

7.14.00 Districts and boundaries (Policy 7.A.3.6).\*

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**\*Cross references:** Zoning districts and boundaries, App. B, § 3.

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7.14.01 [ *Districts:* ] In order to classify and regulate the uses of land and buildings, the height and bulk of buildings, the area and other open spaces about buildings and the intensity of land uses, the City of Niceville is divided into twelve (12) districts known as follows:

TABLE INSET:

R-1A	Single-family district (0--4 DUs/Acre)
R-1	Single-family district (0--5 DUs/Acre)
R-1B	Single-family district (0--8 DUs/Acre)
R-2	One- or multiple-family district (6--8 DUs/Acre)
R-3	Multiple-family district (9--15 DUs/Acre)
R-NC	Residential/neighborhood commercial district
A-R	Agricultural restricted
C-1	Limited commercial district
C-2	General commercial district
M-1	Industrial district
PUD	Planned unit development
S-1	Outdoor recreational district (parks, golf courses, etc.)

Additionally, with the adoption of this code, a mixed use district shall also be created to provide consistency with the future land use maps. This district shall be as described in section 7.01.01 above and shall be designated on the future land use maps as:

TABLE INSET:

MU	Mixed use district
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7.14.02 *R-1A and R-1 (Single-family dwelling district).*

- (a) Uses permitted. Within any R-1A and R-1 single-family dwelling district, no building, structure, land and water shall be used except for one (1) or more of the following uses:
- (1) Single-family dwellings and their customary accessory uses, when located on the same lot as the principal use.
  - (2) Manufactured homes, in accordance with subsection (g), this section.
  - (3) Boat shelters, lifts and docks as accessory uses provided the roof or top of the structure does not exceed ten (10) feet above the mean sea level. Enclosed shelters, except those constructed prior to the passing of this ordinance, are not permitted in residential districts. All such structures must conform to U.S. Corps of Engineers, and Florida Department of Environmental Protection permitting and construction standards.
  - (4) Golf courses, swimming pools, tennis courts with customary attendant facilities and accessory buildings; country clubs and their customary accessory uses; stadiums in conjunction with school facilities.
  - (5) Parks and playgrounds, when owned or operated by the city, county, state or federal government.
  - (6) Home occupations, defined in Article 3, are generally approved by the planning commission where no stock in trade is kept in bulk, nor commodity sold, on the premises; no person employed other than members of the immediate family residing on the premises; and provided that not more than twenty-five (25) percent of the total floor area in any dwelling unit is devoted to such use.
    - a. Other requirements shall be:
      1. There shall be no visible evidence of the conduct of a home occupation from the exterior of the building.
      2. Home occupations shall not generate atmospheric pollution, light flashes, glare, odors, noise, vibration or truck or other heavy traffic.
      3. Persons engaged in home occupations may not advertise the availability of services or products at the residence in which the occupation is conducted.
      4. Only the following home occupations, or others deemed similar, may be approved: Accountant, agent, architect, artist, attorney, beautician, bookkeeper, broker, chiropractor, contractor (office only), consultant, counselor, draftsman, engineer, interior decorator, musician, seamstress, tailor, teacher, writer-editor.
    - b. The following home occupations may be authorized by special exceptions by the planning commission/city council after written approval is obtained by the appellant from neighbors within a two hundred-foot radius.
      1. Family day care homes provided that no more than five (5) children, including the caregiver's own children, are kept at any given time on the premises.
      2. Repair, or other occupations performed by handicapped persons which do not constitute a public nuisance as defined by section 9.05.00(b), this ordinance.
- (b) Special exceptions. When, after review of an application and plans appurtenant thereto, the city manager/city planner, or his designee, finds as a fact that the proposed use or uses are consistent with the Niceville Comprehensive Plan, and after obtaining

recommendation from the Niceville Planning Commission, the Niceville City Council may, following a hearing thereon, approve the following:

- (1) City owned or operated recreation and community buildings and libraries.
- (2) Churches and their accessory educational and recreational buildings and playgrounds.
- (3) Utility structures and substations including telephone exchanges.
- (4) Elementary, junior and senior high schools.
- (5) Child care centers and kindergartens licensed by the Florida Department of Health and Rehabilitative Services.

Any review of an application or plan shall consider the character of the neighborhood in which the proposed use is to be located, with reference to the effect of the proposed development on surrounding properties and the public benefit and need for such use in the neighborhood; and further, a consideration of site area, open spaces, buffer strips, and off-street parking facilities as defined in the minimum requirements in the following sections.

(c) Building height.

- (1) No dwelling shall exceed thirty-five (35) feet in height.
- (2) Churches, libraries, community center buildings, country clubs, educational and recreational buildings and utility structures may not exceed thirty-five (35) feet in height, except by increasing the minimum side yards one (1) foot for each additional foot of height in excess of thirty-five (35) feet. Church steeples shall be excepted from the thirty-five (35) foot limitation.

(d) Building site area.

- (1) Each single-family dwelling shall be located on a lot or parcel of land having an area of not less than ten thousand (10,000) square feet in the R-1A district and seven thousand five hundred (7,500) square feet in the R-1 district and said lots shall have minimum width of ninety (90) feet and sixty (60) feet, respectively, measured at the building line.
- (2) Educational and recreational buildings, churches and their accessory uses, and community buildings shall have a minimum site of two (2) acres and said lot shall have a minimum width of one hundred fifty (150) feet.
- (3) Child care centers, nursery schools and kindergartens in which more than five (5) children are present at any given time shall have a minimum floor space (apart from administrative or residential use) of thirty-five (35) square feet per child. Each child must also have a minimum of one hundred (100) square feet of outside play area enclosed by a minimum six-foot high chain link fence. All licensed child care facilities must provide a separate kitchen and separate bathrooms apart from the normal living quarters in accordance with Chapter 10M-12, "Child Care Standards," Department of Health and Rehabilitative Services. Requirements of Chapter 4A-36 of the Fire Marshal's Code, shall also apply in determining construction and safety standards.
- (4) All other special exceptions, such as utility structures, shall provide minimum areas as determined following review and recommendation of the planning department and subsequent approval of the city council.

(e) Front, rear and side yard requirements.

(1) Front yard--There shall be a front yard of not less than thirty (30) feet in depth in the R-1A District and of not less than twenty-five (25) feet in the R-1 District as defined in Article 3 of this code.

(2) Rear yard--There shall be a rear yard of not less than twenty-five (25) feet in depth in each district as defined in Article 3 of this code.

(3) Side yard--There shall be a side yard of not less than ten (10) feet in the R-1A District and of not less than seven and one-half (7 1/2) feet in the R-1 district, except churches, libraries, educational and recreational buildings and community buildings, which shall maintain a twenty-five-foot side yard. Side yards of utility structures shall be determined by the planning commission/city council upon review of the application, but there may not be less than ten (10) feet in the R-1A district and seven and one-half (7 1/2) feet in the R-1 district.

(4) Corner lots--On corner lots the side yard shall be not less than fifteen (15) feet, except where the corner lot faces a different street than the remaining lots in the block, the twenty-five (25) feet, or greater setback shall be maintained on both streets.

(f) Lot coverage. Forty (40) percent of the lot area is the maximum that may be covered by principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

(g) [Manufactured homes.]

(1) Any person desiring to site a manufactured home in a residential land use district shall comply with the following standards:

a. The unit shall comply with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards and the Florida Manufactured Building Act.

b. The manufactured home must have an assessed tax value (including improvements) comparable to other dwelling units in the area proposed for siting the manufactured home.

c. The minimum horizontal dimension of the main body, as assembled on the site, shall not be less than twenty (20) feet, as measured across the narrowest portion.

d. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run and minimum distance from eave to ridge is one-half ( 1/2) the minimum horizontal dimension.

e. The roofing material used shall be similar in texture, color, and appearance to that of detached single family dwelling units in the district in which it is to be located.

f. The materials used for the exterior finish and skirting shall be similar in texture, color, and materials to detached single-family dwelling units in the district in which it is to be located, and applied in such a manner as to make the manufactured home similar in appearance with surrounding detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.

g. All transportation equipment must be removed and the manufactured home must be placed on a permanent foundation and properly anchored.

(2) Manufactured homes located within a mobile home park designed exclusively for manufactured housing are exempt from the requirements of this section.

(3) Any person proposing to site a manufactured home in other than a mobile home park shall submit the following application information to the city manager or his designee:

- a. The applicant's name and address.
- b. Legal description, street address, lot number and subdivision name, if any, of the property upon which the manufactured home is to be located.
- c. Statement of ownership.
- d. Size of subject property in square feet and acres.
- e. Proof that the manufactured home has met the requirements of the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards and the Florida Manufactured Building Act.
- f. Proof that the manufactured home has an assessed tax value (including improvements) comparable to other dwelling units in the area proposed for siting the manufactured home.
- g. Statement describing the type and dimensions of the manufactured home proposed to be located on the property.
- h. Elevations and photographs of all sides of the manufactured home proposed to be located on the property.
- i. A statement describing the exterior dimensions and roof slope of the manufactured home proposed to be located on the property.
- j. A description of the exterior finish of the manufactured home, including exterior walls and roof.
- k. A schematic design of the manufactured home showing the roof, skirtings, and other improvements.

(4) Procedure for review of applications:

- a. After an application has been submitted, the city manager or his designee shall determine whether the application is complete. If the city manager or his designee determines the application is not complete, he shall send a written statement specifying the application's deficiencies to the applicant by mail. The city manager or his designee shall take no further action on the application unless the deficiencies are remedied.
- b. When the city manager or his designee determines the application is complete, he shall review the application, and shall decide whether the proposal complies with the standards for manufactured homes sited in residential districts. Notification of the decision shall be filed with the planning department and shall be mailed to the applicant.

(5) If any individually owned mobile home is removed from a private lot for a period in excess of six (6) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such property is located.

(6) The temporary use of mobile homes shall be permitted for a period not to exceed one hundred twenty (120) days within any district in the City of Niceville following the occurrence of a disastrous event which renders permanent homes or buildings unsuitable or unsafe for human occupancy. Thirty-day extensions may be authorized at the discretion of the city council.

- (h) General provisions and exceptions. See section 7.16.00.
- (i) Off-street parking and loading regulations. See Article 8.

(j) Accessory buildings. Accessory buildings will not be larger in size than sixty (60) percent of the square feet of living space contained in the principal structure and accessory buildings will not exceed the height of the principal structure.

(Ord. No. 92-23, 12-10-92; Ord. No. 00-10-01, 10-10-00)

**Cross references:** R-1A, R-1 single-family dwelling districts, App. B, § 5.

*7.14.03 R-1B single-family dwelling district.*

(a) Uses permitted. Within any R-1B single-family dwelling district, no building, structure, land or water shall be used except for one (1) or more of the following uses:

(1) Any use permitted in the R-1 single-family dwelling district.

(2) Single-family dwellings up to eight (8) dwelling units per acre.

(b) Conditional uses.

(1) Same as R-1.

(c) Building height regulations.

(1) Same as R-1.

(d) Building site area regulations.

(1) Each single-family dwelling in a R-1B area shall be located on a lot or parcel of land having an area of not less than five thousand (5,000) square feet and said lots shall have minimum widths of fifty (50) feet, measured at the building line.

(e) Front, rear and side yard requirements.

(1) Front yard--Same as R-1 family dwelling district.

(2) Rear yard--There shall be a rear yard of not less than twenty (20) feet.

(3) Side yard--There shall be a side yard of not less than five (5) feet for each single-family dwelling. Churches, libraries, educational, community and recreational buildings shall have side yards the same as for R-1.

4.[(4)] Corner lots--Same as R-1.

(f) Lot coverage. Same as R-1.

(g) General provisions and exceptions. See section 7.16.00.

(h) Off-street parking and loading regulations. See Article 8.

(i) Accessory buildings. Same as R-1.

**Cross references:** Similar provisions in zoning, App. B, § 6.

*7.14.04 R-2 One- or multiple-family dwelling district (townhouses).*

(a) Uses permitted. Within any R-2 One- or multiple-family dwelling district (townhouses) no building, structure, land or water may be used except for one (1) or more of the following uses:

(1) Any use permitted in the R-1 single-family dwelling district.

(2) Two-family dwellings (duplexes) or multiple-family dwellings (as described under (d)(3) provided no more than eight (8) dwelling units occupy a one-acre site.

(3) Garage apartment located on the rear of a lot having a one-family or duplex principal structure shall not exceed the height of the principal dwelling unit and shall maintain architectural blend of principal dwelling.

(4) Home occupations as defined under R-1A or R-1.

(b) Special exceptions. Same as for the R-1 single-family dwelling district.

(c) Building height regulations. Same as for the R-1 single-family dwelling district.

(d) Building site area regulations.

(1) Each single-family dwelling shall be located on a lot having an area of not less than five thousand (5,000) square feet and a minimum lot width of fifty (50) feet, measured at the building lot line.

2.[(2)] Each two-family dwelling shall be located on a lot having an area of not less than seven thousand five hundred (7,500) square feet and said lot shall have a width of at least seventy-five (75) feet, measured at the building line.

(3) Townhouses and/or cluster homes shall be built in units as determined by lot size and density criteria, i.e.: eight (8) dwelling units per acre  $\times$  acres or fraction of acre = number of dwelling units. For example, five (5) townhouses may be built on 0.625 acre. Only four (4) units may be built on 0.6 acre. Multiple units on any size parcel must meet setback requirements. Townhouses and/or cluster homes must have a minimum nine hundred (900) square feet per dwelling unit.

(4) Churches, educational, recreational and community buildings, same as the R-1 single-family dwelling district.

(e) Front, rear and side yard requirements.

(1) Front yard--Same as in the R-1 single-family dwelling district.

(2) Rear yard--There shall be a rear yard of not less than twenty (20) feet.

(3) Side yard--There shall be a side yard of not less than five (5) feet for one and two-family dwellings. Churches, libraries, educational, recreational and community buildings shall maintain a twenty-five-foot side yard. Side yards for utility structures shall be determined by the planning commission/city council upon review of the application, but there shall be not less than five (5) feet.

(f) Lot coverage. Same as for the R-1 single-family dwelling district.

(g) General provisions and exceptions. See section 7.16.00.

(h) Off-Street parking and loading regulations. See Article 8.

(i) Accessory buildings. Same as R-1.

(Ord. No. 92-23, 12-10-92; Ord. No. 98-08, 5-12-98)

**Cross references:** Similar provisions in zoning, App. B, § 7.

7.14.05 *R-3 Multiple-family dwelling district and mobile home parks.* Within any R-3 multiple-family mobile home park district, no building, structure, land or water may be used except for one or more of the following uses:

(a) Uses permitted.

(1) Any use permitted in the R-2 one- and multiple-family dwelling district.

(2) Multiple-family dwellings up to fifteen (15) dwelling units per acre.

(3) Apartment buildings; boarding and lodging houses; tourist homes.

(4) Private clubs and lodges not of a commercial nature.

(5) The following professional offices: Physician, surgeon, dentist, chiropractor, naturopath and others of the medical profession registered by the State of Florida; lawyers, engineers, architects.

(6) Studios for music and art teachers.

(7) Hospitals, medical and dental clinics, not animal hospitals.

(8) Nursing and convalescent homes.

(9) Prescription pharmacy.

(10) Mobile home parks in accordance with paragraph (f) of this section.

(11) City owned or operated recreation and community buildings and libraries.

- (12) Churches and their accessory educational and recreational buildings and playgrounds.
- (13) Utility structures and substations including telephone exchanges.
- (14) Elementary, junior and senior high schools.
- (15) Nursery schools and kindergartens.
- (16) Accessory buildings and uses customarily incident to the above uses when located on the same lot and not involving the conduct of a business.
- (17) Non-illuminated signs of not more than eight (8) square feet used for identifying the structure or principal use only and without advertising information may be attached to or near the principal structure.
- (b) Building height regulations.
  - (1) No building shall exceed forty-five (45) feet in height.
  - (2) Churches, libraries, community center buildings, educational and recreational buildings, and utility structures may not exceed forty-five (45) feet in height, except by increasing the minimum side yards one (1) foot for each additional foot of height in excess of forty-five (45) feet. Church steeples are excepted.
- (c) Building site area regulations. The site area requirements in the R-3 multiple-family mobile home park district are:
  - (1) For one-family dwellings, five thousand (5,000) square feet, and said lots shall have a minimum width of fifty (50) feet.
  - (2) For two-family dwellings, same as for the R-2 one- and multiple-family dwelling district.
  - (3) For multiple-family dwellings, for each dwelling unit on the first floor there shall be a minimum of two thousand five hundred (2,500) square feet of lot area; for each dwelling unit added above the first floor there shall be an additional lot area of one thousand five hundred (1,500) square feet. Minimum lots for multiple-family use shall not be less than seven thousand five hundred (7,500) square feet with a minimum lot width of not less than seventy-five (75) feet.
- (d) Front, rear and side yard. For all uses except mobile home parks and subdivisions, the minimum yard requirements are:
  - (1) Front yard--There shall be a front yard of not less than twenty-five (25) feet in depth.
  - (2) Side yard--There shall be a side yard on each side of the principal structure having a width of not less than five (5) feet.
  - (3) Rear yard--There shall be a rear yard of not less than twenty (20) feet.
  - (4) Corner lots--Same as for the R-1 single-family district.
- (e) Lot coverage. Fifty (50) percent of the lot area is the maximum that may be covered by the principal and accessory buildings or structures located thereon, swimming pools [are] excepted from this provision.
- (f) Mobile home parks.
  - (1) Mobile home parks are permitted as special exceptions in the R-3 districts. Such mobile homes may be rented, leased, or owner occupied. The location of a mobile home park shall be approved by the planning commission after the planning department certifies whether or not the location conforms with the laws and regulations of the State Board of Health regarding mobile home sites.
  - (2)--(5) Reserved.



(6) The following lot requirements shall apply for mobile home parks:  
a. The minimum lot area shall not be less than four thousand eight hundred (4,800) square feet with a minimum lot width of sixty (60) feet. There shall be a minimum of twenty (20) feet between dwelling units.

(g) Accessory buildings. Same as R-1.  
(Ord. No. 92-23, 12-10-92)

**Cross references:** R-3 dwelling district, App. B, § 8.

*7.14.06 R-NC Residential/neighborhood commercial district.* This district classification establishes a transition zone between residential and commercial districts primarily along the city's major traffic arteries. R-NC allows for the intermixing of residential and commercial use provided the commercial activity is of a nature considered compatible with residential use. Residential uses include single-family, multifamily, apartments and motels. Commercial activity which involves a question of immorality or impropriety is prohibited in this zoning as in all zones in the City of Niceville. In determining the types of commercial activity to be allowed in this district, paramount consideration shall be given to maintaining the value and appearance of the property in question and the prevention of slum and blight. This zoning will be contiguous to C-1, C-2 or M-1 districts or wherever a transitional or buffering zone is needed or deemed desirable. In most cases, R-NC zoning will be established between commercial strip zoning along the city's major traffic arteries and residential neighborhoods in close proximity. Normally, this zoning will extend to approximately four hundred (400) feet on either side of commercial or industrial zoned areas. It, therefore, includes sections of Niceville most visible to the public. In permitting the operation of business within the existing residential homes or new construction, the planning commission and city council shall have wide latitude in establishing certain physical and operating licenses should the commercial activity be considered harmful, a nuisance or otherwise degrading to the neighborhood.

(a) Uses permitted.

(1) Any use permitted in the preceding districts.

(2) Retail sales and services.

a. Food and drugstore (excluding liquor package stores).

b. Personal service shops.

c. Clothing stores and dry goods.

d. Home furnishings including antiques and hardwood appliance stores.

e. Specialty shops.

f. Banks.

g. Second-hand stores (pawn shops excluded).

h. Floral shops.

(3) Laundrettes and dry cleaning establishments utilizing solvents rated as nonflammable or as nonflammable at higher temperatures.

(4) Garment and apparel making shops (tailoring).

(5) Professional offices.

(6) Restaurants.

(7) Studios.

(8) Mortuaries and funeral parlors.

(9) Appliance repair shops (no outside storage or outside work permitted).

- (10) Gasoline station (no outside storage). All repair work must be done within a building. No body work, painting or other major automobile repair work permitted).
- (11) Sales or showrooms (not to exceed two thousand (2,000) square feet). No outside storage or major repair work shall be permitted).
- (12) Accessory buildings and uses customarily incidental to the above uses.
- (b) Prohibited use. The building of new single-family dwellings in this district shall not be permitted.
- (c) Special exceptions. Dual use of a structure for residential and commercial purposes shall be permitted in this district provided the occupant is the owner of the structure. Other special exceptions may be permitted provided the standards of traffic ingress and egress, public health, safety, comfort, good order, appearance, morals and general welfare of the public are maintained.
- (d) Building height. No building hereafter erected or structurally altered shall exceed forty-five (45) feet in height. Special exception may be allowed in the development of apartments, motels or hotels.
- (e) Building site area. Same as R-2 for multifamily dwellings. There shall be no minimum area requirements for commercial development.
- (f) Yard regulations. Same as R-2 for multifamily dwellings. There shall be no minimum front and side yard requirements for commercial use except where such use is contiguous to a residential use. In such case, there shall be a minimum side yard of ten (10) feet unless the two uses are separated by a public street, body of water, or similar man-made or natural buffer. There shall be a minimum fifteen-foot rear yard requirement for commercial use buildings.
- (g) Accessory buildings will not be larger in size than sixty (60) percent of the square feet of living space contained in the principal structure and accessory buildings will not exceed the height of the principal structure.

(Ord. No. 00-10-01, 10-10-00)

**Cross references:** R-NC residential/commercial district, zoning, App. B, § 9.

7.14.07 *A-R agricultural restricted*. This district is established within the City of Niceville to preserve open space areas for coastal and water conservation, recreational, ecological and scenic benefits. Within the limits of this ordinance, residential and agricultural uses are permitted.

- (a) Permitted use.
- (1) Single-family detached homes on lots with a minimum of sixty-thousand (60,000) square feet of open space.
- (2) Wildlife and vegetation conservation.
- (3) The following recreational facilities: Passive recreation, bike trails, jogging trails, tennis courts, swimming pools, ballparks.
- (4) Commercial agriculture provided that buildings or structures used for fowl or animals, storing grain, feed or fertilizer, or the processing of products including dairy operations, shall not be located closer than one hundred (100) feet to any property line or public right-of-way.
- (5) Marine agriculture permitted by the State of Florida.
- (6) Private airstrips when licensed by the State of Florida.
- (7) Public or private fishing and hunting clubs when located on a parcel of land with a minimum area of ten (10) acres dedicated exclusively to such use.

- (b) Permitted accessory uses and structures.
  - (1) Home occupations.
  - (2) Noncommercial agriculture, and poultry, horse and livestock raising provided that any structure used for such shall not be closer than one-hundred (100) feet to any property line or public right-of-way.
- (c) Special exceptions. After review of an application and plans by the city manager/city planner, and subsequent approval by the planning commission and city council, the following may be approved as special exceptions:
  - (1) Privately owned yacht clubs and marinas with a minimum lot area of two hundred thousand (200,000) square feet dedicated to such use and provided that no structure, principal or accessory, is located within one hundred (100) feet of any property line or public right-of-way.
  - (2) Athletic fields or stadiums (200,000 square feet, minimum lot).
  - (3) Horse or dog racetracks (200,000 square feet, minimum lot).
  - (4) Festival site (200,000 square feet, minimum lot).
- (d) Building height regulation. No dwelling or accessory building shall exceed forty-five (45) feet in height unless approved as a special exception.
- (e) Lot coverage. Each lot on which a privately owned dwelling plus accessory buildings is located shall not be less than sixty thousand (60,000) square feet.

**Cross references:** A-R agricultural restricted district zoning, App. B, § 10.

7.14.08 *C-1 limited commercial district.* Within any C-1 limited commercial district, no building, structure, land or water shall be used except for one (1) or more of the following uses.

- (a) Use permitted.
  - (1) Apothecary shops.
  - (2) Apparel and dry good shops.
  - (3) Art, antique and gift shops.
  - (4) Beauty salons and barber shops.
  - (5) Apartments, boarding and rooming houses.
  - (6) Book and stationery stores; news stands.
  - (7) Churches and accessory uses. Schools for primary and secondary education, kindergartens and nursery schools.
  - (8) Filling (service) stations selling gasoline and lubricants primarily. Only minor repairs such as tire patching but not recapping, also battery recharging, car wash and polish, but no body repairs.
  - (9) Finance, investment and insurance offices and banks.
  - (10) Florists.
  - (11) Furniture, interior decorating and home furnishing stores.
  - (12) Hospitals, clinics, nursing and convalescent homes, but no animal hospitals.
  - (13) Hotels, motels, guest cottages.
  - (14) Grocery stores.
  - (15) Laundry and dry cleaning pickup stations where no work is done on the premises, self-service laundromats.
  - (16) Mortuary.
  - (17) Music and dancing schools, art studios.

- (18) Offices for businesses and professions, but not including fortune tellers or psychics.
- (19) Photographic supplies and studios.
- (20) Private clubs and lodges.
- (21) Recreational facilities and parks under the operation or ownership of the city.
- (22) Restaurants with service within the structure, excluding drive-in.
- (23) Shoe repair and hat cleaning, dressmaking and tailor shops.
- (24) Utility structures and substations including telephone exchange.
- (25) Signs may be placed on the lot in accordance with Article 16.
- (26) All sales, services and commercial activities must be conducted within a structure, and no outdoor display of merchandise or products will be permitted in connection with any of the foregoing uses.
- (27) Applications for uses similar to the foregoing in character but not specifically enumerated and which are not excluded from this section by their specific inclusion in the C-2 zone that follows shall be reviewed by the planning commission, which, after finding as a fact that said use or uses are consistent with the general zoning plan and in the public interest, may recommend to the city council on approval thereof.
- (28) No residential structures are permitted. Structures existing prior to the enactment of this ordinance shall be allowed to remain. However, no expansion or rebuilding will be permitted for continued use as a residence. Commercial buildings shall not be used as a place of residency.
  - (b) Building height regulations. No building or structure shall exceed forty-five (45) feet in height.
  - (c) Building site regulations. None.
  - (d) Yard regulations.
    - (1) Front yard--There shall be a front yard having a depth of not less than twenty-five (25) feet as defined in Article 3 of this code.
    - (2) Side yard--None required, except where rear access is not available from a public street or alley, a side yard of not less than ten (10) feet will be provided on one side.
    - (3) Rear yard--There shall be a rear yard having a depth of not less than fifteen (15) feet, except, where the rear of the property is bounded by a public alley or street the rear yard may be decreased by one-half the width of such alley or street up to ten (10) feet, but in such event there shall be provided a rear yard of not less than ten (10) feet exclusive of the alley.
  - (e) General provisions and exceptions. See section 7.16.00.
  - (f) Off-street parking and loading regulations. See Article 8.

**Cross references:** C-1 commercial district zoning, App. B, § 11.

**7.14.09 C-2 general commercial district.**

- (a) Uses permitted.
  - (1) Any use permitted in the C-1 limited commercial district.
  - (2) Animal hospitals when all activities are conducted within the building.
  - (3) Automotive agencies with repair garages as an accessory use. Junked cars held for salvage of parts are disallowed in this district.
  - (4) Bakery. The products of which are produced primarily for retail sale on the premises.

- (5) Bus terminals and taxi cab stations, car rentals.
- (6) Commercial amusements, including theaters (but not drive-in theaters), ball rooms, skating rinks, billiard parlors, bowling alleys, amusement parks, miniature golf courses and others of a similar nature.
- (7) Drive-in restaurants.
- (8) Gasoline service stations, automobile/motorcycle repair garages.
- (9) Radio and television stations with towers and studios.
- (10) Shops for painters, plumbers, paper hangers, electricians, upholsterers and others of a similar nature. Outdoor storage yards are permitted when accessory to the above uses, provided all equipment and merchandise are enclosed behind a screen consisting of plantings or a closed or semi-closed type fence not less than five (5) feet in height.
- (11) Shops for business services, such as addressing and mailing, advertising and distributing, multi-graphing, blueprinting, printing and photography.
- (12) Used car lots.
- (13) Vocational and private schools operated as commercial enterprises.
- (14) All other trade service and retail sales establishments not included in the C-1 limited commercial district.
- (15) Advertising signs (see Article 16).
- (16) Accessory uses necessary to the foregoing, including warehouses, when located on the same lot as the principal uses.
- (17) No residential structures will be permitted, nor may commercial buildings be used as a place of residency. Residential units existing prior to the enactment of this ordinance may remain in C-2 districts, however permits to expand or rebuild residential units shall not be allowed. Ordinary maintenance is exempt.
- (b) Building height regulations--None.
- (c) Building site area regulations--None.
- (d) Yard regulations.
  - (1) Front yard. There shall be a front yard having a depth of not less than ten (10) feet, except the prevailing building line shall be followed in a block within which one-half of the properties are developed.
  - (2) Side yard. Where rear access is not available from a public street or alley, a side yard of not less than ten (10) feet will be provided on one side. Where the commercial district abuts a residential district, there shall be a side yard of thirty (30) feet on that side on which no structure is erected.

(Ord. No. 00-10-01, 10-10-00)

**Cross references:** C-2 commercial district zoning, App. B, § 12.

*7.14.10 M-1 industrial district.*

- (a) Uses permitted.
  - (1) Any use permitted in the C-2 general commercial district.
  - (2) Any other use of a wholesale, commercial, warehousing or manufacturing nature, including storage yards, truck terminals, providing that no use constitutes a nuisance because of the emission of excessive amounts of dust, dirt, gas odors, smoke, fumes, noise or vibrations. Uses possessing an abnormal explosion hazard will not be permitted without approval of the city council.
  - (3) Storage of junk, waste or salvage materials shall be permitted providing the operation is conducted within a closed building within an enclosed area having six-foot

walls and subject to approval of the city council. In the event a closed fence or screen planting is used, stored material must not exceed six (6) feet in height.

- (4) Mobile home sales.
- (b) Building height regulations. None.
- (c) Building site area regulations. None.
- (d) Yard regulations. None, except when the side of a lot abuts a residential district, there shall be a side yard of not less than thirty (30) feet on that side.
- (e) Off-street parking regulations. See Article 8.

(Ord. No. 92-23, 12-10-92)

**Cross references:** M-1 industrial district zoning, App. B, § 13.

7.14.11 *S-1 Outdoor recreational district.* Within S-1, outdoor recreational districts, the land is intended only for recreational uses, forestry activities and open space.

- (a) Uses permitted.
  - (1) Golf courses.
  - (2) Public parks and greenbelt areas.
  - (3) Public utilities and service structures.
  - (4) Bird and wildlife sanctuaries, forestry experimental stations.
- (b) Conditional uses.
  - (1) Zoo.
  - (2) Cemeteries.
- (c) Prohibited use.
  - (1) Family dwellings.

**Cross references:** S-1 outdoor recreational district zoning, App. B, § 15.

7.15.00 Planned unit developments (Objective 7.A.8).\*

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**\*Cross references:** Planned unit development district zoning, App. B, § 14.

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7.15.01 *Planned unit developments (PUDs).* Townhouses, patio homes, atrium houses, cluster developments, multifamily dwellings, rental apartments, motels, hotels, and condominiums are considered to be PUDs. Also considered as PUDs are clustered developments as defined in Article 11, section 11.03.02 of this code.

7.15.02 *Procedures.*

- (a) Advertising for public hearing by the planning commission/city council is required. Submit documents to the city manager or his designee for processing.
- (b) Drawings and other documents shall be complete to the extent necessary to indicate all requirements of this code have been met prior to advertising for a public hearing. Complete construction drawings for buildings are not required prior to public hearings; however, complete construction drawings are required prior to issuing of building permits.
- (c) Submit three (3) copies of plot plans showing property and street lines, common open space, buildings and other structures, parking, setback dimensions, drives and

stormwater management for zoning and the city engineer's approval. In the case of proposed city dedicated public streets construction drawings are required.

(d) Platting procedure shall be in accordance with Appendix A, Subdivisions; except platting is not required for those projects which are not required to be platted by Florida Statutes.

(e) Refer to the subdivision chapter for requirements for dedicated public streets. Private streets are allowed in PUDs.

(f) Approval by the governing body is required prior to obtaining building permits. Approvals by the city engineer and DEP are required. Approvals by other concerned agencies may be required.

(g) The owner or his authorized representative must be present at all hearings regarding his project.

(h) Building permits shall not be issued for PUD projects where the applicant has failed to obtain a building permit for all or a portion of the proposed dwelling units within a period of one (1) year from the date of approval of the governing body. In such cases, in order to obtain a building permit the applicant is required to resubmit the project as stated herein for approval and comply with all ordinances, rules and regulations in force and effect at the time of reconsideration.

(Ord. No. 92-23, 12-10-92; Ord. No. 00-10-01, 10-10-00)

7.15.03 *Condominiums*. The procedures for processing condominium projects shall be as stated hereinabove except the platting procedure shall be in accordance with Florida Statutes.

(Ord. No. 92-23, 12-10-92)

7.15.04 *Conversions*. The converting of existing rental apartments, motels, etc., constructed or structurally altered to increase the number of dwelling units subsequent to October 1, 1990, shall be in accordance with Florida State Statutes and in accordance with this code.

7.16.00 General provisions and exceptions.\*

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\***Cross references:** General provisions and exceptions, zoning, App. B, § 16.

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The foregoing regulations shall be subject to the following provisions and exceptions:

(a) *Land use certificate*. Before a building shall be added to, erected, reconstructed, structurally altered, moved, removed or demolished, a land use certificate (zoning permit) shall be obtained from the building inspector. The certificate shall be on a form provided by the building inspector, and no fee shall be charged. Said certificate shall be obtained prior to issuance of any building permit.

(b) *Effect of established setback lines for street planning*. Where setback lines have been established on streets, roads or highways, the front yard and side yard of corner lots shall be measured from said setback lines.

(c) *Substandard lots of record*.

(1) When a lot or parcel of land has an area or frontage which does not conform with the requirements of the district in which it is located, the use of the lot for a single-family dwelling may be granted by means of a variance as defined in Article 3 of this code.

(2) When a subdivision of land or portion thereof contains lots or parcels of land that do not conform to the lot area of lot provisions specified under the various zoning classifications, it shall be incumbent upon the owner of the said tract to replat same to conform to the minimum area and frontage provisions of the applicable zoning district.

(d) *Location of buildings and structures in residential areas.*

(1) No detached accessory building shall be located on the front half of the lot.

Waterfront lots or lots of such "depth" as to allow a structure to be set back from a public right-of-way by a minimum of twenty-five (25) feet and a minimum of ten (10) feet from a principal dwelling is exempted from this provision.

(2) When an accessory building is attached to a principal dwelling by a roofed passage, it shall be considered as part of the principal dwelling and must meet setback requirements of the applicable zoning district.

(3) A detached accessory building, also a garage apartment, shall not be closer than ten (10) feet to the principal building, nor closer than three (3) feet to the side and rear lot lines, nor closer than six (6) feet to any other accessory building on the same lot.

(4) An accessory building may not exceed twelve (12) feet in height nor may occupy more than thirty-five (35) percent of a required rear yard.

(5) No dwelling shall be erected on a lot or portion of a lot which does not abut upon a public street with a minimum frontage of at least twenty-five (25) feet.

(e) *Yards and measurement of setbacks.*

(1) Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projection of sills, belt course, cornices, buttresses, ornamental features, chimneys and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

(2) On double frontage lots, the required front yard shall be provided on each street.

(3) Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a yard or court not more than three and one-half (3 1/2) feet and the ordinary projection of chimneys and flues are permitted provided such projections do not extend beyond minimum setback requirements.

(4) Where setback lines are established on streets, roads or highways, the front yard of all lots and the side yard of corner lots shall be measured from said setback lines.

(f) *Temporary buildings.* No temporary buildings will be permitted in any district, except temporary buildings used in conjunction with construction work only may be permitted in any district.

(g) *Automobile service station requirements.*

(1) All pumps shall be set back at least fifteen (15) feet from the right-of-way lines, or where a future widening setback line has been established, this setback shall be measured from such line.

(2) The number of curb breaks for an establishment shall not exceed two (2) for each one hundred (100) feet of street frontage each having a width of not more than thirty (30) feet or less than twenty-five (25) feet and located not closer than fifteen (15) feet to a street intersection. Two (2) or more curb breaks on the same street shall be separated by an area of not less than ten (10) feet.



(3) When the station abuts a residential district, it shall be separated therefrom by a solid wall or equivalent planting screen at least six (6) feet high.

(h) *Scenic beauty and public peace.* It shall be the policy of the City of Niceville to protect its natural resources and scenic beauty and to establish adequate provisions for the abatement of air and water pollution and excessive and unnecessary noise.

(Ord. No. 97-09, 7-8-97)