

Article 6. CONDITIONAL USES

Sec. 6-1 - Purpose.

The purpose of this Article is to provide for certain uses which cannot be well adjusted to their environment in particular locations and full protection offered to surrounding properties by rigid application of the District Regulations. These uses are generally found to be essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of relationship to the Comprehensive Plan, and possible impact on neighboring properties, require the exercise of planning judgment on location and site plan.

Sec. 6-2 - Conditional uses--General.

The buildings, structures, and uses, as set forth in this Article may be approved as conditional uses, in accordance with the procedures and standards of this Article, provided that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. Unless otherwise specified in this Article, or specified as a condition of approval, the height limits, setbacks, lot area, building size, and sign requirements shall be the same as for other uses in the District in which the conditional use is located.

Sec. 6-3 - Restaurant drive-in service windows and drive-in or walk-up tellers.

Restaurant drive-in service windows and drive-in tellers may be approved as a conditional use in a CB, CC, or M-Use District, and walk-up tellers may be approved as a conditional use in any C or M-Use District, subject to the following conditions and restrictions: (2790)

- (a) That each application for such use shall be made to the Planning and Zoning Board.
- (b) That architectural plans, including a site plan, shall be submitted with the application. The plans shall have been approved by the Board of Architects and such plans shall have also been reviewed and a favorable recommendation made by the Public Works Department. Such plans shall show location and dimensions

of all proposed structures, adequate on-site storage or stacking lanes, adequate off-street loading areas, adequate landscaping, adequate refuse and service areas, adequate yards and open space and provisions for ingress and egress of traffic and pedestrians. The plans shall also show all proposed signs and lighting. The operation of such restaurant drive-in service windows and/or drive-in and/or walk-up tellers shall be so conducted that it will not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys, or sidewalks.

- (c) That the Planning and Zoning Board shall hold a public hearing at which all interested persons shall be afforded an opportunity to be heard.
- (d) That the recommendations of the Planning and Zoning Board, on each application, shall be submitted to and be acted upon by the City Commission.
- (e) That in approving the conditional use, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards in conformity with the provisions of the Zoning Code. Violations of such conditions and safeguards, when made part of the term under which the conditional use is approved, shall be deemed grounds for revocation of the conditional use and punishable as a violation of the Zoning Code.
- (f) That each application for walk-up Automatic Teller Machine (ATM) or walk-up teller window use shall be made to the Planning Department for administrative review and approval.(3405)
 1. That architectural plans, including a location map, site plan, elevations and manufacturer's ATM cut sheet drawings, shall be submitted with the application. The plan shall have been approved by the Board of Architects. Such plans shall show the following design features:
 - a. Lighting for night use.
 - b. Mirrors for customer safety.
 - c. Landscaping and physical barriers around ATM.
 - d. Pedestrian public access in vicinity of ATM.

- e. Visual security.
 - f. Customer protection from natural elements.
2. That in approving the conditional use, the Planning Department may prescribe appropriate conditions and safeguards in conformity with the provisions of the Zoning Code. Violations of such conditions and safeguards, when made part of the term under which the conditional use and punishable as a violation of the Zoning Code.
 3. Any administrative decision may be appealed to the Board of Adjustment according to the requirements established in Section 26-1 of the Code.

Sec. 6-4 - Open-air cafe and/or restaurant, delicatessen, bakery or other similar retail food establishments.

Open-air dining may be approved as a conditional use for a restaurant, delicatessen, bakery or other similar retail food establishments in a CB, CC or M-Use District subject to the following conditions and restrictions: (3000, 3194)

- (a) Open-air dining operated on private property in conjunction with an established cafe and/or restaurant, delicatessen, bakery or other similar retail food establishments located on private property.
 1. That each application for such use shall be made to the Planning Department for administrative review and approval. (3069)
 2. That architectural plans, including a site plan, which shall have been approved by the Board of Architects, shall be submitted with the application. Such plans shall show the floor plan, elevation of any structures, setbacks, type of paving, proposed landscaping, location of refuse containers, all proposed signs and lighting, layout of all tables, chairs, benches and other furniture and pedestrian ingress and egress. Plans shall also be submitted showing the street elevations of buildings on adjacent properties.

3. That the operation of such open-air dining shall not be conducted in such a way as to become a public nuisance and that the operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks.
4. That any open-air dining at a retail food establishment shall be in compliance with all state and local regulations and applicant shall be required to submit a maintenance plan for review and approval by the City, and shall meet all requirements of this section. (3225)
5. That the service of patrons of the open-air dining shall be at tables only and no-counter service, self-service, or pass through window shall be permitted.
6. That the open-air dining area shall not occupy an area of more than thirty (30%) percent of the public indoor area of the primary restaurant operation.
7. That the open-air dining area shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang.
8. That all kitchen equipment used to service the open-air dining area shall be located within the kitchen of the primary restaurant or business.
9. That the open-air dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris.
10. That in approving open-air dining for a cafe and/or restaurant, delicatessen, bakery or other similar retail food establishments, the Planning Department may prescribe appropriate conditions and safeguards in conformity with the provisions of the Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the open-air cafe and/or restaurant is approved, shall be deemed grounds for revocation of the conditional use and punishable as a violation of the Zoning Code.

11. Any administrative decision may be appealed to the Board of Adjustment according to the requirements established in Section 26-1 of the Code. (3069)
- (b) Open-air dining operated on public property in conjunction with an established cafe and/or restaurant, delicatessen, bakery or other similar retail food establishments located on private property. (3194)
1. All requirements apply as established in subsection (a) of this Section, except where specifically required otherwise herein.
 2. A permit issued for an open-air dining located on public property shall be issued for a period of one year, renewable annually by the Planning Department. Such permit shall not be transferable in any manner. (3069)
 3. The Conditional Use permitting open-air dining may be revoked by the Planning Department upon a finding that one or more conditions of this Section have been violated, or the open-air cafe/restaurant is being operated in a manner, which constitutes a nuisance, that unduly impedes or restricts the movement of pedestrians or in any way constitutes a liability. (3069)
 4. There shall be an annual permit renewal fee of two hundred and fifty (\$250) dollars. Such permit shall not be transferable in any manner.
 5. Open-air dining area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe and/or restaurant. The utilization of space extending no more than twenty-five (25) linear feet on either side beyond the subject property frontage may be authorized subject to annual written consent provided by tenants in front of whose businesses the outdoor dining service would occur.
 6. There shall be maintained a minimum of five (5) foot clear distance or fifty (50%) percent of public sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement. The minimum distance shall be measured from the portion of the open-air dining area nearest either the curb-line or the nearest obstruction.
7. No awning, canopy or covering of any kind, except individual table umbrellas, shall be allowed over any portion of the open-air dining area located on public property except as allowed under separate covenant process.
 8. No perimeter structures such as fences, railings, planters or other such barriers shall surround the open-air dining area, which would restrict the free and unobstructed pedestrian flow or discouraging the free use of the tables or chairs by the general public.
 9. No signage shall be permitted on the public portion of the property.
 10. All open-air dining areas shall be at the same elevation as the adjoining sidewalk or public right-of-way.
 11. Under no circumstances shall any open-air dining interfere with the free and unobstructed public access to any bus stop, crosswalks, public seating areas and conveniences, street intersections, alley, service easements, handicap facilities or access to adjacent commercial establishments.
 12. The property owner/operator shall be responsible for maintaining the outdoor dining area in a clean and safe condition. All trash and litter shall be removed daily.
 13. The hours of operation shall coincide with that of the primary restaurant. Tables, chairs and all other furniture used in the operation of an outdoor dining area shall not be anchored or restrained in any visible manner as with a chain, rope or wire.
 14. Open-air dining may be suspended by the City Manager for community or special events, utility, sidewalk or road repairs, or emergency situations or violations of provisions contained herein. The length of suspension shall be for a duration as determined necessary by the City Manager. Removal of all street

- furniture and related obstructions shall be the responsibility of the cafe and/or restaurant owner/operator.
15. Prior to the issuance of a permit, the applicant shall furnish the director with a signed statement from an officer of the cafe or restaurant that the permittee shall hold harmless the city, its officers and employees and shall indemnify the City, its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Proof of workers compensation coverage shall also be provided.
 16. The applicant shall furnish and maintain such public liability, food products liability, and property damage from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such coverage shall be provided by an insurance company admitted by the State of Florida and having an A-6 rating or better and shall provide coverage of not less than one million (\$1,000,000) dollars for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the City, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the permit period without thirty (30) days written notice to the Department of Finance, and the Director of Public Works of the City.

Sec. 6-5 – Heliport and helistop.

A heliport may be approved as a conditional use in an “S,” Special Use District. A helistop may be approved as a conditional use in an “S,” Special, “C,” Commercial, “M,” Industrial Use District. Both are subject to the following conditions and restrictions: (3386)

1. Heliport and helistop shall be defined and distinguished as follows:

- (a) Heliport: An area designated to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.
 - (b) Helistop: An area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie-down space and such additional facilities as are required by law, ordinance or regulation.
2. Each application for a heliport or helistop shall be subject to the following public hearing process:
 - (a) That each application for such use shall be submitted to the Planning and Zoning Board.
 - (b) That site plans shall be submitted with the application, which shall have been approved by the Board of Architects.
 - (c) That the Planning and Zoning Board shall hold a public hearing at which all interested persons shall be afforded an opportunity to be heard.
 - (d) That the recommendation of the Planning and Zoning Board on each application shall be submitted to and be acted upon by the City Commission.
 3. Factors for consideration in determining whether to approve a heliport or helistop as a conditional use shall include, but not be limited to, the following:
 - (a) Proximity to residential and noise sensitive areas.
 - (b) Height and location of surrounding buildings.
 - (c) Projected average decibel readings.
 - (d) Volume of traffic and hours of operation.
 - (e) Proposed site plan, including all structures, service facilities, landing pads, fueling and safety equipment, night lighting, wind directional indicators, associated parking and other accessory uses as appropriate and applicable.

4. Applicant shall provide proof of compliance with Federal aviation Administration (FAA) requirements established in the Federal Aviation Regulations (FAR) for helicopter and heliport development.
5. Take-off and landing of any helicopter is prohibited except at an approved heliport or helistop. Essential public safety services, being emergency helicopter services to and from any designated use district within the City and trauma centers, hospitals, fire stations and law enforcement agencies, shall be excluded from these requirements.

Sec. 6-6 - Carnival.

The City Commission may authorize churches and schools to host or sponsor carnivals as defined herein as a conditional use subject to the following conditions and restrictions:

- (a) Such carnivals shall be conducted only upon the premises of the hosting and/or sponsoring church or school.
- (b) The setting up and dismantling of all carnival equipment, structures or apparatus shall be accomplished only between the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday, provided, however, that work being done on booths by students may continue until 11:00 p.m. No work shall be done on any Sunday, except that students may work on booths between the hours of 12:00 noon and 7:00 p.m.
- (c) No tents, structures, equipment or apparatus shall be located within the established setbacks of the premises.
- (d) It shall be the responsibility of the carnival owners or his assigned representative to furnish proof of financial liability insurance covering accidents or injury which said insurance policy shall indemnify the City against any and all claims of losses by reason of accidents or injury. The City shall be furnished a written copy of the insurance policy herein referred to.
- (e) No such carnival shall be allowed to operate for longer than three (3) consecutive days at any one location, and no church or school shall be permitted to hold more than one carnival within any twelve (12) month period.
- (f) No alcoholic beverages shall be sold or consumed on the premises.

- (g) It shall be the responsibility of the hosting and/or sponsoring church or school to provide adequate sanitary facilities.
- (h) All reasonable precautions shall be taken by the hosting and/or sponsoring church or school to minimize the noise level resulting from such activity, particularly in the area of music emanating from amplified sound systems operated by the promoter of the carnival or any person, persons or firms engaged or authorized to provide such music.
- (i) It shall be the responsibility of the hosting and/or sponsoring church or school to provide adequate parking facilities, and to insure a non-disruptive traffic flow throughout the area during such activities.
- (j) The operation of such carnival shall be restricted to the hours of 9:00 a.m. to 11:00 p.m. Monday through Thursday and from 9:00 a.m. to 12:00 midnight Friday and Saturday. The carnival shall not be operated on any Sunday.
- (k) All carnival equipment, structures or apparatus shall be removed from the premises within two (2) days, excluding Sundays, of the last scheduled day of operation of said carnival.
- (l) It shall be the responsibility of the hosting and/or sponsoring church or school to restore the premises to its original condition within seven (7) days from the last scheduled day of operation of said carnival.
- (m) The operation of such carnival shall be subject to obtaining proper license and building, electrical and plumbing permits.
- (n) In granting approval for the operation of said carnival, the City Commission may prescribe appropriate conditions, restrictions, and safeguards it deems to be in the best interest of the surrounding neighborhood and the general public.
- (o) The City Manager shall be authorized and directed to close down the complete operation of any such function for violation of the regulations set forth herein

Sec. 6-7 - Open lot Christmas tree sales.

Civic, fraternal and/or religious organizations located within the City of Coral Gables may be authorized to conduct open-lot Christmas tree sales, as a conditional use, subject to the following conditions and restrictions:

- (a) The sale of such Christmas trees shall be conducted only upon property which is zoned for C or M-Uses, or property approved by the City Commission after Public Hearing.
- (b) The setting up and dismantling of all equipment, structures or apparatus shall be accomplished only between the hours of 7:30 a.m. to 6:00 p.m. Monday through Saturday. No work shall be done on any Sunday.
- (c) The applicant for such Christmas tree sales shall submit a sketch plan to the City Manager showing the proposed location of all equipment, tents, structures, off-street parking and tree storage and/or displays.
- (d) All equipment, tents, structures, tree storage and/or displays shall provide setbacks as required under the City of Coral Gables Zoning Code and the South Florida Building Code.
- (e) Only one sign shall be permitted to be displayed upon the premises and such sign shall not be larger than thirty (30) square feet and shall not contain any reflective materials, streamers, pennants, flashing lights, movable items or similar devices. Such sign shall have a minimum setback of five (5) feet from the front and/or side property line and shall be erected or placed so that the sign is parallel or perpendicular to the front property line. Such sign shall be securely fastened to a supporting member and the top of such sign shall not exceed a height of six (6) feet above the finished grade of the ground.
- (f) The operation of such Christmas tree sales shall be conducted between the hours of 9:00 a.m. to 10:00 p.m. Monday through Saturday and from 12:00 noon to 9:00 p.m. on Sunday.
- (g) The proceeds from such Christmas tree sales shall be used for charitable purposes.
- (h) The use of sound amplification, flashing lights or other similar attention attractors and advertising devices shall be prohibited.
- (i) Off-street parking shall be provided as shall be required by the City Manager.
- (j) Adequate sanitary facilities shall be provided upon the premises of the Christmas tree sales.
- (k) All tents, equipment and structures shall be maintained and kept in good order and repair and, upon inspection, if found to be in disrepair shall be subject to removal and/or replacement.
- (l) The operation of such Christmas tree sales shall be in accordance with the fire safety standards as set forth under the Metropolitan Dade County Fire Prevention and Safety Code and the South Florida Building Code.
- (m) Each organization conducting such Christmas tree sales shall furnish proof of financial liability covering accidents or injury upon the premises.
- (n) The conduction of such Christmas tree sales shall be subject to obtaining proper license and building, electrical and plumbing permits.
- (o) No organization shall be permitted to have more than one location for the sale of Christmas trees within the City of Coral Gables.
- (p) It shall be the responsibility of each organization conducting such sales to maintain the premises in a clean and sanitary condition during the sale period.
- (q) Each organization shall remove all trash, debris and unsold Christmas trees from the premises within a period of seventy-two (72) hours from the last day of sale and the premises shall be restored to its original condition on or before December 31 the year of the sale.
- (r) In granting approval for the conduction of such Christmas tree sales, the City Manager may prescribe appropriate conditions, restrictions and safeguards he or she deems to be in the best interest of the surrounding neighborhood and the general public.

Sec. 6-8 - Private yacht basin.

A Private Yacht Basin as defined in Section 2-90 herein may be permitted as a conditional use in any R, D, A or C-Use District only after a special ordinance granting permission for such use shall have been passed and adopted by the City Commission, after a public hearing before the Planning and Zoning Board at which all interested persons shall be accorded an opportunity to be heard, providing, however, that such use shall be subject to the following conditions and restrictions:

- (a) That any private yacht basin containing one-hundred (100) or more slips and/or berths shall be designated as a DRI (Development of Regional Impact) and as such shall require approval as provided for under Chapter 380 of the Florida Statutes.
- (b) The following structures will be permitted on the premises as an auxiliary or accessory use:
 - 1. A structure to be designated as a Control Center containing not more than three-thousand-five-hundred (3,500) square foot floor area with a height not exceeding two and one-half (2½) stories, providing however that the Control Center Tower shall not exceed an overall height of forty-nine (49) feet. The control center building shall be used to provide yacht basin control, security, gate keeper, security personnel, management staff, offices for Homeowners Association, general storage for control operation, toilet facilities and utility collection points.
 - 2. Structures to be designated as Auxiliary Buildings containing a total of not more than one-thousand five-hundred (1,500) square foot floor area with a height not exceeding one story shall be limited to storage for maintenance equipment for operation of the yacht basin, remote storage buildings adjacent to docks and utility meter rooms.
 - 3. A structure to be designated as a Dockmaster's Building containing not more than two-thousand (2,000) minimum square foot floor area with a height not exceeding two and one-half (2½) stories. The dock master's building shall be used to provide waterside control for the yacht basin, as well as the center of operations for the boats moored in the yacht basin, radio communications to serve the yacht basin as well as the control center, space for the dock master and his staff, storage and toilet facilities.
- (c) The following uses shall not be permitted in connection with the operation of a private yacht basin:
 - 1. Clubhouse.
 - 2. Swimming pools.
 - 3. The storage or dispensing of fuels, unless in compliance with the minimum standards set forth in Ordinance No. 2932.
 - 4. Laundry facilities.
 - 5. Facilities for the dispensing of food and alcoholic beverages.
 - 6. Launching ramps and/or launching facilities.
 - 7. Parking and/or storage of boat trailers.
 - 8. Mooring of commercial vessels.
 - 9. Repair or overhauling of boats.
 - 10. Rental or lease of boats.
 - 11. Dry storage or stacking of boats.
 - 12. Bait and tackle shop.
 - 13. Retail sales facilities.
 - 14. Sightseeing crafts.
 - 15. Commercial fishing vessel.
 - 16. Charter boats.
 - 17. Yacht brokers.
 - 18. Marine insurance broker.
 - 19. Under no circumstances shall any boat, vessel, watercraft or by whatever name known be used as living or sleeping quarters.
- (d) Bulkheads and retaining walls shall be provided in accordance with the provisions of the Zoning Code, Code of the City of Coral Gables, Subdivision Ordinance and all other applicable codes, ordinances and regulations. The use of rock rip-rap in lieu of bulkheads and retaining walls may be permitted subject to approval by the City Commission upon recommendation of the Public Works Department, Structural Engineer and Planning and Zoning Board.
- (e) Off-street parking shall be provided at the rate of one parking space for each slip or berth plus one parking space for each three-hundred (300) square feet of gross floor area of any buildings located on the premises.
- (f) The yacht basin shall be supplied with a potable water supply system and such water supply shall be protected by properly designed and located backflow preventers including the installation of a vacuum breaker on the discharge side and near the last valve for each water outlet to which a hose can be connected. Hoses used for potable water shall be blue or green or labeled and designated by use of a blue or green color code. The nozzle or outlet of the hose shall be

protected from contamination, and hoses used for placing water in a sewage holding tank for flushing purposes shall be separate from hoses used for potable water and shall be red, yellow or brown.

- (g) The yacht basin shall provide a facility capable of lifting sewage not less than twelve (12) feet under vacuum and delivering it to a receiving facility free from spillage and clogging. Equipment used in connection with the pump-out facility shall be designed to be easily serviced in case of clogging. Vacuum hoses used in connection with a pump-out facility shall be pliable, collapse-proof, non-kinking, and equipped with a connection or insert device, which will preclude leakage or spillage during the pump out operation.

Sewage removed from a watercraft holding tank shall be handled in one of the following ways:

1. Discharged into a public or governmental sewer by means of a gravity line or a force main.
 2. Stored in an on-shore or dockside holding tank, which is watertight and so positioned, or moveable to such a site, that it can be easily serviced in a sanitary manner.
- (h) The discharge of raw sewage from any boat or watercraft located within the yacht basin shall be prohibited.
 - (i) The yacht basin shall provide for the accumulation and removal of garbage and trash in accordance with the provisions of Chapter 15 of the Code of the City of Coral Gables as if the same were fully set forth herein.
 - (j) The setbacks for the yacht basin shall be established at the time the conditional use is approved.
 - (k) The yacht basin shall comply with the provisions for fire prevention as set forth under the South Florida Building Code, the National Fire Prevention Association (NFPA) Publication No. 303-1975 entitled, "Fire Protection Standards for Marinas and Boatyards," and the National Fire Prevention Association (NFPA) Publication No. 87-1975 entitled, "Standards for the Construction and Protection of Piers and Wharves" and shall be subject to approval by the City of Coral Gables Fire Department.

- (l) Not less than eighteen (18%) percent of the yacht basin site shall be devoted to landscaped open space. Such area shall be landscaped with trees, shrubbery, hedges and other acceptable landscaped material and such landscape material and such landscape area shall be maintained in a neat and orderly appearance.
- (m) All parking areas shall be provided with a maintained minimum of one-third ($\frac{1}{3}$) foot-candle of light on the parking surface during the hours of operation and one-half ($\frac{1}{2}$) hour after closing. Any other outdoor lighting for the yacht basin shall not be permitted except under the following conditions:
 1. Detailed plans shall be submitted to the Building Department and Zoning Department showing the location, height, type of lights, intensity, shades, deflectors and beam directions.
 2. The Building Department may issue a permit for such lighting if, after a review of the detailed plans therefore and after consideration of the adjacent area and neighborhood and its use and future development, the proposed lighting will be so located, oriented, adjusted and shielded that the lighting will be deflected, shaded and focused away from such adjacent property and will not be or become a nuisance to such adjacent property and providing, however, that in no case shall any light be mounted higher than twenty (20) feet above the finished grade of the ground.
- (n) The waste water resulting from the periodic washing of impervious surfaces shall be channeled to natural filter or swale areas prior to soil infiltration.
- (o) For the purpose of controlling noise pollution in the yacht basin, boats and watercraft operating under power shall be considered motor vehicles and shall be subject to the provisions of Chapter 19 of the Code of the City of Coral Gables entitled: Noises as if the same were fully set forth herein.
- (p) The hours of operation of the supporting facilities, exclusive of security, shall be from 6:00 a.m. to 9:00 p.m.
- (q) The responsibility for the maintenance of the yacht basin shall be borne by the

developer, its successors or assigns, or an association consisting of owners and/or leaseholders of the lands, water, piers, docks, buildings, structures, mangroves, seawalls, rip-rap and any and all other improvements of whatsoever nature in the yacht basin.

- (r) Applicants requesting approval of a conditional use for a Private Yacht Basin shall submit a detailed plan showing the complete layout of the yacht basin including retaining walls, bulkheading, docks, piers, slips, pilings, landscaping, off-street parking, buildings, structures, roads, drives, drainage, water supply and sewage facilities.

Sec. 6-9 - Garage sale.

Garage sales shall be permitted as a conditional use on the premises of residences, duplexes and apartments subject to the following conditions and restrictions:

- (a) No garage sale shall be conducted until and unless a permit shall have been obtained from the License Division of the City of Coral Gables. Only the owner or lessee of the property upon which the garage sale is being conducted may obtain such permit.
- (b) Before such permit shall be issued, the applicant shall file with the License Division an application containing the following information:
 1. Legal description and street address where such sale is to be conducted.
 2. Proof of ownership or lease of property.
 3. Date(s) of sale.
 4. Hour(s) of sale.
 5. Example of sign proposed.
- (c) Upon verification and compliance with the provisions of this section, and the payment of the proper fee, the License Division shall issue a permit the same day, which shall designate the location of the sale, and the day(s) upon which such sale(s) shall be conducted.
- (d) Only personal property owned by the seller and usual to a household may be sold or offered for sale by the owner or lessee of the residence, duplex or apartment as the case may be.
- (e) Only one sign not exceeding forty (40) square inches in size may be displayed on the premises where such sale is being

conducted. Such sign shall not be erected or placed closer than five (5) feet to the front or side property line.

- (f) Such garage sale shall be held only between the hours of 9:00 a.m. to 5:00 p.m.
- (g) Personal property shall be exhibited or displayed only within established setbacks.
- (h) No more than two (2) consecutive days shall be permitted for any garage sale.
- (i) No more than two (2) garage sales shall be held from the same property within any calendar year, provided however, that such garage sales shall not be held within a thirty (30) day period from each other. (2535)
- (j) The garage sale permit shall be prominently displayed from the front of the building from which such sale is conducted. Upon the request of any Code Enforcement Officer of the City of Coral Gables, the owner or lessee of the property shall exhibit such permit.
- (k) By making application for such Garage Sale Permit, accepting said permit and conducting such sale, the owner or lessee of the property to whom such permit is granted, authorizes any Code Enforcement Officer of the City of Coral Gables to enter upon the property for the purpose of determining that such sale is being conducted in accordance with the provisions of this section.

Sec. 6-10 - Amateur radio antennas.

An amateur radio antenna, restricted to use in the operation of an amateur radio station licensed by the Federal Communication Commission for transmitting and receiving on the amateur radio bands may be approved as a conditional use to an R or D-Use subject to the following conditions and restrictions: (2537)

- (a) That each application for such use shall be made to the Planning and Zoning Board and the Planning and Zoning Board shall hold a public hearing at which all interested persons shall be afforded an opportunity to be heard.
- (b) That preliminary plans which have approval of the Board of Architects, shall be submitted with each application for a conditional use, which shall include, a site plan indicating the height, location and setbacks for the proposed antenna.

- (c) That such amateur radio antenna shall be subject to the following standards:
1. Location. The amateur radio antenna tower shall be located in the rear of the property.
 2. Setbacks.
 - a. Such amateur radio antenna tower shall maintain the same rear and side setbacks as are required for the principal building on the building site, provided, however, that such antennas, including the beam elements or any part thereof, shall not encroach upon adjoining properties and providing further that upon properties abutting waterways and/or golf courses the entire antenna including the beam array shall not extend into the setback required for waterway and/or golf course and provided, that in all cases, such antenna tower and beam array shall be located not less than eight (8) feet from any power line over two hundred - fifty (250) volts.
 - b. The amateur radio antenna tower shall not be located closer to the front or side street than the main or principal building.
 - c. Where such amateur radio antenna tower is located on a building site, which is fronting upon two or more streets, the antenna tower shall maintain the same setback as required for each such street.
 3. Antenna tower. Amateur radio towers exceeding a height of twenty-five (25) feet shall have the capability of being cranked up and down or being tilted over. In case of an impending hurricane the tower shall be cranked down to its nested position or tilted over, except for stations engaged in emergency communication, and provided further that when not in use for an extended period of time the tower shall be cranked down to its nested position or tilted over.
 4. Number permitted. Only one amateur radio antenna tower shall be allowed for each premises devoted to an R or D-Use.
 5. Installation.
 - a. The installation or modification of an amateur radio antenna tower shall be in accordance with the manufacturer's prescribed installation and safety procedures and shall meet the requirements of the South Florida Building Code.
 - b. Foundations for the amateur radio antenna towers shall be of concrete and the antenna tower and appurtenances thereto shall be so constructed and installed so as to withstand the forces due to wind pressure as provided for under the South Florida Building Code, and in that respect shall be subject to the approval of the Structural Engineer.
 - c. All such installations shall conform to the National Electric Code and the F. C. C. regulations.
- (d) That amateur radio antenna towers which do not exceed thirty-five (35) feet in height above grade shall be exempt from the provision as set forth under Section 6-10(a), (b), (f) and (g) herein. In computing the height of the amateur radio antenna installation, the top section of the tower, when fully extended, shall be considered the top for the purpose of this section.
- (e) That no deviation from the standards as set forth under this section shall be permitted unless recommended by the Planning and Zoning Board and approved by the City Commission.
- (f) That the recommendations of the Planning and Zoning Board, on each application considered shall be submitted to and be acted upon by the City Commission.
- (g) That in approving the conditional use application, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards in conformity with the provisions of the Zoning Code. Violations of such conditions and

safeguards, when made part of the terms under which the conditional use is approved, shall be deemed grounds for revocation of the conditional use and punishable as a violation of the Zoning Code.

Sec. 6-11 - Satellite earth stations.

A satellite earth station, intended for telecommunications, but not limited to transmission or reception of microwave signals, for television reception and data transmission shall be permitted as a Conditional Use in an R, D, A, S, C or M-Use District subject to the following conditions and restrictions: (2556, 2570, 2699, 2701, 2702, 2822, 3135, 3223)

- (a) That plans of such antenna shall be submitted with each application for a building permit, which shall include, a site plan drawn at a scale no smaller than 1" = 20' 0" indicating the diameter, location, setbacks, landscaping and screening and a mounting detail drawn at a scale no smaller than 1/2" = 1' 0" indicating height, color and method of installation. Such plans shall be subject to approval by the Board of Architects.
- (b) That such satellite earth station shall be subject to the following standards:
 1. Location.
 - a. In R, D and S-Use Districts only ground-mounted antenna shall be permitted and such antennas shall be located in the rear of the property.
 - b. In A, C and M-Use Districts roof-mounted antennas shall be permitted, provided, however, that such antennas shall be screened from ground view by a parapet or some other type masonry wall or screening. The minimum height and design of such parapet, wall or screening shall be subject to approval by the Board of Architects.
 - c. Ground-mounted antennas shall be permitted in A, C and M-Use Districts subject to the applicable provisions of this section.
 2. Landscaping. Ground-mounted antennas shall be screened from view so that they are not visible

between ground level and eleven (11) feet above ground level from the street and adjacent property owners by landscaping as shall be approved by the Board of Architects. In order to reduce the height of the required plant material, berms may be employed in conjunction with the landscaping plan. All plant material, size (at installation), quantity, and spacing shall be specified on the landscaping plan or site plan. All landscaping shall be in place prior to the installation of the antenna and after the application has been approved.

3. Diameter. The diameter of such antenna shall not exceed the following:
 - a. In R and D-Use Districts--ten (10) feet.
 - b. In S-Use District--twelve (12) feet.
 - c. In A, C and M-Use Districts--fifteen (15) feet.
4. Height.
 - a. Ground-mounted antennas shall be limited to a maximum height of eleven (11) feet above grade in their most extended position in R and D-Use Districts, a maximum height of fifteen (15) feet above grade in an S-Use District and a maximum height of eighteen (18) feet above grade in A, C and M-Use Districts.
5. Setbacks. Ground-mounted satellite earth station in the most extended position shall conform to the following minimum setbacks.
 - a. (1) Rear.
 - (a) In R and D-Use Districts--fifteen (15) feet.
 - (b) In A, S, C and M-Use Districts, rear and side setbacks shall be provided as are required for the principal building on the building site.
 - (2) Waterway. In all use districts, the setback from the waterway shall be

- provided as required for the principal building located on the property.
- (3) Setback from power lines. Satellite earth stations or any appurtenances thereto, shall be located not less than eight (8) feet from any power line over two-hundred-fifty (250) volts.
 - b. In no case shall such satellite earth stations be located closer to the front or side street of a lot or building site than the main or principal building.
 - c. Where such satellite earth station is located on a building site, which is fronting upon two or more streets, the antenna shall maintain the same setback as required for each such street.
 6. Ground coverage. The ground coverage of such antennas shall be counted in computing the ground coverage for auxiliary and accessory use structures located upon the building site.
 7. Color. Such satellite earth station and their appurtenances shall be the same color as the wall to which it is attached (if not free standing), white, if located on a roof and green or black, if ground-mounted. Additionally, antennas located in residential areas shall have a mesh surface and, to the extent possible, shall be compatible with the appearance and character of the neighborhood.
 8. Number permitted. (2730, 3223)
 - a. Only one satellite earth station shall be allowed for each principal building located in an R, D, A, or S-Use District.
 - b. A maximum of three (3) roof-mounted satellite earth stations greater than one (1) meter in diameter shall be allowed for each principal building having no more than twelve (12) stories in a C or M-Use District. Provided that all other conditions of this article are met, the number of satellite earth station(s) one (1) meter or less in diameter shall not be limited.
 - c. Thirteen (13) story buildings located in C or M-Use Districts shall not be limited as to the number of roof-mounted satellite earth stations.
 9. Installation.
 - a. The installation or modification of a satellite earth station shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the South Florida Building Code.
 - b. In R and D-Use Districts the foundations for ground-mounted satellite earth stations shall be pole mounted in a concrete base. In A, C, M and S-Use Districts the foundation for ground-mounted satellite earth stations shall be of concrete.
 - c. Roof-mounted antennas shall be anchored to the roof in conformance with the requirements of the South Florida Building Code.
 - d. The antenna and appurtenances shall be so constructed and installed so as to withstand the forces due to wind pressure as provided for under the South Florida Building Code, and in that respect shall be subject to the approval of the Structural Engineer.
 10. Maintenance. Such satellite earth stations, appurtenances, landscaping and screening shall be kept and maintained in good condition.
 - (c) That an application for the installation of such antenna, except as provided herein, shall be made to the Planning and Zoning Board and the Planning and Zoning Board shall hold a public hearing at which all interested persons shall be afforded an opportunity to be heard. All non-residential applications for satellite earth stations that are two (2) meters or less in diameter, or are roof-mounted and

completely screened from public view by parapet or building wall equal to or greater than the maximum height of the satellite earth station shall be administratively reviewed and approved by the Planning Department, otherwise, the previously described public hearing process shall apply. When administrative review and approval is required, the Planning Department may prescribe appropriate conditions and safeguards in conformity with the provisions of the "Zoning Code". Any administrative decision may be appealed to the Board of Adjustment according to the requirements established in Section 26-1 of the Code. (3135)

- (d) That the recommendations of the Planning and Zoning Board, on each application considered, shall be submitted to and be acted upon by the City Commission.
- (e) That in approving the application for the installation of the satellite earth station, each application shall be submitted to and be acted upon by the City Commission, except as provided for in subsection (c) of this Section.

Review and approval shall be required on an annual renewal basis and at such time, the applicant shall be required to submit photos of the antenna taken from the street and adjacent properties to assure compliance.

Violation of specified conditions and safeguards, when made part of the terms under which the antenna is approved, or the various provisions of this section, shall be deemed grounds for revocation of the auxiliary-use and punishable as a violation of the Zoning Code. (3069)

- (f) 1. When it can be demonstrated that the use of a satellite earth station by a governmental agency at a specific location will provide a significant public benefit and purpose and will contribute to the health, safety or welfare of the general public, and in particular the residents of this City, then, upon recommendation of the Planning and Zoning Board and with the approval of the City Commission, any of the conditions or restrictions provided in Section 6-11(b)1 through 8, pertaining to

location, landscaping, diameter, height, setbacks, ground coverage, color and number permitted may be waived or appropriately modified in the best interest of the surrounding neighborhood.

- 2. Approvals for satellite earth stations, when a public purpose has been demonstrated, shall be bound to a specific applicant and location. The change of an approved applicant or location shall invalidate the approval and necessitate reapplication and public hearing.
- 3. A clear public purpose has been demonstrated and conditional use approval has been granted to the following applicants for the placement of satellite earth stations at the following locations:
 - a. National Oceanic and Atmospheric Administration (NOAA); the south three-hundred (300) feet of Tract A, Riviera Section Part 8, (1320 South Dixie Highway).

- (g) Exclusion from these provisions: The Conditional Use process, the public hearing requirements and location provisions found in this Section shall not be required for any satellite earth station one (1) meter or less in diameter which is installed on the roof of a non-residential building or in the rear yard or rear or side elevation (including roof) of a residential building, subject to building permitting and additional limitations set forth in Section 5-24, 5-25 and 20-1(f)(1). (3223)

Sec. 6-12 - Microwave antennas.

Microwave antennas, restricted to the sole purpose of receiving and/or transmitting and amplifying microwave signals, shall be permitted as a Conditional Use in an S, C or M-Use District subject to the following conditions and restrictions: (2821)

- (a) That plans of such microwave antennas shall be submitted with each application for a building permit, which shall include a site plan drawn at a scale no smaller than 1" = 20' 0" indicating the diameter, screening, location and setbacks from property lines and edges of building; a mounting detail drawn at a scale no smaller than 1/2" = 1' 0" indicating the

height, color and method of installation of the antenna.

(b) That such microwave antennas shall be subject to the following standards:

1. Location.
 - a. In S, C and M-Use Districts roof-mounted microwave antennas shall be permitted, provided, however, that such antennas shall not be visible from the ground. Screening from ground view may be provided by a parapet or some other type masonry wall or screening.
2. Diameter. The diameter of such microwave antenna shall not exceed five (5) feet.
3. Height. Roof-mounted antennas shall be limited to a maximum height of eighteen (18) feet above the roof in their most extended position.
4. Setbacks.
 - a. Roof-mounted microwave antennas, in their most extended position, shall conform to the setback requirements for the principal building on the building site.
 - b. Microwave antennas or any appurtenances thereto, shall be located not less than eight (8) feet from any power line over two-hundred-fifty (250) volts.
5. Color. Microwave antennas and any appurtenances shall be white or the same color as the wall to which they are attached (if not free standing)
6. Number Permitted.
 - a. A maximum of three (3) roof-mounted microwave antennas shall be allowed for each principal building having no more than twelve (12) stories provided that they are not visible from the ground.
 - b. Thirteen (13) story buildings shall not be limited as to the number of roof-mounted microwave antennas, provided they are not visible from the ground.
7. Installation.
 - a. The installation or modification of microwave antennas shall

be in accordance with all applicable construction, safety codes and anchoring procedures and shall meet the requirements of the South Florida Building Code.

- b. The microwave antenna and appurtenances shall be so constructed and installed so as to withstand the forces due to wind pressure as provided for under the South Florida Building Code, and in that respect shall be subject to the approval of the Structural Engineer.
 8. Maintenance. Such microwave antennas, appurtenances and screening shall be kept and maintained in good condition.
- (c) That an application for the installation of such antenna shall be made to the Planning Department which shall administratively review and approve each application. Any administrative decision may be appealed to the Board of Adjustment according to the requirements established in Section 26-1 of the Code. (3069)
- (d) That in approving the application for the installation of the microwave antenna the Planning Department may prescribe appropriate conditions and safeguards in conformity with the provisions of the Zoning Code.
- (e) Violation of the specified conditions and safeguards, when made part of the terms under which the antenna is approved, or the various provisions of this section, shall be deemed grounds for revocation of the auxiliary-use and punishable as a violation of the Zoning Code. (3069)
- (f) When it can be demonstrated that the use of a microwave antenna by a governmental agency at a specific location will provide a significant public benefit and purpose and will contribute to the health, safety or welfare of the general public, and in particular the residents of this City, then, upon recommendation of the Planning and Zoning Board and with the approval of the City Commission, any of the conditions or restrictions provided in Section 6-12(b) 1 through 6, pertaining to location, diameter, height, setbacks, color and number permitted may be waived or

appropriately modified in the best interest of the surrounding neighborhoods.

- (g) Approvals for microwave antennas, when a public purpose has been demonstrated, shall be bound to a specific applicant and location. The change of an approved applicant or location shall invalidate the approval and necessitate reapplication and public hearing. (3084)

Sec. 6-13 - Miscellaneous antennas.

Miscellaneous antennas shall include any structure intended for telecommunications, including but not limited to the transmission or reception of radar, data transmission, radio, television, or telephone communications, excluding traditional residential television antennas, amateur radio antennas, satellite earth stations and microwave antennas, which are covered under separate sections of this Article. (2939, 3223)

- (a) Miscellaneous antennas shall be roof-mounted and permitted as a Conditional Use in S, C and M-Use districts subject to the requirements that the antenna and all of its appurtenances shall:

1. Not be visible from the ground from a maximum distance of six hundred (600) feet. Screening from ground view may be provided by a parapet or some other type wall or screening.
2. Not exceed a height of eighteen (18) feet above the roof.
3. Not be located closer than eight (8) feet to any power line.
4. Not exceed three per roof top for buildings of twelve (12) stories or less.
5. Not be limited as to number for buildings of thirteen (13) stories or more.
6. Be installed and maintained in accordance with all applicable Code requirements.

- (b) Transmission towers (for use by any antenna) may be permitted as a Conditional Use in S or M-Use districts subject to the requirements that the tower and anchoring devices:

1. Are located in the interior side or rear yard of the property.

2. Meet minimum setback requirements for the district in which they are located.
3. Are securely anchored, installed and maintained in accordance with all applicable codes.
4. Do not exceed a maximum height of two-hundred (200) feet.
5. Are separated from adjacent properties by a landscape buffer.
6. Are shared by multiple users, where possible (if not possible, applicant shall demonstrate that shared usage is not reasonably possible).

- (c) Plans of such miscellaneous antenna shall be submitted with each application for a building permit, which shall include a site plan drawn at scale no smaller than 1" = 20'0" indicating the diameter, screening, location, and setbacks from property line and edges of building; a mounting detail drawn at a scale no smaller than 1/2" = 1'0" indicating the height, color and method of installation of the antenna.

- (d) An application for the installation of such antenna shall be considered by the City Commission after public hearing before the Planning and Zoning Board.

- (e) In approving the application for the installation of the miscellaneous antenna the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards in conformity with the provisions of the Zoning Code. Violations of the specified conditions and safeguards when made part of the terms under which the antenna is approved, or the various provisions of this section, shall be deemed grounds for revocation of the auxiliary-use and punishable as a violation of the Zoning Code.

- (f) Exclusions from these provisions. The Conditional Use process, the public hearing requirements found in this Section shall not be required for the following: (3223, 3336)

1. Traditional residential television antennas.
2. Panel antennas, which are wall mounted, the same color as the building to minimize visual obtrusive as approved by the Board of Architects.
3. All miscellaneous antennas, which, together with their appurtenances,

are no larger than 48"(h) times 24"(w) times 24"(d), or have a diameter of one (1) meter or less in size.

- (g) All miscellaneous antennas and their appurtenances which are no longer in use must be removed within six (6) months from the time they cease operation.

Sec. 6-14 - Bed and breakfast establishments.

Bed and Breakfast (B & B) establishments may be permitted as a Conditional Use within the residential, multi-family district described herein subject to the following restrictions (3023):

- (a) B & B establishments may be operated on property zoned for A, Apartment Use within the district bounded by Southwest Eighth Street (Tamiami Trail) to the north, Navarre Avenue to the south, Douglas to the east, and LeJeune Road to the west.
- (b) Only structures fifty (50) years or older shall be eligible for operation as a B & B.
- (c) The number of B & B sleeping rooms shall not exceed the number of living units of the existing apartment structure.
- (d) The following design requirements shall be incorporated to minimize the impact on surrounding residential areas:
 - 1. Appearance of structure shall remain residential;
 - 2. Structure shall be retained in a manner to allow conversion back to apartment use;
 - 3. Outdoor activity areas for B & B residents use shall be visually buffered from adjacent residential uses;
 - 4. Vehicle ingress and on-site parking shall be screened from adjacent residential properties.
- (e) One wall-mounted sign shall be permitted designating the property as a B & B, and shall not exceed one-hundred sixty (160) square inches in size.
- (f) Property owner or manager must reside on property and be available on a daily basis.
- (g) The sale of alcohol shall not be permitted on premises.
- (h) Food service shall be limited to B & B residents and shall be limited to breakfast only with no lunch or dinner service.

- (i) No receptions, private parties or activities other than lodging of guests shall be permitted.
- (j) Operation of the B & B shall be restricted to the principal building on site, and accessory buildings may not be converted to living units, kitchens or dining areas.
- (k) Owner/Operator must comply with the following operational requirements:
 - 1. No weekly rates shall be offered;
 - 2. Ten (10) day maximum (cumulative) B & B resident stay within any sixty (60) day period;
 - 3. No food preparation or equipment allowed in any B & B sleeping room;
 - 4. The owner/manager shall maintain a current guest register.
- (l) All B & B requests shall be required to submit the following floor and site plans:
 - 1. Floor plans.
 - 2. Parking plan.
 - 3. Landscaping plan.
 - 4. Lighting and signage plan.
 - 5. Building elevations.
 - 6. Survey.
- (m) Off-street parking shall be provided as follows:
 - 1. One space per guest room;
 - 2. One space for the owner/manager.
- (n) Parking credit may be granted by the Building and Zoning Director for parallel parking spaces in the roadway immediately in front of the subject property where such parking will not be hazardous or obstruct access.
- (o) Conditional Use approval shall be non-transferable.
- (p) Each B & B shall be reviewed on a yearly basis to confirm compliance with Code requirements established herein. Approval may be revoked if a determination of non-compliance is made or if the facility generates neighborhood complaints.

Sec. 6-15 - Commercial photography in residential districts.

Commercial photography, which includes still photography, commercials and major motion picture filming or video, shall be permitted as a conditional use on the premises of private residential property zoned "R," "D" or "A," subject to the following conditions and restrictions: (3155)

- (a) No commercial photography shall be conducted in residential districts without a permit from the City Manager's Office. The owner or lessee of the property upon which the photography is being conducted or a representative of the production company, with the owner's written approval, may obtain such permit.
- (b) The permit shall be available for inspection at the site on which the photography is to occur. Upon the request of any police officer or code enforcement officer of the City, the owner, lessee or representative of the production company shall exhibit such permit.
- (c) The following limitations on the number and type of permits issued annually shall be enforced:
 - 1. Still photography shoots that are entirely contained inside the residential structure can be conducted without a permit.
 - 2. Large still photograph shoots that are not entirely contained within the residential structure and commercials or corporate/industrial filming recorded on video or motion picture film shall be limited to twelve (12) permits per year for the same property, with a maximum of three (3) consecutive days allowed per permit.
 - 3. Major motion pictures or television programs recorded on video or motion picture film shall be limited to three (3) permits per year for the same property and only one permit shall be issued during any thirty (30) day period. Each permit shall be issued for a maximum of fourteen (14) consecutive days, with a maximum of twenty-eight (28) permitted days allowed per year for the same property.
 - 4. Permitted days which are canceled due to circumstances beyond the control of the production company, such as bad weather days or retakes, shall extend the number of permitted days by the number so canceled, without penalty.
- (d) It is the intention of this section to protect residential areas from undue intrusions associated with commercial photography. The City Manager may approve, disapprove, or approve with appropriate

conditions, any permit applied for under this section. Conditions imposed as terms under which a permit is issued may include, but are not limited to, the following:

- 1. Advance notification of forty-eight (48) hours in a form approved by the City Manager to adjacent neighborhood properties for large still photography, commercial or corporate industrial filming. Advance notification of ten (10) days in a form approved by the City Manager to a homeowner or community association, or if none exists, to adjacent neighborhood properties, for major motion pictures or television program filming:
 - 2. Hiring of off-duty police officers to supervise traffic and other matters when the public right-of-way is utilized for film purposes;
 - 3. Hiring of off-duty police officers to provide security and control of shoots on private property.
 - 4. Limitations on number and location of vehicles or trailers parked on the street or swale area or adjacent or contiguous properties used in the shoot;
 - 5. Limitations on the daily hours or specific times when commercial photography is to take place when such limitations are necessary to limit disruption to the neighborhood;
 - 6. Similar conditions or limitations which are necessary to protect the neighborhood from undue intrusions.
 - 7. Compliance with the Noise Ordinance, unless otherwise conditionally approved by the City Manager.
- (f) The following fee schedule shall be in effect for commercial photography in residential districts:
- 1. Still photography shoots that are entirely contained within the residential structure shall not require a permit.
 - 2. Large still photography shoots and commercials or corporate/industrial filming recorded on video or motion picture film: Permit per site, two-hundred twenty-five dollars (\$225.00).

3. Major motion pictures: Permit per site per day, two-hundred twenty-five dollars (\$225.00).
 4. Future adjustments to the above fee schedule shall be made from time to time by the City Manager as appropriate, given the then current conditions.
- (g) City Code Sections 22-188 through 22-191 shall apply for all Commercial photography on public lands or rights-of-way.
 - (h) The City Manager may immediately revoke any permit for violation of any part of this section or any permit condition.
 - (i) The City Manager may refuse to issue any permit applied for if there has been evidence that previous photography at the same location created a disruptive situation in the neighborhood.
 - (j) The City Manager may refuse to issue any permit applied for if, on previous occasions, the commercial photography company has violated conditions or restrictions of permits issued under this section.
 - (k) The City Manager may issue administrative variances to these conditions to accommodate unusual circumstances.

Sec. 6-16 - Used car sales in commercial zoned districts.

Used car sales may be approved as a conditional use in a "CB" or "CC" Commercial Use District subject to the following conditions and restrictions: (3143)

- (a) That each application for such use shall be made to the Planning and Zoning Board, and the Planning and Zoning Board shall hold a public hearing at which all interested persons shall be afforded an opportunity to be heard.
- (b) That architectural plans, including a site plan, which shall have been approved by the Board of Architects, shall be submitted with the application. Such plans shall show the location of all buildings and physical features, and shall indicate all areas designated for both new and used car sales. Such plans shall include all lighting, signage and landscaping, and describe the types of cars to be sold.
- (c) That in approving the conditional use, the Planning and Zoning Board may

recommend and the City Commission may prescribe appropriate conditions and safeguards in conformity with the provisions of the "Zoning Code." Violations of such conditions and safeguards, when made part of the terms under which the conditional use is approved, shall be deemed grounds for revocation of the conditional use and punishable as a violation of the "Zoning Code."

- (d) That the sale of used cars shall only be permitted in association with a new car dealership.
- (e) That used car sales may not utilize more than 40% of the total area used for car sales. The area used for car sales shall include entire area of dealership including the square footage of all buildings but excluding any area or part of the square footage of any buildings used for parts, service and sale or administrative offices.
- (f) That used car parking lots be located at a single location to prevent the proliferation of used car lots.
- (g) That conditional use approval may be administratively approved by the Planning Department, and not subject to the forementioned public hearing requirements if the proposal meets all of the following conditions:
 1. The used car sales area is located entirely on and not non-contiguous to the new car dealership primary property.
 2. The used car sales area is located internally to the property and does not adjoin or abut any public right-of-way.
 3. The portion of used car sales area is less than twenty-five (25%) of the total area used for car sales.
 4. Appropriate plans are prepared and submitted by the applicant at the time the request is presented.
- (h) That conditional use approval may be administratively approved for changes and modifications to plans submitted in accordance with requirements (a) thru (f) herein.

Sec. 6-17 - Fund raising car washes.

Fund raising car washes shall be permitted as a conditional use on the premises of property in

any "C" or "S" district subject to the following conditions and restrictions: (3133)

- (a) No fund raising car washes shall be conducted without a permit from the license division of the City. Only the owner or lessee of the property upon which the fund raising car wash is being conducted (or their designee) may obtain a permit.
- (b) Before a permit shall be issued, the applicant shall file with the license division an application containing the following information:
 1. Legal description and street address where the car wash is to be conducted.
 2. Proof of ownership or lease of property.
 3. Dates of car wash.
 4. Hours of car wash.
- (c) Upon verification and compliance with the provisions of this section, and the payment of the proper fee, the license division shall issue a permit the same day which shall designate the location of the car wash and the dates and hours of the car wash.
- (d) A car wash shall be held only on Saturdays, Sundays and holidays between the hours of 9:00 a.m. to 5:00 p.m.
- (e) Only one weekend (two consecutive days) shall be permitted for any fund raising car wash.
- (f) No more than six fund raising car washes shall be held by any sponsoring non-profit group, or from the same property within any calendar year.
- (g) Each fund raising car wash shall be conducted under adult supervision, with at least one person eighteen years or older on premises during all hours of operation.
- (h) The fund raising car wash permit shall be prominently displayed from the front of the building from which the car wash is conducted. Upon the request of any police officer or code enforcement officer of the City, the owner or lessee of the property shall exhibit the permit.
- (i) By making application for a fund raising car wash permit, accepting the permit and conducting a car wash, the owner or lessee of the property to whom the permit is granted, authorizes any police officer or code enforcement officer of the city to enter upon the property for the purpose of

determining that the car wash is being conducted in accordance with the provisions of this section.