Ord. No. 4261-10, § 1, 3-8-2010; Ord. No. 4448-13, § 2, 2-4-2013; Ord. No. 4582-15, §§ 1, 2 (Exh. A), 7-20-2015; Ord. No. 4596-15, § 1, 10-13-2015; Ord. No. 4674-16, § 1 (Exh. A), 2-27-2017; Ord. No. 4770-18, §§ 3, 4 (Exh. A), 4-23-2018; Ord. No. 4776-18, §§ 3 (Exh. A), 4 (Exh. B), 6-4-2018; Ord. No. [4785-18](#), § 1 (Exh. A), 08-13-2018; Ord. No. [4858-19](#), § 1 (Exh. A), 09-09-2019; Ord. No. [4918-20](#), § 1 (Exh. A), 01-11-2021; Ord. No. [4918-20](#), § 2 (Exh. B), 01-11-2021; Ord. No. [4957-21](#), § 4, 11-15-2021; Ord. No. [4986-21](#), § 4 (Exh. A), 02-07-2022; Ord. No. [5027-22](#), § 4, 01-09-2023)