

ATTACHMENT II – EXHIBIT A

CHAPTER XXIV ZONING AND LAND DEVELOPMENT

ARTICLE II. – DEFINITIONS

Sec. 24-22 Definitions.

...

Distance separation measurement: The minimum distance separation requirement shall be measured as a straight line from the main entrance of the proposed establishment to the nearest point of the property line of the neighboring use from which separation is required.

...

Retail uses (general retail): ~~Retail stores~~ Business establishments, involving the sale of merchandise to the end user; may include but not be limited to art supplies; antiques; apparel; bake shops; bicycles; bookstores; cameras; convenience stores; fabric and drapery; flooring; florists; furniture; hardware; groceries; jewelry; leather goods; lighting fixtures; newspapers and magazines; sporting goods; ~~tobacco shops~~; toys; and other similar type businesses not enumerated in the same or higher intensity zoning district.

...

Retail smoke shop: A ~~commercial~~ retail business ~~or wholesale~~ establishment fully enclosed primarily engaged in selling tobacco, tobacco products, and accessories for such products. Smoke shop accessories may include but not be limited to e-cigarettes; vaporizers; hookahs; bongs; cigarette papers or wrappers; rolling machines; and other similar paraphernalia not enumerated.

...

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

ARTICLE V. – ZONING USE DISTRICTS

Sec. 24-53 - B-3 Intensive Business District.

...

(C) *Uses Permitted Conditionally.*

...

(18) Retail smoke shop; provided that any such use shall not be located within:

- a. 1,000 feet of any other existing retail smoke shop
- b. 1,000 feet of any school (elementary, middle, or secondary) public or private
- c. 1,000 feet of any hospital
- d. 500 feet of any government facility or park
- e. 250 feet of residential zoning districts

...

Sec. 24-54 - B-4 Distribution and Light Industrial District.

...

(C) *Uses Permitted Conditionally.*

...

(18) Retail smoke shop; provided that any such use shall not be located within:

- a. 1,000 feet of any other existing retail smoke shop
- b. 1,000 feet of any school (elementary, middle, or secondary) public or private
- c. 1,000 feet of any hospital
- d. 500 feet of any government facility or park
- e. 250 feet of residential zoning districts

...

Sec. 24-54.1 - B-5 Distribution and Medium Industrial District.

...

(C) *Uses Permitted Conditionally.*

...

(4) Retail smoke shop; provided that any such use shall not be located within:

- a. 1,000 feet of any other existing retail smoke shop
- b. 1,000 feet of any school (elementary, middle, or secondary) public or private
- c. 1,000 feet of any hospital
- d. 500 feet of any government facility or park
- e. 250 feet of residential zoning districts

...

Sec. 24-58.1 – Fulford Mixed-Use Town Center District (MU/TC).

...

(G) *Permitted Uses.*

...

- (2) Permitted Use Table MU/TC-1 ~~includes the principal uses~~ denotes if the use is permitted (P), permitted with conditions (C), or not permitted (NP) ~~permitted for each of the sub-areas in the MU/TC along with any required restrictions on such uses, for each of the sub-areas.~~ Principal uses ~~not listed~~ included in Table MU/TC-1 are not permitted in the MU/TC. The MU/TC shall be subject to the provisions of Article VIII Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

[REAMINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

Table MU/TC-1				
PERMITTED USES IN THE FULFORD MIXED-USE TOWN CENTER (MU/TC) DISTRICT				
P=PERMITTED BY RIGHT		C = CONDITIONAL USES		NP= NOT PERMITTED
	Uses (1)	Use AreasSub-Districts		
		Core	Transition	Edge
Residential				
	Residential, provided that: must be in multi-family context	P	P	P
	Residential, townhouses (per building typology diagram) Sec. 24-58 (S) (3)	P	P	P
Eating and Drinking Establishments				
	Bars and lounges, provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).	P	P	C
	Microbrewery, winery or distillery	P	P	C
	Restaurants including fast food, excluding drive through, including outdoor dining	P	P	C
	Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business				
	Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.	C	C	C
	Animal hospitals and kennels; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than 300 feet from any residential district.	C	C	C
	Banks and financial institutions, excluding drive-through.	P	P	NP
	Daycare Center provided use is not on primary street	C	C	C
	Night clubs and discotheques (Ord. No. 2006-1 § 12, 12/21/2006)	C	C	NP
	Parking garages as principal use, provided that parked vehicles shall not be visible from	C	C	NP

	surrounding properties or public street rights-of-way and structure shall be well landscaped.			
	Surface parking lot as principal use, CRA or City owned and operated only	P	P	C
	Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P	P	NP
Office				
	Office, business and professional uses.	P	P	P
Retail/Personal Services				
	Personal services uses	P	P	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P
Retail/Retail Services				
	Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
	Package liquor store: Provided such use is located on primary street	C	C	NP
	Pharmacies	C	C	C
	Retail uses (general retail)	P	P	P
	<u>Retail smoke shop</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Lodging Accommodations				
	Hotels	C	C	NP
Institutional				
	Museums and art galleries	P	P	P
	Places of public assembly	C	C	C
	Utility facilities, light, public and private	P	P	P
Recreation and Open Space (Private and Public)				
	Game rooms, sports and amusement facilities	P	P	C
	Public parks and playgrounds, plazas, squares	P	P	P
	Urban market gardens	P	P	P
Notes: (1) The MU/TC allows for a conditional use approval for the conversion of existing buildings, or portions of existing buildings, from residential use to office use or retail and service establishment use — subject to the area regulating plan and compatibility with existing adjacent uses.				

...

- (4) Uses permitted with conditions. The following uses are permitted in the MU/TC District without approval under the provisions of Section 24-177, as long as the proposed use and location meets the following required conditions:
- a. Restaurant fast food with drive through
 - i. Drive through must be located to the rear of the building
 - ii. Drive through stacking area not permitted in the area between the building frontage and any right-of-way

- iii. Drive through lanes adjacent to the service window areas must be covered by a porta cochere architecturally compatible with the primary structure
 - iv. Drive through lanes must be screened from rights-of-way and adjacent properties with landscaping consistent with the requirements of Chapter XXIV, Article XI Landscaping
- b. Animal boarding
 - i. All activities of this use must be conducted entirely within an air conditioned and soundproofed building
 - ii. Use shall be located at least 300 feet from any Residential Zoning District
- c. Animal hospitals and kennels
 - i. All activities of this use must be conducted entirely within an air conditioned and soundproofed building
 - ii. Use shall be located at least 300 feet from any Residential Zoning District
- d. Parking garages as a principal use
 - i. Vehicles must be screened from the public rights-of-way and adjacent properties
 - ii. Landscaping must be provided in accordance with Chapter XXIV, Article XI Landscaping
- e. Retail smoke shop, provided that any such use shall not be located within:
 - i. 1,000 feet of any other existing retail smoke shop
 - ii. 1,000 feet of any school (elementary, middle, or secondary) public or private
 - iii. 1,000 feet of any hospital
 - iv. 500 feet of any government facility or park
 - v. 250 feet of residential zoning districts

...

Sec. 24-58.2 - Mixed-Use Employment Center District (MU/EC).

...

(G) Permitted Uses.

...

- (2) Permitted Use Table MU/EC-1 includes the principal uses denotes if the use is permitted (P), permitted with conditions (C), or not permitted (NP)permitted for each of the sub-areas permitted in the MU/EC along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/EC — 1 are not permitted in the MU/EC. The MU/EC shall be subject to the Supplemental Regulations, as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are

substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district.

Table MU/EC-1				
PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT				
P= PERMITTED BY RIGHT		C = CONDITIONAL USES		NP= NOT PERMITTED
	Uses	Use Areas-Sub-Districts		
		Core	Transition	Edge
Residential				
	Residential multifamily, subject to and conditioned upon site plan review which considers compatible adjacent uses that will not adversely impact residential units.	P	P	P
	Residential, single family	NP	NP	NP
	Residential, townhouses (per building typology diagram) Sec. 24-58 (S) (3)	P	P	P
Eating and Drinking Establishments				
	Bars and lounges provided that any such use shall not be located within five hundred 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to Section 562.45(2)(a), Florida Statutes).	P	P	NP
	Barbeque restaurants, open air	C	C	NP
	Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
	Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business				
	Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.	C	C	C
	Animal hospitals and kennels; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than 300 feet from any residential district.	C	C	C
	Automotive sales and rental uses.	P	P	C
	Automotive service station as defined in Article II	NP	NP	NP
	Blood banks	NP	NP	NP

	Boat sales (no outdoor display). Subject to design standards.	NP	P	NP
	Bonding companies (bail)	C	C	NP
	Daycare center and nurseries	P	P	C
	Driver's license (no road test)	P	P	NP
	Driver's license (with road test)	NP	NP	NP
	Driving schools (with driving)	NP	NP	NP
	Funeral homes, provided any such use shall have a site not less than 15,000 square feet and shall be located at least 300 feet from any residential district.	C	C	NP
	Night clubs and discotheques	C	C	NP
	Pain management clinic, (Ordinance 2011-5; 4/26/2011)	C	C	NP
	Palm readers/fortune tellers/psychics	C	C	NP
	Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C	C	NP
	Pawn shops	NP	NP	NP
	Plant nurseries	P	P	P
	Recording studios	P	P	NP
	Shooting ranges	NP	NP	NP
	Surface parking lot as principal use, CRA or City owned and operated only	P	P	C
	Vocational schools	P	P	C
	Office			
	Office, business and professional uses.	P	P	P
	Psychiatric and psychological services (drug/alcohol and violent/dangerous behavior, counseling or treatment)	C	C	NP
Retail/Personal Services				
	Personal services uses.	P	P	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P
Retail/Retail Services				
	Check cashing/Cash advance/Money wire provided such use shall not be located on Biscayne Blvd, SR 826, NE 164th Street, or within two hundred (200') feet of any residential use or zone	P	P	NP
	Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
	Package liquor store	NP	NP	NP
	Pharmacies	C	C	C
	Retail uses (general retail).	P	P	P
	<u>Retail smoke shop</u>	<u>C</u>	<u>C</u>	<u>NP</u>

Lodging Accommodations				
	Community care facilities as defined in Article II. Only one within 1,000 feet, licensed by DCF, clients either meet the requirements of a community residential home or are at least 60 years of age.	C	C	NP
	Bed and Breakfast Inns	P	P	C
	Hotels and motels, provided minimum site area of 2 acres	P	P	NP
Light Industrial/Warehouse (1)				
	Automotive sales and rental uses. *Including outdoor display in Core area.	P	P	C
	Boats and marine uses.	P	P	C
	Bottling plants	NP	NP	NP
	Building contractor storage yards	NP	NP	NP
	Concrete plants	NP	NP	NP
	Game rooms, sports and amusement facilities.	P	P	C
	Light industrial uses.	P	P	C
	Lumber yards	NP	NP	NP
	Mechanical and automotive equipment sales and service	P	P	C
	Microbrewery, winery or distillery	P	P	P
	Petroleum and gas storage (bulk); provided that any such use shall not be located less than 1,000 feet from any residential use, that all storage tanks shall meet the requirements of the National Board of Fire Underwriters, and the regulations governing installation and use of same by Miami Dade County, and that any such use shall be approved by the City Commission at a public hearing.	NP	NP	NP
	Salvage yards and automobile crushing operations; provided that any such use shall be entirely surrounded by an 8-foot high solid masonry wall, excepting only exits and entrances, which shall be equipped with solid wooden gates, that no materials shall be piled higher than said perimeter walls, and that any such use shall be approved by the City Commission at a public hearing.	NP	NP	NP
	Warehousing and distribution uses.	P	P	C
	Utility facilities, light, public and private	P	P	C
Institutional				
	Government administration building	P	P	P
	Hospitals and clinics, hospitals are prohibited east of Biscayne Blvd (coastal zone)	P	P	NP
	Libraries	P	P	P
	Museums and art galleries	P	P	P
	Offices — government administrative	P	P	P

	Offices or facilities, quasi-public association and organizations, not-for-profit	P	P	P
	Places of public assembly, 10,000-sf minimum site area, on arterial or collector roadway, located in single, stand-alone building, must meet parking requirements.	PC	PC	C
	Police and fire stations	P	P	P
	Public facilities, utilities and services: no structure located less than fifty (50) feet from any adjacent residential property.	C	C	C
	Public works facilities	P	P	P
	Social service agencies	P	P	NP
Recreation and Open Space (Private and Public)				
	Cemeteries	NP	NP	NP
	Community gardens	P	P	P
	Marinas (commercial)	NP	NP	NP
	Public parks and playgrounds, plazas, squares	P	P	P
	Urban market gardens	P	P	P

...

(4) Uses permitted with conditions. The following uses are permitted in the MU/EC District without approval under the provisions of Section 24-177, as long as the proposed use and location meets the following required conditions:

- a. Restaurant fast food with drive through
 - i. Drive through must be located to the rear of the building
 - ii. Drive through stacking area not permitted in the area between the building frontage and any right-of-way
 - iii. Drive through lanes adjacent to the service window areas must be covered by a porta cochere architecturally compatible with the primary structure
 - iv. Drive through lanes must be screened from rights-of-way and adjacent properties with landscaping consistent with the requirements of Chapter XXIV, Article XI Landscaping
- b. Animal boarding
 - i. All activities of this use must be conducted entirely within an air conditioned and soundproofed building
 - ii. Use shall be located at least 300 feet from any Residential Zoning District
- c. Animal hospitals and kennels
 - i. All activities of this use must be conducted entirely within an air conditioned and soundproofed building
 - ii. Use shall be located at least 300 feet from any Residential Zoning District
- d. Funeral homes
 - i. Minimum site area of 15,000 square feet

- ii. Located at least 300 feet from any residential district
- e. Parking garages as a principal use
 - i. Vehicles must be screened from the public rights-of-way and adjacent properties
 - ii. Landscaping must be provided in accordance with Chapter XXIV, Article XI Landscaping
- f. Retail smoke shop, provided that any such use shall not be located within:
 - i. 1,000 feet of any other existing retail smoke shop
 - ii. 1,000 feet of any school (elementary, middle, or secondary) public or private
 - iii. 1,000 feet of any hospital
 - iv. 500 feet of any government facility or park
 - v. 250 feet of residential zoning districts
- g. Places of public assembly
 - i. Minimum site area of 10,000 square feet
 - ii. Located on arterial or collector roadway
 - iii. Located in single, stand-alone building
 - iv. Meets all applicable parking requirements
- h. Public facilities, utilities and services
 - i. Minimum structure setback of 50 feet from any adjacent residential Zoning District

...

Sec. 24-58.8 – International Boulevard District (MU/IB).

...

(G) Permitted Uses.

...

- (2) Permitted Use Table. Table MU/IB-4 ~~includes the principal uses~~ denotes if the use is permitted (P), permitted with conditions (C), or not permitted (NP) ~~permitted for each of the sub-areas permitted in the MU/IB along with any required restrictions on such uses, for each of the sub-areas.~~ Principal uses not included in Table MU/IB-4 are not permitted in the MU/IB. The MU/IB shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

...

Table MU/IB-4. Permitted Uses in the MU/IB District			
P = Permitted by Right	C = Conditional Uses		NP = Not Permitted
Uses	Sub-Districts		
Residential	Core	Transition	Edge
Residential, in multi-family context;	P	P	P
Residential, townhouses (per building typology diagram) Sec. 24-58 (S) (3)	P	P	P
Group Homes	P	P	P
Community Residential Home as defined in Article II and with a review process in conformance with Chapter 89-372 FAS	P	P	P
Community care facilities (as defined in Article II), provided that: (a) There is reasonable proximity to bus lines; (b) There is no existing community care facilities within one thousand (1,000) feet; (c) The facility is licensed by DCF; (d) The clients either meet the requirements of a community residential home or at least sixty (60) years of age.	C	C	C
Eating and Drinking Establishments	Core	Transition	Edge
Barbeque restaurants (open air)	C	C	NP
Bars and lounges provided that any such use shall not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to Section 562.45(2)(a), Florida Statutes).	P	P	C
Microbrewery, winery or distillery	P	P	C
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	C
Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
General Business	Core	Transition	Edge
Animal boarding; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located within three hundred (300') feet of such premises and any residential districts.	C	C	C
Animal hospitals and kennels; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than three hundred (300) feet from any residential district.	C	C	P
Automotive sales and rental uses	C	C	NP
Banks and financial institutions, excluding drive-through.	P	P	NP

Daycare Center and nurseries provided that all outdoor activity areas shall be effectively screened from adjacent residential properties.	P	P	C
Funeral homes	C	C	NP
Movie theaters	P	P	NP
Night clubs and discotheques (Ord. No. 2006-1 § 12, 12/21/2006)	C	C	NP
Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C	C	NP
Recording studios and radio stations, provided that any such use shall be located entirely within an air conditioned, soundproofed building	<u>PC</u>	<u>PC</u>	NP
Surface parking lot as principal use, CRA or City-owned and operated only	P	P	C
Veterinary services with no overnight stay.	P	P	C
Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P	P	NP
Office	Core	Transition	Edge
Office, business and professional uses	P	P	P
Retail/Personal Services	Core	Transition	Edge
Bonding companies (bail)	C	C	NP
Check cashing/cash advance/money wire; providing such use shall not be located on Biscayne Boulevard, State Road 826, or Northeast 164 Street or within two hundred (200) feet of any residential use or zone;	NP	NP	NP
Drug/alcohol rehabilitation service, including residential detoxification service	C	C	NP
Laundries/self-serve coin operated, provided that no such use be located on Biscayne Boulevard, State Road 826 or N.E. 164 Street, or within two hundred (200) feet of residential use or zone;	NP	NP	NP
Pain management clinic	C	C	NP
Personal Services uses.	P	P	P
Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P
Retail/Retail Services	Core	Transition	Edge
Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
Package liquor store: Provided that any such use shall not be located within five hundred (500) feet of any other bar, lounge or package liquor store	C	C	NP
Pharmacies	C	C	C
Retail uses (general retail)	P	P	P
Social service agencies	C	C	NP
Retail smoke shop	C	C	NP
Lodging Accommodations	Core	Transition	Edge

Hotels	C	C	NP
Institutional	Core	Transition	Edge
Museums and art galleries	P	P	P
Places of public assembly	P	P	C
Schools (Public/Private)(K-12)	P	P	P
Utility facilities, light, public and private	P	P	PC
Recreation and Open Space (Private and Public)	Core	Transition	Edge
Game rooms, sports and amusement facilities.	P	P	C
Public parks and playgrounds, plazas, squares	P	P	P
Urban market gardens	P	P	P

...

(4) Uses permitted with conditions. The following uses are permitted in the MU/IB District without approval under the provisions of Section 24-177, as long as the proposed use and location meets the following required conditions:

- a. Restaurant fast food with drive through
 - i. Drive through must be located to the rear of the building
 - ii. Drive through stacking area not permitted in the area between the building frontage and any right-of-way
 - iii. Drive through lanes adjacent to the service window areas must be covered by a porta cochere architecturally compatible with the primary structure
 - iv. Drive through lanes must be screened from rights-of-way and adjacent properties with landscaping consistent with the requirements of Chapter XXIV, Article XI Landscaping
- b. Animal boarding
 - i. All activities of this use must be conducted entirely within an air conditioned and soundproofed building
 - ii. Use shall be located at least 300 feet from any Residential Zoning District
- c. Animal hospitals and kennels
 - i. All activities of this use must be conducted entirely within an air conditioned and soundproofed building
 - ii. Use shall be located at least 300 feet from any Residential Zoning District
- d. Funeral homes
 - i. Minimum site area of 15,000 square feet
 - ii. Located at least 300 feet from any residential district
- e. Parking garages as a principal use
 - i. Vehicles must be screened from the public rights-of-way and adjacent properties
 - ii. Landscaping must be provided in accordance with Chapter XXIV, Article XI Landscaping
- f. Recording studios and radio stations

- i. Located entirely within an air conditioned and soundproofed building
- g. Retail smoke shop, provided that any such use shall not be located within:
 - i. 1,000 feet of any other existing retail smoke shop
 - ii. 1,000 feet of any school (elementary, middle, or secondary) public or private
 - iii. 1,000 feet of any hospital
 - iv. 500 feet of any government facility or park
 - v. 250 feet of residential zoning districts
- h. Places of public assembly
 - i. Minimum site area of 10,000 square feet
 - ii. Located on arterial or collector roadway
 - iii. Located in single, stand-alone building
 - iv. Meets all applicable parking requirements
- i. Utility facilities, light, public and private
 - i. Minimum structure setback of 50 feet from any adjacent residential Zoning District