

Sec. 24-37. - B-1: Community Business District.

- (A) *Purpose.* The B-1: Community Business District is intended primarily to meet the shopping and limited service needs of several neighborhoods. Retail stores are intended to include convenience, fashion and durable goods. The B-1 District may be located along traffic arteries or in concentrated shopping centers. A site plan is required in accordance with article XII.
- (B) *Uses permitted.*
- (1) Uses as specified for this district in the master business list.
  - (2) Limitation of permitted uses: All activities of permitted uses, including sale, display, preparation and storage shall be conducted entirely within a completely enclosed building, except for:
    - (a) Automobile parking lots.
    - (b) Auto rental or leasing.
    - (c) Boat retail sales subject to approval as a conditional use.
    - (d) Drive-in banks.
    - (e) Gasoline service stations, subject to approval as a conditional use and the provisions of section 24-74.
    - (f) Golf driving range.
    - (g) Plant nursery enclosed by an obscuring fence.
    - (h) Outdoor restaurants, as an accessory use to an enclosed restaurant, see subsection (4) below.
    - (i) Drive-in restaurants subject to approval as a conditional use, see subsection (4) below.
  - (3) All products produced by a permitted use shall be sold at retail on the premises.
  - (4) Restaurants.
    - (a) Outdoor seating area, as an accessory use to an enclosed restaurant shall not exceed 49% of the total gross floor area of the interior customer service area.
    - (b) Drive-in restaurants are subject to approval as a conditional use and the area of outdoor seating shall be limited to 25% of the gross floor area of the building.
- (C) *Building site area.* 100 feet in width and 125 feet in depth except for those lots platted prior to December 29, 1984.
- (D) *Building site coverage and green space.* 25% of the site shall be landscaped or pervious.
- (E) *Residential density.* 25 dwelling units per acre in accordance with sections 24-41(D)(2), Master Business List and 24-72, Reserve Units.
- (F) *Maximum floor area ratio (FAR):* 1.0 FAR.
- (G)

*Setbacks and bufferyards.* Except for driveways, sidewalks and rear yards, all setbacks shall be landscaped and pervious.

(1) *Front:*

- (a) 25 feet if 300 feet or more in depth, ten (10) feet if less than 300 feet in depth.
- (b) 25 feet when a residential district is across the street with the first ten (10) feet landscaped unless the parcel is 300 feet in depth in which case the entire setback shall be landscaped.
- (c) Fences and walls: ten (10) feet; hedges or trees: seven (7) feet.

(2) *Side:* 15 feet where B-1 District directly abuts a residential district.

(3) *Corner:*

- (a) Ten (10) feet abutting on the side street, alley or waterway.
- (b) 25 feet when a residential district is across the street with the first ten (10) feet landscaped.
- (c) No fence, wall, hedge, tree, structure or parking space shall be erected or allowed to obstruct vision within 30-foot clear sight triangle at the corner of the property.

(4) *Rear:* 15 feet where a B-1 District is separated by an alley or waterway from a residential district or where a B-1 District abuts a residential district.

(H) *Building height limit.*

(1) 100 feet.

(2) Any building over 50 feet:

- (a) The front yard setback must be at least one-half ( $\frac{1}{2}$ ) of building height; side and rear setbacks must be at least one-third ( $\frac{1}{3}$ ) of building height; in no case less than (G) above.
- (b) Where the building site is adjacent to a residential district, the setback shall be at least the height of the building.

(I) *Other regulations.* See also articles V (Supplemental Regulations), VI (Parking), VIII (Landscaping) and XI (Signs).

(Ord. No. O-90-21, § 10, 10-17-90; Ord. No. O-91-3, § 2, 4-3-91; Ord. No. O-2008-035, § 2, 11-19-08; Ord. No. 2011-026, § 2, 12-7-11)

Sec. 24-41. - Master business list.

(A) *Purpose.* It is the intent of this section to provide, in tabular form, a listing (herein referred to as the "master business list") of the uses that shall be permitted or prohibited in the various business districts.

(B) *Key to table.*

(1)

Where a "P" appears on the same line as a listed use, said use shall be permitted in the district as indicated by the column heading in which the "P" appears.

- (2) Where a "C" appears on the same line as a listed use, said use shall be a conditional use in the district as indicated by the column heading in which the "C " appears.
- (3) Where an "A" appears on the same line as a listed use, said use shall be permitted as an accessory only to a permitted principal use in the district as indicated by the column heading in which the "A" appears.
- (4) Where no letter "P", "C", or "A" appears on the same line as a listed use, said use shall be prohibited in the district as indicated by the column heading, in the same manner.
- (5) Where a listed use is not permitted in any of the business districts, an "X" appears in the column headed "prohibited."
- (6) Where a listed use is followed by parentheses and the symbol "\*", the district where the symbol "\*" is found is limited by the restrictions of the parenthesis in the business listing.
- (7) Where the letter "P", "C", or "A" is followed by a number or two numbers separated by a comma the listed use shall be subject to the limitations and restrictions set forth in the corresponding supplemental regulations in Section D of this section.
- (8) Any use not listed on the master business list, as amended from time to time, shall be considered an "unlisted use." Such applications shall be reviewed and considered according to the conditional use provisions set forth herein.
- (9) Any principal or accessory twenty-four (24) hour business shall be reviewed and considered according to the conditional use provisions set forth herein.

Master Business List Key Summary:

|               |   |
|---------------|---|
| P =           | Permitted Principal Use;  |
| A =           | Accessory only to a Permitted Principal Use;  |
| C =           | Conditional Use;  |
| X =           | Prohibited Use  |
| * =           | The Restriction to the use in parenthesis is applicable specifically to that zone.        |
| (number)<br>= | Restriction on the use in Section D, Supplemental Regulations (Section <u>24-41(D)</u> ). |

(C) *Master business list.* The following is the master business list, indicating the permitted and prohibited uses and those uses subject to the supplemental regulations and definitions of this section. The following uses are principal uses unless otherwise stated. In some cases, a use may be permitted in the district, but would constitute a change of use pursuant to the parking and landscaping sections of this Code. There shall be no variances on the uses listed in the Master Business List in this subsection.

| Business Listing  | Prohibited | NB | B1 | B-2 | B-3 | I-1 | PRZD | FHOD | PRD |
|---|------------|----|----|-----|-----|-----|------|------|-----|
| Air conditioning and heating equipment—retail   |            |    |    | P   | P   |     |      |      |     |
| Air conditioning & heating equipment—wholesale, indoor storage, repair and service        |            |    |    |     | P   | P   |      |      |     |
| Air mobility station including vertiports or drone ports—electric transport vehicles only |            |    | C  | C   | C   | C   | C    | C    | C   |
| Alcoholic beverages, sales—off-premises consumption                                       |            |    | P  | P   | P   |     |      | C    | C   |
| Ambulance service   |            |    |    | C   | P   | P   |      |      |     |

|  |  |    |     |     |     |    |     |     |     |
|--|--|----|-----|-----|-----|----|-----|-----|-----|
| Amusement enterprises: coin or credit-operated games (as accessory use)*   |  |    | C1* | C1* | C1* |    | C1* | C1* | C1* |
| Animal boarding/kennel   |  |    | C1  | C1  | C1  | C  |     |     |     |
| Animal daycare—no overnight boarding   |  |    | P1  | P1  | P1  | P1 | P1  | C   | P1  |
| Animal clinics, pet hospitals  |  |    | P1  | P1  | P1  |    | P1  | C   | P1  |
| Animal grooming  |  |    | P1  | P1  | P1  |    | P1  | C   | P1  |
| Apartments   |  | P2 | P2  | P2  | P2  |    | P2  | P2  | P2  |
| Armored car service  |  |    |     |     | P   | P  |     |     |     |
| Artists' studios, photography studios  |  | P  | P   | P   | P   | P  | P   | P   | P   |
| Assembly of small articles   |  |    |     |     | P   | P  |     |     |     |
| Assembly hall, halls for hire, civic clubs, fraternal, noncommercial, lodge halls, union halls, associations (civic, professional) |  |    | C   | C   | C   |    | C   | C   | C   |

|   |  |  |     |     |     |     |   |   |   |
|---|--|--|-----|-----|-----|-----|---|---|---|
| Athletic club, health clubs, gymnasiums, personal training, fitness studio—10,000 square feet or less |  |  | P   | P   | P   | P   | P | C | P |
| Athletic club—over 10,000 square feet   |  |  | C   | C   | C   |     | C | C | C |
| Auction houses  |  |  |     | C   | P   |     |   |   |   |
| Auto body & fender repair—all work within building  |  |  |     |     | C12 | P12 |   |   |   |
| Auto parts, equipment, accessories new, wholesale   |  |  |     |     | P   | P   |   |   |   |
| Auto parts—from used cars   |  |  |     |     |     | C   |   |   |   |
| Auto rental/leasing (office only)*  |  |  | P*  | C17 | P17 | P17 |   | C | C |
| Auto repair major (no auto body)  |  |  |     |     | C12 | P12 |   |   |   |
| Auto repair minor   |  |  |     | C12 | P12 | P12 |   |   |   |
| Auto tag agency   |  |  | P   | P   | P   |     | C | C |   |
| Auto tires, new—retail and mounting   |  |  | C12 | C12 | P12 | P12 |   |   |   |

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|---|--|--|-----|-----|-----|-----|-----|----|----|
| Auto tires, used and mounting (accessory only to other auto and tire related uses)            |  |  | A12 | A12 | A12 |     |     |    |    |
| Auto wash and detailing   |  |  | C11 | C11 | P11 | P11 | C11 |    |    |
| Automobile, RV, boat & trailer storage (no semi-trailer trucks) (conditional use only)        |  |  |     |     |     | A25 |     |    |    |
| Automobile sales, used  |  |  |     | C22 | C22 |     |     |    |    |
| Automobile sales, new car and truck (with appurtenant repair shop and used vehicle sales lot) |  |  | C   | C   | P   |     |     | C  |    |
| Automobile sales, wholesale & retail (within building only)                                   |  |  |     |     | C22 | C22 |     |    |    |
| Awning stores   |  |  |     | P   | P   |     |     |    |    |
| Awning— manufacturing and sales   |  |  |     |     | P11 | P11 |     |    |    |
| Bakery distribution point and production  |  |  | P   | P   | P   | P   |     |    |    |
| Bar   |  |  | C9  | C9  | C9  |     | C9  | C9 | C9 |

|  |   |  |     |     |     |     |   |   |   |
|--|---|--|-----|-----|-----|-----|---|---|---|
| Beverage manufacturing, alcoholic and non-alcoholic, without tasting room  |   |  |     |     | P   | P   |   |   |   |
| Beverage manufacturing, alcoholic and non-alcoholic, with tasting room (tasting room not to exceed 20% of the gross floor area and use approval required)* |   |  | C   | C   | C   | P*  | C | C | C |
| Billiard rooms—pool rooms  |   |  | C   | C   | C   | C   | C | C | C |
| Bingo parlor   | X |  |     |     |     |     |   |   |   |
| Boat and marine motors sales and service (dry stack)* (conditional use only)   |   |  | A25 | A25 | A25 | A25 |   |   |   |
| Boat rental, boat slips  |   |  | P   | P   | P   | P   |   |   |   |
| Bottle clubs   | X |  |     |     |     |     |   |   |   |
| Bowling alleys   |   |  | P   | P   | P   |     | P | C | C |



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| Brewpub, (restaurant area cannot exceed 20% of the gross floor area of the establishment)                               |  |   | P  | P  | P  | P* | P  | C | P |
| Building supplies, retail (from bldgs. only)*   |  |   | P* | P* | P* | P  | C* |   |   |
| Building supplies, retail (accessory outside storage, and/or over 40,000 square feet gross floor, conditional use only) |  |   | C  | C  | C  |    | C  |   |   |
| Bus terminals   |  |   |    |    | P  | P  |    |   |   |
| Business services   |  | P | P  | P  | P  |    | P  | C | P |
| Canning or freezing plant   |  |   |    |    | C  | P  |    |   |   |
| Carpet, rug. or rag cleaning establishment (off-premises)*  |  |   |    | P* | P  | P  |    |   |   |
| Carting, delivery, express, hauling   |  |   |    |    |    | P  |    |   |   |
| Check cashing   |  |   | A  | A  | A  |    | A  |   |   |
| Commissary  |  |   |    | C  | P  | P  |    |   |   |

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| Community residences<br>(up to ten residents)                      |  | P19 | P19 | P19 | P19 |     | P19 | P19 | P19 |
| Confectionery<br>manufacture                                       |  |     |     |     | P1  | P   |     |     |     |
| Conservatories (art<br>and music),<br>soundproofed for<br>music    |  |     | P   | P   | P   |     | P   | P   | P   |
| Consignment shop   |  |     | P   | P   | P   |     |     |     |     |
| Contractor's shop and<br>storage (inside storage<br>only)*         |  |     |     |     | P*  | P   |     |     |     |
| Convenience store<br>with or without a<br>vehicle fueling station  |  | C   | C   | C   |     |     | C   |     |     |
| Crematory  |  |     |     |     | P11 | P11 |     |     |     |
| Day labor center   |  |     |     |     | C   |     |     |     |     |
| Day nurseries, child<br>care centers, adult day<br>care            |  | P   | P   | P   |     |     | P   | C   | C   |
| Dollar store   |  |     | C   | C   |     |     |     |     |     |
| Drive-through window<br>for any business<br>(conditional use only) |  |     | A26 | A26 | A26 |     |     |     |     |

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|--|---|-------|-------|-------|-------|-----|-------|----|----|
| Dry cleaning or laundry drop-off establishments  |   | P3    | P3    | P3    | P     |     | P3    | C  | P3 |
| Dry cleaning, laundry, carpet cleaning, or dyeing facilities   |   |       |       |       | P11   | P11 |       |    |    |
| Dynamite storage   | X |       |       |       |       |     |       |    |    |
| Electric vehicle charging unit, accessory to a principal use and not exceeding 10% of required parking unless located within a parking structure |   | A6    | A6    | A6    | A6    | A6  | A6    | A6 | A6 |
| Electric vehicle charging, accessory use when total number of units, not within a parking structure, exceed 10% of required parking              |   | C, A6 | C, A6 | C, A6 | C, A6 |     | C, A6 |    |    |
| Electric vehicle charging station, principal use,  |   | C6    | C6    | C6    | C6    |     | C6    |    |    |
| Embalming, taxidermist   |   |       |       |       |       | P   |       |    |    |

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| Embalming, human  |   |   |    |   |     | P   |   |   |    |
| Employment agencies<br>(except day labor) (Also<br>see "Day Labor")   |   |   | P  | P | P   |     | P |   |    |
| Engravers (as<br>accessory to a<br>permitted use)*  |   |   | P* | P | P   | P   |   | C | P* |
| Fabricating, light  |   |   |    |   | P11 | P11 |   |   |    |
| Federal, state and<br>municipal buildings,<br>parks, playgrounds,<br>recreation, and their<br>associated parking lots |   | P | P  | P | P   | P   | P | C | P  |
| Feed, fertilizer,<br>warehouse, indoor<br>storage and sales   |   |   |    |   | P   | P   |   |   |    |
| Food caterers   |   |   | P  | P | P   | P   | P | C |    |
| Food processing plant   |   |   |    |   |     | P   |   |   |    |
| Fortunetelling  | X |   |    |   |     |     |   |   |    |
| Frozen food lockers   |   |   |    |   | P   | P   |   |   |    |
| Funeral homes in<br>multi-<br>tenant building, no on-<br>site embalming or<br>crematory                               |   |   | C  | C | C   |     | C |   |    |

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|--|---|----|----|-----|-----|-----|----|---|---|
| Funeral homes in stand-alone building, accessory embalming permitted (no crematory)* |   |    | P* | P*  | P   |     | P  |   |   |
| Furniture and cabinet manufacturing, repair, and refinishing                         |   |    |    |     | P11 | P11 |    |   |   |
| Garbage disposal   | X |    |    |     |     |     |    |   |   |
| Garden supplies  |   | P5 | P5 | P5  | P   |     | P5 |   |   |
| Golf courses (miniature)   |   |    | C  | C   | C   |     | C  |   |   |
| Golf driving range   |   |    | C  | C   | C   |     | C  |   |   |
| Guns—retail (as accessory use)*  |   |    | P* | P   | P   |     | P* |   |   |
| Gun range  |   |    |    |     | P1  | P1  |    |   |   |
| Head shop  |   |    |    | C15 | C15 |     |    |   |   |
| Heavy equipment parking and storage (conditional use only)                           |   |    |    |     |     | A25 |    |   |   |
| Hospitals  |   |    | P  | P   |     |     |    | C | C |

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| Hotels (except hotels in PCC-1 and PCC-2 districts from the conditional use requirement)* |   |   | C* | C* | C* |   | C  | C  | C  |
| House cleaners/janitorial (office only)*  |   |   | P* | P* | P  | P |    | C  | C  |
| Ice plant   |   |   |    |    | A  | A |    |    |    |
| Import/export (office only)*  |   |   | P* | P* | P  | P | P* | C* | P* |
| Junk dealers  | X |   |    |    |    |   |    |    |    |
| Kitchen incubator   |   |   | P  | P  | P  | P | P  | C  | C  |
| Knife & scissor sharpening (as accessory to permitted)*                                   |   |   | P* | P  | P  |   | P* | C  | C  |
| Laboratories, medical, dental, diagnostic, educational                                    |   |   | P  | P  | P  | P | P  | C  | P  |
| Laboratories, research, development, industrial, scientific                               |   |   |    |    | P  | P |    |    |    |
| Laundries, coin-operated  |   | P | P  | P  | P  |   | P  |    |    |

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|--|---|-----|-----|-----|-----|-----|----|---|----|
| Library  |   | P   | P   | P   | P   |     | P  | P | P  |
| Lighting fixtures distributors, wholesale  |   |     |     |     | P   | P   | P  |   |    |
| Liquor store   |   | P16 | P16 | P16 | P16 |     |    | C | C  |
| Lumberyards  |   |     |     |     | P11 | P11 |    |   |    |
| Machine shops  |   |     |     |     | P1  | P   |    |   |    |
| Machinery sales, indoor storage & repair   |   |     |     |     | P1  | P   |    |   |    |
| Mail order and internet sales establishment (office only)*   |   |     | P*  | P   | P   | P   | P* | C | P* |
| Maintenance, building, lawn, pool  |   |     |     | P   | P   | P   |    |   |    |
| Manufacture of: explosives, ammunition, insecticides, fertilizer, dangerous or obnoxious chemicals | X |     |     |     |     |     |    |   |    |
| Manufacturing, light   |   |     |     |     | P1  | P   |    |   |    |
| Massage establishment  | X |     |     |     |     |     |    |   |    |

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|--|---|-----|-----|-----|-----|-----|---|-----|-----|
| Massage and health spa, state licensed                           |   | P15 | P15 | P15 | P15 |     |   | C15 | C15 |
| Medical clinic   |   | P   | P   | P   | P   |     | P | C   | P   |
| Medical marijuana treatment center or dispensing facility        | X |     |     |     |     |     |   |     |     |
| Membership discount stores/clubs, 40,000 square feet or less     |   |     | P   | P   | P   |     | C |     |     |
| Membership discount stores/clubs greater than 40,000 square feet |   |     | C   | C   | C   |     | C |     |     |
| Motorcycle shops (sales, new or used)                            |   |     |     | C   | P   |     |   |     | C   |
| Motorcycle repair shops, fabrication                             |   |     |     |     | P   | P   |   |     |     |
| Motorhome and house trailer sales, new and used                  |   |     |     |     | P   | P   |   |     |     |
| Motor truck yards and depot                                      |   |     |     |     | C11 | P11 |   |     |     |
| Museum   |   |     | P   | P   | P   |     | P | C   | C   |
| Office   |   | P8  | P   | P   | P   | P   | P | P   | P   |



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|--|--|-----|-----|-----|-----|-----|-----|-----|-----|
| Office equipment/computers (accessory reconditioned preowned equipment sales)*   |  |     |     | P*  | P*  | P   |     |     |     |
| Oil filling station,   |  |     |     | C   | C   |     |     |     |     |
| Outdoor storage yard (conditional use only)  |  |     |     |     | A25 | A25 |     |     |     |
| Pain management clinic (see <u>Chapter 7, section 7-151</u> of the Code of Ordinances for definition and additional regulations) |  |     | C   | C   |     |     |     |     |     |
| Parking lots and garages, commercial   |  |     | P   | P   | P   | P   | P   | C   | A   |
| Payday loans   |  |     |     |     | C16 |     |     |     |     |
| Pawn shops   |  |     |     |     | C16 |     |     |     |     |
| Personal services  |  | P   | P   | P   | P   |     | P   | C   | P   |
| Pest control (office only)*  |  |     | P*  | P*  | P   | P   | P*  |     |     |
| Pet shops  |  |     | C   | C   | C   |     | C   | C   | C   |
| Pharmacy   |  | C14 | C14 | C14 | C14 |     | C14 | C14 | C14 |

|   |  |   |      |      |      |      |     |   |   |
|---|--|---|------|------|------|------|-----|---|---|
| Places of worship   |  |   | P    | P    | P    |      | P   | C | C |
| Plant nursery and sales (wholesale)*  |  |   |      |      | P    | P*   |     |   |   |
| Plant nursery and sales, retail, (with fencing and screening around outdoor sales areas)*             |  |   | P5   | P5   | P5   |      | P5* | C |   |
| Plumbing fixtures, retail (CRA only)*   |  |   | P*   | P    | P    |      |     | C | C |
| Post office   |  |   | P    | P    | P    | P    | P   | P | P |
| Printing shops, newspapers, microfilming, press, magazines  |  |   |      |      | P1   | P    |     |   |   |
| Processing, light   |  |   |      |      | P1   | P    |     |   |   |
| Propane or liquefied petroleum gas tank exchange  |  | A | A    | A    | A    | A    | A   | A | A |
| Propane or liquefied petroleum gas sales and storage (filling station as accessory to permitted use)* |  |   | C*13 | C*13 | C*13 | C*13 |     |   |   |

|   |  |     |     |     |     |   |     |     |     |
|---|--|-----|-----|-----|-----|---|-----|-----|-----|
| Psychic consulting (see <a href="#">Chapter 7</a> of this Code for additional requirements)                         |  |     | C   | C   |     |   | C   | C   | C   |
| Pumps & wells, retail, wholesale  |  |     |     |     | P   | P |     |     |     |
| Radio, television studios   |  |     | P   | P   | P   | P | P   | C   | C   |
| Recording and practice studios, soundproofed for music  |  |     |     | P   | P   |   |     |     |     |
| Recovery communities  |  | P20 | P20 | P20 | P20 |   | P20 | P20 | P20 |
| Rehabilitation—drug addiction treatment, mental health therapy, and counseling                                      |  |     | C   | C   | C   |   |     | C   | C   |
| Rehabilitation—physical therapy   |  |     | P   | P   | P   |   |     | C   | P   |
| Rent to own   |  |     | P   | P   | P   |   |     |     |     |
| Rental, small articles  |  |     |     | P   | P   |   |     |     |     |
| Rental—commercial trucks and equipment (accessory to permitted retail over 40,000 square feet of gross floor area)* |  |     | A*  | A*  | P   | P |     |     |     |

|  |   |     |     |     |     |     |     |     |     |
|--|---|-----|-----|-----|-----|-----|-----|-----|-----|
| Repair shops (small articles)*   |   |     |     | P*1 | P1  |     |     |     |     |
| Residences   |   | P2  | P2  | P2  | P2  |     | P2  | P2  | P2  |
| Restaurant with dining room or accessory outdoor seating   |   | P18 | P18 | P18 | P18 |     | P18 | P18 | P18 |
| Restaurant, drive-in (minimum distance of 100 feet airline distance from residentially zoned property) |   |     | C   | P   | P   |     | C   | C   | C   |
| Restaurant, drive-thru (accessory outside seating)   |   |     | C   | C   | C   |     | C   | C   |     |
| Retail sales—stores 40,000 square feet or less of sales area   |   | P   | P   | P   | P   |     | P   | P   | P   |
| Retail sales—stores over 40,000 square feet of sales area  |   |     | C   | C   | C   |     | C   | C   | C   |
| Rock and sand yards  | X |     |     |     |     |     |     |     |     |
| Roofing, contractors   |   |     |     |     |     | P11 |     |     |     |
| Rugs, carpets, wholesale   |   |     |     |     | P   | P   |     |     |     |

|  |  |   |   |   |   |   |   |   |   |
|--|--|---|---|---|---|---|---|---|---|
| Schools, driving   |  |   | P | P | P | P | P |   |   |
| Schools, collegiate only<br>(public or private)  |  |   | P | P | P |   |   | C | C |
| Schools, public or<br>private trade,<br>vocational and<br>industrial   |  |   |   | P | P | P |   |   |   |
| Secondhand stores  |  |   |   | P | P |   |   |   |   |
| Screen-printing  |  |   |   |   | P | P |   |   |   |
| Self-storage facilities  |  |   |   |   | C | C |   |   |   |
| Sexually oriented<br>businesses (See also<br><a href="#">section 24-73</a> ) and<br><a href="#">Chapter 7, Article X</a> |  |   | P | P | P | p |   |   |   |
| Shipping and<br>packaging stores,<br>10,000 square feet or<br>less   |  | P | P | P | P |   | P | C | C |
| Shipping and<br>packaging<br>establishments,<br>greater than 10,000<br>square feet                                       |  |   |   |   | P | P |   |   |   |
| Shopping centers,<br>community or regional<br>over ten (10) acres  |  |   | C | C | C | C | C |   |   |

|   |  |   |   |   |    |   |   |   |     |
|---|--|---|---|---|----|---|---|---|-----|
| Shopping centers,<br>neighborhood under<br>ten (10) acres   |  | P | P | P | P  |   | P | C | P19 |
| Skating rinks,<br>skateboard parks,<br>water slide, and other<br>outdoor amusements                   |  |   |   | C | C  | C |   |   |     |
| Stone yard or<br>monument works   |  |   |   |   |    | P |   |   |     |
| Swimming pools &<br>water treatment:<br>supplies, chemicals,<br>and accessories (no<br>manufacturing) |  |   | P | P | P  |   | P |   |     |
| Tattoo & body piercing<br>studio  |  |   |   | C | C  |   | C |   |     |
| Taxi service<br>establishment   |  |   |   | P | P  |   |   |   |     |
| Teen center   |  |   | C | C | C  |   | C |   |     |
| Theater and motion<br>picture houses  |  |   | P | P | P  |   | P | C | C   |
| Tile, builders supplies   |  |   |   |   | P  | P |   |   |     |
| Towing service (no<br>storage yard)*  |  |   |   |   | P* | P |   |   |     |

|  |  |    |     |     |     |   |    |     |   |
|--|--|----|-----|-----|-----|---|----|-----|---|
| Trailers of all kinds, campers, mobile homes, indoor storage & sales |  |    |     |     | P   | P |    |     |   |
| Truck and trailer rental (as accessory to permitted use)*            |  |    | C*  | P*  | P   | P |    |     |   |
| Transfer companies   |  |    |     |     | P   | P |    |     |   |
| Truck sales used, commercial   |  |    |     |     | P   | P |    |     |   |
| Upholstery shop (no vehicles)*                                       |  |    | A*  | A*  | P   | P |    |     |   |
| Urban farm—Indoor operation (retail component required onsite)*      |  | P* | P*  | P*  | P   | P | P* | C   | C |
| Urban farm—Outdoor operation   |  |    |     |     | P   | P |    |     |   |
| Used articles establishment—except antiques or consignment           |  |    |     |     | C   | C |    |     |   |
| Utilities, service dispatch  |  |    |     | P   | P   | P |    |     |   |
| Vehicle fueling station  |  |    | C23 | C23 | C23 |   |    | C23 |   |

|  |   |  |    |    |    |    |    |   |   |
|--|---|--|----|----|----|----|----|---|---|
| Warehouses: indoor storage (except self-storage facilities)  |   |  |    |    | P  | P  |    |   |   |
| Wholesale establishments (unless otherwise stated in this chapter, must be conducted in a completely enclosed building)* |   |  |    |    | P* | P  |    |   |   |
| Wholesale combustible fuel storage   | X |  |    |    |    |    |    |   |   |
| Wholesale sales and distribution (as accessory to a permitted use)*  |   |  |    | P* | P  | P  |    |   |   |
| Wholesale warehouse and indoor storage   |   |  |    |    | P  | P  |    |   |   |
| Yacht and boat brokers (office only)*  |   |  | P* | P* | P  | P  | P* | C | C |
| Yacht and boat repairs (indoors only)  |   |  |    |    | P  | P1 |    |   |   |

(D) *Supplemental regulations to master business list.* The following numbers are keyed in the list:

- (1) Enclosed: Must be completely enclosed in a soundproof, air-conditioned building.
- (2) Residential: The following regulations shall apply where a plot in a nonresidential district is utilized for a permitted residential use (see also district regulations):



- (a) B-1, B-2 and B-3: Multifamily dwellings and/or dwelling unit(s) in mixed-use buildings only and maximum height of fifty (50) feet.
  - (b) No residential use shall be located on the first or ground floor, other than a residential lobby or accessory use such as garage or storage area.
  - (c) Minimum of five hundred fifty (550) square feet of floor area per dwelling unit unless otherwise regulated in the district regulations or Planned Development District regulations for a particular zoning district.
  - (d) No building permit shall be issued for any uses involving residential uses, until such time as approval of site plan is obtained in accordance with article XII and approval of "reserve units" by city commission in accordance with section 24-72.
- (3) Dry cleaning establishment: For direct service to customers, subject to the following limitations and requirements:
- (a) Not more than two (2) cleaning units shall be used in any establishment, neither of which shall have a rated capacity in excess of forty (40) pounds.
  - (b) The entire cleaning and drying process shall be carried on within completely enclosed solvent-reclaiming units.
  - (c) All solvents used in the cleaning process and vapors there from shall be nonexplosive and nonflammable.
- (4) *Reserved.*
- (5) Nursery: Sales are restricted to retail, and such items as insecticides, manure and fertilizer must be packaged to be easily handled and free from objectionable odors.
- (6) Electric vehicle charging unit (EVCU) shall comply with the following requirements:
- (a) EV charging unit parking spaces shall be posted with signage that identifies: the space as reserved only for the charging of electric vehicles, amperage and voltage levels; any enforceable time limits or tow away provisions; and contact information for reporting nonoperating equipment or other problems.
  - (b) EV charging unit equipment may be located in front of the principal structure, and shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
  - (c) EV charging units may be placed in a principal use's required parking.
  - (d) Considering the dynamic changes and innovation of this technology, the engineering and community development director may authorize variations from these regulations, so long as they are consistent with the spirit and intent of these regulations and the Oakland Park Municipal Code.

(7)

Conditional uses: It is the purpose of this section to make the provision for those uses which are essential or desirable but which, because of their particular characteristics or area requirements, should be given individual considerations with respect to location and their relation to adjacent property in accordance with article XII.

In addition to the uses listed in the district regulations conditional uses, such public utility uses and structures as transformer station, telephone exchange, pumping station or other essential component of a utility system may be permitted in any district as a conditional use.

- (8) It is the intent to permit offices which are compatible with the surrounding residential neighborhood. Parking areas are for the exclusive use of passenger vehicles, and no parking of commercial vehicles will be allowed except for temporary loading and unloading. Overhead doors shall not be utilized as access to storage areas.
- (9) Bars: See Chapter 3 of the Code of Ordinances for requirements, including but not limited to, section 3-14 relative to distance from schools and places of worship; sections 3-23 and 3-28 relative to hours of operation; and section 3-29 for conditional use and approval requirements.
- (10) *Reserved.*
- (11) Industrial and commercial compatibility to residential: The listed use shall not be permitted, unless the aerial distance from the opening edge of any bay door, front door, or outdoor sales area to the nearest point of a residential area district or use measures a minimum of 200 feet.
- (12) Auto body and fender repair; Auto repair major and minor.
  - (a) No public street, parking space or sidewalk shall be used for the storage or parking of motor vehicles in connection with the activities of these establishments.
  - (b) All motor vehicles being handled, stored (i.e. parked overnight), or repaired by the establishments shall be maintained in a condition that they may be moved under their own power at any time except vehicles under repair in buildings or stored behind a six-foot high CBS or masonry wall.
  - (c) No repair of motor vehicles or parts thereof shall be made except within garages or other buildings.
- (13) Propane or liquefied petroleum gas sales and storage. Propane or liquefied petroleum gas is any material having a vapor pressure not exceeding that allowed for commercial propane that is composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or isobutene), and butylenes.
  - (a) Storage tanks with a storage capacity equal to or greater than two hundred fifty (250) gallons must be installed underground.
  - (b)

All storage tanks either underground or aboveground shall meet the district setbacks of the zoning district and shall not be permitted forward of the plane of any street facing building wall.

- (c) All storage tanks shall be located so they minimize, to the extent reasonably practicable, location conflicts with vehicles using driveways and parking areas while remaining accessible for fueling and fire department operations.
  - (d) All storage tanks shall be installed, operated and maintained in accordance with all applicable requirements of the city's adopted state minimum building codes, the adopted minimum fire standards and uniform fire standards, and any other city requirements.
- (14) Distance separation. The listed use shall not be permitted unless the straight-line distance of the closest projection of the building or outdoor sales area to the closest projection of the property and grounds of any public or private elementary, middle, or secondary schools, and/or child daycare measures a minimum of five hundred (500) feet.
- (15) Distance separation. The listed use shall not be permitted unless the straight-line distance of the closest projection of the building or outdoor sales area to the closest projection of another building or outdoor sales area with the same use measures a minimum of one thousand five hundred (1,500) feet. For head shops, there is an additional separation of seven hundred fifty feet (750) feet from the closest projection of the property and grounds of any public or private elementary, middle, or secondary schools, places of worship, child daycare, and hospitals.
- (16) Distance separation. The listed use shall not be permitted unless the straight-line distance of the closest projection of the building or outdoor sales area to the closest projection of another building or outdoor sales area with the same use measures a minimum of one thousand five hundred (1,500) feet. Additional distance separation requirements between liquor sales for offsite consumption and places of worship and schools are listed in section 3-14.
- (17) Auto rental and leasing. The following shall be required for an auto rental and leasing establishment:
- i. Site lighting. All fixtures used for display lighting shall be fully shielded or be designed or provided with sharp cut-off capability, in order to minimize up light, spill light and glare. Site lighting shall be designed not to exceed 0.5 footcandles at the property line of any portion of the property adjacent to a residential area.
  - ii. On-site parking shall comply with the provisions of subsection 24-80(c)(1) for vehicle sales lots.
  - iii. An outdoor public address system is prohibited.
  - iv.

Auto wash. Washing and cleaning of vehicles is permitted provided the area is adequately screened from an abutting residential area or the public right-of-way by an opaque barrier. A water treatment or water reclamation system that is compliant with all applicable federal, state or local laws or ordinances is required.

- v. There shall be no more than twenty (20) rental or lease vehicles stored on the site. This requirement shall only apply in the B-1 zoning category.
  - vi. Auto sales are prohibited.
- (18) If a restaurant bar is included as defined in chapter 3, section 3-1 Code of Ordinances, then a public hearing and use approval is required by the city commission at a regular public meeting. Also a site plan (including a floor plan) shall be reviewed in accordance with article XII.
- (19) A shopping center is only permitted as part of a mixed-use building with residential uses occupying the floors above the shopping center. Residential uses shall occupy a minimum of fifty (50) percent of the floor area of the building.
- (20) Except as required by Chapter 419 of state law, a community residence shall meet the following requirements:
- (a) B-1, B-2 and B-3: in multifamily dwellings only and maximum height of fifty (50) feet.
  - (b) No residential use including a community residence shall be located on the first or ground floor, other than a residential lobby or accessory use such as garage or storage area.
  - (c) No building permit shall be issued for any uses involving residential uses, until such time as approval of site plan is obtained in accordance with article XII and approval of flexibility and/or redevelopment units by city commission in accordance with section 24-72.
  - (d) Shall be allowed only when:
    - (i) It is located at least 660 linear feet from the closest existing community residence or recovery community. Distance is measured from the nearest lot line of the entire parcel of the proposed community residence to the nearest lot line of the entire parcel of the closest existing community residence or recovery community, and
    - (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence, or is operating under the Oxford House Charter; and
    - (iii) A community residence that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House Charter, license or certification suspended, or is denied recertification or renewal of its license or charter,

is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied.

- (e) Shall be allowed if conditional use approval is granted, subject to the provisions of article XII, when:
  - (i) A community residence that is located less than six hundred sixty (660) linear feet from the closest existing community residence or recovery community. Distance is measured from the nearest lot line of the entire parcel of the proposed community residence to the nearest lot line of the entire parcel of the closest existing community residence or recovery community; and/or
  - (ii) Would be occupied by more than ten (10) residents; and
  - (iii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence, or is operating under the Oxford House charter; and
  - (iv) A community residence that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House Charter, license or certification suspended, or is denied recertification or renewal of its license or charter, is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied; or
  - (v) The community residence of a type for which the State of Florida does not require a license or certification or does not offer a license or certification.
- (21) A recovery community.
  - (a) B-1, B-2 and B-3: in multifamily dwellings only and maximum height of fifty (50) feet.
  - (b) No residential use including a recovery community shall be located on the first or ground floor, other than a residential lobby or accessory use such as garage or storage area.
  - (c) No building permit shall be issued for any uses involving residential uses, until such time as approval of site plan is obtained in accordance with article XII and approval of flexibility and/or redevelopment units by city commission in accordance with section 24-72.
  - (d) Shall be allowed only when:
    - (i) It is located at least one thousand two hundred (1,200) linear feet from the closest existing recovery community or community residence. Distance is measured from the nearest lot line of the entire parcel of the proposed recovery community to the nearest lot line of the entire parcel of the closest existing community residence or recovery community, and

- (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence or is operating under the Oxford House Charter; and
  - (iii) A recovery community that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House Charter, license or certification suspended, or is denied recertification or renewal of its license or charter, is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied.
- (e) Shall be allowed if conditional use approval is granted, subject to the provisions of article XII, when:
- (i) A recovery community that would be located within one thousand two hundred (1,200) feet of an existing community residence or recovery community and would operate in accord with the criteria specified in section 24-71(D); and
  - (ii) The operator or applicant has been granted all available licensing or certification by the State of Florida to operate the proposed community residence or is operating under the Oxford House Charter; and
  - (iii) A recovery community that has been denied an Oxford House Charter, license or certification by the State of Florida or had its Oxford House Charter, license or certification suspended, or is denied recertification or renewal of its license or charter, is not allowed in the City of Oakland Park and must cease operation and vacate the premises within sixty (60) days of the date on which its license or certification was denied or suspended or its recertification was denied.
- (22) Used automobile dealerships shall have an indoor area with a minimum of one thousand two hundred (1,200) square feet accessible by motor vehicle that shall include a separate, walled office with a minimum of one hundred (100) square feet. For automobile sales establishments that are not 'within building only,' the minimum lot area exclusively available to the automobile sales operation shall be fifteen thousand (15,000) square feet with a minimum width of one hundred (100) feet. Parking required by this chapter shall not be used for vehicles in inventory. The use of chain link fencing is prohibited in any location visible from a public right-of-way. No cars in inventory are to be parked or stored on public right-of-way or on a property not controlled by the business operator. The use of barbed wire is prohibited. The use of flags, banners, or any other plastic, vinyl or fabric signage or any signage prohibited by section 24-144 of this chapter is prohibited even for temporary purposes

including animated signs, which include signs using video screens, digital pixels, LED, or other methods to change imagery or information as well as any sign that changes imagery by any method other than a person present at the sign using physical movement.

- (23) Distance separation. The listed use shall not be permitted unless the straight-line distance of the closest property line of the location of a vehicle fueling station to the closest property line of another location of an existing or proposed vehicle fueling station measures a minimum of one thousand (1,000) feet. The following regulations apply to vehicle fueling stations rendered nonconforming by this provision:
- a. Notwithstanding the foregoing, vehicle fueling stations rendered nonconforming by this regulation may be permitted to continue operation, maintenance, and repair of facilities as permitted under article XV of this Code even if the maintenance or repair affects greater than fifty (50) percent of the value of the improvements.
  - b. An existing vehicle fueling station rendered nonconforming pursuant to this distance regulation may be expanded within the existing lot pursuant to section 24-165—conditional uses, subject to all applicable regulations of the Land Development Code.
  - c. Should the nonconforming vehicle fueling station be abandoned, an application to have it reestablished may be submitted pursuant to section 24-165—conditional uses.
  - d. In the event that any non-conforming structure or use is intentionally demolished, destroyed, removed or the use is demolished, destroyed or removed by any means to the extent of fifty (50) percent of the cost of replacement of such structure or use, said structure or use shall not be rebuilt, restored, re-established or reoccupied, except in conformance with the applicable regulations of this code.
  - e. In the event that a nonconforming vehicle fueling station is damaged or destroyed during a natural disaster, fire, storm, or other non-deliberate event, the vehicle fueling station may be rebuilt in its previous location without the need for conditional use approval.
- (24) Outdoor display of merchandise. Outdoor display of merchandise is permitted during events such as sidewalk sales and brief displays of goods for sale during seasonal situations or other brief events. The continuous outdoor display of goods for sale is prohibited. A maximum of thirty (30) non-continuous days of display every six (6) months is permitted pursuant to the established special event permit process or other process as determined by the director of community and economic development. Merchandise display shall be limited to on-site private walkways and courtyards and no more than ten (10) percent of required parking. Signs and merchandise shall not interfere in any fashion with interior circulation aisles, fire lanes, load zones and pedestrian circulations.

(25)

Outdoor storage in general. Outdoor storage is an accessory use that may only be established in conjunction with a permitted or approved conditional use that occupies a permanent building on the same lot as the outdoor storage use. All outdoor storage is subject to conditional use approval pursuant to section 24-165 of this code regardless of whether this subsection is referenced in other sections of this Code.

- (26) Drive through windows. A drive through window is an accessory use permitted only pursuant to section 24-165—conditional uses. Drive through windows are prohibited for establishments selling alcoholic beverages as its principal use.

#### Master Business List Definitions

- (E) *Definitions.* These definitions shall apply to the business categories in the master business list. They are in alphabetical order:

*Animal rescue organization.* A humane society or other duly incorporated nonprofit organization registered with the Florida Department of State and operated as a bona fide charitable organization under Section 501(c)3 of the Internal Revenue Code, which organization is devoted to the rescue, care and/or adoption of stray, abandoned or surrendered animals and which does not breed animals. This type of facility is classified as a kennel for zoning regulatory purposes.

*Animal shelter.* A public animal shelter or duly incorporated nonprofit organization registered with the Florida Department of State and operated as a bona fide charitable organization under Section 501(c) 3 of the Internal Revenue Code devoted to the rescue, care and/or adoption of stray, abandoned or surrendered animals, and which does not breed animals. This type of facility is classified as a kennel for zoning regulatory purposes.

*Antique store.* Establishment selling items belonging to, made in or typical of an earlier period. Items of at least fifty (50) years old and which, due to their age, hold a great value.

*Auto body and top.* Body and fender repair including but not limited to frame repair, auto glass, body panel repairs, paint.

*Auto detailing.* Washing, waxing, polishing, interior vacuuming, cleaning, application of various protectants.

*Auto repair major.* Engine, drive train, transmission, etc. Work other than those listed as minor, but shall not include auto body fender, paint and top service.

*Auto repair minor.* Battery, fluids, hoses, belts, tune-up, muffler and tailpipes, wheel balancing, alignment, brakes, fuel pumps, shocks.

*Business services.* An establishment providing other businesses with various services including maintenance, repair and service, testing, and rental. The category includes abstract companies or agency; advertising agent or agency; banks; bondsmen; building and loan associations; business consultants;



collection or claim agencies; computer/data services; interior decoration shop; locksmith; messenger office; printing and quick print; entertainment, sports promoters; business schools; telemarketing.

*Brewpub.* An establishment licensed by the Florida Division of Alcoholic Beverages and Tobacco to manufacture ales, beers, meads, hard ciders, or similar beverages for on premises consumption in conjunction with full course meals individually prepared on the premises. See also Chapter 3, Alcoholic Beverages for additional regulations pertaining to definitions, separations from certain land uses, on-premises and off-premises consumption.

*Commissary.* A commissary is a public food service establishment licensed by the Division of Hotels and Restaurants or permitted by the Department of Agriculture and Consumer Services that is utilized by a Mobile Food Dispensing Vehicle (MFDV) operator for the purpose of providing support services that are not available on an MFDV that is not self-sufficient. Support services include:

- Obtaining potable water;
- Disposing of wastewater and solid waste;
- Cleaning and sanitizing utensils and equipment;
- Storing food, single-service items and other supplies; and preparing food.

*Consignment shop.* A retail establishment solely engaged in the selling of new, like new or antique non-donated merchandise (items). The merchandise is sold and tracked by the establishment on behalf of the owner of the merchandise and upon sale of the merchandise, the purchase price is divided between the establishment owner and the owner of the merchandise. No outdoor storage or display of items or merchandise allowed.

*Convenience store with or without a vehicle fueling station:* A retail store, regardless of number of employees, without an accessory pharmacy, that primarily sells a variety of foods and beverages as well as tobacco products consisting primarily of cigarettes in individual packs; the majority of beverage inventory consisting of sodas, soft drinks, and/or beer; the majority of food sold is in processed, ready-to-eat, pre-packaged format with no after-purchase cooking involved. A store that sells specialty food or beverage types such as candy stores, pickle stores, wine stores, or other specialized foods is not a convenience store. Compliance with all applicable requirements of Article VIII of Chapter 7 of the Code of Ordinances is required.

*Dollar store.* A store selling household goods that has two or more of the following characteristics: use of pricing information in its name such as "dollar," "ninety-nine," "cents," or "five;" selling personal care products labeled and originally marketed for sale in a different country than the United States; selling damaged or overstock products; or the majority of inventory is offered for sale for a price of less than ten dollars (\$10.00) (2022 CPI) in or equivalent CPI in current year.

*Dry-cleaning, laundry, carpet cleaning, or dyeing facility.* A facility engaged in cleaning fabrics, textiles, wearing apparel, or other articles by immersion (and agitation) in water or volatile solvents, or in dyeing fabrics and other materials.

*Dry-cleaning or laundry drop-off establishment.* A commercial establishment maintained for the drop off and pick up of clothes for off-site laundering or dry cleaning, operation of dry cleaning equipment on the premises is subject to additional regulations in this section.

*Electric vehicle charging unit (EVCU).* An EVCU levels 1, 2 or 3 charging unit is a single vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle. A level 1 charging unit is a slow charging unit that typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit. A level 2 charging unit is a medium charging unit that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt alternating current (AC) circuit. A level 3 charging unit is an industrial grade charging unit that operates on a high-voltage circuit to allow for fast or rapid charging.

*Head shop.* Any retail establishment that presents, displays, or offers for sale paraphernalia, items, equipment, or products commonly used, intended to be used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of illegal substances, tobacco, or nicotine, including any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of tobacco, nicotine, and any "controlled substance," "controlled substance analogue," "synthetic controlled substance," or any other substance that violates local, state, or federal law, and is adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose. This definition shall also include smoke shops or vaping establishments selling a propylene glycol, vegetable glycerin, or other smokable based liquid, mixed with nicotine or food grade flavoring and commonly known as "e-cigarettes" or "vaping." Tobacco and nicotine cessation products and cigarettes, cigars, and smokeless tobacco products commonly referred to as chewing tobacco or dip are excluded from this definition.

*Hospital.* A health care institution defined as a hospital pursuant to Florida Statutes § 395.002(12) as amended from time to time. This definition does not include pain management clinic.

*Kitchen incubator.* A kitchen incubator, also known as a culinary incubator, is an establishment licensed by the Florida Department of Business and Professional Regulation. It is an incubator dedicated to early-stage catering, retail and wholesale food businesses. Kitchen incubators may assist small food businesses with all aspects of growth, including business classes, kitchen access, and mentorship, within a commercial-grade kitchen.

*Like new items.* Items such as clothing, jewelry, and art which are of high quality and are in a new or like new condition. Articles to show very little (if any) wear, deterioration or damage.

*Massage establishment.* A Massage Establishment as defined in Code section 24-73(B)(15) as amended from time to time. It shall be unlawful for any person in a massage establishment to engage in specified sexual activities, or to massage a specified anatomical area of any other person, or for such other person to request or permit such placing, touching, fondling or massaging.

*Massage and health spa, state licensed.* Massage and health spa, state licensed means a site or premises, or portion thereof, wherein a licensed massage therapist practices massage, and which meets the requirements of F.S. § 480.043, as may be amended from time to time, and Chapter 64B7-26, F.A.C. et seq., as may be amended from time to time, and Chapter 24, Oakland Park Land Development Code, Section 24-41(C) and (D), as may be amended from time to time. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, physical therapist, chiropractor or osteopath duly licensed by this state.

*Medical cannabis treatment center or dispensing facility.* A state certified and licensed facility establishment where medical cannabis, low-THC cannabis, as well as cannabis delivery devices, is dispensed at retail that is operated by a dispensing organization.

*Office.* An establishment providing executive, management, and professional services to the public, including the following: advertising, newspaper and media services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations, and employment offices; doctors, dentists, podiatrists, and related professions; professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate, insurance agency or company; secretarial, court reporting, stenography, and telecommunication services, detective agencies, and travel agencies. This definition does not include offices for the treatment of animals on the premises; day labor, labor pool services, or pain management clinics.

*Payday loans.* A non-chartered financial institution that offers deferred deposit transaction services, check cashing services or loans for payment of a percentage fee. The term "non-chartered financial institution" shall include, but is not limited to deferred deposit transaction (payday loan) business that makes loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, or motor vehicle title lenders who offer short-term loan secured by the title to motor vehicles. This definition does not include non-profit financial institutions or retail sellers engaged primarily in the business of selling consumer goods to retail buyers, that cash checks or issue money orders as a service to its customers that is incidental to its main purpose or business.

*Personal services.* A business primarily engaged in the provision of frequent or recurrent services involving the care of a person or his or her personal goods or apparel. Typical uses include beauty and barber shops; costumers, dance academies, day spas; florist; hat or shoe cleaning and repair services; microblading (but not permanent tattoo), modeling schools, nail studios; seamstress shops; tailor shops; toning and tanning salons.

*Pharmacy.* A retail establishment, offering on-site dispensing of prescription drugs, nonprescription drugs or both, excluding retail sales establishments as defined under the retail sales definition in this section. A retail pharmacy may also offer accessory services such as photo processing, eyeglass care, etc. All pharmacies shall be staffed by a state licensed pharmacist. Pharmacies include a community pharmacy, an institutional pharmacy, a nuclear pharmacy or a special pharmacy as defined by F.S. ch. 465, § 465.003 as amended from time to time.

1. The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.
2. The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.
3. The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under F.S. ch. 395 or the nuclear medicine facilities of such hospitals.
4. The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.

*Reconditioned items.* Items such as office equipment, computers, appliances, TVs, stereos, power tools which have been preowned and show minor wear but have been repaired and reconditioned to the point of being one-hundred-percent functional. Items in this category retain a large percentage of replacement value.

*Restaurant.* An establishment having as its primary activity the service of meals to the public to be consumed in dining areas within the establishment. A restaurant may also contain accessory drive-thru lanes and outside seating areas only if conditional use is granted pursuant to section 24-165—conditional uses.

*Restaurant, drive-thru.* A restaurant primarily devoted to the service of meals via vehicular drive-through lanes for consumption off-premises. The restaurant may also contain outside walk-up service windows and accessory outside table area.

*Restaurant drive up.* A restaurant whose primary activity is the service of meals to vehicles in parking spaces and may also contain drive-through lanes and outside walk-up service windows.

*Retail sales.* Are those establishments engaged in retail sales and rental of products. For the purpose of this chapter the term retail, retail sale or similar terms, shall mean a sale to the ultimate consumer (i.e., a sale for any purpose other than resale), and including but not limited to all transactions for which there is collected or due by the seller a sales tax pursuant to F.S. ch. 212, as it may be amended and generally consisting of the following, antique shops; art galleries, schools, and supplies; auto parts; bakeshops; bicycle shop and repair; bookstore; camera; candy store; carpets, rugs, floor coverings; china, crockery, glassware, earthenware; cigars; clothing except secondhand; confectionary and ice cream; cosmetics and incidental compoundings; curio stores; dairy products; delicatessens; department and dry good stores; electrical appliances and incidental repairs; fish store; food take-out; fruit; furniture; gift shop; grocery store; hardware store; hobby shop; ice cream; jewelry; leather goods; lighting fixtures; luggage; marine supplies; meat market; music and radio stores; newsstands; optical stores; paint and wall paper; pharmacies as an accessory to a retail sales establishment that do not exceed 30 percent of the gross floor area of the retail sales establishment; radios and televisions sales and incidental repairs; shoes; souvenirs; sporting goods; sundry store; ticket office; tile and wall coverings; wearing apparel.

*Small articles.* Items with dimensions no greater than four (4) feet in length, width, and/or height. Small articles can include, but are not limited to, common household and personal items, small appliances, hand tools, and lawn and garden equipment.

*Twenty-four (24) hour business.* Any establishment or use that is or will, at any time during a calendar year, be open for business or operate at any time between the hours of twelve (12) midnight and 5:00 a.m. This definition shall not include government operations and facilities, hospitals and medical care facilities, self-storage uses, offices, veterinarian and animal care, first permitted uses in the B-3 and I-1 zoning districts, transportation services, day care, construction activities, or utility companies, community residences which are considered residential uses under this Code, or recovery communities.

*Urban farm.* Growing, washing, packaging and storage of fruits, vegetables and other plant products for wholesale or retail sales. Composting is limited to the materials generated on site only, and must adhere to building setback requirements. Incidental sales of such compost material is expressly allowed as an accessory use to the principal use of an urban farm within the B-3 and I-1 zoning districts. This definition does not include animals and fowl as defined in Chapter 4 of the Municipal Code.

*Urban farm—Indoor operation.* All allowed activities must be conducted within completely enclosed air-conditioned buildings. Typical operations include greenhouses, vertical farming, hydroponic systems and aquaponics systems.

*Urban farm—Outdoor operation.* Allowed activities are conducted in unenclosed areas or partially enclosed structures. May include indoor operations in conjunction with outdoor operations. Typical operations include growing beds, growing fields, hydroponics, orchards and groves.

*Used articles.* Common household and personal items such as clothing, shoes, costume or inexpensive jewelry, furniture, small appliances, bric-a-brac, hand tools and lawn and garden equipment which show evidence of wear, disrepair and deterioration. Due to their preowned status and condition these items are offered for sale at prices substantially less than replacement cost or value.

(Ord. No. O-90-21, § 10, 10-17-90; Ord. No. O-91-3, § 4, 4-3-91; Ord. No. O-92-5, § 2, 3-18-92; Ord. No. O-92-6, §§ 2, 3, 3-18-92; Ord. No. O-95-2, §§ 2—4, 1-18-95; Ord. No. O-95-18, § 2, 12-20-95; Ord. No. O-96-17, § 4, 10-16-96; Ord. No. O-97-14, § 5, 11-19-97; Ord. No. O-98-22, § 2, 10-21-98; Ord. No. O-2002-005, § 2, 3-20-02; Ord. No. O-2004-003, §§ 2, 3, 2-18-04; Ord. No. O-2004-021, § 2, 7-7-04; Ord. No. O-2006-008, § 3, 5-3-06; Ord. No. O-2007-027, § 2, 9-19-07; Ord. No. O-2008-002, § 2, 4-2-08; Ord. No. O-2008-010, § 2, 5-7-08; Ord. No. O-2009-018, § 2, 7-15-09; Ord. No. O-2010-003(Revised), § 3, 2-3-10; Ord. No. 2010-025, §§ 2, 3, 9-15-10, eff. 10-1-10; Ord. No. 2011-026, §§ 3, 4, 12-7-11; Ord. No. O-2016-004, § 1—4, 3-2-16; Ord. No. O-2017-008, § 3, 5-3-17; Ord. No. O-2017-015, § 2, 10-18-17; Ord. No. O-2019-003, § 2, 1-23-19; Ord. No. O-2019-005, §§ 2, 3, 1-23-19; Ord. No. O-2019-014, §§ 2, 3, 6-19-19; Ord. No. O-2020-004, § 2, 2-19-20; Ord. No. O-2022-017, §§ 2, 3, 6-15-22; Ord. No. O-2023-004, § 2, 8-2-23)