

# ARTICLE 5 USE REGULATIONS

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### 155.500 OVERVIEW OF USE REGULATIONS

#### (A) General Purpose

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed as a primary use of a parcel of land and consistent with the Comprehensive Plan. The article identifies the zoning districts in which the various primary uses are allowed, identifies if any special processes might be required for the use, and establishes any use standards that might be applicable to the various primary uses. Before utilizing this Article to confirm if a use is allowed within a specific zoning district, it must first be determined if the zoning district designation of the subject site is consistent with the site's Future Land Use Designation as depicted on the Future Land Use Map of the City's Comprehensive Plan.

### 155.501 PERMITTED USE TABLE

#### (A) Permitted Use Table

##### 1. Organization

###### (a) Use Classification

Use classifications are very broad and general categories such as Residential, Commercial or Industrial.

###### (b) Use Categories

Use categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics such as educational facilities, food and beverage service, animal related or manufacturing and production.

###### (c) Use Types

Use types identify specific primary land uses whose characteristics are considered to fall within the various use categories such as high school or daycare in the educational facilities use category.

##### 2. Designation of Primary Uses in Permitted Use Table

The Permitted Use Table utilizes the following designations and abbreviations:

###### (a) Permitted "P" – Indicates the use type is allowed in the zoning district.

###### (b) Permitted / Specific Use Regulations for more information "P/S" – Indicates the use type is allowed but specific use regulations must be followed for the use to be allowed.

###### (c) Accessory "A" – Indicates the use type is allowed in the zoning district accessory or incidental to a permitted use.

- (d) Accessory / Specific Use Regulations for more information “A/S” – Indicates the use type is allowed as an accessory use but specific use regulations must be followed for the use to be allowed as an accessory use.
- (e) Special Exception “SE” – Indicates the use type is only allowed in the zoning district through the special exception process of Section 155.301(F).
- (f) Not Permitted “blank” – Indicates the use type is not allowed in the zoning district.

3. Uses not listed in the Permitted Use Table

Uses not specifically listed shall abide by the following regulations:

- (a) The Director shall consider the compatibility of the proposed use when determining the designated use category or use type. Upon review, the Director may determine if the use is either permitted or not permitted as well as any specific use regulations. When making such determination, the Director shall consider the character and compatibility of the proposed use as well as the potential impacts including but not limited to how the use will affect the overall health, safety and welfare of surrounding community.
- (b) The applicant may seek an appeal or interpretation of the Director’s determination to the City’s Planning and Board.
  - i. Appeal outlined in 155.301(Q).
  - ii. Interpretation outlined in 1155.301(K).

4. Permitted Use Table

Table 501: City of Pembroke Pines – Permitted Uses Table - All Zoning Districts P = Permitted; P/S = Permitted / Specific Use Regulations; A = Accessory Use; A/S = Accessory / Specific Use Regulations SE = Special Exception; Blank = Not Permitted;																									
Use Category	Use Type	Agricultural, Community, and Recreational Districts						Residential Districts								Business Districts					Industrial Districts			Specific Use	
		A	U	A-E	R-R	CF	REC	R-E	R-1A	R-1B	R-1C	R-1Z	R-MH	R-2	R-TH	R-MF	B-1	B-2	B-3	C-1	PO	I-L	I-M	I-H	
Residential																									
Residences	Single-Family Detached	P	P	P	P			P	P	P	P	P	P	P		P									
	Two-Family Attached													P		P									
	Townhouse														P	P									
	Multi-Family															P									
	Accessory Dwelling Units								P																
Group Living	Special Residential 1, 2, and 3							P	P	P	P	P	P	P	P										
	Rooming and Boarding															P									
Other	Family Daycare Homes	P/S	P/S	P/S	P/S			P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S									118.15
	Home Based Businesses	P/S	P/S	P/S	P/S			P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S									120.02
Community Facilities / Government / Institutional																									
Community or Cultural Facilities	Non-Profit facility Educational / Recreational / Service								P	P	P		P	P											
	Philanthropic Institution	P	P	P	P		P																		
	Public Library / Museum / Gallery	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P		P	P	P	

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		A	U	A-E	R-R	CF	REC	R-E	R-1A	R-1B	R-1C	R-1Z	R-MH	R-2	R-TH	R-MF	B-1	B-2	B-3	C-1	PO	I-L	I-M	I-H		
	Public Recreation Facilities and Parks	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P		P	P	P		
Educational Facilities	Adult or Continuing Education Schools					P												P	P	P		P	P	P		
	Child Care (Home Daycare)							P	P	P	P	P	P	P	P	P										
	College or University	P	P	P	P	P												P	P	P		P	P	P		
	Elementary / Middle / High School	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
	Specialized Education					P												P	P	P		P	P	P		
Government	Library	P	P	P	P	P	P											P	P	P		P	P	P		
	Government Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Park and Recreational Facilities (Public) Both indoor and outdoor facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Public Services Buildings	P	P	P	P	P	P										P	P	P	P	P	P	P	P		
Religious Assembly	Religious Institution, House of Worship	P	P	P	P	P	P	P	P/S	P/S	P/S	P	P	P	P	P	P	P	P	P	P	P	P	P		155.524
Commercial																										
Age Restricted	Adult Entertainment																	P/S	P/S	P/S		P/S	P/S	P/S		155.503
	Electronic nicotine device retail sales																	P/S	P/S	P/S		P/S	P/S	P/S		155.512
	Pawn Shop																			P/S		P/S	P/S	P/S		155.521
	Tattoo Parlor																			P/S		P/S	P/S	P/S		155.530

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Automotive, Boats, Equipment and Vehicle Sales and Service	Automotive and Vehicle Dealership																		P/S	P/S		P/S	P/S	P/S	155.505
	Automotive Parts and Accessories																P	P	P	P		P	P	P	
	Auto Repair, Minor																		P	P		P	P	P	
	Auto Repair , Major																		A	P		P	P	P	
	Boat Sales																		P	P		P	P	P	
	Boat Building, Storage, Service and Repair																			P/S		P/S	P/S	P/S	155.506
	Car Wash, Accessory Automatic																		A/S	A/S		A/S	A/S	A/S	155.508
	Car Wash, Attended Automated																		A/S	A/S		A/S	A/S	A/S	155.508
	Car Wash, Manual																		A/S	A/S		A/S	A/S	A/S	155.508
	Car Wash, Self Service																		A/S	A/S		A/S	A/S	A/S	155.508
	Construction Equipment Sales																		SE	P		P	P	P	
	Motorcycle Sales																		P	P		P	P	P	
	Service Stations																		P/S	P/S		P/S	P/S	P/S	155.527
	Small Engine Service and Repair																	P	P	P		P	P	P	
	Vehicle Rentals																		SE	SE		SE	SE	SE	155.529
Animal Related	Animal Cemetery																					P/S	P/S	P/S	155.514
	Animal Hospital, Veterinary Clinic		P	P	P													P	P	P		P	P	P	
	Kennel, Animal Boarding	P	P																	P		P	P	P	

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	Pet Grooming, Sales, and Supply																	P	P	P		P	P	P	
	Pet Hotels, Dog Daycare																		P/S	P/S		P/S	P/S	P/S	155.522
Office and Professional Services	Business and Professional Offices																	P	P	P	P	P	P	P	
	Call Center																	P	P	P	P	P	P	P	
	Employment Office																	P	P	P	P	P	P	P	
	Government Office, Public Utility Office																	P	P	P	P	P	P	P	
	Parcel, Packaging or Postal Facility																	P	P	P		P	P	P	
	Printing and Copying																	P	P	P		P	P	P	
Daycare	Adult Daycare																	P	P	P	P	P	P	P	
	Child Care Center																P/S	P/S	P/S	P/S		P/S	P/S	P/S	155.509
Financial Services	Banks, Credit Unions																	P	P	P	P	P	P	P	
	Check Cashing																	P	P	P		P	P	P	
	Financial Institutions																	P	P	P	P	P	P	P	
	Investment Firms / Stockbrokers																P	P	P	P	P	P	P	P	
Food and Beverage Service	Bakery																P	P	P	P		P	P	P	
	Banquet Hall																	P	P	P		P	P	P	
	Bar, Tavern																	P	P	P		P	P	P	
	Food Production																	P	P	P		P	P	P	
	Microbreweries, Microwineries, Brewpubs																		SE	SE		SE	SE	SE	155.517
	Mobile Food Vendors																	A/S	A/S	A/S		A/S	A/S	A/S	155.518

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	Nightclub																	P	P	P		P	P	P	
	Outdoor Dining																A/S	A/S	A/S	A/S		A/S	A/S	A/S	155.519
	Restaurant																P	P	P	P		P	P	P	
	Restaurant, Take Out																P	P	P	P		P	P	P	
	Restaurant, Drive-Thru																	P	P	P		P	P	P	
	Restaurant, Food Hall																	P	P	P		P	P	P	
Health Care Related; Medical Office	Detoxification, Treatment and Recovery Centers					P													P	P		P	P	P	
	Hospital	P	P	P	P	P	P												SE	SE					
	Medical Office, General																P	P	P	P	P	P	P	P	
	Medical Office, Specialized																P	P	P	P	P	P	P	P	
	Medical and Dental Labs																	P	P	P	P	P	P	P	
	Medical Research																				P	P	P	P	
	Physical Therapy and Rehab Centers																	P	P	P	P	P	P	P	
	Surgical Centers, Outpatient																	P	P	P		P	P	P	
	Urgent Care																	P	P	P		P	P	P	
	Wellness Center																	P	P	P	P	P	P	P	
Lodging, Visitor Accommodations	Hotel, Full Service															SE		P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.513
	Hotel, Limited Service															SE		P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.513
	Hotel, Extended Stay															SE		P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.513
	Motel															SE		P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.513



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Personal Services	Body Art Studios																	P/S	P/S	P/S		P/S	P/S	P/S	155.507	
	Barber, Beauty Parlor, Salon																P	P	P	P		P	P	P		
	Day Spa																	P	P	P		P	P	P		
	Dry Cleaners																	P/S	P/S	P/S		P/S	P/S	P/S	155.511	
	Dry Cleaners Pick-Up Only																P	P	P	P		P	P	P		
	Funeral Home, Mortuary																	P	P	P		P	P	P		
	Locksmith																		P	P		P	P	P		
	Massage Services																	P	P	P		P	P	P		
	Nail Salon																	P	P	P	P		P	P	P	
	Self-Service Laundry, Laundromat																	P/S	P/S	P/S	P/S		P/S	P/S	P/S	155.526
	Tailor, Alterations																	P	P	P	P		P	P	P	
Recreation and Entertainment	Amusement Center, Arcades						P											P	P	P		P	P	P		
	Aquarium						P											P	P	P		P	P	P		
	Assembly Hall (Non-Religious)																	P	P	P		P	P	P		
	Billiards or Pool Hall						P											P	P	P		P	P	P		
	Bowling Alley						P											P	P	P		P	P	P		
	Go-Cart Track, No Racing						P/S																		155.523	
	Golf Course	P	P	P	P		P	P	P	P	P	P	P	P	P	P										
	Golf Course, Miniature	P	P	P	P		P												P	P		P	P	P		
	Golf Driving Range						P												P	P		P	P	P		
	Gun Range, Indoor						P												SE	P		P	P	P		
	Gun Range, Outdoor						P															P/S	P/S	P/S	155.514	

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	Gym or Fitness Center																	P	P	P		P	P	P	
	Gym, Specialized																	P	P	P		P	P	P	
	Mechanical Riding Devices						P/S																		155.523
	Movie Theatre, Inline																	P	P	P		P	P	P	
	Movie Theatre, Free Standing																	P	P	P		P	P	P	
	Museum or Art Gallery	P	P	P	P		P											P	P	P		P	P	P	
	Parks, Recreational Facilities (Private)	P	P	P	P		P											P	P	P		P	P	P	
	Racetrack – Auto, Motorcycle, or Horse						P/S															P/S	P/S	P/S	155.514, 155.523
	Skating Rink																		P	P		P	P	P	
	Sports Stadium, Amphitheatre, or Arena						P/S												P	P		P	P	P	155.523
	Theatre or Music Hall																	P	P	P		P	P	P	
Retail	Alcohol Sales																	P/S	P/S	P/S		P/S	P/S	P/S	155.504
	Antiques																P	P	P	P		P	P	P	
	Apparel and Clothing																P	P	P	P		P	P	P	
	Bait and Tackle																	P	P	P		P	P	P	
	Books, Cards, Stationary, Gift																P	P	P	P		P	P	P	
	Convenience Store																P	P	P	P		P	P	P	
	Department Store																	P	P	P		P	P	P	
	Drug Store or Pharmacy																P	P	P	P		P	P	P	

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	Electronics Sales, Supply and Service																P	P	P	P		P	P	P		
	Farmers Market																P	P	P	P		P	P	P		
	Farm Supply and Equipment																		SE	P		P	P	P		
	Florist																P	P	P	P		P	P	P		
	Furniture for Home and Office																P	P	P	P		P	P	P		
	Garden Supply																P	P	P	P		P	P	P		
	Grocery and Food Supply																P	P	P	P		P	P	P		
	Hardware																P	P	P	P		P	P	P		
	Hobby Supply, Craft																P	P	P	P		P	P	P		
	Home Appliance Sales and Service																P	P	P	P		P	P	P		
	Home Improvement Centers																			P	P		P	P	P	
	Jewelry, Shoe and Accessory Repair																P	P	P	P		P	P	P		
	Lumber Yard																				P		P	P	P	
	Machinery Sales																						P	P	P	
	Meat, Poultry, Fish, Seafood Sales																P	P	P	P		P	P	P		
	Optical, Eyeglasses																P	P	P	P		P	P	P		
	Outdoor Display and Sales																A/S	A/S	A/S	A/S					155.520	
	Plumbing and Electrical Fixtures																	P	P	P		P	P	P		

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	Regional Shopping Malls																		P/S	P/S		P/S	P/S	P/S	See Article 7
	Restaurant and Hotel Supplies																			P		P	P	P	
	Sporting Goods																P	P	P	P		P	P	P	
	Swimming Pool Supplies and Equipment																	P	P	P		P	P	P	
	Thrift Store or Secondhand or Consignment																	P	P	P		P	P	P	
Other	Auction																		P	P		P	P	P	
	Art and Photography Studios																	P	P	P		P	P	P	
	Business, Commercial Schools																	P	P	P		P	P	P	
	Dance Studio																	P	P	P		P	P	P	
	Martial Arts Studio																	P	P	P		P	P	P	
	Performing Arts Schools																	P	P	P		P	P	P	
	Private Club, Lodge, Nonprofit																	P	P	P		P	P	P	
	Self-Storage																			P		P	P	P	
	Swim School																	P	P	P		P	P	P	
	Trade and Vocational Schools																	P	P	P		P	P	P	
Industrial																									

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Animal Related	Abattoir or Slaughterhouse																							SE		
	Circus Quarters, Animal Refuge																					P/S	P/S	P/S	155.514	
	Livery Stable, Riding Academy																					P	P	P		
	Livestock Auction and Sales																							SE		
	Livestock Supply																		SE	P		P	P	P		
	Rendering Plant																					P	P		SE	
	Tanning, Curing, or Storage of Raw Hides, except as incidental to taxidermy																							SE		
Communications	Audio, Photography, and Film Production Studio																		P	P						
	Broadcast, Radio and Television Studio																	P	P	P		P	P	P		
	Telecommunication Tower - Guyed																					SE	SE	SE	155.531	
	Telecommunication Tower - Lattice																			SE		SE	SE	SE	155.531	
	Telecommunication Tower - Monopole	P/S	P/S	P/S	P/S	P/S	P/S									SE	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.531	
	Telecommunication Tower - Stealth	P/S	P/S	P/S	P/S	P/S	P/S							P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	155.531	
Food and Beverage	Brewery / Distillery																					P/S	P/S	P/S	155.514	
	Food Catering																					P	P	P		

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Production and Processing	Food and Bakery Products																					P	P	P	
	Meat and Fish Products, no slaughtering																					P	P	P	
	Nonalcoholic Beverage Production and Bottling																					P	P	P	
	Starch, Glucose, Dextrin																					P	P	P	
	Vegetable Oil Production																						P	P	
Industrial Services	Asphalt paving plant																							P	
	Building Material Sales / Lumber Yard																			P		P	P	P	
	Carpet and Rug Cleaning																			P		P	P	P	
	Cleaning and Dyeing																			P		P	P	P	
	Contracting Service Yards – Building/AC/Plumbing																					P	P	P	
	Dry Cleaning Plant																					P	P	P	
	Extermination/ Pest Control Business																					P	P	P	
	Fuel Oil, Petroleum and Bottled Gas Distribution and Storage																					P	P	P	

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	Linen or Uniform Services																			P		P	P	P	
	Lithography, Engraving																			P		P	P	P	
	Machine Shop																					P	P	P	
	Metalworking, Welding, various pipe fitting																					P	P	P	
	Miscellaneous Repair Shops																			P		P	P	P	
	Oil reclamation																							P	
	Painting and varnishing																					P	P	P	
	Printing, Bookbinding or Copying Facility																			P		P	P	P	
	Stone Cutting																					P/S	P/S	P/S	
	Septic Tank service																						P	P	
	Tire recapping and vulcanizing																			P		P	P	P	
Manufacturing and Production	Abrasive Products																							P	
	Acids, except hydrochloric, nitric, picric, sulphurous, or sulphuric acid																					P	P	P	
	Acids, including hydrochloric, nitric, picric, sulphurous, or sulphuric acid																							SE	
	Alkaline Products																							SE	

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	Ammonia, Chlorine, or Bleaching Powder																							SE		
	Animal or Fish Oil																							SE		
	Asphalt Manufacturing																							SE		
	Assembly of Electrical Equipment and Appliances																					P	P	P		
	Assembly and treatment of Products including but not limited to Previously Prepared Materials																					P	P	P		
	Auto Accessories, except Tires																					P	P	P		
	Auto Accessories, including Tires																							SE		
	Automatic Screw Machines																					P	P	P		
	Automobile Assembly Plant																						P	P		
	Boat Building and Repair																					P	P	P		
	Box, cardboard, and the like																					P	P	P		
	Building Materials Manufacturing brick, tile, concrete, glass, lumber, rock, stone, sash and doors																					P	P	P		



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	Carbon																					P	P	P		
	Carpentry																			P		P	P	P		
	Celluloid Materials																					P	P	P		
	Cement, Lime, Gypsum, or Plaster of Paris																							SE		
	Chemical																							SE		
	Cleaning Products																						P	P		
	Concrete Products, Batching and Mixing Plant			P	P																		P	P		
	Cosmetics, Perfumes, Toiletries, Soap																					P	P	P		
	Cotton																						P	P		
	Die Casting																					P	P	P		
	Disinfectant and Insecticide																					P	P	P		
	Drugs and Pharmaceuticals																					P	P	P		
	Dry Ice																						P	P		
	Fertilizer Compounding																							SE		
	Fertilizer Compounding from nonodorous materials																						P	P		
	Foundry																							P		
	Furniture, Cabinet and Upholstery																						P	P		
	Glue or Gelatin Manufacturing																							SE		

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	Gunpowder, Fireworks, or Explosives																							SE	
	Ice																					P	P	P	
	Mattress																					P	P	P	
	Metal and Can Production; Buffing, Plating, Polishing																						P	P	
	Milling																						P	P	
	Oil Compounding																						P	P	
	Paper																								SE
	Petroleum																								SE
	Plastic																					P	P	P	
	Poison																								P
	Potash																								P
	Pottery and Ceramic Products																					P	P	P	
	Pyroxylin																								P
	Rubber																								SE
	Salt Works																						P	P	
	Sign Printing																	P	P	P		P	P	P	
	Sign Shop / Manufacturing																			P/S		P/S	P/S	P/S	155.528
	Slag Crushing																								P
	Steel																								SE
	Stock Yards or Feeding Pens																								SE
	Sugar Refining																								SE
	Tobacco																					P	P		

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	Toys, Novelties, and the like																					P	P	P	
	Textile including canvas, cloth, carpet, rope																					P	P	P	
	Wood, Veneer, and the like, except sawmill																						P	P	
	Wood, Veneer, and the like, including sawmill																							P	
	Wool Pulling / Scouring																							P	
Research and Development	Data Centers – Processing, Hosting, and Related	P	P	P	P														P	P	P	P	P	P	
	Educational, Scientific or Industrial Research and Development Laboratory		P	P	P																	P	P	P	
Storage and Warehousing	Bulk Outdoor Storage of Materials (as a primary use)																					P	P	P	
	Poisonous Gases																							SE	
	Tank Storage of Oil and Gasoline																					P/S	P/S	P/S	155.514
	Vehicle Towing and Storage																			P		P	P	P	
	Open-Air Storage of Vehicles																			P		P	P	P	

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	Warehouse and Distribution																			P		P	P	P	
Wholesale and Distribution	Agriculture Products / Grain Storage and Processing																			P		P	P	P	
	Cold Storage, Ice																			P		P	P	P	
	Crating, Packing and Shipping Services																			P		P	P	P	
	Parcel Delivery Service																		SE	P		P	P	P	
	Fruit Packing and Shipping																			P		P	P	P	
	Wholesale, Distribution																			P		P	P	P	
	Wholesale Seafood																			P		P	P	P	
	Building and Construction Debris																							P	
Waste and Salvage (Waste Management)	Junkyards																							P/S	155.515
	Materials and Resource Recovery, Recycling and Composting				P/S																			P	155.525
	Solid Waste Transfer Station				P																			P	
	Other																								
Misc.	Airport	P	P	P	P																	P	P	P	
	Auction, Vehicle																						P	P	

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	Blast Furnace																							SE		
	Blooming Mill																							SE		
	Bone Distillation																							SE		
	Carnival, Circus	P	P	P	P		P															P/S	P/S	SE	155.514	
	Cemetery, Mausoleum	P	P	P	P	P	P															P	P	P		
	Coke Oven																							SE		
	Correctional or Penal Institution	P																				P/S	P/S	P/S	155.514	
	Crematory	P	P	P	P		P															P	P	P		
	Crushing, Screening and Processing of Mined or Excavated Materials			P																						
	Distillation of Coal, Tar, Petroleum of Mined or Excavated Materials																							SE		
	Dredging Base																						P	P		
	Drop Forge																							SE		
	Freight Terminal / Depot / Truck Terminal	P	P	P	P		P																P/S	P/S	P/S	155.514
	Incineration, Reduction, or Storage of Garbage, Offal, Dead Animal Refuse, and Rancid Fats																							SE		
	Industrial cleaning of materials																							P		

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	Radium Extraction																							SE	
	Rolling Mill																							SE	
	Sand, Gravel, Rock, Quarry or other natural material extraction			P																					
	Smelting or Refining Ores																							SE	
Utilities	Electric Utility Yard	P	P	P	P		P													P		P	P	P	
	Electrical Substations, Transformer and Switching Station	P	P	P	P		P	P	P	P	P	P	P	P	P	P				P		P	P	P	
	Gas Regulator Station																			P		P	P	P	
	Water and Wastewater Lift and Pumping Stations and Facilities	P	P	P	P		P	P	P	P	P	P	P	P	P	P				P		P	P	P	
Agriculture																									
Accessory Agriculture	Bee Keeping	P	P	P	P		P																		
	Botanical Garden	P	P	P	P		P																		
	Crop Raising	P	P	P	P		P																		
	Domesticated Livestock and Poultry	P/S	P/S	P/S	P/S		P/S																		155.510
	Floriculture	P	P	P	P		P																		
	Forestry	P	P	P	P		P																		
	Greenhouse	P	P	P	P		P																		
	Grove	P	P	P	P		P																		
	Horticultural Farming	P	P	P	P		P																		

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	Hydroponic Garden	P	P	P	P		P																			
	Nursery	P	P	P	P		P																			
	Produce Farm	P	P	P	P		P																			
	Raising of Fish	P	P	P	P		P																			
	Slat house	P	P	P	P		P																			
	Sod Farm	P	P	P	P		P																			
	Truck Garden	P	P	P	P		P																			
	Wayside Stands for display or sale of farm products produced on the premises	P	P	P	P		P																			
Prohibited Uses																										
Various	Medical Marijuana Dispensing Facility																									155.516

## SPECIFIC USE REGULATIONS

### 155.502 PROVISIONS NOT RETROACTIVE

The provisions for this sub-article shall not be construed to be retroactive, and any existing designated use which conformed to the regulations in effect when that designated use was established shall not be rendered illegal or in violation through the adoption of this LDC or amendments to this LDC, so long as a local business tax receipt previously issued for that use remains in full force and effect and is renewed in a timely manner.

### 155.503 ADULT ENTERTAINMENT

Adult entertainment establishments shall be subject to the following standards and regulations:

(A) Location near religious institutions, schools, residential districts and establishments where alcoholic beverages are sold or consumed.

1. In the development, enforcement, and amendment of this LDC, it is recognized that there are uses and accessory uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon adjacent business and residential areas. Specific regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.
2. None of the designated uses set forth in this subsection, or added from time to time to this subsection by amendment, shall be located nearer than 1,000 feet to the same or any other designated use, an establishment at which alcoholic beverages are sold or consumed, or to any religious institutions, or public, private, or parochial kindergarten, nursery, elementary, middle, or high school, or day care center. Measurement of 1,000 feet shall be made in accordance with division (4) of this section.
3. It shall be unlawful hereafter to establish any designated use within the corporate limits of the city if the proposed location is within 500 feet of a residentially zoned district. This prohibition shall be waived upon presentment to the Planning and Zoning Board of a written petition requesting the waiver, signed by 51% of all those persons owning real property, residing or operating or managing a business within 500 feet of the proposed location of the designated use.

(a) The circulator of the petition requesting a waiver shall subscribe and swear to an affidavit attached to the petition that the circulator personally witnessed that the signatures were affixed to the petition by the persons whose names appear in the petition. The petition shall bear at the top of each page thereof a typewritten title in substantially the following form:

"The undersigned hereby request a waiver from the Planning and Zoning Board of Pembroke Pines, Florida, that shall permit the establishment and location of a (an) (state specifically which designated use is sought to be established) within 500 feet of my real property, residence, or business."



- (b) The Planning and Zoning Board shall investigate the petition and signatures on the petition to verify that the petitioners do in fact own real property, or reside or do business in a residentially zoned district within 500 feet of the proposed designated use. Measurement of the 500 feet shall be made in accordance with division (d) of this section.
- 4. For the purposes of this subsection, a designated use or proposed designated use shall be deemed to be within 1,000 feet or 500 feet of another designated use or an establishment at which alcoholic beverages are sold or consumed, religious institutions, school, real property, residence, business, or residentially zoned district, respectively, as defined or described herein, if any part of the building in which, or lot of land upon which, a designated use is located, is within 1,000 feet or 500 feet, as measured by an actual or imaginary straight line upon the ground or in the air, of any part of the building in which, or lot of land upon which, another designated use or an establishment at which alcoholic beverages are sold or consumed, a religious institutions, school, real property, residence, business, or residentially zoned district respectively, is located.
- 5. Where a designated use is located in conformity with the provisions of this Article, the subsequent locating of an establishment which sells or permits the consumption of alcoholic beverages on premises, a religious institutions or school within 1,000 feet, or a residentially zoned district within 500 feet of the existing designated use shall not be construed to cause the designated use to be in violation of this Article.

## 155.504 ALCOHOLIC BEVERAGE ESTABLISHMENTS

### (A) Scope of regulations

The following regulations shall apply to the location, design, construction, operation, and maintenance of all places or establishments where alcoholic beverages are sold or dispensed, and shall be in addition to other requirements or limitations of this LDC. Cross-reference: Alcoholic beverages, sale and licensing regulations, see Ch. 110.

### (B) Locations near day care, religious institutions, and schools

- 1. Establishments for the sale of alcoholic beverages shall be located not nearer to any day care, religious institutions, public, private, or parochial, elementary, middle, or high school, than 200 feet airline measurement; measurements being between the nearest entrance to the alcoholic beverage establishment and the nearest entrance to the day care, religious institutions, public, private, or parochial, elementary, middle, or high school. However, the aforesaid separation requirement shall not apply to:
  - (a) An establishment incidental to and within a portion of a building used for a restaurant or a restaurant bar.
  - (b) An establishment incidental to and within a portion of a building used as a hotel bar.
  - (c) An establishment incidental to and within a bona fide nonprofit private club where only members and their guests are served.
- 2. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this LDC, the subsequent locating of a day care, religious institutions or

school in the proximity of that existing establishment shall not be construed to cause that establishment to be in violation of this LDC.

(C) Beer and wine package stores

There shall be no separation requirement or limitation applicable to the location of places for the sales of beer or wine for consumption off the premises.

## 155.505 AUTOMOTIVE AND VEHICLE DEALERSHIPS

Automotive and vehicle dealerships shall be subject to the following standards and regulations:

- (A) New or used automobile lease and/or sales providing the use is located on a minimum lot size of 10 acres.
- (B) All automobile dealerships must include an enclosed showroom.
- (C) No temporary signs, banners, or pennants will be allowed except as expressly approved on the site plan.
- (D) No signs on or within automobiles shall be visible from any public street.
- (E) Customer and employee parking areas shall be shown on the site plan. No vehicles for sale may be located within these areas.
- (F) Accessory automatic car wash.
- (G) Accessory manual car wash/detail.
- (H) All repair facilities and collision centers must be fully enclosed.
- (I) No elevated vehicle display(s) for sales of vehicles.
- (J) Elevated storage of vehicles shall be located to minimize visibility from street frontages and adjacent properties.

## 155.506 BOAT BUILDING, STORAGE, SERVICE AND REPAIR

Boat building storage, service and repair shall be subject to the following standards and regulations:

Building, storage, service and repair of boats provided the use is located at least 100 feet from any residentially zoned property, except where that property is zoned Agricultural (A).

## 155.507 BODY ART STUDIOS

- (A) Body art studios which provide tattooing services as defined in F.S. § 381.00771, as amended from time to time, will be subject to the following limitations:
1. Uses permitted. Body art studios are permitted as an accessory use to a personal care service or medical and health care facility subject to the following conditions:
    - (a) Body art studios shall be required to have a separate room for the purpose of tattooing. Each room shall be limited to one customer chair and shall be apart from the waiting room and the public. The room(s) shall not be visible to the general public.
    - (b) Body art studios are limited to operating between 8:00 a.m. and 10:00 p.m.
    - (c) All services shall be by appointment only.
    - (d) No exterior signage specifically for tattooing or related activities.
  2. Licenses, permits and inspections.
    - (a) No person shall operate a body art studio or engage in the practice or business of body art unless the person has first secured the required permits and licenses from the City, Florida Department of Health, Broward County and other applicable governmental or non-governmental entities.
    - (b) The City may conduct on-site inspections of any body art studio for the purpose of determining whether or not said establishment and the person(s) performing the practice of body art therein are in compliance with all applicable health provisions, codes and ordinances.

## 155.508 CAR WASHES

Car washes shall be subject to the following standards and regulations:

- (A) Car washes. All car washes shall be reviewed by the Planning & Zoning Board through the City's site plan review procedures.
- (B) Self-service car wash. A structure where equipment and/or facilities are provided for the self-service application of cleaner, rinse water, waxes or polishes and other vehicle treatments to automobiles and other motor vehicles.
1. Equipment. No equipment shall be permitted except as necessary to permit self-service car-washing, drying, vacuuming directly and solely by the customer. All equipment shall be within an enclosed portion of the building except that vacuuming facilities may be outside the building where the subject property is located at least 500 feet from any residentially zoned or used property.
  2. Parking.
    - (a) A minimum of three off-street storage (stacking) spaces shall be provided at both the entrance and exit of each wash bay.
    - (b) A minimum of one off-street parking spaces shall be provided per vacuum cleaning unit, not including exiting stacking spaces.

3. General design standards.
  - (a) No tunnel entrance or exit of a car wash operation shall face an adjacent residentially used or zoned property, not including those across an intervening right-of-way or street.
- (C) Accessory automatic car wash. An accessory structure containing facilities for washing automobiles, using production line, automated or semi-automated application of cleaner, brushes, rinse water, steam-cleaning and heat for drying, whether or not employing a chain or other type of conveyor.
  1. Equipment. All washing facilities shall be within an enclosed building except that vacuuming facilities may be outside the building where the subject property is located at least 500 feet from any residentially zoned or used property. All washing facilities shall also be equipped with a water recycling system.
  2. Parking.
    - (a) A minimum of one off-street storage spaces shall be provided per vacuum cleaner.
    - (b) A minimum of eight stacking spaces shall be provided on the entrance side of the facility.
    - (c) A minimum of three stacking spaces shall be provided on the exit side of the facility.
  3. General design standards.
    - (a) No tunnel entrance or exit of a car wash operation shall face an adjacent residentially used or zoned property, not including those across an intervening right-of-way or street.
    - (b) The car wash facility must demonstrate architectural compatibility with the principal structure.
- (D) Attended automatic car wash. A structure containing facilities for washing automobiles, using production line, automated or semi-automated application of cleaner, brushes, rinse water, steam-cleaning and heat for drying, whether or not employing a chain or other type of conveyor.
  1. Equipment.
    - (a) All washing facilities shall be within an enclosed building except that vacuuming facilities may be outside the building where the subject property is located at least 500 feet from any residentially zoned or used property.
    - (b) No outside loudspeakers or radios are permitted. Radio station promotions and/or other activities utilizing loudspeakers or broadcasting equipment are prohibited.
    - (c) No electrical or air driven hand tools, including but not limited to polishers and buffers, shall be utilized outside of the required building enclosure, unless the subject property is located at least 500 feet from any residentially zoned or used property.
    - (d) All washing facilities shall be equipped with a water recycling system.
  2. Parking.
    - (a) One parking space per employee shall be provided.
    - (b) Five parking spaces shall be provided at the exit side of the facility for final hand drying and interior cleanup and as a customer pickup area.

- (c) A minimum of 18 stacking spaces shall be provided on the entrance side of the facility.
- 3. General design standards.
  - (a) No tunnel entrance or exit of a car wash operation shall face an adjacent residentially used or zoned property, not including those across an intervening right-of-way or street.
- (E) Manual car wash/detailing. Permitted only as an accessory use to Service Stations, automobile dealerships, regional malls, and golf courses.
  - 1. General design standards.
    - (a) Manual car wash/ detailing shall be conducted under a permanently installed canopy aesthetically compatible with the primary structure and shall meet all applicable building code regulations.
    - (b) The operation of such manual car wash shall not create any standing water and shall not drain directly into drainage system. Manual car wash/detailing facilities located within a regional mall shall use a waterless cleaning process and products used shall be 100% biodegradable.
    - (c) Engine cleaning and undercarriage cleaning shall be prohibited within regional malls.
    - (d) Required parking and site circulation for existing use(s) shall be maintained.
    - (e) Sign(s) for car washes are restricted to car wash canopies only and are counted as part of the total allowed building signage of 36 square feet.
  - 2. Parking. Two parking spaces are required per work station for storage, stacking, pick-up, or drop-off.

## 155.509 CHILD CARE CENTERS

Child care centers shall be subject to the following standards and regulations:

- (A) Child care centers, as defined in this LDC, shall be designed in a manner that provides the young child with a sense of place and identity which they can readily transfer when they enter the public school realm. Efforts to depict the classic school hour's image should be exercised. Entries should be clear, inviting, sheltered and warm transition spaces that alert the child to their surroundings resulting in pride in attendance.
- (B) Each freestanding child-care center shall have a minimum lot size of 15,000 square feet.
- (C) Each child care center shall have a minimum of 45 square feet interior floor space per two children excluding support facilities (bathrooms, kitchen, corridors, office, storage and the like).
- (D) Each child care center shall have a minimum of 3,500 square feet or 45 square feet per two children, whichever is greater, of open space enclosed, shaded, pervious area with outdoor drinking fountain. All playground equipment shall be identified on the site plan and shall not be permitted in the required set back areas. Required yards are not to be counted as required open space.

- (E) Each child care center shall have a minimum of one shade tree per 1,000 square feet of pervious open space area.
- (F) Each child care center shall have a pickup and drop zone with space to accommodate four vehicles with a minimum of 30 feet frontage.
- (G) Each child care center shall operate only from the hours of 8:00 a.m. to 6:00 p.m. outside activities only and inside care may be 24-hours.
- (H) Each child care center shall provide a minimum of the following yards and buffers:
  - 1. Rear yards: 25 feet minimum
  - 2. Side yards: 15 feet minimum
  - 3. Front yard: 50 feet minimum
  - 4. Hedged perimeter: 8 feet adjacent to residential property lines.
- (I) Vehicle Impact Protection Devices required. Child care centers shall be required to install and maintain Vehicle Impact Protective Devices for exposed areas to protect the child care center, associated play areas, patrons from vehicle intrusions from out-of-control vehicles. Home based Child care centers, drop-in child care, family day care home, and indoor recreational facility, or a large family day care home, as respectively defined within F.S. § 402.302, shall be exempt from the requirements of this subsection.
  - 1. Applicability. Child care centers shall install Vehicle Impact Protection Devices prior to any of the following:
    - (a) Opening a non-home based child care center after enactment of this section;
    - (b) Expansion, modification, or relocation of an existing non-home based child care center;
    - (c) Expansion, installation, modification, relocation, repair, creation, establishment, development or redevelopment of any qualifying child care center play areas; or
    - (d) Expansion, installation, modification, relocation, repair, creation, establishment, development or redevelopment of any exposed area; or
    - (e) The creation, installation, establishment, development, or redevelopment of head in parking adjacent to a non-home based child care center uses or associated play areas.
  - 2. Elements of Vehicle Impact Protection Devices.
    - (a) Vehicle Impact Protection Devices shall be a minimum of 36 inches in height and, be designed to achieve an impact resistance level of 5,000 pounds traveling at 30 miles per hour. Vehicular Impact Protection Devices shall be required to be installed within the exposed area. Vehicle Impact Protection devices shall be installed parallel or roughly parallel to the edge of the roadway or drive aisle. Plain concrete barriers, such as "K Rails" or "Jersey" barriers, shall be prohibited, except as temporarily allowed for replacement and repairs.
    - (b) Vehicle Impact Protection Devices shall be installed to a height of no less than three feet and not greater than four feet above finished grade.



- (c) When Vehicle Impact Protection Devices are spaced apart, the spacing shall be not less than 48 inches and not more than 56 inches between the outer edge of the barrier and the nearest outer edge of the adjacent barrier and shall comply with the American Disabilities Act, and all applicable state, local, and federal codes and regulations.
  - (d) The color and design of the Vehicle Impact Protection Devices shall be consistent throughout the site. Use of protective and/or decorative sleeves shall be permitted.
  - (e) Vehicle Impact Protection Devices shall be properly maintained, including no visible rust or corrosion, and be kept in uniform alignment.
  - (f) Child Care business owners are encouraged to screen Vehicle Impact Protection Devices with landscape where feasible to reduce visual impact on a site.
- 3. ADA compliant parking spaces. Where a parking space is required to be ADA compliant and is located in an area of a parking lot specified in this section so as to require vehicle impact protection devices adjacent to the parking space, bollards or posts may be substituted for wheel stops and the ADA signage may be mounted on a pole that is mounted or affixed to the post or bollard.
  - 4. Conflicts with other laws. In the event the terms of this subsection or its application to a particular parking lot would cause a parking lot to not comply with a provision of Federal or State law or another provision of the city's Municipal Code, City staff shall apply this subsection in a manner to carry out the provisions of both Federal and State law and the other provisions of this Code and the provisions of this subsection. When there is an irreconcilable conflict between the provisions of this subsection and the provisions of Federal or State law or other provisions of this Code, the provisions of Federal and State law and the other provisions of this Code shall prevail over this subsection and only to the extent necessary to avoid a violation of those other laws or Code provisions.
  - 5. Review. Vehicle Impact Protection Zones shall be considered concurrently with the review of the underlying site plan or development application through the Planning and Zoning Board.
  - 6. Minor adjustments to Vehicular Impact Protection Zones. The City Manager or his/her designee may approve minor modifications to vehicle impact protection standards contained in this section to accommodate for conflicts with existing site conditions, pedestrian accessibility paths and ground mounted light poles, fire protection, mechanical equipment, etc., provided the modifications achieve similar protections as intended by this subsection.
  - 7. Replacement or repair. Within 90 days after a vehicle impact protection device or feature that serves to protect an Exposed Area of a nonresidential building center is destroyed, damaged, or removed, the device or feature shall be replaced with one that satisfies the requirements and standards of this section.

## 155.510 DOMESTICATED LIVESTOCK AND POULTRY

Domesticated livestock and poultry shall be subject to the following standards and regulations:

- (A) The number of domesticated livestock permitted shall be restricted to four grazing animals per each 35,000 square feet.

- (B) Structures for livestock raising, boarding, or housing, such as barns, feed lofts, and stables, shall not be located within 100 feet of any lot line. A stable with a capacity of not over four horses may be located at least 50 feet from a side or rear lot line.
- (C) Structures for raising of poultry, such as pens, coops, shelters, feeders, and the like, shall not be located within 100 feet of any lot line.
  - 1. Where such structures, existing at the effective date of this chapter, are located less than 100 feet from any lot line, additions to existing structures and new structures may be erected at the same distance, or at a greater distance from that lot line, as the existing structures.
  - 2. This exemption for additions to existing structures and for new structures, shall apply only to building permits issued prior to January 1, 1962, and shall not apply to any structure, the construction of which is not begun prior to that date.
- (D) Structures for raising hogs, such as pens, sties, shelters, feeders, and the like, shall not be located within 200 feet of any lot line.
- (E) Hogs shall not be placed, kept, or permitted within 100 feet of any lot line; within 500 feet of a dwelling under different and separate ownership; nor within 500 feet of any residentially zoned property.

## 155.511 DRY CLEANERS

Dry cleaning establishment shall be subject to the following standards and regulations:

Service shall be rendered directly to customers who bring in and pick up the articles to be dry cleaned.

- (A) The establishment shall not provide pick-up or delivery service, except to or from residential customers.
- (B) The entire cleaning and drying process shall be carried on within completely enclosed solvent reclaiming units.
- (C) All solvents used in the cleaning process and the vapors therefrom shall not be explosive or flammable.

## 155.512 ELECTRONIC NICOTINE DEVICE RETAIL SALES

(A) Electronic nicotine dispensing device sales, subject to the following limitations:

- 1. "Accessory use" is a use that (a) is located on the same lot and in the same building as the principal use; (b) contributes to the comfort, convenience, or necessity of the principal use; and, (c) does not exceed 40% of the gross floor area (the area within



- the perimeter of the inside walls of the building/bay with no deduction for corridors, stairs, closets, thickness of wall, columns or other features but excluding utility rooms).
2. Permitted use, electronic nicotine dispensing device sales shall be accessory to a principal commercial use in the B-2 (Community Business) zoning district subject to the following conditions:
- (a) Commercially reasonable efforts will be made to rapidly identify minors (persons under 21 years of age) on the premises, including examining the identification of any person who a reasonably prudent person would believe is 21 years of age or younger, and cause such minors to leave the premises immediately upon identification unless accompanied by a parent or legal guardian.
  - (b) It shall be prohibited from selling, gifting or delivering to a person under 21 years of age, or a person who appears to be under the age of 27 years without first examining identification to confirm that the recipient is at least 21 years of age, any of the following:
    - i. Electronic nicotine dispensing device, including electronic cigarettes (or e-cigarette), personal vaporizers (PV), electronic nicotine delivery systems (ENDS), or any similar product, or any part thereof or accessory thereto; or
    - ii. E-juice, e-liquid, any other product intended for use in an electronic nicotine dispensing device or any similar product.
  - (c) No part of the premises shall be used for the possession, manufacture, display, sale or viewing of paraphernalia, as defined below, including, but not limited to:
    - i. metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls,
    - ii. hash pipes,
    - iii. water pipes,
    - iv. carburetion tubes and devices,
    - v. smoking and carburetion masks,
    - vi. roach clips, meaning objects used to hold burning material, such as marijuana cigarette, that has become too small or too thin to be held in the hand,
    - vii. miniature cocaine spoons, and cocaine vials,
    - viii. chamber pipes,
    - ix. carburetor pipes,
    - x. electronic pipes,
    - xi. air-driven pipes,
    - xii. chillums,
    - xiii. bongs,
    - xiv. ice pipes or chillers,
    - xv. blow tubes,
    - xvi. hookah pipes,
    - xvii. rolling papers, cigarette rollers or other items used to make cigarettes or cigars,

- xviii. other objects or products used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, or other controlled substances into the human body, or
  - xix. other objects or products used, intended for use, or designed for use in the combustive smoking of tobacco, herbs, or any other product;
  - xx. paraphernalia means all equipment, products, and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal or controlled substance or herbs.
- (d) No exterior signage specifically for electronic nicotine dispensing sales or related activities.
  - (e) The sale of products with names similar to, or which resemble, illegal substances, such as, by way of example only, but not of limitation, "liqweed," "cocoa e-juice," and "hash oil e-juice," or similar names or descriptions is prohibited.
  - (f) The sale of products that imply, infer or otherwise indicate that they may be used by or provide the user an experience (euphoria, etc.) similar to but not limited to marijuana, hemp, cocaine, LSD, heroin, ecstasy, or angel dust, is prohibited.
  - (g) The sale of products such as vaporizer pens, acetone, vaporizers for waxy oils, alcohol vaporizers, dabs, or other delivery devices not associated with electronic nicotine dispensing devices is prohibited.

## 155.513 HOTELS

(A) Hotels located in the R-MF district shall be subject to the following provisions:

1. Lot size. Every lot shall be not less than 100 feet in width and 10,000 square feet in area.
2. Height. No building, structure, or part thereof shall be erected or altered to a height exceeding 15 stories or 150 feet. However, where any portion of a building or structure is utilized for a medical or dental office or clinic, that use shall not extend to a greater height than three stories or 35 feet.
3. Coverage. The combined area occupied by all main and accessory buildings and structures shall not exceed the percentage given in the following table for various heights of buildings:

Table 513: Hotel Height Percentage	
One Story	55
Two Story	55
Three Story	50
Four Story	50
Five Story	45

Six Story	45
Seven – Fifteen Stories	40

(B) Hotels located within B-2, B-3, C-1, I-L, I-M and I-H zoning districts shall have a minimum room size of 150 Square Feet.

## 155.514 INDUSTRIAL USE SEPARATION FROM RESIDENTIALLY ZONED PROPERTY

(A) The following industrial uses shall have a 300 foot separation from residentially zoned property unless otherwise specified within the provisions of this LDC.

1. Animal cemetery
2. Brewery/ Distillery
3. Carnival, circus
4. Circus quarters, animal refuge
5. Correctional or penal institution
6. Racetrack – automobile, motorcycle or horse
7. Gun Range – Outdoor
8. Tank storage of oil and gasoline
9. Freight Terminal / Depot / Truck Terminal.

## 155.515 JUNKYARDS

Junkyards shall be subject to the following standards and regulations:

The area of land to be so used shall be no more than 100,000 square feet.

(A) No automobile or vehicle not in running condition, nor machinery or other junk or scrap, shall be located either for storage or dismantling within 300 feet of any residential district, within 50 feet of the front street line, nor within 30 feet of any side street line or other property line of the lot to be so used.

(B) The entire area occupied by a junkyard shall be surrounded by a substantial, continuous masonry, wooden or metal fence or wall eight feet in height, without openings except for entrance and exit. Openings shall be equipped with unpierced gates.

## 155.516 MEDICAL MARIJUANA DISPENSING FACILITIES

Medical marijuana dispensing facilities shall be subject to the following standards and regulations:

- (A) Purpose. It is the purpose of this section to prohibit medical marijuana treatment centers created under Art. X, § 29 of the Florida Constitution from establishing medical marijuana dispensing facilities within the municipal limits of the City.
- (B) Findings. Based on authority granted to municipalities in F.S. § 381.986(11), the City Commission finds that a ban on the establishment of medical marijuana treatment center dispensaries within the city is in the best interest of the City.
- (C) Prohibition. Medical marijuana dispensing facilities are prohibited within the boundaries of the City.

## 155.517 MICROBREWERIES, MICROWINERIES, AND BREWPUBS

### (A) Purpose

1. The purpose of this subsection is to ensure the effective operation and regulation of microbreweries, microwineries and brewpubs. Where any other provisions of the City of Pembroke Pines Code of Ordinances directly conflicts with this LDC, this LDC shall control.
2. All operations of microbreweries, microwineries and brewpubs shall comply with applicable federal, state, local laws, rules and regulations.

### (B) Microbreweries, microwineries and brewpubs must meet the requirements set forth in Outdoor dining 155.519, 155.432, and 155.504.

### (C) Brewpub as principal use. Brewpub shall be a principal use which shall comply with the following:

1. Brewpub production of beer and malt beverages shall not exceed 5,000 barrels per year.
2. Brewpubs may not sell its product to other retailers or wholesalers.
3. Brewpubs shall include a restaurant that provides full meal service for consumption by patrons.

### (D) Microbrewery and microwinery as principal use subject to special exception (§ 155.301(L) and alcoholic beverage establishment regulations (§§ 155.504).

1. Microbrewery and microwinery shall be a principal use which shall include, but is not limited to: small scale production and distribution of beer, ale, or other malt beverages, or wine and on-site consumption and sales of beer, ale, or other malt beverages, or wine.
2. Permitted operations include those establishments engaging in the small scale production of beer, ale, other malt beverages, or wine.
3. This use shall be permitted only in conjunction with in-house food service and shall adhere to the following:
  - (a) No more than 75% of the overall square footage associated with the establishment shall be used for production/distribution including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage,

fermentation tanks, conditioning tanks, serving tanks, and/or the storage of materials and/or product.

- (b) The commercial use shall be oriented towards the street or public space, excluding alleys.

(E) General standards.

1. Hours of operation.
  - (a) Permissible hours of operation shall be determined by the Planning and Zoning Board based on impact upon adjacent, adjoining, and nearby properties and uses. The hours for distribution trucks to visit the microbrewery/ microwinery to receive product(s) for distribution shall be between 8:00 a.m. and 8:00 p.m. Monday through Saturday, and 11:00 a.m. to 7:00 p.m. on Sundays. Local roads shall not be utilized by distributors.
  - (b) However nothing in this subsection shall operate to change the hours of sale designated in § 110.02.
2. Outdoor storage of spent grains. The use of outdoor storage is strictly prohibited except for the temporary storage, limited to 24 consecutive hours, of spent grains.
3. Odors. Microbreweries/microwineries/ brewpubs must ensure that the production process and associated odors are not detrimental to the public health, safety, comfort and welfare.
4. Production reporting. Microbreweries/ microwineries/brewpubs must accurately report on their local business tax receipts the (1) amount(s) of product brewed, vinted, made or produced for the most recent fiscal year; and (2) the amount(s) of product the microbrewery/microwinery anticipates brewing, vinting, making or producing for the upcoming fiscal year.
5. Parking for microbreweries, microwineries, and brewpubs shall follow the parking standards for a restaurant.

## 155.518 MOBILE FOOD VENDORS

Mobile food vendors shall be subject to the following standards and regulations:

(A) Local Business Tax Receipt Required

1. Mobile food vendors shall comply with all applicable state and local laws relating to the dispensing of food products.
2. A mobile food vendor shall be required to obtain a local business tax receipt as provided for herein.
3. Local business tax receipts are non- transferable. A local business tax receipt is valid at three locations the mobile food vendor plans to operate. If the mobile food vendor is operating on private nonresidential property, the mobile food vendor must submit proof of property owner permission, and comply with zoning requirements as required in this division, to the City of Pembroke Pines.

4. A local business tax receipt, unless sooner suspended or revoked, shall expire on September 30 of each year. No local business tax receipt shall be issued for more than one year.
5. Local business tax receipts shall be attached to the mobile food vendor unit where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vendor unit owner and shall list the addresses and parcel identification numbers where the permit is valid.
6. Pembroke Pines Fire Rescue/Fire Prevention Bureau shall inspect all mobile food vendor units and ensure compliance with all applicable federal, state and local fire safety statutes, regulations, ordinances, and codes. All mobile food vendor units obtaining a local business tax receipt pursuant to this section shall obtain a Fire Department fire and life safety inspection prior to issuance of said receipt. A Fire Department inspection shall be conducted annually thereafter in accordance with § 150.32 of the city's Code of Ordinances, commencing one year after the initial date of the fire inspection. The fee schedule set forth in § 150.32 of the City's Code of Ordinances, as amended from time to time, shall apply.
7. Any mobile food vendor unit that has been issued a notice of health violation by the State of Florida, and on a subsequent inspection, a State of Florida inspector determines that the mobile food vendor has not corrected the violation(s), shall have its city issued local business tax receipt revoked and food service shall cease in the City of Pembroke Pines.

**(B) Products Permitted to be Sold**

No products other than foods may be sold, offered for sale, or dispensed in any fashion from a mobile food vendor unit within the city. Alcoholic beverages may not be sold from a mobile food vendor unit. This section is not intended to sanction the sale of products from vehicles in any fashion. Except as permitted herein, no sales of products, goods, or merchandise from vehicles is permitted within the City.

**(C) Restrictions**

Mobile food vendors are allowed on private property that is designated and used for commercial, industrial, recreational, or non-residential purposes, subject to the following conditions:

1. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity, shall encroach onto any public street/right-of-way or easement, or onto any adjacent private property without express permission from that property owner.
2. The mobile food vendor shall set up and locate the vehicle, wares, and/or any associated displays in accordance with the principal structure setbacks of the underlying property's land use designation.
3. The mobile food vendor sales area shall not exceed more than three parking spaces or 600 square feet in area, whichever is greater. The mobile food vendor shall designate a portion of the sales area as a waiting area for patrons. Such designated area shall not conflict with traffic. In addition, one space/100 square feet of mobile vendor unit area shall

be required for customer parking. However, at no time may the required number of parking spaces for the principal use of the property be rendered nonconforming due to vendor use.

4. Mobile food vendor units shall not remain on the property overnight or when they are not in use by the mobile food vendor.
5. All mobile food vendors shall operate in compliance with the city's noise ordinance, Chapter 96 of the City of Pembroke Pines Code of Ordinances.
6. Mobile food vendors shall be prohibited from discharging fat, oil, grease, or wastewater into the sanitary sewer system. Waste shall be properly stored and disposed of at a properly designated location.
7. All menus and signage shall be fully affixed to the mobile food vendor unit. Detached signs shall not be permitted.
8. Mobile food vendors shall be permitted to conduct their operations between 7:00am – 9:00pm, provided that the approved restroom facilities are available to the patrons.

#### (D) Required Submissions

1. A mobile food vendor proposing to sell food shall submit a copy of all permits and licenses required by the State of Florida, Broward County and the City of Pembroke Pines at the time of submission of a local business tax receipt application.
2. The mobile food vendor shall provide a statement signed by each property owner indicating that the vendor has permission to vend on that site, along with the following:
  - (a) The property owner shall allow the vendor and vendor's patrons access to bathroom facilities, where available; and
  - (b) The property owner shall comply with Chapter 94 of the City of Pembroke Pines Code of Ordinances regarding solid waste disposal and shall allow the vendor access to solid waste collection on the subject property, where available. If solid waste collection facilities are not available to the mobile food vendor, the mobile food vendor must remove solid waste from the subject property location daily; and
  - (c) The property owner shall require that the vendors meet all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding his or her specific business; and
  - (d) The property owner shall acknowledge that she/he understands the regulations governing mobile food vendors and may be held responsible, along with the vendor, for any code violations; and
  - (e) The property owner shall ensure that the property will be continuously maintained in a neat, clean, and orderly manner;
  - (f) The property owner shall acknowledge that locating a mobile food vendor on private property may impact parking requirements, and that all approvals shall be subject to the city's parking code.
3. The falsification of property owner's permission shall be subject to a civil fine of up to \$250 for each occurrence.

#### (E) Standards

The following standards shall apply to all mobile food vendors and their respective mobile food vending units:



1. The mobile food vendor unit shall not interfere with required parking, loading and unloading spaces, or the vehicular access to those spaces for the principal use.
2. The mobile food vendor unit shall not block, damage, or interfere with required landscaping, buffers, or stormwater drainage systems on the subject property.
3. The mobile food vendor unit shall not interfere with or block fire lanes on the subject property.
4. Only one mobile food vendor shall be allowed on any one parcel less than one-half acre in size. No more than two mobile food vendors shall be allowed on any one parcel exceeding one-half acre in size. The Zoning Official may authorize and approve more than two mobile food vendors to operate on a single parcel on a case by case basis after review of the site plan.

(F) Ice Cream Trucks

1. Manner of stops. Ice cream trucks shall pull as far as practicable to the side of the right-of-way when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. An ice cream truck shall vend only when the ice cream truck is lawfully stopped. An ice cream truck shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or side of the street. An ice cream truck shall not vend to a person standing in the roadway.
2. In no event shall an ice cream truck stopped for the purpose of making sales prevent the passage of other motor vehicles on the right-of-way.
3. Trash receptacle required. Each ice cream truck shall provide a trash receptacle for use of its customers. Prior to leaving each stop, the operator of the ice cream truck shall remove any litter left at the stop by customers.
4. Hours of operation. Ice cream trucks may stop for the purpose of making sales only between the hours of 11:00 a.m. and 8:00 p.m.
5. Ice cream trucks operating on private property in the same manner as mobile food vendors shall be subject to the mobile food vendor regulations as set forth in this Article.

## 155.519 OUTDOOR DINING

(A) Authorization. Outdoor dining is permitted as an accessory use in accordance with the following criteria set forth in this section.

(B) Review process.

1. All outdoor dining proposals shall require the approval of the city's zoning official.
2. The approval of a master outdoor dining shall be required prior to the approval of tenant outdoor dining areas.
3. Proposed outdoor dining areas shall require a parking analysis, detailed seating plan, details of architectural features and amenities as well as a narrative summary showing all improvements.



(C) Standards.

1. Access. An aisle, complying with the minimum width established by the Americans with Disabilities Act (ADA), as amended from time to time, must be maintained to the restaurant door and to allow passage in front of the restaurant along the shopping center.
2. Food preparation. All kitchen and other equipment (for example, bus service stations, remote menu computer stations, hostess stations) and refuse containers used to service the open-air café or outside seating area shall be located within the primary restaurant and dining room.
3. Location. The dining area must be on private property and be authorized by both the property owner and tenant. The outdoor dining area must be adjacent to the principal indoor food service establishment.
4. Noise. No sound systems or amplified music shall be permitted unless the owner of the establishment can verify that such sound system or amplified music will not interfere with the neighboring properties and uses. Any and all such sound systems or amplified music shall comply with the City of Pembroke Pines Code of Ordinances. The burden of proof of compliance with the requirements herein shall be on the owner of the establishment.
5. Parking. The outdoor dining area, in excess of 50 square feet, will be interpreted as additional customer service area and will require the requisite parking.
6. Screening. The outdoor dining area shall be screened from all residential property and appropriately screened from adjacent commercial property and parking lots. Specific landscaping and/or screening shall be provided and may be in excess of required landscaping code to effectively protect other property. Landscaping and screening must be provided to prevent light spillover onto adjacent uses and/or properties.
7. Setbacks. No outdoor dining shall be allowed within the required setbacks.
8. No signs except those required by code shall be allowed within the outdoor dining area.
9. Architectural features. Dining areas in excess of 50 square feet shall be contained by architectural features.

## 155.520 OUTDOOR DISPLAY AND SALES

(A) Authorization. Outdoor display and sales is permitted as an accessory to a principal retail uses, in accordance with the following criteria set forth in this section.

(B) Review process.

1. A master outdoor display and sales plan must be established by the property owner. The plan shall require the approval of the City's Zoning Administrator via the administrative approval process.

(C) Standards.

2. Access. An aisle, complying with the minimum width established by the Americans with Disabilities Act (ADA), as amended from time to time, must be maintained.
3. Location.
  - (a) The display and sales area must be on private property and be authorized by both the property owner and tenant.

- (b) The display and sales area must be adjacent to the principal establishment and within the bounds of the tenant's lease line.
- (c) No outdoor sales shall be permitted within any public or private right-of-way, required parking or traffic circulation area, fire lane or landscape area.
- 4. Noise. No sound systems or amplified music shall be permitted unless the owner of the establishment can verify that such sound system or amplified music will not interfere with the neighboring properties and uses. Any and all such sound systems or amplified music shall comply with the City of Pembroke Pines Code of Ordinances. The burden of proof of compliance with the requirements herein shall be on the owner of the establishment.
- 5. Screening. The outdoor display and sales area shall be screened from all residential property and appropriately screened from adjacent commercial property and parking lots. Specific landscaping and/or screening shall be provided and may be in excess of required landscaping code to effectively protect other property. Landscaping and screening must be provided to prevent light spillover onto adjacent uses and/or properties.
- 6. Setbacks. No outdoor display or sales shall be allowed within the required setbacks.
- 7. Signage. No signs except those **required** by code shall be allowed within the outdoor display and sales area.
- 8. Hours of operation. Outdoor display and sale shall be permitted during the hours of operation of the principal use. All items for display and sale, as well as the structures utilized for display, shall be moved into the respective store during off hours.

## 155.521 PAWN SHOP

Pawn shops shall be subject to the following standards and regulations:

(A) Location Near Religious Institutions, Schools, Residential Districts

- 1. In the development, enforcement, and amendment of this LDC, it is recognized that there are uses and accessory uses which, because of their nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon adjacent business and residential areas. Specific regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.
- 2. None of the designated uses set forth in this Article, or added from time to time to this Article by amendment, shall be located nearer than 1,000 feet to the same or any other designated use, an establishment at which alcoholic beverages are sold or consumed, or to any religious institutions, or public, private or parochial kindergarten, nursery, elementary, middle, or high school, or day care center. Measurement of 1,000 feet shall be made in accordance with division (D) of this section.
- 3. It shall be unlawful hereafter to establish any designated use within the corporate limits of the city if the proposed location is within 500 feet of a residentially zoned district. For the purposes of this Article, a designated use or proposed designated use shall be deemed to be within 1,000 feet or 500 feet of another designated use, an establishment at which alcoholic beverages are sold or consumed, religious

institutions, school, real property, residence, business, or residentially zoned district, respectively, as defined or described herein, if any part of the building in which, or

## 155.522 PET HOTELS, DOG DAYCARE

Pet hotels and dog daycares shall be subject to the following standards and regulations:

- (A) Pet hotels shall only be permitted as an accessory use for businesses whose principal operations include the sale of pets and pet supplies, and whose store is at least 15,000 square feet.
- (B) Adequate soundproofing in any area where animals are boarded. Sleeping quarters shall be limited to 15% of the total square footage of the business.
- (C) No exterior cages.
- (D) Shall contain an approved air-handling system for disinfection and odor control.
- (E) Shall contain adequate waste control facilities, such as a flush system or equal.

## 155.523 RECREATIONAL USES

- (A) The uses and structures within the REC district shall not be located nearer to any property in separate and different ownership than the following:
  - 1. Go-cart track, no racing: 50 feet
  - 2. Mechanical riding devices: 200 feet
  - 3. Racetrack: 500 feet
  - 4. Stadium, amphitheater, or arena: 300 feet

## 155.524 RELIGIOUS INSTITUTION, HOUSE OF WORSHIP

- (A) Religious institutions and schools incidental to a religious institutions with the R-1A, R-1B or R-1C shall meet the following requirements.
  - 1. This use shall be located on a plot having at least 40,000 square feet of plot area, and having at least 200 feet of street frontage.
  - 2. The coverage of all roofed structures shall not exceed 25% of the plot area.
  - 3. No building or roofed structure shall be located within 40 feet of any other residentially zoned property.
  - 4. No parking area shall be located within ten feet of any plot line

## 155.525 RESOURCE RECOVERY

Resource recovery establishments shall be subject to the following standards and regulations:

- (A) An attendant must be kept on duty during hours the disposal area is open to control deposit of refuse.
- (B) The disposal area shall be enclosed sufficiently by a fence with gate or by other means so as to limit use to authorized periods, and for proper purposes.
- (C) No burning of refuse shall be permitted within 2 miles of any residentially zoned property in the city, except by combustion in a completely enclosed incinerator of adequate design and operation to prevent emission of fly ash and dense smoke. There shall be no burning of refuse between the hours of 7:00 p.m. and 7:00 a.m.
- (D) No refuse is to be deposited within any required yard.
- (E) Refuse is to be compacted daily and topped by a soil cover daily.
- (F) Maximum depth of fill shall not exceed 10 feet above existing ground level.

## 155.526 SELF-SERVICE LAUNDRY / LAUNDROMAT

Self-service, laundry establishments shall be subject to the following standards and regulations:

- (A) Service shall be rendered directly to customers who shall bring in and take away the articles to be cleaned.
- (B) The establishment shall not provide pick-up or delivery service.
- (C) The customers shall operate the machines provided to do their own laundry.
- (D) The entire cleaning and drying process shall be carried on within completely enclosed solvent recleaning units.
- (E) All solvents used in the cleaning process and the vapors therefrom shall be nonexplosive and nonflammable

## 155.527 SERVICE STATIONS

Service stations shall be subject to the following standards and regulations:

- (A) Applicability
  - 1. Service stations, also known as gas stations, may include the following accessory uses:
    - (a) Minor auto repair
    - (b) Car washes

(c) Convenience store

(B) Location

1. Service Stations are to be located only in B-3, C-1, I-L, I-M and I-H Districts. Service Stations are allowed on a corner lot, located at the intersection of two or more streets, or as an outparcel/free standing building within a shopping center that is located on a corner lot at the intersection of two or more streets.

(C) Clearance Required

1. Gasoline pumps shall be located not less than 15 feet from any street line and not less than ten feet from any other property line.
2. No gasoline pump shall be located within 25 feet of any property which is residentially zoned.

(D) Wall or Fences Required

1. There shall be a wall or fence, which shall effectively screen against direct view, and which shall be maintained on all property lines other than street lines of a lot occupied as a service station.
2. The wall or fence shall be opaque.
3. The above wall or fence shall not be required where the lot abuts non-residentially zoned property, provided a proper waste receptacle is maintained and used which effectively conceals the refuse and rubbish from public view.

(E) Storage or flammable liquids

1. All gasoline, benzene, diesel fuel, naphtha, or other volatile flammable liquids stored incidental to the operation of a service station shall be in underground tanks.
2. The total capacity of underground tanks and storage facilities of flammable liquids incidental to the operation of a service station shall not exceed an aggregate total of 100,000 gallons. In the event a service station is continuously inactive for a period of 30 days or more, then all storage tanks on the premises shall be emptied.
3. All underground tanks shall comply with all applicable federal, state, and county codes, laws, and ordinances, which includes all applicable regulations, including building and fire codes, and all applicable governmental approvals must be obtained before installation.

## 155.528 SIGN SHOP / MANUFACTURING

Sign shops shall be subject to the following standards and regulations:

- (A) Shall not be located less than 100 feet from any residentially zoned property.

## 155.529 STORAGE OF RENTAL VEHICLES

(A) Storage of rental vehicles. Outside accessory storage of rental vehicles may be permitted as described below:

1. Site plan. A site plan, or site plan amendment, describing with particularity the specific storage areas for rental vehicles for each proposed and/or existing use, must be submitted to the Planning and Zoning Board for review and approval in accordance with § 155.395 of this code. All parking for the storage of rental vehicles shall be in excess of required parking for the center. The Planning and Zoning Board must determine that the location for the storage of vehicles does not interfere or impede with the use of the parking lot for the customers, employees or owners of the other businesses in the center.
2. Type of vehicles. Stored rental vehicles may not have more than two axles. Only vehicles that may be driven with a non-commercial driver's license issued by the Florida Department of Motor Vehicles may be stored on-site. Rental and storage of construction and heavy equipment shall not be permitted.
3. Restrictions. No vehicles with advertising, other signage, or greater than 5,000 pounds may be parked in the front. Any such vehicles must be parked in the rear of the building and screened from adjacent residential development.

## 155.530 TATTOO PARLORS

Tattoo parlors shall be subject to the following standards and regulations:

(A) Location Near Religious Institutions, Schools, Residential Districts

1. In the development, enforcement, and amendment of this LDC, it is recognized that there are uses and accessory uses which, because of their nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon adjacent business and residential areas. Specific regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of the surrounding neighborhood.
2. None of the designated uses set forth in this LDC, or added from time to time to this LDC by amendment, shall be located nearer than 1,000 feet to the same or any other designated use, an establishment at which alcoholic beverages are sold or consumed, or to any religious institutions, or public, private or parochial kindergarten, nursery, elementary, middle, or high school, or day care center. Measurement of 1,000 feet shall be made in accordance with division (D) of this section.
3. It shall be unlawful hereafter to establish any designated use within the corporate limits of the city if the proposed location is within 500 feet of a residentially zoned district.
4. For the purposes of this Article, a designated use or proposed designated use shall be deemed to be within 1,000 feet or 500 feet of another designated use, an

establishment at which alcoholic beverages are sold or consumed, religious institutions, school, real property, residence, business, or residentially zoned district, respectively, as defined or described herein, if any part of the building in which, or lot of land upon which, a designated use is located, is within 1,000 feet or 500 feet, as measured by an actual or imaginary straight line upon the ground or in the air, of any part of the building in which, or lot of land upon which, another designated use, an establishment at which alcoholic beverages are sold or consumed, a religious institutions, school, real property, residence, business, or residentially zoned district respectively, is located.

5. Where a designated use is located in conformity with the provisions of this LDC, the subsequent locating of an establishment which sells or permits the consumption of alcoholic beverages on premises, a religious institutions or school within 1,000 feet, or a residentially zoned district within 500 feet of the existing designated use shall not be construed to cause the designated use to be in violation of this LDC.

## 155.531 TELECOMMUNICATION TOWERS AND ANTENNAS

### (A) Intent

1. The regulations and requirements of this Article are intended to:
  - (a) Promote the health, safety, and general welfare of the citizens by regulating the siting of telecommunications towers;
  - (b) Provide for the appropriate location and development of telecommunication towers and antennas within the City;
  - (c) Minimize adverse visual effects of telecommunication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
  - (d) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
  - (e) Protect residential areas and land uses from potential adverse impacts of telecommunication towers and antennas by maximizing use of any new or existing telecommunication towers through shared use—that is, colocation, to reduce the number of towers needed.
2. Certain restrictions and regulations may be waived by the City Commission upon a showing of good cause, so long as such a waiver is consistent with the intent of this sub-article.

### (B) Telecommunication Towers



1. Freestanding telecommunication towers shall be permitted on city-owned property upon approval of a lease by the City Commission. The application for a lease shall include a plan revealing the location and height of the tower, and any other information requested by the City.
2.
  - (a) Freestanding telecommunication towers shall be permitted, in the prescribed locations, pursuant to a favorable outcome of the below-described process as follows:

Table 531.1: Proposed Tower Location and Approval Process		
Tower Type*	Zoning District	Approval Process
Guyed	Industrial	Special Exception
Lattice	Industrial and C-1	Special Exception
Monopole	Non-Residential	Site Plan – City Commission and Planning and Zoning Board
	Multi-Family	Special Exception
Stealth	Non-Single-Family	Site Plan - Planning and Zoning Board

\*City-owned property: site plan and lease approved by City Commission in lieu of these processes.

- (b) Vacant property in the above-mentioned zoning districts may be utilized for a tower. However, if the proposed site is vacant, a monopole or stealth-type stealth facility must be utilized.
3. Minimum standards. All applications shall meet the following minimum standards:
  - (a) Each application for a proposed telecommunication tower shall include all requirements for development plan approval. The City may waive all or some of these provisions for stealth towers which are designed to emulate existing structures already on the site, including but not limited to light standards or power poles.
  - (b) A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the state, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the Florida Building Code, amended by Broward County, and any associated regulations including Electronic Industry Association/Telecommunications Industry Association standards for wind load, and which describes the tower's capacity, including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two users, and, at a minimum, self-support/lattice or guyed towers shall be able to accommodate three users. However, this requirement may be waived by the final approving authority for stealth towers.
  - (c) Height/setbacks and related location requirements.
    - i. The height of a telecommunications tower shall not exceed the height limitation authorized in the zoning district where the tower shall be located, unless this requirement is specifically waived by the City Commission. Tower height shall



- be measured from the crown of the road of the nearest public street. Antennas located on towers shall not be included in the height calculations.
- ii. Towers capable of supporting multiple users in excess of the requirements of (c)(ii) above may exceed the height limit of the underlying district by an additional 25%.
  - iii. Telecommunication towers shall conform with the setbacks established for the underlying zoning district.
  - iv. All buildings and other structures to be located on the same property as a telecommunication tower shall conform with the setbacks established for the underlying zoning district.
- (d) Aircraft hazard. Prior to the issuance of a building permit by the City, the applicant shall provide evidence that the telecommunication towers or antennas are in compliance with Federal Aviation Administration (FAA) regulations. Where an antenna will not exceed the highest joint of the existing structure upon which it is to be mounted, such evidence shall not be required.
- (e) Approval required from other governmental agencies. Each application for a telecommunication tower may be required to include written approval or a statement of no objection from other federal or state agencies that may regulate telecommunication tower siting, design, and construction.
- (f) FCC emissions standards. All proposed telecommunication towers shall comply with current radio frequency emissions standards of the Federal Communications Commission.
- (g) Buffering.
- i. Landscaping, walls, and other buffering shall be consistent with the requirements of this code of ordinances and shall be installed around the entire perimeter of any fence or wall. Additional landscaping, walls, or other buffering may be required around the perimeter of the property and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The City may require landscaping in excess of the requirements of this code of ordinances in order to enhance compatibility with adjacent residential and non-residential land uses.
  - ii. Landscaping consistent with perimeter and on-site requirements of the code shall be installed around any accessory buildings or structures.
- (h) High voltage and no trespassing warning signs.
- i. If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "high voltage - danger" warnings signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.
  - ii. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.
  - iii. The letters for the "high voltage - danger" and "no trespassing" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.
  - iv. The warning signs may be attached to free-standing poles if the content of the signs may be obstructed by landscaping.

- (i) Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.
  - (j) Parking. Each tower shall require one parking space, unless such requirement is specifically waived by the final approving authority, upon a showing that said parking space does not serve the public interest.
  - (k) Removal of abandoned or unused facilities. All abandoned or unused telecommunication tower facilities shall be removed by the tower owner/operator within 90 days of the cessation of use, if requested by the City to do so. A tower shall be considered abandoned if use has been discontinued for 180 consecutive days. The City may require an applicant at his/her own cost and expense to post a bond in an amount sufficient to reimburse the City for reasonable anticipated costs to be incurred in removing towers and related equipment. In the alternative, the City may place a lien on the property on which the nonconforming tower is located, after proper notice is given pursuant to Chapter 32 of this code of ordinances. Telecommunication towers being utilized for other purposes, including but not limited to light stands and power poles, may be exempt from this provision.
  - (l) Signs and advertising. The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, and the like, shall be strictly prohibited.
  - (m) Accessory buildings or structures. All accessory buildings or structures shall meet all building standards as listed in this code or as prescribed by other applicable laws and regulations, and as prescribed in accordance with the provisions of the Florida Building Code, as amended by Broward County. All accessory buildings or structures shall require a building permit issued by the city.
  - (n) Colors. Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunications towers, telecommunications towers shall be painted or constructed in neutral colors, designed to blend into the surrounding environment, such as non-contrasting gray.
  - (o) Non-interference. Each application to allow construction of a telecommunication tower shall include a certified statement that the construction and placement of the tower will not interfere with public safety communications.
4. Inspections.
- (a) Telecommunication tower owners shall submit a report to the City Manager or his/her designee, certifying structural and electrical integrity on the following schedule:
    - i. Monopole towers - once every five years;
    - ii. Self-support/lattice towers - once every two years; and
    - iii. Guyed towers - once every two years.
  - (b) Inspections shall be conducted by an engineer licensed to practice in the state. The results of such inspections shall be provided to the City Manager or his/her designee. Based upon the results of an inspection, the Building Official may require repair, replacement, or removal of a telecommunication tower.
  - (c) The City may conduct periodic inspections of telecommunication towers to ensure structural and electrical integrity. The owner of the telecommunications tower may be

required by the City to have more frequent inspections should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

5. Existing towers.

- (a) Notwithstanding the provisions of this section above, telecommunications antennas may be placed on existing towers with sufficient loading capacity. The capacity shall be certified by an engineer licensed to practice in the state.
- (b) Notwithstanding the provisions of this section above, towers in existence as of November 6, 1996, may be replaced with a tower of equal or less visual impact after approval by the City Manager or his/her designee. If the proposed tower does not receive such approval under this section, its replacement must be consistent with this LDC.

(C) Antennas not Located on Telecommunications Towers

1. Antennas shall be permitted on the prescribed locations, pursuant to a favorable outcome of the process described as follows:

Table 531.2 Proposed Antenna Location and Approval Process			
Antenna or Ground-Based Microwave Dish Antenna		Zoning Districts	Approval Process
Existing Tower:			
	Add to Existing Tower	N/A	Planning and Zoning Board, non-quasi-judicial
	Replace on Existing Tower	N/A	Building Permit
Adding Building:			
	Visible	N/A	Planning and Zoning Board, non-quasi-judicial
	Stealth	N/A	Building Permit
	Satellite Earth Station	Non-Single-Family	Site Plan – City Commission and Planning and Zoning Board

2. Minimum standards. Building or rooftop antennas shall be subject to the following minimum standards:

- (a) Building rooftop stealth antennas shall be subject to the following minimum standards:
  - i. No commercial advertising shall be allowed on an antenna;
  - ii. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;
  - iii. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height and shall be screened in accordance with other requirements of the code;
  - iv. If the equipment building is located on the roof of the building, the areas of the equipment building shall not occupy more than 25% of the roof area and shall be screened from adjacent property; and
  - v. Each application shall contain a rendering or photograph of the antenna, including but not limited to colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility.

- (b) Satellite earth stations, ground-based microwave dish antennas, and building rooftop non- stealth antennas shall be subject to the following minimum standards:
  - i. Antennas may not extend more than 20 feet above highest joint of a roof. Stealth antennas attached to but not above rooftop structures shall be exempt from this provision. Antennas may exceed 20 feet above the roof if approved as a special exception by the City Commission;
  - ii. Antennas, and related equipment buildings, shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of a material or color which matches the exterior of the building or structure upon which it is situated;
  - iii. No commercial advertising shall be allowed on an antenna;
  - iv. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;
  - v. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height and shall be screened in accordance with other requirements of the code; and
  - vi. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25% of the roof area and shall be screened from adjacent property.
- 3. Antenna types.
  - (a) To minimize adverse visual impacts, stealth antenna types shall be preferred. If a non- stealth antenna is proposed, the applicant shall be required to demonstrate, in a technical manner acceptable to the City staff, why the stealth antenna cannot be used for the particular application.
  - (b) This does not preclude a combination of the various types of antenna.
- 4. Aircraft hazard. Prior to the issuance of a building permit by the city, the applicant shall provide evidence that the telecommunication towers or antennas are in compliance with the Federal Aviation Administration (FAA) regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is to be mounted, such evidence shall not be required.

#### (D) Shared Use of Communication Towers

- 1. Notwithstanding any other provision of this LDC, to minimize adverse visual impacts associated with the proliferation and clustering of telecommunication towers, colocation of facilities on existing or new towers shall be encouraged by:
  - (a) Only issuing permits to qualified shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or
  - (b) Giving preference to qualified shared facilities over other facilities in authorizing use at particular locations.
- 2. For a facility to become a qualified shared facility, the facility owner must show that:
  - (a) The facility is appropriately designed for sharing; and
  - (b) The facility owner is prepared to offer adequate space on the facility to others on fair and reasonable, nondiscriminatory terms.

3. To satisfy the requirements of section (b) above, the facility owner must submit a written evaluation of the structural capacity of the tower.
4. Each provider shall submit to the City a list of all of its telecommunication towers located or proposed to be located within the corporate limits of the City. The list shall include the location, height, and available capacity for additional antennas as well as the name, address, and phone and facsimile number of the applicant. The City shall make these lists available to applicants to assist in the collocation of antennas.
5. Collocation of communication antennas by more than one provider on existing or new telecommunication towers shall take precedence over the construction of new single-use telecommunication towers. Accordingly, each application for a telecommunication tower shall include the following:
  - (a) A written evaluation of the feasibility of sharing a telecommunication tower, if an appropriate telecommunication tower or towers is/are available. The evaluation shall analyze one or more of the following factors:
    - i. Structural capacity of the tower or towers;
    - ii. Radio frequency interference;
    - iii. Geographical coverage requirements;
    - iv. Mechanical or electrical incompatibility;
    - v. Inability or ability to locate equipment on the tower or towers;
    - vi. Availability of towers for collocation;
    - vii. Any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower.
    - viii. Additional information requested by the City.
  - (b) The City may deny an application if an available collocation is feasible and the application is not for such collocation.
6. A telecommunication tower that is determined to be inappropriate for sharing shall be assumed to be inappropriate for sharing the same types of facilities in the future. Such towers will not need to be evaluated in the future regarding sharing with the same type of facility for which it has been determined to be inappropriate. The City shall retain a list of such towers and will provide a copy of the list to all potential applicants. The city may require additional sharing feasibility evaluations if warranted by changes in technology.
7. For any telecommunications tower approved for shared use, the owner of the tower shall provide notice of the location of the telecommunication tower and the tower's load capacity to the City. The City will maintain and make this list available to all applicants.

(E) Applications

1. The City shall act promptly on any application submitted in accordance with the provisions of this LDC. The reasons for rejecting any application filed under these provisions shall be explained, set forth in writing, and based on substantial evidence.
2. The issuance of a permit, however, is not a lease, and no municipally-owned property may be used without a lease agreement with the City. The City may, as appropriate to protect its property and the public interest, establish additional requirements beyond the minimum requirements of a permit for municipally-owned property. Furthermore, nothing in this LDC shall prohibit the city from requiring additional provisions in a lease.