

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA RELATING TO ZONING REGULATIONS; AMENDING ARTICLE V, CHAPTER 110, ENTITLED "DISTRICTS AND DISTRICT REGULATIONS" OF THE CITY CODE; PROVIDING FOR ENACTMENT OF SECTION 110-501 THROUGH SECTION 110-518, ENTITLED "US 27 COMMERCIAL CORRIDOR DISTRICT ZONING REGULATIONS"; AMENDING SECTION 110-149 TO ADD A NEW ZONING DISTRICT; AMENDING SECTION 110-2 TO ADD NEW DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Clewiston desires to create Division 14 "US 27 Commercial Corridor District Zoning Regulations", of Article V, "Districts and District Regulations", of Chapter 110, "Zoning", governing the zoning and land use of the US 27 Commercial Corridor District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:

SECTION 1. US 27 Commercial Corridor District. The Clewiston Code of Ordinances is hereby amended and Division 15, "US 27 Commercial Corridor District", Article V, "Districts and District Regulations", of Chapter 110, "Zoning" is hereby created to read as follows:

Sec. 110-501. Purpose.

The purpose of the US 27 Commercial Corridor District is to provide lands for business and industry which support the economic base of the city and contribute to its economic growth and self-sufficiency. The US 27 Commercial Corridor District uses shall include commercial activities consisting of mixed-use not likely to be objectionable to neighboring properties. The US 27 Commercial Corridor District development standards provided herein are intended to result in new commerce that is attractive in appearance for the benefit of the property, the City of Clewiston and the owners and/or lessees of all lots within the US 27 Commercial Corridor. These requirements are intended to provide a pleasant, attractive, and safe business environment for the convenience and benefit of business owners and customers, and to foster an environment of economic growth and redevelopment in the City of Clewiston.

The US 27 Commercial Corridor District designation and development standards contained herein shall apply to all lands within the district at the date of adoption of this division and to all

future expansions of the district. All requirements of Chapter 110, Zoning, also apply in the US 27 Commercial Corridor District; Section 110-501 through Section 110-518 are additional requirements of the District. When the US 27 Commercial Corridor District requirements conflict with other provisions of Chapter 110, the more stringent requirements shall be applied.

Sec. 110-502. Permitted uses.

Permitted uses within the US 27 Commercial Corridor District are as follows:

1. Appliance and furniture stores.
2. Bakeries, confectionery providing on-premises retail sales.
3. Clinics, medical and dental out-patient only.
4. Commercial or municipal parking lots or garages.
5. Commercial recreation facilities, including marinas.
6. Convenience food and beverage store.
7. Department stores.
8. Financial institutions with or without drive-thru teller units.
9. Gasoline service stations.
10. General retail establishments.
11. Hardware, paint, and garden supplies.
12. Hotels or motels.
13. Indoor and outdoor vehicular sales such as automobile, motorcycle, and all-terrain vehicles and boat and boat trailer and utility trailer sales.
14. Laundries and dry-cleaning plants, which do not use flammable solvents.
15. Mortuary and funeral homes.
16. Newsstand
17. Personal services (including, but not limited to, barbershops, beauty salons, spas).
18. Pharmacy.
19. Theaters.
20. Professional services.
21. Public assembly buildings.
22. Repair and service of personal, household, and office items and equipment.
23. Restaurants.
24. Shopping centers.
25. Supermarkets.
26. Veterinarian clinics.

Sec. 110-503. Conditional Uses.

The following uses are not permitted in the US 27 **Commercial** Corridor District, but may be authorized by the imposition of Conditions of Approval, if all negative impacts are ameliorated by those conditions:

1. Liquor store.
2. Nightclubs, Lounges, Bars.
3. Repair and services for automobiles, trucks, boats, recreational vehicles, and other automotive equipment.
4. Pawn shops.
5. Payday, check cashing or deferred deposit loan businesses.
6. Tobacco retailers.
7. Extended-stay hotel or motel, with occupancy limits for each unit established by condition.
8. Kindergarten and daycare facilities.
9. Vocational schools, limited to office-oriented vocations, such as, but not limited to secretarial, business, real estate and computer programming.
10. Automatic amusement centers/game rooms.
11. Limited residential use must be in harmony with overall development and not as a primary or principal use and not allowed on ground floor.

Sec. 110-504. Development standards.

Setback requirements

1. *Street side.* All parcels shall have a minimum street side yard setback of (4) four feet and, for every ten feet the building length exceeds 150', an additional 1 foot of setback shall be required, up to the maximum of 30 feet. Street side yard setbacks shall be measured from back of street property line. Reduction in front yard setback may be approved by the TRC if additional conditions are met.
2. *Interior side yard.* The minimum interior side yard shall be 12 feet, except that the interior side yard setback may be reduced to zero on one side of the lot provided that:
 - a. A wall constructed of brick or maintenance-free masonry material with a stucco finish is constructed at the zero-setback side, and the opposite side yard is increased to 24 feet.
 - b. In the event that two contiguous property owners desire to construct buildings using zero side yard setbacks, utilizing a common driveway for ingress and egress to the rear of both properties, said opposite side yard may be reduced to 12 feet provided easements are obtained and recorded ensuring a 24-foot minimum separation between the two buildings for ingress and egress to the rear of the property. This 24-foot accessway shall be maintained free of obstructions skyward and with no openings that would facilitate any loading or unloading, in any portion of the buildings which fronts on the easement.
3. *Rear yard.* There shall be a minimum rear yard setback of 5 feet.
4. *Height.* Maximum height of building in the US 27 **Commercial** Corridor District shall not exceed 55 feet.

*Special exception height allowance may be authorized by the imposition of additional conditions of approval, if all negative impacts are ameliorated, height maximum may be increased not to exceed 65 feet.

Sec. 110-506. Trash receptacles.

- A. All properties must comply with Chapter 74, Article VI.
- B. Trash receptacles located on public sidewalks for use by pedestrians shall be consistent with the size and style approved by City Public Works Department.

Sec. 110-507. Parking.

A. Alternative Parking Plans (APP).

An alternative parking plan is a means to meet vehicle parking requirements other than providing parking spaces on site in accordance with Code requirements. Applicants seeking to meet the requirements of this section by alternative means shall be required to secure approval of an alternative parking plan by the Technical Review Committee (TRC).

- 1. Contents: alternative parking plans shall be submitted in a form and with such documentation as established by the Community Development Director. At a minimum, such plans shall include the parking alternative and rationale for how the alternative will compensate for the provision of the required parking on site.
- 2. Eligible alternatives: potential alternatives to be considered include, but are not limited to:

Shared parking: shared parking is encouraged to promote efficient use of land and resources by allowing users to share off-street parking facilities for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards:

- (1) Location. Shared off-street parking spaces shall be located no further than 600 feet from the buildings and uses they are intended to serve.
- (2) Shared parking agreement. A shared parking plan shall require an application for shared parking and submission of a shared parking agreement, acceptable to the Community Development Director and City Attorney, which shall include an agreement by the owners(s) of record of the parking area and of the applicant. The owner who has applied for shared parking shall be responsible for recording the shared parking agreement in the county's official records and providing copies of the recorded agreement to the city prior to the issuance of site plan approval. The agreement shall specify that the shared spaces are not leased for a use that operates during the same time frame and would create a conflict.

The agreement shall specify the time frame, number, and location of spaces to be shared.

- (3) Site plan. A site plan shall be submitted to indicate the spaces that are to be shared, the location and access to the properties to be served, the number of spaces, and the projected time of use of the properties which are sharing the spaces.
- (4) Changes in uses or other conditions. Once established, in order to maintain compliance with a shared parking agreement, the owner shall take one of the following actions to address any change in the uses identified in the agreement which would cause an increase in parking demand or to address a finding of any other related change in conditions by the Community Development Director:
 - (a) Submit a new shared parking plan agreement approved by the Community Development Director with an application to officially amend the shared parking plan approval for the property.
 - (b) Provide the required number of parking spaces for each use to negate the need for shared parking and submit an application to officially amend the site plan approval accordingly.
 - (c) Revise the existing shared parking agreement addressing the changes.

Until such action is taken a certificate of zoning compliance shall not be approved for any proposed use on the property subject to the shared parking agreement which generates a parking demand, as determined by the town's parking requirements, which exceeds that of the previous use identified in the shared parking agreement.

3. Credit for on-street parking spaces. On-street parking spaces may be used to satisfy 50% of the requirements for off-street parking. Such on-street parking may be located in the public right-of-way and shall be located within 1,000 feet of the use. All such spaces must meet size and delineation requirements.
4. Bicycle parking. The TRC may approve a reduction in the number of required off-street parking spaces for developments or uses that provide bicycle parking or that make special provisions to accommodate bicyclists.
 - a. Bicycle parking shall be located and clearly designated in a safe and convenient location, at least as convenient as the majority of auto spaces provided.
 - b. Facilities shall be designed to accommodate U-shaped locking devices and shall support bicycles in a stable position without damage to wheels, frame or other components and shall be securely anchored and of sufficient strength to resist vandalism and theft.

- B. Parking lot landscaping. The following shall apply:
1. A landscaped area shall have a minimum width of 2 feet, excluding curbs, retaining walls or similar enclosing structures.
 2. All front yard perimeter landscaping shall include concrete, masonry or metal barriers to contain and/or protect landscaping materials.

Sec. 110-508. Landscape Requirements.

All areas not improved for parking, or occupied by a structure, or paved walkway, shall be landscaped in accordance with the landscaping requirements as follows:

1. *Quality.* Plant materials used in conformance with the provisions of this article shall conform to the standard for Florida No. 1 or better, as given in Grades and Standards for Nursery Plants, part I, 1963, and part II, published by the state department of agriculture, or equal.
2. *Trees.* Tree species shall have a minimum of five (5) feet of clear trunk immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall be prohibited.
3. *Shrubs and hedges.* Shrubs and hedges shall be a minimum of 2 feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous unbroken solid visual screen within 1 year after time of planting. At intersections and driveways, shrubs cannot be more than twenty-four (24) inches high at maturity and any tree, in the visibility triangle, must have at least seven (7) feet of clear trunk immediately after planting.
4. *Vines.* Vines shall be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.
5. *Ground covers.* Ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage and shall be used with a decorative mulch, such as pine or cypress bark or other material of a similar nature. In no instance shall stone or gravel be utilized for more than 20 percent of the ground cover area.
6. *Plan approval.* All new construction, prior to the issuance of a building permit, must have a landscape plan approved by the TRC. The landscape plan shall be drawn to a scale not less than 1 inch equals 20 feet and shall include all pertinent dimensions, walls, parking spaces, and vehicular use areas, buildings and accessory structures, pools, ponds and waterways, hydrants and irrigation systems, landscape materials, including types and location of planting protective devices, and a stormwater management plan with calculations
7. *Installation.* All landscaping shall be installed in accordance with the landscape plan prior to issuance of a certificate of occupancy. All landscaping shall be installed in accordance with accepted landscape practices.
8. *Maintenance.* The owner and tenant, if any, shall be jointly and severally responsible for the maintenance of all landscaping, and landscaped areas shall be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse

and debris. If trees, shrubs, or other landscape material should die, such materials must be replaced within 30 days.

9. *Preservation of existing plant material.* Where healthy plant material exists on a site prior to its development, an applicant will be encouraged to retain such landscaping where possible.
10. *Landscaped areas.* 50% of all lot lines fronting a public street shall be landscaped.
11. *Other materials.* Required landscaped areas shall be adequately landscaped with shrubs, grass, ground cover, or other approved landscape treatment. The TRC may approve alternative landscaping plans that include container plantings.
12. *Areas abutting an interior property line.* On any parcel providing an off-street parking area or other vehicular use area, storage area, outdoor dining area, or loading area there shall be provided landscaping between such area and the property line as follows:

Areas abutting to residential zoning: Where such area abuts property zoned for residential for that portion not entirely screened visually by an intervening structure or conforming buffer on the subject property, there shall be provided a landscaped buffer.

Sec. 110-509. Fences, Walls and Hedges.

Fences, walls and hedges shall be constructed and maintained in accordance with Sec. 110-524 Fences, Walls and hedges with the following exceptions:

1. Chain link fences and other wire fences are prohibited in front yard of lots in the US 27 Commercial Corridor District. Other fencing subject to TRC approval.
2. Barbed wire and razor wire are prohibited.

Sec. 110-510. Outside Storage.

Except as expressly permitted by this section, no material, refuse, machinery, merchandise, or vehicles shall be stored outside of any enclosed structure within this district. This requirement shall not apply to the following:

1. Placement, storage, or keeping of construction equipment, tools, supplies, material, pallets, and all other material related to new construction, provided that all required permits have been obtained for that construction, and that all materials and products shall be removed from the premises promptly upon completion of that construction.
2. Motorized vehicles, boats or recreational vehicles for sale by an authorized dealer provided such outdoor storage is solely for display of vehicles immediately available for sale or lease.
3. Other outside storage uses as expressly permitted under a final site plan approval by the TRC.

Sec. 110-511 Accessory Structures.

Accessory structures located within the US 27 Commercial Corridor District must comply with the following regulations.

1. All accessory uses shall not exceed 30 percent of the gross floor area of the principal use. An accessory use shall be located on the same lot as the principal use, except for off-site parking, as approved by a valid development order.
2. Maximum height shall not exceed the principle structure or twenty feet in height.
3. Accessory structures shall not be used as living quarters.
4. Shall not be located on street side or front yard of parcel.
5. Exterior of structure shall match the principal building aesthetically.

Secs. 110-512 – 110-518. Reserved.

SECTION 2. Section 110-149, Zoning Districts Classified is hereby amended to add a new classification as follows:

Sect. 110-149. Zoning Districts classified.

For the purpose of classifying, regulating and restricting the location of residences, apartments, businesses, industry and other uses, the city is hereby divided into the following zoning districts:

P	Public District
R-1A	Single-Family Residential District
R-1B	Single-Family Residential District
R-1C	Single-Family Residential District
R-2	Two-Family (Duplex) Residential District
R-3	Multiple-Family Residential District
RM-1	Mobile Home and Recreational Vehicle Park District
RM-2	Mobile Home Subdivision District
C	General Commercial District
I	Industrial District
PUD	Planned Unit Development
CPID	Commerce Park Industrial District
US 27	US 27 Commercial Corridor District

SECTION 3. Definitions.

Section 110-2 is hereby amended to add the following definitions, which shall be codified in alphabetical order with existing definitions:

Awning. An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An

awning is comprised of a lightweight, rigid or retractable skeleton over which an approved cover is attached.

Commercially developed parcel. A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Fast Food restaurant. A restaurant with drive-up window service, or that otherwise receives payment and/or dispenses products to patrons while in their vehicles (such as a drive-in restaurant).

Front yard. Any portion of land that is past the front façade of the principal structure.

Frontage. The length of the property line of any one parcel along the main street on which it borders.

Lounge. A place where alcoholic beverages are sold for consumption on site.

Multiple occupancy complex. A commercial use, i.e. any use other than residential consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Nightclub. A place that is open at night, has music, dancing, or a show, and is operated for the purpose of supplying entertainment where alcoholic beverages are dispensed and consumed on the premises, and where meals and refreshments may be provided.

Occupant (occupancy). The use of a building or structure, or any portion thereof for commercial transactions.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the building official.

Permanent. Designed, constructed and intended for more than short term use.

Roof line. A horizontal line intersecting the highest point or points of a roof.

Street. A public or private right-of-way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Technical Review Committee (TRC). Technical Review Committee is made up of representatives from City Engineering, Building, Public Works, and Utilities Department.

Tobacco Retailers. Any place that sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco products or tobacco paraphernalia.

Unit. That part of a multiple occupancy complex housing one occupant.

SECTION 4. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 5. Severability. If any phrase, sentence, or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

PASSED on first reading by the City Commission on September 19, 2022.


PASSED AND ADOPTED on second and final reading by the City Commission on October 17, 2022.

ATTEST:

CITY OF CLEWISTON, FLORIDA



Mary K. Combass, City Clerk



Kristine Petersen, Mayor
Petersen

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: 

Dylan J. Brandenburg, City Attorney