IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO. 2018-021933-CA-01 (22)

NATALIE NICHOLS,

Plaintiff,

v.

CITY OF MIAMI BEACH,
FLORIDA,

Defendant.
_____/

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
ON COUNT III OF THE SECOND AMENDED COMPLAINT

Defendant, the City of Miami Beach (the "City"), moves for partial summary judgment on Count III of Plaintiff Natalie Nichols' ("Nichols") Second Amended Complaint for Declaratory Judgment. Count III, which asserts that the schedule of fines provided under the challenged City ordinances are preempted by Florida law, fails for a number of reasons.

Count III alleges that the City's fine structure for short-term rental violation is preempted by Chapter 162 of the Florida Statutes. Summary judgment should be entered in favor of the City for several reasons. First, Chapter 162 of the Florida Statutes provides one method of enforcing ordinances, but its plain language permits municipalities to adopt an alternate code enforcement system, as the City has done here. Second, Florida courts have routinely upheld similar alternative enforcement systems adopted by local governments, including those that set their own fines. Third, the challenged ordinances do not conflict with Florida law. Finally,

Nichols lacks standing to raise her preemption claim because the challenged fine structure has not been enforced against her.

For these and the other reasons set forth below, summary judgment as to Count III should be entered in favor of the City.

RELEVANT FACTS AND PROCEDURAL HISTORY

This is a meritless challenge to two City zoning ordinances that restrict the rental of properties for terms of six months or less if they are located in certain residential zoning districts, City Code § 142-905(b)(5),[1] which governs short-term rentals of single-family homes, and § 142-1111,[2] which governs short-term rentals of townhomes, condominiums, and apartments (collectively, the "Ordinances"). Second Am. Compl. ("SAC") ¶ 34.

Plaintiff has asserted claims that the Ordinances violate the Equal Protection Clause of the Florida Constitution because they allow short-term rentals of properties in certain historic districts, but ban them elsewhere in the City (Count I); that the fines for violating the Ordinances

[1] City Code § 142-905(b)(5) provides that leases of single-family homes to a family – defined as "an individual or two or more persons related by blood or marriage, or a group of not more than three persons . . . who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling," § 114-1 – for not less than six months and one day, including extensions for lesser periods of leases, is permitted. Advertisement of single-family homes for a period of less than six months and one day shall not be permitted for single-family districts.

[2] City Code § 142-1111 provides that unless a specific exemption applies, the rental of apartment or townhome residential properties in districts zoned RM-1 (residential multifamily, low intensity), RM-PRD and RM-PRD-2 (multifamily, planned residential development district), RPS-1 (residential performance standard, medium-low density), RPS-2 (residential performance standard, medium density), RO and RO-3 (residential office), or TH (townhome residential) for periods of less than six months and one day are prohibited. § 142-1111(a)(1); *see also* **Exhibit A** (Miami Beach zoning map). Similarly, any advertising that promotes occupancy or use of the residential property in the restricted zoning districts for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day is prohibited. § 142-1111(a)(2).

are excessive punishments under the Florida Constitution (Count II); and that the fines are preempted by Florida Statute § 162.09(2)(d), which she claims caps municipal property-code fines (Count III). SAC ¶¶ 1-3, 35.

The operative Complaint represents Nichols' second (unsuccessful) attempt to state claims for violation of the Equal Protection Clause and excessive fines, which were previously dismissed without prejudice by this Court. On February 14, 2019, the City filed a second Motion to Dismiss these claims, which is pending.

The Court denied the City's first Motion to Dismiss with regard to Count III, Plaintiff's preemption claim. The Court gave Plaintiff 20 days to amend her complaint, and instructed Defendant to file a motion for summary judgment as to Plaintiff's preemption claim within 30 days after responding to the Second Amended Complaint. Pursuant to the Court's Order, the City now moves for summary judgment on Count III.

STANDARD OF REVIEW

"Summary judgment is proper if there is no genuine issue of material fact and if the moving party is entitled to a judgment as a matter of law." *Volusia Cty. v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d 126, 130 (Fla. 2000). The principle function of a summary judgment proceeding "is to avoid the time and expense of a useless trial if it clearly appears from the pleadings, affidavits, depositions and other evidence in the record that there is no genuine issue of any material fact, and the moving party is entitled to judgment as a matter of law." *Suggs v. Allen*, 563 So. 2d 1132, 1133 (Fla. 1st DCA 1990). Once the moving party "tenders competent evidence to support his motion[,] . . . the opposing party must come forward with counterevidence sufficient to reveal a genuine issue." *The Fla. Bar v. Mogil*, 763 So. 2d 303,

307 (Fla. 2000). To avoid summary judgment, it "is not enough for the opposing party merely to assert that an issue does exist." *Id.* (citation omitted).

ARGUMENT

Summary judgment should be entered in favor of the City with regard to Count III because the Ordinances are not preempted by Florida law. Nichols alleges that the fines set forth in the Ordinances conflict with, and are preempted by, § 162.09(2)(d), Florida Statutes, "which caps municipal property-code fines at a maximum of $1,000 per day for the first violation and $5,000 per day for repeat violations." SAC ¶¶ 3, 87. This is a misreading of section 162.09 in particular, and of Chapter 162 more broadly. While section 162.09 provides one method of enforcing ordinances, by its express terms, it does not preclude cities from adopting a different enforcement system, including by setting its own fines. The Third District Court of Appeal has expressly upheld such alternate enforcement systems like the one the City has adopted here. Regardless, the state statute does not conflict with the City's Ordinances. Finally, Nichols lacks standing to raise such a claim because the challenged fine structure has not been enforced against her.

I. THE ORDINANCES ARE NOT PREEMPTED BY FLORIDA LAW BECAUSE THE CITY HAS CREATED AN ALTERNATE ENFORCEMENT SYSTEM PURSUANT TO CHAPTER 162 OF THE FLORIDA STATUTES

"In Florida, a municipality is given broad authority to enact ordinances under its municipal home rule powers." *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006). A "municipality may legislate concurrently with the Legislature on any subject which has

not been expressly preempted to the state." *Id.* However, "municipal ordinances are inferior to laws of the state and must not conflict with any controlling provision of a statute." *Id.* at 1247.[3]

Administrative agencies cannot impose penalties "except as provided by law." Article I, Section 18, Fla. Const. Thus, Chapter 162 of the Florida Statutes provides one way for administrative agencies to impose penalties. But it does not preclude municipalities from adopting alternative enforcement procedures. In other words, while Chapter 162 provides one way to enforce ordinances, the City may establish an alternate enforcement procedure by ordinance. This is made clear from the statute itself, which provides:

> It is the legislative intent of ss. 162.01-162.12 to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in ss. 162.01-162.12 shall prohibit a local governing body from enforcing codes by any other means.

§ 162.13, Fla. Stat. The statute also expressly states that:

> a municipality may, by ordinance, adopt an *alternate code enforcement system* that gives code enforcement boards or special magistrates designed by the local governing body, or both, the authority to hold hearings and *assess fines against violators* of the respective county or municipal codes and ordinances.

§ 162.03(2), Fla. Stat. (emphasis added). The Third District Court of Appeal has read these provisions as "confer[ring] on local government the authority to either adopt Chapter 162, or

[3] However, this rule of law does not apply to municipalities in Miami-Dade County. The Miami-Dade County Home Rule Charter authorizes the City to create and enforce ordinances. *See, e.g.*, Miami-Dade County Home Rule Charter § 6.01 ("The right of self determination in local affairs is reserved and pre-reserved to the municipalities except as otherwise provided in this Charter."); *id.* at § 6.02 ("Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners . . . ."). Because the Miami-Dade County Charter is one of a handful of charters incorporated into the Florida Constitution, the powers it grants must be deemed as derived coextensively with the Florida Constitution. *See City of Miami v. Miami Ass'n of Firefighters, Local 587*, 744 So. 2d 555, 556 (Fla. 3d DCA 1999).

completely abolish Chapter 162 and adopt an alternative code enforcement system." *Miami-Dade Cty. v. Brown*, 814 So. 2d 518, 519 (Fla. 3d DCA 2002); *see also Verdi v. Metro. Dade Cty.*, 684 So. 2d 870, 873 (Fla. 3d DCA 1996) (section 162.03(2) "clearly and explicitly confers authority upon the County to adopt, by ordinance, a completely alternative code enforcement system to permit either a code enforcement board or an administrative hearing officer to conduct hearings and assess fines for code violations"); Op. Att'y Gen. Fla. 01-77, 2001 WL 1347157, at *1 (Oct. 30, 2001) ("The Legislature's code enforcement procedures set forth in Chapter 162, Florida Statutes, are an additional or supplemental means of securing compliance with local codes and *do not preempt* or otherwise operate to prevent a city from enforcing its codes by other means.") (emphasis added).

Here, the City has explicitly created such an alternative code enforcement system pursuant to Chapter 162:

> Sec. 30-2. – Alternate code enforcement system created.
>
> The city creates, pursuant to F.S. ch. 162, an alternate code enforcement system that gives special masters appointed as set forth in articles II and III of this chapter the authority to hold hearings and impose fines, liens and other noncriminal penalties against violators of the city's or county's codes and ordinances.

City Code § 30-2.

In adopting this alternate code enforcement system, the City recognized "the need for more substantial penalties as provided in Chapter 162," City Ord. No. 2000-3236 at 2, in order to "promote, protect and improve the health, safety and welfare of the citizens of the city and to provide an equitable, expeditious, effective and inexpensive method of enforcing codes and ordinances in force in the city[.]" City Code § 30-1. Chapter 30 of the City Code sets forth procedures for enforcement, *see, e.g.*, § 30-71, and provides that a special master has the

discretion to award fines, *see* § 30-74. Additionally, under this system, the City has the option "to use any method provided by law or municipal or county ordinance to enforce the provisions of the various city or county codes[.]" § 30-80. Accordingly, the Ordinances' fine structure adopted pursuant to Chapter 30 of the City Code is not preempted, but, rather, expressly permitted, by Chapter 162 of the Florida Statutes.

II. FLORIDA COURTS HAVE UPHELD THE CONSTITUTIONALITY OF SIMILAR ALTERNATE CODE ENFORCEMENT SYSTEMS

The Third District has upheld similar alternative enforcement systems. For example, in *Brown*, 814 So. 2d 518, the Court granted certiorari and quashed an order that reversed a Miami-Dade hearing officer's order imposing a fine against a property owner. The circuit court, sitting in its appellate capacity, had held the hearing officer abused his authority by imposing a fine after the violative condition had been cured in contravention of sections 162.06 and 162.09, Florida Statutes, which appear to require notice and a time-cure period. *Id.* at 519. The Third District observed that Chapter 162 of the Florida Statutes "confers on local government the authority to either adopt Chapter 162, or completely abolish Chapter 162 and adopt an alternative code enforcement system," and that Miami-Dade County had done so by adopting an alternative system of enforcement, Chapter 8CC, which permitted imposition of a fine without prior notice or an opportunity to cure the violation. *Id.* at 519-20.

That *Brown* addressed a procedural issue—*i.e.*, imposing fines without notice and opportunity to cure—is of no moment here. The Third District recognized that Miami-Dade County had "adopted an alternative system of enforcement, Chapter 8CC, and specifically exempted itself from the provisions of Chapter 162, Florida Statutes. *See* § 2-319, Miami-Dade County Code." *Id.* at 519. The Court further acknowledged that it had "previously upheld the constitutionality of Chapter 8CC" and broadly concluded that "the County is specifically

authorized by Chapter 162 to create its own system and procedure for enforcement of its Ordinance, *see* § 162.03(2), Florida Statutes, and that the County's alternate system of enforcement is not preempted, expressly or impliedly, by Chapter 162." *Id.* at 519, 520 (citing *Verdi*, 684 So. 2d 870 (recognizing that the County was authorized to adopt an alternate method of enforcement of its ordinance than that created by Chapter 162); Op. Att'y Gen. Fla. 01-77, 2001 WL 1347157 (suggesting that a city, which does not adopt Chapter 162, may enforce its codes by means other than those set forth in Chapter 162)).

Section 2-319 of the Miami-Dade County Code specifically exempts County-wide enforcement of codes from Chapter 162, Florida Statutes, and goes even further to provide that for those municipal code enforcement boards that *are* created pursuant to Chapter 162, they "may enforce municipal codes which establish a *more stringent standard of compliance* than a County or State code setting forth minimum standards." § 2-319(a) (emphasis added). Moreover, Chapter 8CC of the Miami-Dade County Code *sets forth its own schedule of civil penalties*. *See* § 8CC-10. Among those civil penalties are fines that exceed the $1,000 per day for the first violation "cap" under Chapter 162 of the Florida Statutes. *See, e.g.*, §§ 8A-382(a), 8A-386(a)(1), (b)(1) (imposing a civil penalty of $2,500); 8AA-101 ($5,000); 15-25.2 ($2,000); 17-138 ($10,000); §§ 33-121.12, 33-121.14, 33-121.21, 33-121.24, 33-121.29, 33-121.31 ($2,000). As discussed, the Third District has broadly upheld section 2-319 as exempting Miami-Dade County from Chapter 162, and Chapter 8CC as an alternate code enforcement system "specifically authorized by Chapter 162." *Brown*, 814 So. 2d at 520; *see also Verdi*, 684 So. 2d at 874 (concluding that Miami-Dade County "was duly authorized by Chapter 162 of the Florida Statutes to enact the code enforcement proceedings outlined in section 8CC of the Code"

and specifically acknowledging that section 8CC-10 sets forth civil penalties in the form of predetermined fines and costs).

Similarly, the Fourth District Court of Appeal has concluded that the creation of a code enforcement board did not prohibit a city from setting forth alternative penalties by enforcing a municipal code violation in county court. *See Goodman v. Cty. Court in Broward Cty., Fla.*, 711 So. 2d 587 (Fla. 4th DCA 1998). The Court observed that although Chapter 162 provides for the creation of a code enforcement board, section 162.13 specifically states that nothing in the Chapter prohibits "a local governing body from enforcing its codes *by any other means*." *Id.* at 589 (quoting § 162.13, Fla. Stat.) (emphasis in original). It further noted that the Legislature had likewise enacted section 162.22, which provides that a municipality "may designate the enforcement methods and penalties to be imposed for the violation of ordinances adopted by the municipality." *Id.* (quoting § 162.22, Fla. Stat.). The Court observed that these provisions "are clear and unambiguous" and "allowed greater flexibility in code enforcement," and, therefore, the "Legislature has provided that the code enforcement board procedure is supplemental to other means of securing code compliance." *Id.* at 589 & n.1.

The City anticipates that Plaintiff will rely upon the Second District Court of Appeal's opinion in *Stratton v. Sarasota County*, 983 So. 2d 51 (Fla. 2d DCA 2008), as she did in her response to the City's first Motion to Dismiss. In that case, a county attempted to impose upon a property owner the county's payroll expenses for the time spent by its code enforcement employees in supervising the demolition of her property. The Court observed that, although section 162.09(2)(a) sets forth permissible per diem fines and permits those fines to be imposed together with the reasonable cost of repairs, it did not permit payroll expenses to be passed directly to an individual property owner in a code enforcement proceeding. *Id.* at 55. The Court

broadly rejected the county's argument that it was relying on its local code provisions, not Chapter 162, to collect those payroll expenses. *Id.* However, in concluding as such, the Court did not address the question of whether the county had adopted an alternative code enforcement system pursuant to Chapter 162, under which it could designate the enforcement mechanisms and penalties to be imposed.

The Second District's unremarkable admonition that a municipality may not impose penalties not authorized by law, *see id.*, is insufficient to overcome the controlling precedent squarely addressed by the Third District in *Brown*. *See Pardo v. State*, 596 So. 2d 665, 666–67 (1992) (observing that "[t]he decisions of the district courts of appeal represent the law of Florida unless and until they are overruled by [the Florida Supreme Court]" and "if the district court of the district in which the trial court is located has decided the issue, the trial court is bound to follow it") (citations omitted); *State v. Washington*, 114 So. 3d 182, 185 (Fla. 3d DCA 2012) (same).

III. THE ORDINANCES DO NOT CONFLICT WITH SECTION 162.09(2)(d)

Even if Florida Statute § 162.09(2)(d) applied, that statute does not conflict with the Ordinances. Chapter 162 provides that "fines shall not exceed $1,000 *per day* per violation for a first violation, $5,000 *per day* per violation for a repeat violation, and up to $15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature." § 162.09(2)(d), Fla. Stat. (emphasis added); SAC ¶ 87. While these fines are determined *per day*, the fines prescribed in the City's Ordinances are *per violation*. Thus, whether a fine under the Ordinances *exceeds* the fines set forth in the statute would depend on the violation: for instance, if a 30-day lease was a resident's first violation, under § 162.09(2)(d), Florida Statutes, the fine would be $30,000 ($1,000 per day). And, the fine could be another

$15,000 more if the code enforcement board or special magistrate found the violation to be irreparable or irreversible in nature. § 162.09(2)(d), Fla. Stat. However, under the Ordinances, the fine would be $20,000—at least $10,000 *less* than under the statute (possibly $25,000 less, if it were irreparable). This would be consistent with Chapter 162, because it does "not exceed" the fine set forth in § 162.09(2)(d). Therefore, even if Chapter 162 were to apply, the Ordinances do not conflict with it.

IV. PLAINTIFF LACKS STANDING TO RAISE HER PREEMPTION CLAIM BECAUSE THE CHALLENGED FINE STRUCTURE HAS NOT BEEN ENFORCED AGAINST HER

Because the operative Complaint does not allege that the challenged fine structure was enforced against Nichols, a determination regarding whether any such fine is preempted by § 162.09(2)(d) would amount to no more than an advisory opinion. Accordingly, the preemption claim should be dismissed for lack of standing.

Florida law is well-settled that "'courts will not render, in the form of a declaratory judgment, what amounts to an advisory opinion at the instance of parties who show merely the *possibility* of legal injury on the basis of a hypothetical state of facts which have not arisen' and are only 'contingent, uncertain, [and] rest in the future.'" *Santa Rosa Cty. v. Admin. Comm'n, Div. of Admin. Hearings*, 661 So. 2d 1190, 1193 (Fla. 1995) (quoting *LaBella v. Food Fair, Inc.*, 406 So. 2d 1216, 1217 (Fla. 3d DCA 1981)) (emphasis and alterations in original).

In *Apthorp v. Detzner*, for example, the plaintiff sought a declaratory judgment raising "an important constitutional question" regarding whether a public officer who included a qualified blind trust in any financial disclosure as required by law complies with the requirement for full and public disclosure under the Florida Constitution. 162 So. 3d 236, 239–40 (Fla. 1st DCA). The First District Court of Appeal determined that the trial court had erred by exercising

its jurisdiction and entering a declaratory judgment regarding the constitutionality of the statute, observing that no public officer had ever used the type of qualified blind trust authorized by the statute and the plaintiff had conceded he knew of no officer who had incorporated a blind trust in recent financial statements. *Id.* at 241. As such, the plaintiff had failed to "allege a present controversy based on articulated facts which demonstrate a real threat of *immediate* injury." *Id.* at 240 (emphasis added); *see also Fla. Dep't of Ins. v. Guarantee Tr. Life Ins. Co.*, 812 So. 2d 459, 461 (Fla. 1st DCA 2002) (concluding that trial court's order declaring statute unconstitutional was an impermissible advisory opinion where allegations raised only a possibility at some point in the future that application of the statute would result in denial of their requests for a rate change); *Fla. Soc'y of Ophthalmology v. State, Dep't of Prof'l Regulation,* 532 So. 2d 1278, 1279 (Fla. 1st DCA 1988) (holding that court lacked power to resolve claims because complaint, which alleged "what *might* occur under the revised act, instead of what has occurred that would demonstrate an actual controversy," failed to demonstrate a justiciable controversy arising from application of the challenged act) (emphasis in original).

Here, as in those cases, Nichols seeks an advisory opinion with regard to the constitutionality of a fine structure that has not been enforced against her. Accordingly, any determination regarding whether such fines (that could at some time in the future be applied to Plaintiff) are preempted by Florida law would constitute an impermissible advisory opinion and, therefore, Count III should be dismissed.

CONCLUSION

For the foregoing reasons, the City of Miami Beach respectfully requests that this Court grant summary judgment in its favor on Count III or dismiss the claim for lack of standing.

Dated: March 28, 2019

Respectfully submitted,

CARLTON FIELDS, P.A.
Miami Tower, Suite 4200
100 SE Second Street
Miami, Florida 33131-2803
Telephone: (305) 530-0050
Facsimile: (305) 530-0055

By: /s/ Enrique D. Arana
Richard J. Ovelmen (FBN 284904)
rovelmen@carltonfields.com
Enrique D. Arana (FBN 189316)
earana@carltonfields.com
Scott E. Byers (FBN 68372)
sbyers@carltonfields.com
Secondary emails:
maakoyunlu@carltonfields.com
cpratt@carltonfields.com
dkatz@carltonfields.com

RAUL AGUILA, CITY ATTORNEY
CITY OF MIAMI BEACH
Aleksandr Boksner (FBN 526827)
Chief Deputy City Attorney
aleksandrboksner@miamibeachfl.gov
1700 Convention Center Drive, 4th Floor
Miami Beach, Florida 33139
Telephone: (305) 673-7470
Facsimile: (305) 673-7002
Secondary email:
sandraperez@miamibeachfl.gov

Counsel for Defendant City of Miami Beach

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 2019, a true and correct copy of the foregoing document was filed electronically though the Florida Courts E-Filing Portal which electronically served all counsel of record including:

Christina Sandefur, Esq.
Matthew R. Miller, Esq.
Goldwater Institute
Scharf-Norton Center for
Constitutional Litigation
500 East Coronado Road
Phoenix, Arizona 85004
Telephone: (602) 462-5000
Facsimile: (602) 256-7056
csandefur@goldwaterinstitute. org
mmiller@goldwaterinstitute.org

Attorneys for Plaintiff

Joseph S. Van de Bogart, Esq.
Van de Bogart Law, P.A.
2850 North Andrews Avenue.
Fort Lauderdale, Florida 33311
Telephone: (954) 567-6032
joseph@vandebogartlaw. com

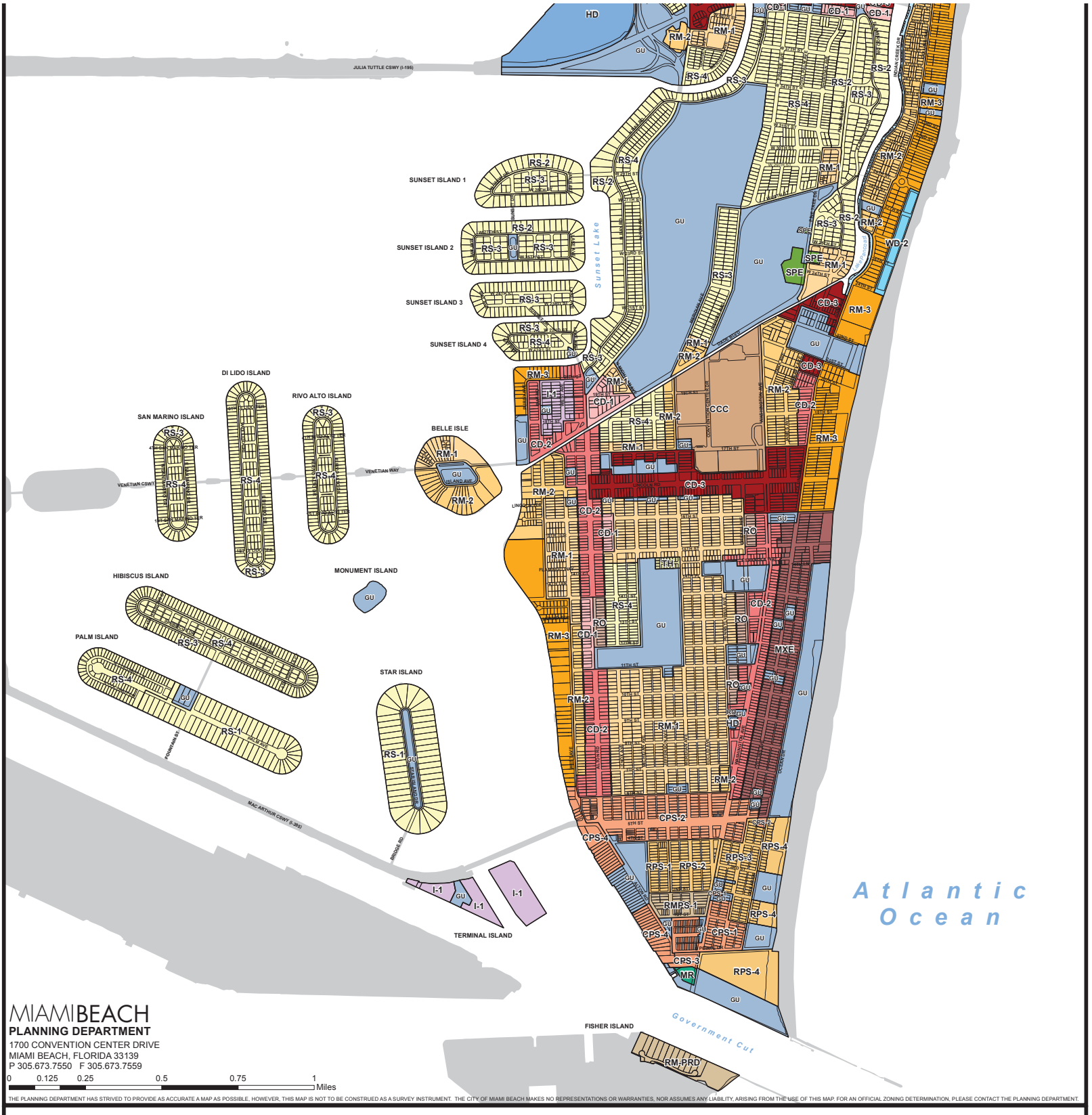
Attorneys for Plaintiff

/s/ Enrique D. Arana

117519281


N
OFFICIAL ZONING MAP
OF THE
CITY OF
MIAMI BEACH
• FLORIDA •
INCORPORATED 1915
ADOPTED 21ST DAY OF SEPTEMBER, 1989
EFFECTIVE 1ST DAY OF OCTOBER, 1989
AS AMENDED
DATE OF LAST REVISION APRIL 5, 2014
DATE OF LAST CORRECTION FEBRUARY 23, 2017
BISCAYNE BEACH
BISCAYNE POINT
NORMANDY SHORES
ALLISON ISLAND
LA GORCE ISLAND
Biscayne Bay
Indian Creek
Surprise Lake
GC
RM-PRD-2
WD-1
MXE

Exhibit A



MIAMIBEACH
PLANNING DEPARTMENT
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FLORIDA 33139
P 305.673.7550 F 305.673.7559

0 0.125 0.25 0.5 0.75 1 Miles

ZONING DISTRICTS

- RS-1 Single family residential
- RS-2 Single family residential
- RS-3 Single family residential
- RS-4 Single family residential
- TH Townhome residential
- RM-1 Residential multifamily, low intensity
- RM-2 Residential multifamily, medium intensity
- RM-3 Residential multifamily, high intensity
- CD-1 Commercial, low intensity
- CD-2 Commercial, medium intensity
- CD-3 Commercial, high intensity
- I-1 Urban light industrial
- MXE Mixed use entertainment
- HD Hospital district
- MR Marine recreational
- GU Civic and government use
- CCC Convention center district
- RM-PRD Multifamily, planned residential development district
- RM-PRD-2 Multifamily, planned residential development district
- WD-1 Waterway district
- WD-2 Waterway district
- RO Residential office
- GC Golf course
- RPS-1 Residential performance standard, medium-low density
- RPS-2 Residential performance standard, medium density
- RPS-3 Residential performance standard, medium-high density
- RPS-4 Residential performance standard, high denisty
- CPS-1 Commercial performance standard, limited mixed use
- CPS-2 Commercial performance standard, general mixed use
- CPS-3 Commercial performance standard, intensive mixed use
- CPS-4 Commercial performance standard, intensive phased bayside
- RMPS-1 Residental mixed use performance standard
- SPE Special public facilites educational district
- TC-1 North Beach Town Center core
- TC-2 North Beach Town Center mixed use
- TC-3 North Beach Town Center residential/office
- TC-3(c) North Beach Town Center residential/office with conditional neighborhood commercial

FOR AN OFFICIAL ZONING DETERMINATION PLEASE CONTACT THE PLANNING DEPARTMENT.

Exhibit A