

City of Arcadia



Unified Land Development Code

Article 4

Zoning Districts and Land Uses

Prepared by the
Central Florida Regional Planning Council

ARTICLE 4.

ZONING DISTRICTS AND LAND USES

Section 4.01.00. Purpose

Section 4.02.00. Establishment of Zoning Districts

Section 4.03.00. Official Zoning Map and District Boundaries

Section 4.04.00. Zoning Interpretations

Section 4.05.00. Land Use Classifications and Zoning Districts

Section 4.06.00. Description of Zoning Districts

Section 4.06.01. Residential Zoning Districts

Section 4.06.01.01. R-1A, Single Family Residential District

Section 4.06.01.02. R-1B, Single Family Residential District

Section 4.06.01.03. R-1C, Single Family Residential District

Section 4.06.01.04. R-2A and R-2B, Single Family and Two Family Residential Districts

Section 4.06.01.05. R-3, Single Family, Two Family, and Multiple Family Residential Districts

Section 4.06.01.06. R-4, Single Family, Two Family, and Multiple Family Residential Districts

Section 4.06.01.07. MHP, Mobile Home Park District

Section 4.06.02. Mixed Use Zoning Districts

Section 4.06.02.01. RPB, Residential, Professional, and Business District

Section 4.06.03. Professional Office Zoning Districts

Section 4.06.03.01. P-1, Professional Office District

Section 4.06.04. Business Commercial Zoning Districts

Section 4.06.04.01. B-1, Neighborhood Commercial Business District

Section 4.06.04.02. B-1A, Planned Business Center District

Section 4.06.04.03. B-2, Central Business District

Section 4.06.04.04. B-3, General Business Commercial District

Section 4.06.04.05. C-1, Commercial District

Section 4.06.05. Industrial Zoning Districts

Section 4.06.05.01. M-1, Light Industrial District

Section 4.06.05.02. M-2, Heavy Industrial District

Section 4.06.06. PUD, Planned Unit Development District

Section 4.06.07. PBG, Public Buildings and Grounds District

Section 4.06.08. ROS, Recreation and Open Space District

Section 4.06.09. CON, Conservation District

Section 4.07.00. Special Needs Homes and Facilities

Section 4.08.00. Family Care Homes

Section 4.09.00. Care Facilities

Section 4.10.00. Zoning Districts and Allowed Land Uses

Section 4.11.00. Accessory Uses and Structures

Section 4.12.00. Change of Use

Section 4.13.00. Home Occupations

Section 4.14.00. Bed and Breakfast

Section 4.15.00 Sidewalk Cafés

ARTICLE 4.

ZONING DISTRICTS AND LAND USES

Section 4.01.00. Purpose.

The Arcadia Comprehensive Plan establishes various future land use classifications and contains a Future Land Use Map indicating the location of lands to which each of the classifications applies. This Unified Land Development Code establishes zoning districts to implement the Comprehensive Plan through detailed regulations and design standards that apply generally to residential, commercial, industrial, public, recreation and conservation land uses.

The purpose of this Article is to set forth the general provisions concerning the use of land, buildings and structures. The provisions herein regulate land use, density and intensity, establish zoning districts that identify the location of land uses in the City, and provide for a map locating the zoning districts in the City.

Section 4.02.00. Establishment of Zoning Districts.

The City hereby establishes the zoning districts listed in this Article in order to classify, regulate, and restrict the uses of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings; and to regulate the intensity of land uses within the City. Each zoning district established herein is consistent with the Arcadia Comprehensive Plan, particularly with the goals, objectives, policies and map of the Future Land Use Element.

The future land use designation of the property shall be the first consideration when designating a specific zoning classification on a parcel or parcels of land. However, a property owner shall not necessarily be entitled nor be automatically permitted the most dense or intense (highest and best) use or zoning for his or her property. The appropriate zoning district among the range of eligible zoning districts within a specific future land use classification shall be decided on a case by case basis dependent upon the location and characteristics of the subject property and upon determining that such zoning would promote the public health, safety, general welfare, convenience, aesthetics and economic order.

Section 4.03.00. Official Zoning Map and District Boundaries.

- A. **District Boundaries and Map Adoption.** The zoning districts listed in this Article and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the City and made a part thereof, such maps being designated as the "Official Zoning Map, City of Arcadia, Florida." This map or maps and all notations, references, and other information properly inscribed thereon are hereby adopted. Said map shall be retained in the Office of the City Clerk.

The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).

- B. **Map Amendment.** No changes or amendments to the Official Zoning Map shall be made except in compliance and conformity with all procedures set forth in the Unified Land Development Code. If changes or amendments are made to district boundaries or other subject matter portrayed on the Official Zoning Map, such changes or amendments shall be

made promptly after official adoption of the change or amendment as provided for herein. The City Administrator, or his or her designee, shall be responsible for assuring that the physical updating and amendment of the Official Zoning Map is carried out within fifteen (15) working days of Council action.

When any Official Zoning Map is replaced, the prior Map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption and amendment.

Section 4.04.00. Zoning Interpretations.

A. Interpretation of District Boundaries.

The following rules shall be used to interpret the exact location of the zoning boundaries shown on the zoning district map:

1. **CENTERLINES:** Where a zoning district boundary follows a street, highway, alley, or railroad, the centerline of the street, highway, alley, or railroad right-of-way is the boundary of the zoning district.
2. **LOT, SECTION AND TRACT LINES.** Where a zoning district boundary approximately follows a lot or property line, platted lot lines, section or tract lines, that line is the boundary of the zoning district.
3. **SHORELINES.** Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shoreline is the boundary of the zoning district.
4. **MAP SCALE.** Where a zoning district boundary does not clearly follow any of the features mentioned in this Section, its exact location on the ground shall be determined by measurement according to the map scale.
5. **UNCERTAINTIES.** In any case where the exact location of a zoning district boundary is not clear, the City Administrator, or his or her designee, shall interpret the intent of the Official Zoning Map as to the location of district boundaries.

B. Zoning of Water Areas.

The water surface and the land under the water surface of all rivers, ponds, lakes and other water areas in the city not otherwise zoned are hereby placed in the same zoning district as the land which it abuts as shown on the zoning district maps. Where the zoning districts shown on the zoning district maps are different on opposite sides of the water area, then the kind of zoning district on each side shall extend to the centerline or midpoint of the water area.

C. Zoning of Vacated Streets and Alleys.

Where a street or alley shown on a zoning district map is hereafter officially vacated by replatting or other means, the land formerly in such street or alley right-of-way shall be included within the zoning district of the adjoining property up to the centerline of the vacated street or alley. If such street or alley was a district boundary between two or more different zoning districts, the new district boundary shall be the former centerline of such vacated street or alley.

D. Zoning of Railroad Rights-of-Way.

Where not otherwise indicated on zoning district maps or zoning district descriptions, railroad rights-of-way are hereby placed in the same zoning district as indicated or specified for abutting property, except that, where the zoning districts are different on opposite sides of a railroad right-of-way, the railroad right-of-way is hereby placed in the more restricted district of the two zoning districts abutting the right-of-way.

E. Status of Annexed Land.

In accordance with Florida Statutes, Chapter 171.062, if the area annexed was subject to a DeSoto County Land Use Plan, and County zoning, land development, or subdivision regulations, these regulations shall remain in full force and effect until the City adopts a Comprehensive Plan amendment that includes the annexed area.

Section 4.05.00. Land Use Classifications and Zoning Districts.

The purpose of these provisions is to classify land uses into specially defined types on the basis of common functional characteristics and land use compatibility. All land use activities are classified into future land use categories with corresponding zoning districts.

Section 4.06.00. Description of Zoning Districts.

This Section contains a description of each of the zoning districts established by the City and identifies the following:

- A. The intended purpose of each zoning district; and
- B. Specific provisions that apply within a particular zoning district.

Specific development standards for each zoning district are provided in Article 5, "Density, Dimensional and Setback Standards". Development design standards are provided in Article 6, "Development Design and Improvement Standards".

Zoning districts within the City are grouped as follows:

**Table 4.06.00.
Description of Zoning Districts**

Residential Zoning Districts	
R-1A	Single Family Residential
R-1B	Single Family Residential
R-1C	Single Family Residential
R-2A	Single Family and Two Family Residential
R-2B	Single Family and Two Family Residential
R-3	Single Family, Two Family, and Multiple Family Residential
R-4	Single Family, Two Family, and Multiple Family Residential
MHP	Mobile Home Park
Mixed Use Zoning Districts	
RPB	Residential, Professional, and Business
Professional Office Zoning Districts	
P-1	Professional Office
Business Commercial Zoning Districts	
B-1	Neighborhood Commercial Business
B-1A	Planned Business Center
B-2	Central Business
B-3	General Business Commercial
C-1	Commercial
Industrial Zoning Districts	
M-1	Light Industrial
M-2	Heavy Industrial
Other Zoning Districts	
PUD	Planned Unit Development
PBG	Public Buildings and Grounds
ROS	Recreation and Open Space
CON	Conservation

Section 4.06.01. Residential Zoning Districts.

Section 4.06.01.01. R-1A, Single Family Residential District.

Future Land Use Classification: Low Density Residential.

The purpose of this district is to provide areas for low density single family residential development. The minimum lot area for this zoning district is 10,000 square feet.

Section 4.06.01.02. R-1B Single Family Residential District.

Future Land Use Classification: Low Density Residential.

The purpose of this district is to provide areas for low density single family residential development. The minimum lot area for this zoning district is 7,500 square feet.

Section 4.06.01.03. R-1C, Single Family Residential District.

Future Land Use Classification: Low Density Residential.

This district is designed to primarily permit the continued development of already platted single-family residential areas and is not intended to be utilized extensively for future development. The minimum lot area for this zoning district is 5,000 square feet.

Section 4.06.01.04. R-2A and R-2B, Single Family and Two Family, Residential Districts.

Future Land Use Classification: Low Density Residential, Medium Density Residential.

The purpose of these districts is to provide areas for residential development consisting of both single family and two family dwellings. The minimum lot area for the R-2A zoning district is 8,000 square feet; the minimum lot area for the R-2B zoning district is 6,000 square feet.

Section 4.06.01.05. R-3, Single Family, Two Family, and Multiple Family Residential District.

Future Land Use Classification: Low Density Residential, Medium Density Residential.

The purpose of this district is to provide areas for single-lot principal building residential development consisting of ~~both~~ single family, two family, and multiple family dwellings. Minimum lot area is determined by housing type; such standards are provided in Article 5.

Section 4.06.01.06. R-4, Single Family, Two Family, and Multiple Family Residential District.

Future Land Use Classification: Low Density Residential, Medium Density Residential, High Density Residential.

The purpose of this district is to provide areas for higher density single-lot principal building residential development consisting of single family, two family, and multiple family dwellings. Minimum lot area is determined by housing type; such standards are provided in Article 5.

Section 4.06.01.07. MHP, Mobile Home Park District.

Future Land Use Classification: Medium Density Residential.

The Mobile Home Park District is established for the purpose of providing a district for manufactured or mobile homes in approved parks and subdivisions, occupied as single-family dwellings, with the intent of creating an environment of a residential character, permitting only those uses, activities and services which are compatible with the residential environment. Clubhouses, swimming pools, laundry and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association for

exclusive use by manufactured or mobile home park residents. This is not a commercial district.

Section 4.06.02. Mixed Use Zoning Districts.

Section 4.06.02.01. RPB, Residential, Professional, and Business District.

Future Land Use Classification: Low Density Residential, Medium Density Residential, High Density Residential, Mixed Use Business.

This district is designed to provide areas where single-family and multi-family residences, professional offices and business services may coexist in harmony pursuant to the conditions, requirements and limitations governing this classification.

Section 4.06.03. Professional Office Zoning Districts.

Section 4.06.03.01. P-1, Professional Office District.

Future Land Use Classification: Business.

The purpose of this district is to encourage the compatible development of major professional and related office uses in areas which are suitable for such activities. An example of the compatible grouping of professional offices would include such relationships as legal offices near governmental buildings or physicians and paramedical offices near hospitals or clinics.

Section 4.06.04. Business Commercial Zoning Districts.

Section 4.06.04.01. B-1, Neighborhood Commercial Business District.

Future Land Use Classification: Business.

The purpose of the B-1 district is primarily to meet the shopping and limited service needs of local neighborhoods.

Section 4.06.04.02. B-1A, Planned Business Center District.

The B-1A zoning district is no longer available for new development, or as a zoning category for which properties may be rezoned. As such, the provisions of this Section shall only apply to those properties zoned B-1A prior to the effective date of this Unified Land Development Code.

- A. Uses permitted in the B-1A district shall be the same as those permitted in the B-1 zoning district.
- B. The B-1A zoning district is a "planned business center" and as such, major modifications to developed properties in the B-1A district shall require rezoning the property to a Planned Unit Development (PUD), consistent with Article 7 of this Code.

- C. Development of unimproved properties within the B-1A zoning district shall require the property to be rezoned to a zoning district in effect with this Land Development Code.

Section 4.06.04.03. B-2, Central Business District.

Future Land Use Classification: Business.

The B-2, Central Business District (CBD), is intended to apply to the heart of the downtown business section which serves all portions of the city and the metropolitan area. The businesses and services of the CBD include many of those supplied in other types of business districts, and in addition thereto many services and facilities not available elsewhere. High land values, limitations of space and public convenience and welfare justify a greater intensity of use than in other business areas.

Section 4.06.04.04. B-3, General Business Commercial District.

Future Land Use Classification: Business.

The B-3, General Business Commercial district, is intended to apply to business establishments, primarily not of a neighborhood or community service type, which may properly be located to serve large regions of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

Section 4.06.04.05. C-1, Commercial District.

Future Land Use Classification: Business.

The C-1, Commercial District is generally intended for certain repair and other services, wholesale, storage and warehouse uses and sales of large or heavy machinery and equipment. It serves large sections of the City and County or metropolitan area rather than nearby residential areas.

Section 4.06.05. Industrial Zoning Districts.

Section 4.06.05.01. M-1, Light Industrial District.

Future Land Use Classification: Industrial.

The M-1, Light Industrial district, is intended primarily for the manufacture of small articles and non-objectionable products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent residential or business property.

Section 4.06.05.02. M-2, Heavy Industrial District.

Future Land Use Classification: Industrial.

The M-2, Heavy Industrial district, is intended primarily for those manufacturing activities which may unavoidably create some undesirable effects and which are not compatible with residential or business areas.

Section 4.06.06. PUD, Planned Unit Development District.

Future Land Use Classification: All classifications, except Conservation.

Planned Unit Development (PUD) districts are intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a Planned Unit Development review process; or when the ability to attach conditions to a site plan is warranted. The PUD district is established to provide for well-planned and/or orderly mixed-use development in any area of the City, except Conservation districts. The process for obtaining PUD zoning, and PUD development requirements, are provided in Article 7 of this Code.

Section 4.06.07. PBG, Public Buildings and Grounds District.

Future Land Use Classification: Public Buildings and Grounds.

The purpose of this district is to establish locations for existing and future publicly owned properties such as local, state, and federal government buildings and facilities, and locations for existing and future privately owned facilities that provide or serve a public benefit.

Section 4.06.08. ROS, Recreation and Open Space District.

Future Land Use Classification: Recreation and Open Space.

The purpose of the ROS district is to establish locations for publicly-owned recreation facilities, and properties reserved for open space. Accessory uses that are secondary and incidental to principal uses are permitted and may include bathhouses, restrooms, pavilions, and boat docks.

Section 4.06.09. CON, Conservation District.

Future Land Use Classification: Conservation.

The purpose of the CON district is to preserve the proper functioning of natural resources, such as wetlands, floodplains, and groundwater recharge areas. Accessory uses that are secondary and incidental to principal uses are permitted and may include restrooms, pavilions, boardwalks, and pedestrian/bicycle paths.

Section 4.07.00. Special Needs Homes and Facilities.

Special Needs Homes and Facilities is a general category of uses that include a range of facilities and homes identified in the Florida Statutes as providing for the shelter and care of individuals with common needs. The homes and facilities are divided into two (2) groups that have similar characteristics:

- A. Family Care Homes
- B. Care Facilities

Family care homes are permitted in all residential zoning districts by Statute. Care facilities, such as nursing homes, assisted living facilities, and child care facilities may be regulated as to

location and conditions of operation by the local government. Article 2 of this Code defines each type of family home and care facility.

Section 4.08.00. Family Care Homes.

Adult family care homes, family day care homes, and family foster homes are permitted in residential zoning districts, in homes occupied by the family which provide the care. Pursuant to Florida Statutes, these types of family care homes are not subject to local zoning laws because they are owner-occupied and because only a small number of persons can be cared for in each home. These uses are included in Table 4.10.01 of this Article.

Community residential homes with six or fewer residents, which otherwise meet the definition of a community residential home, are deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances and are allowed in a single-family or multifamily zoning district without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing home with six or fewer residents. (Section 419.001, F.S.).

Licensing, registration, occupancy and other matters are regulated under specific provisions of the Florida Administrative Code and Florida Statutes. No sign indicating the purpose or nature of the facility shall be permitted.

Any violation of applicable State statute or regulations shall be deemed a violation of this Code, and shall constitute grounds for termination of the use.

Section 4.09.00. Care Facilities.

Care facilities may provide short-term or up to 24-hour care. These facilities provide for adults or children, elderly and the infirm and are subject to local zoning laws. They are generally most appropriately located in commercial areas, but may, with Special Approval, be located in residential districts. They are licensed or registered by the State of Florida according to separate and specific provisions of the Florida Administrative Code and Florida Statutes. These facilities are included in Table 4.10.01 of this Article.

Any violation of applicable State Statute or regulations shall be deemed a violation of this Code, and shall constitute grounds for termination of the use.

Section 4.10.00. Zoning Districts and Allowed Land Uses.

Land uses allowed within each zoning district are provided in Table 4.10.01.

A. Permitted Uses.

Permitted uses are designated by the letter "P".

B. Special Approval Uses.

Uses that require Special Approval are designated by an "S". Special Approval uses are generally considered to be appropriate for any zoning district that permits that particular use by Special Approval; however such uses by their nature may need to be more closely examined for compatibility at a particular location. Article 11 provides the process for the review of Special Approval requests. Special Approval uses require Planning and Zoning Board review with final approval by the City Council.

C. Site Development Plans.

All *Permitted* ("P") and *Special Approval* ("S") uses, excluding single family and duplex development on individual lots, require the submittal of a site development plan. Additional site development plan regulations are contained in Article 10 of this Code.

D. Interpretation of Uses.

1. The City Administrator, or his or her designee, shall determine if a use that is not listed in Table 4.10.01, "Land Uses and Zoning Districts", can reasonably be interpreted to fit into a similar use category.
2. The City Administrator, or his or her designee, may determine a use is similar if it is materially the same general type of use as that permitted by this Code based on characteristics, use patterns, and land use and traffic impacts.
3. Should the City Administrator, or his or her designee, determine that a similar use exists, the regulations which govern that similar use, shall also apply to the proposed non-listed use.
4. Should the City Administrator, or his or her designee, determine that a materially similar use does not exist, the matter may be referred to the Planning and Zoning Board and City Council for their consideration to amend the Land Development Code in order to establish a specific listing for the use in question.

E. Mining Activities.

Mining activities are prohibited within the City of Arcadia.

F. Medical Marijuana Treatment Center Dispensing Facilities.

1. *Prohibition.* Medical Marijuana Treatment Center Dispensing Facilities are prohibited and shall not be located within the boundaries of the City. The City shall not accept, process or approve any request or application for a development order, building permit or other approval associated with a proposed Medical Marijuana Treatment Center Dispensing Facility.
2. *Definition.* For purposes of this section, the term "Medical Marijuana Treatment Center Dispensing Facility" means any facility where medical marijuana, or any product derived therefrom, is dispensed."

**Table 4.10.01
Land Uses and Zoning Districts**

RESIDENTIAL LAND USES																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Single Family Detached Dwellings	P	P	P	P	P	P	P		P										
Apartments						P	P		P										
Above-ground-floor Apartments												P							
Caretaker or Watchman's Dwelling (Accessory to the Principal Use)															P	P			
Cluster Home, Zero Lot Line Homes						P	P												
Condominium						P	P		P			S							
Dormitories												S	P						
Duplex, Two-Family		S	S	P	P	P	P		P										
Garage Apartment	P	P	P	P	P	P	P												
Guest House (Accessory to the Principal Dwelling)	P	P	P	P	P	P	P												
Manufactured or Mobile Home Park & Subdivision								P											
Patio Homes						P	P												
Rooming House (up to 4 rented sleeping units)						P	P				P	P	P	P					
Rooming House (5 or more rented sleeping units)											P	P	P	P					
Townhouse						P	P												
Triplex, Three Family					P	P	P		P										
Groves, Truck Gardens, Nurseries and Greenhouses; no Retail on Premises	P	P	P	P	P	P	P												
Community Garage						P	P												
Parking Lot Non-Commercial, Accessory to a Permitted Use, Located on a Separate Lot from the Lot Occupied by the Main Use (does not include buses)	S	S	S	S	S	S	S	S											
Parking Lot on a Residential Zoned Lot Contiguous to a B-1, B-2, B-3 Zoned Lot	S	S	S	S	S	S	S	S											

P = Permitted Use

S=Special Approval

**Table 4.10.01
Land Uses and Zoning Districts**

GROUP CARE FACILITIES

LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Family Care Homes																			
Adult Family Care Home	P	P	P	P	P	P	P		P										
Community Residential Home (up to 6 residents)	P	P	P	P	P	P	P		P										
Family Day Care Home	P	P	P	P	P	P	P		P										
Family Foster Home	P	P	P	P	P	P	P		P										
Care Facilities																			
Adult Day Care Center						S	S		S	P	P	P	P	P					P
Child Care Facility						S	S		S	P	P	P	P	P					P
Community Residential Home (7-14 residents)						S	S		S	P	P	P	P	P					P
Group Home Facility						S	S		S	P	P	P	P	P					P
Assisted Living Facility						S	S		S	P	P	P	P	P					P
Nursing Home Facility						S	S		S	P	P	P	P	P					P
Hospice						S	S		S	S	P	P	P	P					P

LODGING

LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Bed and Breakfast	S	S	S	S	S	S	S		S			P							
Hotel/Motel											P	P	P	P	P				
RV Park & Campgrounds																	P		

P = Permitted Use

S=Special Approval

**Table 4.10.01
Land Uses and Zoning Districts**

OFFICE/FINANCIAL/MEDICAL FACILITIES																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Ambulance Service														P					S
Armory													P	P					P
Bank/Financial Institution										P	P	P	P	P	P	P			
Business Office									P	P	P	P	P	P	P	P			
Clinic									P	P	P	P	P	P					
Funeral Home/Mortuary									S			P	P	P					
Hospital									P	S	P	P	P						P
Hospital Heliport									S	S	S	S	S						S
Laboratory, Medical/Dental, Research/Development									S	P			P	P	P	P			
Medical/Dental/Health Care Office									P	P	P	P	P	P	P				
Office Park										P				P	P				
Professional Office									P	P	P	P	P	P	P	P			
Veterinarian & Animal Hospital (No Outdoor Kennels)											P	P	P	P					
Veterinarian & Animal Hospital (Indoor and/or Outdoor Kennels)														P					
PERSONAL SERVICES																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Barber and Beauty Shops											P	P	P	P	P				
Body Art Shop (Tattoo Parlor)													P	P	P				
Fitness Center/Health Club/Spa											P	P	P	P					
Laundromat											P	P	P	P	P				
Laundry/Dry Cleaning Drop-Off and Pick-Up											P	P	P	P	P				
Nail & Tanning Salons											P	P	P	P					
Seamstress/Tailor											P	P	P	P	P				
Shoe Repair											P	P	P	P	P				
Watch, Clock, Jewelry Repair											P	P	P	P	P				

P = Permitted Use

S=Special Approval

**Table 4.10.01
Land Uses and Zoning Districts**

RETAIL COMMERCIAL, NO OUTDOOR STORAGE OR ACTIVITIES																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Alcohol Package Sales											S	S	P	P					
Auto Parts Sales											P		P	P	P				
Bakery											P	P	P	P	P				
Bars, Lounges, Taverns											P	P	P	P	P				
Building Supply Sales											P	P	P	P					
Convenience Store (No Gas)											P	P	P	P					
Crating, Packing and Shipping Services														P					
Florist											P	P	P	P					
Maintenance & Repair of Appliances & Small Equipment											P	P	P	P	P	P			
Medical Equipment Sales/Rentals									S				P	P					
Mini-Warehouse/Self-Storage														P	P				
Night Clubs and Dance Halls											P	P	P	P					
Office Supply Store											P	P	P	P					
Package Delivery Service											P	P	P	P					
Pawn Shops													P	P					
Pet Services											P	P	P	P	P				
Pharmacy/Drugstore									S		P	P	P	P					
Recycling Center (indoor)															P				
Restaurant (Sit Down/Table Service)										S	P	P	P	P	P	P			
Restaurant (Take Out/Short Order)										S	P	P	P	P	P	P			
Retail Sales											P	P	P	P	P				
Shopping Center (<150,000 GLA)											P		P	P					
Shopping Center (>150,000 GLA)													S	S					

P = Permitted Use

S=Special Approval

**Table 4.10.01
Land Uses and Zoning Districts**

RETAIL COMMERCIAL, OUTDOOR STORAGE OR ACTIVITIES																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Auto & Truck Rental and Leasing													P	P	P				
Automotive Dealer												S	P	P					
Automotive Repair (Major)														P		P			
Automotive Repair (Minor)													P	P					
Automotive Specialty Sales														P					
Building Supply Sales													P	P	P				
Car Wash & Detailing													P	P	P	P			
Commercial Wharves, Piers, Slips, Anchorages											P		P	P	P	P			
Convenience Store w/ Gas Pumps											S		P	P	P	P			
Equipment Sales and Rentals (includes Farm Equipment)													P	P	P	P			
Light Duty														P	P	P			
Heavy Duty														P	P	P			
Farmers Market											S	S	S	S					
Flea Market														S	S				
Gasoline Service Station											P		P	P	P	P			
Heating Fuel & Ice Establishment													S	P		P			
Horticulture Specialty Farm															S	S			
Marine Establishments											P		P	P	P	P			
Mobile Home/RV Sales														S	P				
Nurseries and Garden Centers											S		P	P	P				
Outdoor Advertising Establishment														S	S				
Parking Lots										P	P	P	P	P	P	P			
Parking Structures (e.g., parking garages)										P	P	P	P	P	P	P			
Pet Services (Indoor and/or Outdoor)														P	P				
Recycling Center (Outdoor)																S			
Restaurant (Drive-In/Drive Thru/Walk-Up)												P	P	P	P	P			
Sidewalk Café											S	S							
Tire & Automotive Accessory Sales											S		P	P	P				

P = Permitted Use S=Special Approval

**Table 4.10.01
Land Uses and Zoning Districts**

NONRETAIL, SERVICE COMMERCIAL																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Contractor's Shops & Storage Yard																P			
Equipment & Material Storage Yard																P			
Equipment Repair (Includes construction equipment, farming equipment and machinery, and lawn and garden equipment, etc.)															P	P			
Light Duty																			
Heavy Duty																P			
Landscaping Services Establishment													P	P	P	P			
No Outdoor Activities and/or Storage																			
Outdoor Activities and/or Storage															S	P			

P = Permitted Use

S=Special Approval

**Table 4.10.01
Land Uses and Zoning Districts**

LIGHT INDUSTRIAL																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Airports/Aviation Uses														S	P	P			
Food & Beverage Manufacturing, Processing & Packaging														P	P	P			
Laundry & Dry Cleaning Plant															P	P			
Manufacturing of Finished Products														P	P	P			
Movie Studio															P	P			
Printing/Publishing												P	P	P	P	P			
Public Transportation Terminal												S	S	S		S			P
Recycled Materials Processing Facility															P	P			
Truck & Motor Freight Terminals															P	P			
Light Motor Freight																			
Heavy Motor Freight																P			
Truck Stop														S	S	P			
Warehousing														S	P	P			
HEAVY INDUSTRIAL																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Auto Salvage Yard																S			
Construction & Demolition Debris																S			
Food & Beverage Manufacturing, Processing & Packaging																S			
Junkyard																S			
Manufacturing of Raw Materials																S			
Storage & Processing of Flammable Materials																S			
Storage of Sand/Gravel/Blocks																P			
Warehousing															P	P			
Wholesaling, Storage and Distribution															P	P			

P = Permitted Use

S=Special Approval

**Table 4.10.01
Land Uses and Zoning Districts**

PUBLIC SERVICE FACILITIES																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PB G
Cemetery New																			S
Existing	P	P	P	P	P	P	P	P											
Communication & Telecommunication Towers															S	S			S
Correctional Facility															P	P			S
Electric Power or Telephone Substation/Switching Station	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P			S
Fire Station & EMS Facilities									P	P	P	P	P	P	P	P			P
Government Uses, Facilities & Structures										P	P	P	P	P	P	P			P
Police Station									P	P	P	P	P	P	P	P			P
Post Office									P	P	P	P	P	P	P	P			P
Television or Radio Broadcasting Transmission Facility and/or Tower													P	P	P	P			S
Water Utility Plant																			S
Wastewater Utility Plant																S			S
Wastewater Lift Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P

P = Permitted Use

S=Special Approval

**Table 4.10.01
Land Uses and Zoning Districts**

EDUCATIONAL FACILITIES																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Nursery School											P	P	P	P					
Schools, Grades K-12	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
School, College/University																			S
Schools, Leisure/Special Interest											P	P	P	P	P	P			
Schools, Vocational/Technical/Trade										P	P	P	P	P	P	P			S
CULTURAL FACILITIES AND PLACES OF PUBLIC ASSEMBLY																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Club, Private										P	P	P	P	P	P	P			
Community Center	S	S	S	S	S	S	S	S											P
Cultural Facility	S	S	S	S	S	P	P	S			P	P	P	P	P	P			P
Existing Permitted Places of Public Assembly																			
Lodges and Retreats, Private											P	P	P	P	P	P			
Places of Worship	S	S	S	S	S	P	P	S	S		P	P	P	P	P	P			
RECREATION/CONSERVATION USES																			
LAND USE	R-1A	R-1B	R-1C	R-2A	R-2B	R-3	R-4	MHP	RPB	P-1	B-1	B-2	B-3	C-1	M-1	M-2	ROS	CON	PBG
Equestrian Facility/Commercial													P	P					
Equestrian Facility/Private Stables	S																		
Recreation, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation - Indoor Public											P	P	P	P	P	P	P		P
Commercial											P	P	P	P	P	P			
Recreation - Outdoor Public	P	P	P	P	P	P	P				P	P	P	P	P	P	P		P
Commercial													P	P	P	P			

P = Permitted Use S=Special Approval

Section 4.11.00. Accessory Uses and Structures.

A. Residential Zoning Districts.

Accessory uses and structures are allowed in residential zoning districts, consistent with the definition of "Accessory Building, Structure, or Use" provided in Article 2, so long as the accessory use or structure is located on the same lot and does not involve the conduct of any business, trade, occupation or profession unless otherwise provided in this Code.

B. All Other Zoning Districts.

Accessory uses and structures are allowed in all other zoning districts, consistent with the definition of "Accessory Building, Structure, or Use" provided in Article 2, any specific accessory use provisions provided in Table 4.10.01, specific accessory building and structure development standards provided in Article 5, and all other applicable requirements.

Section 4.12.00. Change of Use.

A use is established when land has been declared to be usable, or permitted, for a particular use or activity, as identified within each zoning district. A "change of use" is a change from one permitted land use to another permitted land use.

A change of use may require more restrictive development standards than those required of the original permitted use. Such conditions for which this may occur include, but are not limited to, the following:

- The new use is completely different in character than the present use;
- The new use is regulated in a different manner than the present use; and/or
- There is an intensification of use from the present use.

The City Administrator, or his or her designee, shall determine when DRC review is required for a change of use.

Section 4.13.00. Home Occupations.

A. Generally.

Home based occupations may be conducted in all residential and residential mixed use zoning districts under the following provisions:

1. No home occupation shall occupy more than twenty-five percent (25%) of the total floor area of the residence.
2. Such use shall involve the employment of no more than one (1) person who does not reside on the premises.
3. The permit shall only be valid for the original applicant and is not transferable to any successor owner or tenant of the property, or to another address or occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
4. A non-illuminated name plate, not exceeding four (4) square feet in area, may be displayed provided the name is affixed flat against the exterior surface at a position not more than two (2) feet distance from the main entrance to the residence.
5. There shall be no display of goods or advertising visible from the street.

6. A home occupation shall be conducted within the principal dwelling. A home occupation may also be permitted in an accessory residential dwelling unit, which is clearly subordinate to the principal residential dwelling on the lot.
7. The home occupation shall be clearly incidental and subordinate to the use of the home for residential purposes by its occupants. Under no circumstances shall the residential character of the property be changed by the home occupation.
8. The home occupation shall not generate traffic in greater volumes than would normally be generated by a dwelling unit in a residential area. No additional parking spaces shall be provided in excess of those required to serve the residential unit.
9. No home occupation shall involve chemicals, matter or energy that may create or cause to be created noise, noxious odors, vibration, glare, fumes, odors, electrical interference or hazards dangerous to the public health, safety and welfare.
10. Woodworking is allowed as a home-based occupation provided it adheres to the following regulations:
 - a. The use does not utilize electrical powered machines in excess of five (5) horsepower;
 - b. The use does not employ more than 240 volts single-phase current with a maximum of 200 amp bus;
 - c. All machinery is housed and operated within an enclosed structure not to exceed two thousand (2,000) square feet;
 - d. Noise levels do not exceed 55 decibels when measured at the property line of any abutting landowner; and
 - e. No wood treatment process is allowed.
11. All home occupation practitioners shall obtain a business tax receipt.

B. Approval Process.

A home occupation shall be approved administratively by the City Administrator, or his or her designee under a business tax receipt application. The application shall, at a minimum, contain the following information:

1. Name of applicant/business owner.
2. Name of property owner (if different from applicant).
3. Business name.
4. Street address of home occupation.
5. Business phone number.
6. Legal description of the property, or tax identification number of the property obtained from the Property Appraiser's office.

7. Complete written description of the activity proposed as a home occupation.
- C. This Section shall not affect any existing home occupations operating under a valid permit from the City in accordance with existing ordinances.

Section 4.14.00. Bed and Breakfast.

- A. A bed and breakfast inn is a residential structure containing guest rooms where lodging with breakfast is provided for compensation, generally for a stay of a one week or less.
- B. Bed and breakfast structures are normally found in established neighborhoods and may be the primary residence of the owner and innkeeper.
- C. Parking requirements are provided in Article 6, "Development Design and Improvement Standards." Signage requirements are provided in Article 8, "Signs."

Section 4.15.00. Sidewalk Cafés

- A. Applicability.
 1. Sidewalk cafés shall be permitted only within the Downtown Central Business (B-2) zoning district.
 2. Sidewalk means the portion of a public street right-of-way between the curb line, or the lateral line of a road way, and the adjacent property lines which is improved for use by pedestrians.
 3. Sidewalk Café means a use, located on a sidewalk, which is associated with a business establishment which receives 50% of their revenue from the sale of food or beverage products, and is located in the abutting building.

B. Permit Required.

It shall be unlawful for any person to operate a sidewalk café on any sidewalk or public right-of-way without a permit as provided by this Section. Receipt of a sidewalk café permit shall exempt the permittee from obtaining an easement from the City for any fixture or structure approved by the permit. A sidewalk café permit shall be license to use the sidewalk or public right-of-way and shall not grant nor shall it be construed or considered to constitute a vacation or abandonment by the City of its interest in the right-of-way or easements contained therein.

C. Permit Fee.

1. Each permit shall be paid on or before October 1 and shall be effective for one year from October 1 until September 30 and must be renewed annually.
2. The annual permit fee for establishing and maintaining a sidewalk café shall be as established by the City Council of the City of Arcadia.
3. Where a permit is issued after October 1 and before September 30, the permit fee will be prorated on a per month basis. Any portion of a month shall be considered a full month for the purpose of calculating the prorated permit fee.

D. Permit Application.

Applications for a sidewalk café permit must contain, but is not limited to the following:

1. Name, address, and telephone number of the applicant.
2. Name and address of the abutting, permitted business establishment.
3. A copy of a valid City of Arcadia business tax receipt to operate the business establishment abutting the proposed sidewalk café for which the sidewalk café is intended to serve.
4. A copy of the current certificate of insurance in the amounts and categories as required and in accordance with *Subsection "G"* of this section.
5. A drawing (drawn to scale) showing the layout and dimensions of the sidewalk, sidewalk café area and adjacent private property, proposed location, size and number of tables, chairs, steps, umbrellas, awnings, receptacles, railings, decorative chains and any other fixture, structure, or obstruction, either existing or proposed, within the sidewalk café. This drawing must readily identify any object to be permanently anchored within the sidewalk café.

E. Permit Review Process.

1. Applications, including all supporting documents and attachments shall be submitted to the City Administrator, or his or her designee, for processing. The City shall have ten (10) working days following the receipt of the application to review and provide written comments to the applicant. The City Administrator, or his or her designee, may request additional information as needed to review the request.
2. Once the City Administrator, or his or her designee, has determined that all comments have been adequately addressed, the City Administrator, or his or her designee, may approve, approve with changes, or deny the request, based on written comments and recommendations, and a permit approval may be issued.
3. An approved sidewalk café permit allows the permittee to construct a sidewalk café per the approved drawing on file with the City.

F. Sidewalk Café Criteria and Standards.

1. Only a holder of a valid City of Arcadia business tax receipt for a business establishment abutting the proposed sidewalk café for which the sidewalk café is intended to serve, may be issued a permit.
2. Sidewalk cafés shall be located in a manner that promotes efficient and direct pedestrian movement. A minimum unobstructed pedestrian path of at least five feet (5'), measured from the curb line to the edge of the café, shall be maintained at all times. In areas of congested pedestrian activity, or if the public health, safety, and welfare should require it, the City Administrator, or his or her designee, may require a wider unobstructed pedestrian path before issuance of a permit. A narrower unobstructed pedestrian path may be permitted by the City Administrator, or his or her designee, only upon a showing by the applicant, one or more of the following:
 - a. A narrower path would not endanger the health, safety, and welfare of the general public;
 - b. A significant finding that a narrower path would add to the design, character, and environment of the downtown area; and

- c. An unusual circumstance, including, but not limited to, lack of future significant pedestrian activity or unusual and unique locale justifies a narrower unobstructed pedestrian path.
3. Sidewalk cafés shall not interfere with any driveways, public non-pedestrian alleys, streets, or building entrances, and must comply with all local ordinances, state and federal laws.
4. Sidewalk cafés must have at least one outdoor trash receptacle.
5. Sidewalk cafés may use awnings, canopies, or umbrellas for shade, provided that the awnings, canopies or umbrellas comply with all applicable laws.
6. The perimeter around the sidewalk café may be delineated using nonpermanent fixtures such as railings, potted plants, decorative chains, or other approved items. Permanent anchoring of tables, chairs, awnings, canopies umbrellas, railings, or other fixtures may be approved by the City Administrator, or his or her designee, provided such anchoring meets all applicable laws. Permanent anchoring of items by a permittee requires the permittee to repair the sidewalk or public right-of-way consistent with City requirements for sidewalk repair in the event anchored items are removed.
7. No furnishing or fixture may extend beyond the delineated boundaries of sidewalk cafés.
8. Only items authorized in the approved drawing on file with the City may be placed in sidewalk cafés. Furniture and other items placed in sidewalk cafés must be durable and sufficiently stable to prevent removal by winds. All furniture and objects shall compliment and add to the design, character, and environment of the downtown area.
9. Sidewalk cafés may display one (1) folding movable menu or display board, not exceeding four (4) square feet of display space on either side. The menu or display board must not be located in any designated pedestrian path and must comply with all applicable signage regulations. No signs shall be permitted outside of the sidewalk café area.
10. Sidewalk café permits and design constraints apply only to uses on public sidewalks or public right-of-way. Other laws and regulations govern related uses on private property.
11. Unanchored furnishings and objects must be removed from the sidewalk café during the hours in which the abutting business establishment is closed for business.
12. Sidewalk cafés, sidewalk café furniture and fixtures, and the sidewalk frontage from the edge of the café to the curb line shall be kept clean and free of litter by the permittee.
13. No fixtures of the sidewalk café may be attached to or affixed in any fashion to a sign, tree, post, or other fixtures.
14. The hours of operation of the sidewalk café are limited to the legal hours of operation of the business holding the sidewalk café permit or from 7:00 a.m. to 10:00 p.m., Monday through Sunday, whichever is more restrictive. The City Administrator or designee may authorize expanded hours for the sidewalk café for holidays including New Year's Eve and specific City-sponsored or City-approved special events.
15. No food preparation shall be allowed on the sidewalk. No cooking, cooling, storage, refrigeration, or other equipment shall be located on the sidewalk.
16. Permittee shall meet all applicable City, County, State, and Federal Laws.

17. Upon reasonable written notice, the City may require the temporary removal of a sidewalk café by the permittee. The permittee shall be responsible for removing all sidewalk café items within twenty-four (24) hours prior to the date identified in writing by the City. The City shall not be responsible for any costs associated with the removal or return and installation of any sidewalk café fixtures.
18. The City may cause the immediate removal or relocation of all or any part of any sidewalk café or sidewalk café fixtures in emergency situations. The City, its officers, employees, and agents shall not be responsible for any damages or loss of sidewalk café fixtures relocated during emergency situations and shall not be responsible for any costs associated with the removal or return and installation of any sidewalk café fixtures.

G. Liability and Insurance.

1. By use of any permit granted in accordance with this Section, the permittee agrees to indemnify, defend, save, and hold harmless the City, its officers, agents and employees for any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity regarding the sidewalk café. The permittee shall enter into a written agreement with the City to evidence this indemnification in considerations of grant of license or permit under this Section before the permit is issued.
2. Permit holders shall maintain public liability, food products liability, and property liability insurance as will protect the permittee and the City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than the municipal tort liability under Florida Tort Claims Act. Such insurance shall be without prejudice to coverage otherwise extending, and shall name the City, its officers and employees as additional insured, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without thirty (30) days written notice to the City Administrator.

H. Revocation or Suspension of Permit.

1. The City Administrator, or designee, may revoke any sidewalk café permit for any sidewalk café, upon thirty (30) days written notice, for any of the following:
 - a. Repeated violation of this code;
 - b. Serious public safety concerns; or
 - c. Redemption of the public right-of-way.
2. The permittee shall be responsible for all expenses incurred in removal of the sidewalk café, whether removal is performed by the City or by the permittee. Additionally, the permittee shall be responsible for restoring the sidewalk or right-of-way to its original or pre-sidewalk café condition.
3. The City Administrator, or his or her designee, may revoke or suspend any sidewalk café permit for any sidewalk café for violation of this or any other City ordinance. Upon issuance of a citation of violation, the sidewalk café shall have forty-eight (48) hours to correct any violation of this or any other City ordinance. If the violation is not corrected within forty-eight (48) hours, the sidewalk café permit shall be suspended and the sidewalk café shall cease to operate until such time as the violation may be remedied.

- I. Appeals. An administrative decision to deny a permit, suspend a permit, or revoke a permit may be appealed to the Board of Adjustment pursuant to Section 11.12.00 of this Code.