



DEVELOPMENT SERVICES

David L. Recor, ICMA-CM, Development Services Director

E: david.recor@copbfl.com | P: 954.786.4664 | F: 954.786.4504

March 5, 2025

Zoning Letter Number: 25-04500001

Yauheni Shablinski
Quality OEM INC
1850 S Ocean Drive, Apt 3605
Hallandale Beach, FL 33009

Re: Unlisted Use Proposed at 327 SW 13 Ave / Folio Number: [494203020060](#)

Dear Mr. Schablinski,

The City of Pompano Beach Development Services Department has reviewed your zoning letter request and narrative dated February 25, 2026. Your request seeks an interpretation of a use that is not explicitly listed in the Zoning Code. The narrative describes this use as an auto wrecker operation that removes transmissions, steering racks, and other components, diagnoses their condition—including rebuilding or reconditioning—but does not reinstall them into vehicles. The removed parts are then photographed and listed for sale on an online eBay store, and the inoperable cars are subsequently towed to an offsite junkyard or salvage facility.

While this specific use is tied to the subject property, its interpretation will apply universally, regardless of location. The applicant has provided a narrative addressing each criterion for an unlisted use, as outlined in Sections 155.2423 (Interpretation) and 155.4601 (Interpretation of Unlisted Uses), which establish the procedure and criteria for evaluating and permitting unlisted principal uses.

The narrative acknowledges that the City has classified the use as a waste-related service; however, the applicant disagrees with this designation. Instead, the applicant contends that the use should be regulated similarly to an "Automotive Repair and Maintenance Facility." The applicant supports this argument by stating that, as part of the business operations, vehicles are lifted onto a fork, where a certified mechanic removes parts, performs diagnostics, and conducts minor repairs such as polishing. The parts are then stored within the building and sold.

The applicant has compared this use to both "Auto Wrecking Services," as defined in §155.4219.F, and "Automotive Repair and Maintenance Facility," as defined in §155.4219.E. While the business model does not appear to fully align with the purpose or definitions under §155.4229 (Waste-Related Services Uses), it does fall within the definition of Waste-Related Uses outlined in §155.4101.F.3, "Materials Recovery Facility."

The definition of "Automotive Repair and Maintenance Facility" in §155. 4219.F does not encompass salvaging parts, as those parts are not reinstalled into vehicles for repair. Conversely, the definition of "Auto Wrecking Services" includes dismantling or removing portions of a vehicle for resale, which is categorized as a salvage yard or junkyard—as a separate use classification.

MW/su

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A "Materials Recovery Facility" is defined as "a solid waste management facility that provides for the extraction from solid waste of recyclable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials." In this case, the extracted material is interpreted as the wrecked or inoperable vehicle, and the recyclable material is interpreted as reusable parts for resale. While this use references the extraction of recyclable materials from solid waste, it does not fully capture the scope of the business, which includes diagnostics, minor repairs, wholesale, and warehousing. All activities would take place within an enclosed building, with no permanent outdoor storage. Wrecked or inoperable vehicles are subsequently towed off property to a junkyard or salvage yard.

The subject property is currently zoned I-1 (General Industrial). The I-1 zoning district is intended to accommodate a range of light to moderate manufacturing, assembly, fabrication, processing, distribution, warehousing, research and development, and other industrial uses. Automobile Repair and Maintenance Facilities, Auto Wrecker Services, and Other Wholesale Uses are permitted by right in the I-1 district. However, Waste-Related Uses are allowed in the I-1 district only with the approval of a Special Exception. Additionally, outdoor business activity is strictly prohibited in the I-1 zoning district, and most uses defined in the Zoning Code—including all Manufacturing and Production Uses—must be fully enclosed within a building.

After reviewing the submitted information, the applicant's narrative and responses to the review criteria, and evaluating the relevant use categories in the Zoning Code, staff has determined that the proposed use shall be classified as an "Unlisted Use" permitted in the I-1 zoning district upon approval of a Special Exception. The detailed operational description does not directly align with any particular use; however, all aspects of the business can be identified within the permitted and special exception principal uses. This use is distinct from an "Automotive Repair and Maintenance Facility" because it does not involve reinstalling repaired parts into vehicles. It also does not fully meet the criteria for "Auto Wrecking Services," as that definition explicitly associates dismantling with a salvage yard classification. While the use does not fit the definition of a salvage yard, it falls under the broader category of Waste-Related Services.

This use, if approved to operate in an I-1 zoning district, must also comply with the general standards for all Waste-Related Services Uses as listed in 155.4229.D, and also enumerated below:

- 1. In the I-1 District, all of the use's operation, including storage and sorting, shall occur and be located within a fully enclosed structure;*
- 2. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet;*
- 3. Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping; and*
- 4. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.*

Additionally, this use will also be subject to the standards outlined in §155. 4219.A, governing Commercial: Motor Vehicle Sales and Service Uses.

Note that any party aggrieved by a final decision by the Development Services Director may appeal the decision within 30 days of the date of the decision or interpretation to the appellate board responsible for reviewing such appeals (Zoning Board of Appeals), as set forth in Section 155.2424C, Appeals Procedure.

Respectfully,

THE CITY OF POMPANO BEACH

Max Wemyss, AICP
Principal Planner

Excerpts from the City of Pompano Beach Code of Ordinances Chapter 155: Zoning Code
Full Code available online at www.amlegal.com

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155.4601. INTERPRETATION OF UNLISTED USES

A. Procedure for Interpreting Unlisted Uses

The Development Services Director may interpret a particular principal use or accessory use or structure not expressly listed in this Article, as allowed in a particular zoning district—as a permitted principal use, a Special Exception principal use, or a permitted accessory use or structure—in accordance with the procedure in Section [155.2423](#), Interpretation, and based on the standards in subsection B or C below, as appropriate.

B. Criteria for Allowing Unlisted Principal Uses

The Development Services Director shall interpret an unlisted principal use as an allowed permitted use or a Special Exception use in a particular zoning district only after determining that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or a Special Exception use) as the similar use type or use category and subject to the same use-specific standards.

In making such determination, the Development Services Director shall consider the relevant characteristics of the unlisted use, the purpose and intent statements in this Code concerning the zoning district ([Article 3: Zoning Districts](#)), and the character of use types allowable in the district. The relevant characteristics of the unlisted use that should be considered in making this determination include but are not limited to the following:

1. Actual or projected characteristics of each activity likely to occur at the unlisted use;
2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;
3. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
4. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
5. Transportation requirements, including the modal split for people and freight, by volume type, and characteristics of traffic generation to and from the site;
6. Relative amounts of sales from each activity;
7. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
8. Customer type for each activity;
9. How each use is advertised, including signage;
10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
11. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
12. The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district.

C. Criteria for Allowing Unlisted Accessory Uses and Structures

The Development Services Director shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zoning district only after determining that:

1. The use or structure is accessory to the principal use, in accordance with the definitions of "accessory use" and "accessory structure" in Section 10.2, Terms and Uses Defined;
2. The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
3. The use or structure is compatible with the character of principal and accessory uses allowable in the district; and
4. Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Code concerning the zoning district (See [Article 3: Zoning Districts](#)).

D. Effect of Allowing Unlisted Uses as Permitted Use or Special Exception Use

1. After interpreting an unlisted principal use as allowed as a permitted use or Special Exception use, or an unlisted accessory use or structure as a permitted accessory use or structure, in a particular zoning district, the Development Services Director shall determine whether the unlisted use or structure is likely to be common or to recur frequently, and whether its omission from [Article 4's](#) use standards is likely to lead to public uncertainty and confusion.

2. On determining that the allowed unlisted use or structure is likely to be common or would lead to confusion if it remains unlisted, the Development Services Director shall initiate an application for a text amendment to this Code in accordance with Section [155.2402](#), Text Amendment, to list the use or structure in [Article 4](#) as a permitted principal use, a Special Exception principal use, or a permitted accessory use or structure, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Development Services Director shall be binding.

3. If the Development Services Director determines that the allowed unlisted use or structure is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Section [155.2423.G](#), Effect of Interpretation, without further action or amendment of this Code.
(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13)

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155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

A. Standards Applicable to Motor Vehicle Sales and Service Uses

1. Motor Vehicle Sales and Service uses that include service, repair, installation, and/or maintenance shall comply with the following standards:

- a. In all Zoning Districts, no service, repair, installation, and/or maintenance shall be made except within garages or other buildings designed for these purposes.
- b. A type B perimeter buffer shall be provided along all perimeters of the site except where a type C perimeter buffer is required by Section [155.5203.F](#), Perimeter Buffers;
- c. The use shall be designed so that the front façade is in compliance with Section [155.5602.C.7](#), Fenestration/Transparency.
- d. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- e. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.
- f. All vehicles, trucks, and trailers shall be maintained in a condition that they may be moved under their own power at any time except when the boat is under repair in garages, body shops, or other buildings.
- g. Vehicles, trucks, and trailers shall not be stored as a source of parts.
- h. Vehicles, trucks, and trailers that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. Vehicles, trucks, and trailers abandoned by its lawful owner before or during the repair process may remain on site after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle, truck, and trailer from the premises using the appropriate legal means.

2. Motor Vehicle Sales and Service uses that include the sale or rental of new or used vehicles, trucks, and trailers shall comply with the following standards:

- a. Vehicle, truck, and trailer display pads may be located within a perimeter buffer provided they comply with the following standards:
 - i. The use shall not have more than one display pad for every 100 feet of street frontage.
 - ii. The display pads shall not exceed 500 square feet in area and may be elevated up to two feet above adjacent displays or grade level.
- b. No vehicle, truck, and trailer shall be displayed on the top of a building.
- c. Vehicles, trucks, and trailers may be displayed in a vehicular use area provided the parking spaces used for display shall not be eligible for compliance with Minimum Off-Street Parking requirements.
- d. No materials for sale, other than vehicles, trucks and trailers, shall be displayed between the principal structure and the street.

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E. Automotive Repair and Maintenance Facility

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		P	P										P			

2. Definition

An automotive maintenance facility is an establishment primarily engaged in providing repair and maintenance services for automotive vehicles such as passenger cars, sports utility vehicles, pickup and other light trucks, small vans, and motorcycles. The use includes oil change and lubrication shops (which primarily engage in checking and changing motor oil and lubricating the chassis of automobiles), automotive glass shops (which primarily engage in replacing, repairing, and/or tinting the windows and other glass in automobiles), and general automotive repair garages or shops (which primarily engage in providing a wide range of mechanical and electrical repair and maintenance services for automotive vehicles, including diagnosing, rebuilding, or reconditioning of engines and other mechanical and electrical systems). This use does not include automotive painting or body shops or establishments primarily engaged in the repair and servicing of large trucks, recreational vehicles, and trailers (which typically have greater impacts on adjacent properties), or tire sales and mounting, muffler/transmission sales and installation, and automotive parts and installation uses (which combine retail sales with installation and servicing of automotive components).

F. Automotive Wrecker Service

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
															P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		P	P										P			

2. Definition

An automotive wrecker service is an establishment operated for the purpose of temporary storage on-site of towed and recovered motor vehicles, including operable, wrecked or inoperable motor vehicles. If an establishment regularly stores vehicles for more than 90 days, stacks vehicles, or dismantles or removes portions of the vehicles for resale, it shall be considered a salvage and junkyard.

3. Standards

An automotive wrecker service use shall comply with the following standards:

- In the B-4 District, vehicles shall not be stored outdoors.
- A type B perimeter buffer shall be provided along all perimeters of the site except where a type C perimeter buffer is required by Section [155.5203.F](#), Perimeter Buffers.
- Vehicles shall not be stored outdoors for more than 90 days.

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155.4228. INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES

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D. Junkyard or Salvage Yard

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
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2. Definition

A junkyard or salvage yard is a building, structure, or parcel of land, or portion thereof, used for the collection, storage and sale of paper, rags, scrap metal, bottles, or discarded material. Where such materials are a by-product of a permitted use, such activity shall be considered outdoor storage and must comply fully with all applicable provisions.

3. Standards

A junkyard or salvage yard shall comply with the following standards:

- The facility shall be located on a site with an area of at least one acre;
- A type C perimeter buffer shall be provided around all perimeters of the site;
- A lot containing a junkyard shall be located at least 1,000 feet, as measured by airline distance from property line to property line, from a lot containing another junkyard or an Outdoor Waste-Related Service Use;
- Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet; and
- Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping

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155.4229. INDUSTRIAL: WASTE-RELATED SERVICES USES

A. Purpose

Waste-Related Services Uses are solid waste management facilities regulated and permitted by the Florida Department of Environmental Protection's Bureau of Solid & Hazardous Waste. These uses are recognized as having potential negative impacts on the quality of air, water, soil, and other natural resources. It is further recognized that improper disposal and management of solid waste results in or contributes to air and water pollution, land blight, and nuisance conditions.

B. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		S	S					S	S				P			

C. Definition

A waste-related services use includes any of the following facilities:

1. Construction and Demolition Debris Disposal Facility

A construction and demolition debris disposal facility is a Solid Waste Management Facility permitted by the state for the disposal of construction and demolition debris, as provided for in FL SS 403.703.

2. Land Clearing Debris Disposal Facility

A land clearing debris disposal facility is a solid waste management facility permitted by the state for the disposal of land clearing debris, as provided for in FL SS 403.703 and FAC 62-701.200.

3. Materials Recovery Facility

A materials recovery facility is a solid waste management facility that provides for the extraction from solid waste of recyclable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials, as provided for in FAC 62-701.200.

4. Solid Waste Transfer Station

A solid waste transfer station is a solid waste management facility, the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility, as provided for in FAC 62-701.200. Operations at such facilities may include separation of incidental amounts of recyclable materials or unauthorized waste.

5. Tire Disposal or Recycling Facility

A tire disposal or recycling facility is a solid waste management facility, the primary purpose of which is tire disposal or tire recycling, as provided for in FAC 62-701.200.

6. Waste Composting Facility

A waste composting facility is a solid waste management facility where solid waste is processed using composting technology, as provided for in FAC 62-709.201. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

7. Waste-to-Energy Plant

A waste-to-energy plant is a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result, as provided in FL SS 403.7061. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

D. General Standards for All Waste-Related Service Uses

Waste-Related Service Uses shall comply with the following standards:

1. In the I-I District, all of the use's operation, including storage and sorting, shall occur and be located within a fully enclosed structure;
2. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet;
3. Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping; and
4. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.

E. Additional Standards for Outdoor Waste-Related Service Uses

A Waste-Related Service Use is considered to be an Outdoor use if all or a portion of the use's operations, including storage and sorting, are located outside of a fully enclosed structure. In addition to the general standards listed in Section [155.4229.D](#), Outdoor Waste-Related Service Uses shall be required to comply with the following standards:

1. The use shall be located on property with an area of at least one acre;
2. The lot shall be located at least 1,000 feet, as measured by airline distance from property line to property line, from another lot containing a junkyard or an Outdoor Waste-Related Service Use;
3. The use shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable;
4. A type C perimeter buffer shall be provided around all perimeters of the site; and
5. The applicant shall provide documentation of compliance with state solid waste management regulations for minimum distance separation from water bodies and airports .
6. The Applicant shall comply with § [155.3707.C.5](#) related to landfills located within the Air Park Overlay.

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155.4230. INDUSTRIAL: WHOLESALE USES

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C. Other Wholesale Use

I. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
															P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		P	P	P				P					P	P	P	P

2. Definition

Other wholesale uses includes any establishment primarily engaged in selling goods, generally in large quantities, to other businesses for subsequent resale, and that is not specifically listed in the use tables. Such use generally includes facilities for storage and distribution of goods, and may include display areas.

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155.4201.B:

B. Standards Applicable to all Uses

The following use standards shall be applicable to all uses:

1. All uses shall be totally and permanently enclosed within a building.
2. If an Eating and Drinking Establishment includes outdoor seating, it shall comply with the standards in Section [155.4303.V](#).
3. If the use includes accessory outdoor storage of the following components, materials, equipment, or objects, the outdoor storage area shall comply with standards in Section [155.4303.W](#):
 - a. Equipment and Materials;
 - b. Inoperable vehicles trailers, heavy equipment, or boats, including those that will be serviced. (operable vehicles, trailers, heavy equipment, or boats are those that are in a condition that they may be moved under their own power at any time except when under repair in garages); and
 - c. Automobile parts, dismantled vehicles, and similar materials.
4. If the use includes outdoor storage of items listed above, and the outdoor storage area exceeds the limitation of accessory outdoor storage (35% or less of the total gross floor area of the building containing the principal use(s) on the lot), the outdoor storage area shall comply with the standards in Section [155.4228](#);
5. If the use is an Alcoholic Beverage Establishment, it shall comply with the standards in Section [155.4501](#), Separation Requirements;
6. If the use includes drive-through service, it shall comply with the standards in Section [155.4303.I](#);
7. If the use is subject to county, state, or federal license requirements, it shall provide proof of such valid license; and
8. If the use is subject to allocation of flex or reserve units, the applicant shall apply for and obtain required flex or reserve units.
9. Unless otherwise expressly permitted by statutory or general law, on-site dispensing of controlled substances that are identified in Schedule II, III or IV in F.S. §§ 893.03, 893.035 or 893.0356, is prohibited, regardless of zoning district. The following are exempt from this prohibition:
 - a. A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session;
 - b. A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice or intermediate care facility for the developmentally disabled which is licensed in this state;
 - c. A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital;
 - d. A health care practitioner when administering or dispensing a controlled substance to a person under the age of 16; and
 - e. A health care practitioner when dispensing a onetime, 72-hour emergency resupply of a controlled substance to a patient.

Any request for reasonable accommodation to the prohibition of on-site dispensing of controlled substances, as listed above, shall be submitted in accordance with Section [155.2432](#), Reasonable Accommodation.

10. The manufacturing of hazardous substances is strictly prohibited. Hazardous substances include:

- a. Acids, fertilizer, soap, insecticides, and/or batteries;
- b. Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with the material or substance; and
- c. In accordance with Section [98.13.A](#) of the City's Code of Ordinances , hazardous substances include any substances or materials defined or listed as a hazardous substance, pollutant or a contaminant in any applicable federal or state law or regulation or any substances or materials in a quantity or form which, in the determination of the respective Fire Chief or his/her authorized designee, poses an imminent risk to the life, health, safety, or welfare of persons or property within the City of Pompano Beach.

11. Sales of used merchandise and/or goods.

- a. Unless specifically provided for in a use's definition or in a use-specific standard, the sale of used merchandise and/or goods is prohibited in all Residential, Special Base, Planned Development, and Overlay Zoning Districts, as well as in the Limited Business (B-1), Community Business (B-2), and Commercial Recreation (CR) Zoning Districts.
- b. Unless specifically provided for in a use's definition or in a use-specific standard, the sale of used merchandise and/or goods is limited to 20% of the floor space in the General Business (B-3) Zoning District.
- c. Unless specifically restricted to the sale of new merchandise and/or goods as provided for in a use's definition or in a use-specific standard, the sale of used merchandise and/or goods is permitted in the Heavy Business (B-4), Marine Business (M-1), and in the Industrial Zoning Districts.

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155.4101.F:

F. Industrial Classification

1. Industrial Services Uses

The Industrial Services Uses category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.

2. Manufacturing and Production Uses

The Manufacturing and Production Uses category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms for consumers. This use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment) and craft manufacturing. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include limited retail sales, wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

3. Warehousing and Freight Movement Uses

The Warehousing and Freight Movement Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

4. Waste-Related Uses

The Waste-Related Uses category includes use types receiving solid or liquid wastes from others for on-site disposal, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

5. Wholesale Uses

The Wholesale Uses category includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include

display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, greenhouses (for plant nurseries), and repackaging of goods.

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155.2424. APPEAL

A. Purpose

The purpose of this section is to establish an administrative remedy whereby persons claiming to having been aggrieved by a decision of the Development Services Director or a decision-making body may appeal that decision.

B. Right to Appeal

1. Parties aggrieved by a final decision by the Development Services Director.

A party aggrieved by a final decision by the Development Services Director identified in Table 155.2424.B, Appellate Boards for Appeals of Development Services Director Decisions, may appeal the decision to the appellate board identified in the table as responsible for reviewing such appeals, in accordance with the procedures as set forth in Section 155.2424.C, Appeal Procedure.

TABLE 155.2424.B: APPELLATE BOARDS FOR APPEALS OF DECISIONS OF DEVELOPMENT SERVICES DIRECTOR	
Application Type	Board Responsible for Reviewing Appeal
Minor Building Design	Architectural Appearance Committee (AAC)
Minor Certificate of Appropriateness	Historic Preservation Committee (HPC)
All other application types and waiver requests	Zoning Board of Appeals (ZBA)

2. A party aggrieved by a final decision by the P&Z on a Major Site Plan application, by the AAC on a Major Building Design application, or by the HPC on a Major Certificate of Appropriateness application may appeal the decision to the City Commission in accordance with this section, including the procedures as set forth in Section 155.2424.C.

3. A party aggrieved by a final decision by the Zoning Board of Appeals as provided for herein, may petition the Circuit Court for issuance of a Writ of Certiorari in the manner and within the time provided for the Florida Rules of Appellate procedure.

4. A party aggrieved by a final decision by the City Commission as provided for herein, may petition the Circuit Court for issuance of a Writ of Certiorari in the manner and within the time provided for the Florida Rules of Appellate procedure.

5. Decisions relating to application of the Building Code are appealable in accordance with the Florida Building Code and Chapter 152 (Buildings) of the Code of Ordinances.

C. Appeal Procedure

1. Step 1: Pre-Application Conference

Optional (See Section [155.2301](#)).

2. Step 2: Neighborhood Meeting

Not applicable.

3. Step 3: Application Submittal and Acceptance

Applicable (See Section [155.2303](#)), except that an appeal shall be initiated by filing a written Notice of Appeal and appeal application with the Development Services Director within 30 days of the date of the decision or interpretation being appealed.

4. Step 4: Staff Review and Action

Applicable, except that on accepting a Notice of Appeal and appeal application, the Development Services Director shall transmit the notice, application, and all the papers, documents, and other materials relating to the appealed interpretation or decision to the appropriate appellate body. These materials constitute the record of the appeal.

5. Step 5: Public Hearing Scheduling and Notice

Applicable (See Section [155.2305](#)), except that the Development Services Director shall also provide notice of the public hearing to the applicant for the decision being appealed, if different from the appellant.

6. Step 6: Advisory Body Review and Recommendation

Not applicable.

7. Step 7: Decision-Making Body Review and Decision

The following alternative procedures and standards shall apply:

a. Public Hearing and Review

i. The appellate body shall conduct a quasi-judicial hearing on the appeal in accordance with the procedures and special considerations required by Section [30.08](#) of the Code of Ordinances and by state law.

ii. The appellate body shall review the Notice of Appeal and appeal application, the record of the decision or interpretation being appealed, arguments from the appellant identifying the grounds for the appeal and basis for the alleged error in the decision being appealed, responding arguments from city staff, and any other relevant comments by other interested parties.

b. Decision

The final decision of the appellate body shall be one of the following:

- i. Affirmation of the decision or interpretation (in whole or in part);
- ii. Modification of the decision or interpretation (in whole or in part); or
- iii. Reversal of the decision or interpretation (in whole or in part).

c. Super-Majority Vote by the Zoning Board of Appeals

The concurring vote of at least five members of the ZBA is required for the board to modify or reverse a decision or interpretation by the Development Services Director.

D. Review Standards

1. The appellate body shall review an Appeal in accordance with the standards of this Code applicable to the decision or interpretation being appealed, and shall base its decision solely on the record established below in making the decision or interpretation being appealed. The record shall consist of all documents, hearing records, and other materials related to the decision or interpretation.

2. The appellate body may modify or reverse a decision or interpretation on appeal (in whole or in part) only if it finds that there is competent substantial evidence in the record of a clear and demonstrable error in the application of the relevant standards or provisions of this Code.

3. For [Sexually Oriented Businesses](#), the sole issue to be considered in an Appeal is whether the Development Services Director's determination was correct, pursuant to the requirements of [Article 4](#), Section [155.4224](#).

E. Effect of Pending Appeal

A pending appeal stays all city actions in furtherance of the decision appealed from unless the Development Services Director certifies to the appellate body reviewing the decision that because of facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed other than by an order issued by the appellate body.

F. Effect of Appeal Decision

To the extent a decision on an appeal pertains to application of a particular provision of this Code in a particular circumstance, the appeal decision shall be binding on subsequent decisions by the Development Services Director or other city administrative official applying the same provision of this Code in the same circumstance.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-32](#), passed 12-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-43](#), passed 2-26-13; Am. Ord. [2013-73](#), passed 7-23-13; Am. Ord. [2014-16](#), passed 1-28-14; Am. Ord. [2015-75](#), passed 9-8-15 ; Am. Ord. [2017-23](#), passed 1-24-17