



A G E N D A
ORMOND BEACH PLANNING BOARD
Regular Meeting

May 10, 2012

7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

- I. ROLL CALL**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. NOTICE REGARDING ADJOURNMENT**

THE PLANNING BOARD WILL NOT HEAR NEW ITEMS AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

- V. PLANNING DIRECTOR'S REPORT**
- VI. PUBLIC HEARINGS**

A. LDC 12-26: Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57.T.3: Telecommunication Towers and Antennae.

This is a request to amend Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57.T.3. of the Land Development Code, Telecommunications Towers and Antennae, to include the requirements of balloon testing, simulated photographic imaging, and the filing of a propagation study for any application to construct a telecommunication tower whether camouflaged or not.

B. LDC 12-03: Chapter 2: District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses: Home Occupations and Sheds, Utility Structures, Playhouses and Gazebos.

This is a request to amend Chapter 2: District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses, of the Land Development Code, Section S: Home Occupations to modify the existing regulations and Section BB: Sheds, Utility Structures, Playhouses and Gazebos to add standards for playhouses and setbacks.

C. LDC 12-91: Chapter 3 Performance Standards, Article VI Architectural Design Standards and Chapter 2, District and General Regulations, Article II: District Regulations: Architectural Design Standards.

This is an administrative request to amend the Land Development Code to update the Architectural Design Standards, including the following Sections:

1. Chapter 3 Performance Standards, Article VI Architectural Design Standards:
 - a. Section 3-66: Purpose and Intent.
 - b. Section 3-67: In General.
 - c. Section 3-68: General Design Criteria.
 - d. Section 3-69: Architectural Style.
 - e. Section 3-71: Industrial District Exemptions and Standards.
2. Chapter 2, District and General Regulations, Article II: District Regulations:
 - a. Section 2-42: Design Standards.

VII. OTHER BUSINESS:

Outdoor Activity Discussion Item

VIII. MEMBER COMMENTS

IX. ADJOURNMENT

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: May 10, 2012 5.2.12

SUBJECT: LDC Amendments

APPLICANT: City Initiated

NUMBER: LDC 12-26

PROJECT PLANNER: Richard P. Goss, AICP



<u>Code Section Title</u>	<u>Code Section</u>	<u>Amendment</u>
Chapter 2, Article IV	Section 2-27 T	Telecommunication Towers

A. INTRODUCTION:

In 2007 the City Commission approved broadening the areas where telecommunication towers could be placed if camouflaged. Since that amendment, no applicant applied to the City of Ormond Beach to place camouflaged or non-camouflaged towers in the city. In the last two years, the City has received two applications. Both times, staff has required the applicant to conduct neighborhood meetings, demonstrate the height of the tower by floating a balloon at the proposed height, provide simulated pictures in scale depicting the camouflaged tower to determine visual impacts on adjacent residential areas, and provide propagation studies signifying why a certain height of tower is needed. Note, the propagation study is not to determine whether a tower is permitted but it is used to determine the height of tower needed to eliminate coverage gaps. The amendments add the balloon test, simulated photographic imaging and propagation study as a requirement to ensure the purposes for why communication towers are regulated are furthered. Also, setbacks for towers along residentially zoned districts when they were not permitted have been deleted since the requirement for camouflaged towers was implemented. Camouflaged towers are now permitted in all residentially zone districts

LDC CODE SECTION TO BE AMENDED:

Staff proposes two amendments to the LDC. They are as follows:

1. Staff proposes to amend Section 2-57 T 3. Subsection 3, Telecommunications Towers and Antennae, of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code

by deleting setbacks from residential zoning districts since all residential zoning districts now permit camouflaged telecommunication towers. It shall read as follows:

AREA	SETBACK REQUIREMENTS
Any residential zoning district which does not allow telecommunication towers	200' or 200% of the height of the tower, whichever is greater.

2. Staff proposes to amend Section 2-57 T 3. Telecommunications Towers and Antennae, of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code to add requirements that assist staff in educating and informing residents at neighborhood meetings as well as understand why certain heights of towers are needed. It shall read as follows:

15. Balloon testing, simulated photographic imaging, and the filing of a propagation study shall be required for all telecommunication towers whether camouflaged or not in accordance with the following:

A. A Balloon test shall use a balloon that is a minimum of five (5) feet in diameter and be of a highly visible color. The balloon shall be flown during daylight hours for two (2) consecutive days during the week the neighborhood meeting is established. An alternate date shall be planned for in the event that the weather is not conducive to a balloon test. The applicant is responsible for securing all FAA approvals prior to this demonstration.

B. Photographs of the site and surrounding area that include a simulated photographic image to scale of the proposed wireless telecommunication facility to show the impact on other predominate land uses. The photograph with the simulated image should include the foreground, mid-ground and the background of the site. A map should be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.

C. A propagation study with a radio frequency engineer's statement that specifically describes the coverage area objective, the "hand-off" sites, equipment specifications, methodology, assumptions, constraints and other factors used in the design. The engineer's statement should be supported by propagation maps that include a legend referencing signal strength. At a minimum, I think the coverage maps should depict:

(1) Existing network coverage minimum five mile radius surrounding the proposed site.

(2) Proposed coverage from the proposed site.

(3) Composite network coverage (existing and proposed coverage).

(4) Composite network coverage (existing and proposed coverage) demonstrating the effect on coverage as the height of the proposed structure is reduced at twenty (20) foot increments to a minimum height of eighty (80) feet AGL.

(e) Capacity.

CONCLUSION: There are certain criteria that must be evaluated before LDC 12-26 can be approved. According to Article I of the Land Development Code, the Planning Board shall consider the following criteria when making its recommendation on code amendments:

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

Towers and antennae cause harmful effects upon the community; therefore, camouflaging towers and antennae is the primary means of minimizing adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in general the same area as the requested location of such wireless telecommunication facilities. The added submittal requirements for camouflage towers will further strengthen the purpose for why the City regulates wireless facilities.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The amendments are consistent with and further the purpose of the Comprehensive Plan as it pertains to health, safety, and welfare. Balancing the increasing demand for cell phone and data transmission with the need to protect residential areas is of primary consideration.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The amendment is designed to inform and educate the citizen about the potential visual impact a wireless facility may have on a residential area.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The balloon test and simulated photography are techniques and tools to educate the property owner at neighborhood meetings on the potential visual effects a camouflaged tower may have on a particular property. The propagation study is needed by staff to determine the appropriate height of the tower while ensuring the wireless carrier has coverage for their customers.

- 5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

Facilities are self supporting. Adequate public facilities are not affected by this amendment nor is it applicable.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

Not Applicable – This is not related a development.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

Not Applicable – This is not related to a development.

8. **The proposed development provides for the safety of occupants and visitors.**

Not Applicable – This is not related to a development.

9. **The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

The amendment being proposed is to enhance the purposes of why wireless tower locations were expanded throughout the city provided they were camouflaged. Towers were required to be camouflaged because of the expanded number of locations permitted. The purpose of the camouflage towers is to reduce to a greater degree the impact towers have upon residential neighborhoods. The need for expanded capacity for data and cell phone has grown significantly to the point that coverage gaps are frequent throughout the Ormond Beach area. To accommodate the general public's increased usage of cell and data transmission, the amendment is designed educate and inform residents of the need for and the potential impact towers may have on residential neighborhoods.

10. **The testimony provided at public hearings.**

To be determined at the Planning Board Public Hearing.

RECOMMENDATION: It is recommended that the Planning Board approve Case # LDC 12-26 amending the LDC.

Attachments: as

ORDINANCE NO. 2012-XXXX

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING THE CITY LAND DEVELOPMENT CODE; CHAPTER 2 - DISTRICT AND GENERAL REGULATIONS, ARTICLE IV - CONDITIONAL AND SPECIAL EXCEPTION REGULATION; MORE PARTICULARLY SECTION 2-57 T TELECOMMUNICATION TOWER BY DELETING SETBACKS FROM RESIDENTIAL ZONING DISTRICTS AND ADDING BALOON, SIMULATED PHOTOGRAPHIC IMAGING, AND PROPAGATION STUDY REQUIREMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEPARABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, from time to time continued amendments to the telecommunication requirements are needed to maintain parity with changing technology while ensuring the purposes for such regulations are maintained; and

WHEREAS, the City Commission finds these amendments to be in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE: Section 2-57 T 3. Subsection 3, Telecommunications Towers and Antennae, of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code is hereby amended to read as follows:

AREA	SETBACK REQUIREMENTS
Any residential zoning district which does not allow telecommunication towers	200' or 200% of the height of the tower, whichever is greater.

SECTION TWO: Section 2-57 T 3. Telecommunications Towers and Antennae, of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code is hereby amended to read as follows:

15. Balloon testing, simulated photographic imaging, and the filing of a propagation study shall be required for all telecommunication towers whether camouflaged or not in accordance with the following:

A. A Balloon test shall use a balloon that is a minimum of five (5) feet in diameter and be of a highly visible color. The balloon shall be flown during daylight hours for two (2) consecutive days during the week the neighborhood meeting is established. An alternate date shall be planned for in the event that the weather is not conducive to a balloon test. The applicant is responsible for securing all FAA approvals prior to this demonstration.

B. Photographs of the site and surrounding area that include a simulated photographic image to scale of the proposed wireless telecommunication facility to show the impact on other predominate land uses. The photograph with the simulated image should include the foreground, mid-ground and the background of the site. A map should be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.

C. A propagation study with a radio frequency engineer's statement that specifically describes the coverage area objective, the "hand-off" sites, equipment specifications, methodology, assumptions, constraints and other factors used in the design. The engineer's statement should be supported by propagation maps that include a legend referencing signal strength. At a minimum, I think the coverage maps should depict:

(1) Existing network coverage minimum five mile radius surrounding the proposed site.

(2) Proposed coverage from the proposed site.

(3) Composite network coverage (existing and proposed coverage).

(4) Composite network coverage (existing and proposed coverage) demonstrating the effect on coverage as the height of the proposed structure is reduced at twenty (20) foot increments to a minimum height of eighty (80) feet AGL.

(e) Capacity.

SECTION THREE. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FOUR. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such

judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FIVE. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this ____ day of _____, 2012.

PASSED UPON at the second and final reading of the City Commission, this _____ day of _____, 2012.

ED KELLY
Mayor

ATTEST:

JOSHUA FREUCHT
City Clerk

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: May 3, 2012

SUBJECT: LDC Amendments –Chapter 2 Article III, Accessory Uses –
Home Occupations and Sheds, Utility Structures,
Playhouses and Gazebos

APPLICANT: Administrative

NUMBER: LDC 12-003

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is an administrative request to amend Chapter 2: District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses of the Land Development Code as follows:

Item	Sub-Section	Name of Subsection
1.	S.	Home Occupations
2.	BB.	Sheds, Utility Structures, Playhouses and Gazebos

BACKGROUND:

There are two proposed Land Development Code Amendments with this request. The histories of these items are as follows:

Home Occupations:

The Planning Board reviewed amendments to the home occupation use on November 10, 2011 and unanimously recommended approval with the following amendments:

1. To limit the lessons to five days a week, a maximum of six hours a day.
2. No more than two students per session.
3. Any musical instrument lessons must be given indoors.
4. To modify text in the amendment from “office use” to “home occupation use”.

After the Planning Board meeting, the City Neighborhood Improvements Division provided staff additional comments and changes have been made to the proposed amendment. Staff believes that the changes were substantial enough to bring this item back to the Planning Board for review. This item has not been reviewed by the City Commission to date. Changes since the Planning Board review include:

1. Removal of uses for 5 acre single-family homes such as beauty shops, dog grooming or lawn mower repair. These uses are currently defined as a type "C" home occupation and require City Commission approval through a Special Exception. There have been no applications for these types of uses.
2. The Neighborhood Improvements Division recommended the following language related to storage: "Other than office supplies, there shall be no on site or outside storage of tools, machinery, equipment, etc. in size or number beyond that customarily found in a residence" for outside storage related to home occupations". Staff has made this change in Section S.3.i of the amendment.
3. Added a procedural requirement section, under "S.4".

Sheds, Utility Structures, Playhouses and Gazebos:

The Planning Board reviewed amendments to the playhouse and shed uses on November 10, 2011 and unanimously recommended approval. The item went to the City Commission on January 17, 2012 and the Commission voted to table all the proposed accessory use amendments and hold a workshop to discuss the amendments. On April 3, 2012, the City Commission conducted a workshop which included a discussion on playhouses (see Exhibit "B" for the minutes). The City Commission provided direction on playhouses as follows:

1. Allow playhouses at a setback of 7.5' for the rear and side yards.
2. The maximum height cannot exceed a height of 18'.
3. Hard roofs are allowed.

Based on this direction, staff has eliminated the proposed playhouse Section and made amendments to the existing Section of Sheds, Utility Structures, Playhouses and Gazebos.

ANALYSIS:

Attached in Exhibit "A" is the proposed amendment language which displays the language to be deleted in ~~striketrough~~ and language proposed to be added in underline. The purpose of the home occupation amendment is to:

- Consolidate various current home occupation types.
- Allow off-site sales of hobby crafts and cottage food sales.

- Allow music, dance and swimming instruction.
- Provide list of prohibited home occupations.

The purpose of the Sheds, Utility Structures, Playhouses and Gazebos amendment is to provide clarity regarding require setbacks and the allowed roofing materials for these structures.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC); the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed Land Development Code amendments will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments is to improve the application of the City’s zoning code.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The proposed Land Development Code amendments will not have an adverse impact on environmentally sensitive lands.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

Staff does have concerns that the proposed Land Development Code amendments could impact surrounding property, specifically for playhouse structures. A play structure 18 foot in height, at 7.5 feet from the property line with a hard roof has the potential of creating a nuisance to adjoining properties. Staff has been involved with cases where complaints have been submitted based on impacts to privacy of individuals looking over six foot fences into abutting yards.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed Land Development Code amendments are not applicable to public facilities.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

8. **The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

9. **The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

10. **The testimony provided at public hearings.**

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is expected that the amendment will be reviewed by the City Commission on June 19, 2012 (1st reading) and July 3, 2012 (2nd reading). It is recommended that the Planning Board **APPROVE** LDC 12-003, to amend Chapter 2: District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses of the Land Development Code as shown in the attached Exhibit.

EXHIBIT A

Proposed Land Development Code Amendments

- **Home Occupations**
- **Sheds, Utility Structures,
Playhouses and Gazebos**

Home Occupations

LDC AMENDMENT:

- S. **Home Occupations.** ~~Home Occupations shall be categorized as Type “A”, Type “B”, or Type “C” as defined in Chapter 1, Article 3 of this Code.~~
- ~~1. The following regulations shall apply to Type “A” Home Occupations:~~
 - ~~a. The use shall be limited to office, professional service and phone type use only.~~
 - ~~b. There shall be no employment or help other than members of the resident family other than one (1) clerical employee.~~
 - ~~c. There shall be no sales of products or services not produced within the home.~~
 - ~~d. No more than 25% of the principal building’s floor area may be devoted to the home occupational use, and such use shall be clearly incidental and secondary to the use of the building for residential purposes.~~
 - ~~e. The home occupation use shall not generate pedestrian or vehicular traffic beyond that customary in the zoning district in which it is located.~~
 - ~~f. No building or yard space other than the principal building shall be used for home occupation purposes. There shall be no on site, indoor or outdoor storage of materials or supplies.~~
 - ~~g. No signs or displays will be permitted other than one (1) nameplate not exceeding 1½ square feet in area.~~
 - ~~h. The appearance of the home shall not be altered, and the conduct of the occupation within it shall~~

Note: Language to be deleted in ~~strikethrough~~ and language proposed to be added in underline

~~not be such that the home may be reasonably recognized as serving a non-resident use, either by color, light, material, sounds, noises or vibrations.~~

~~i. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.~~

~~j. Advertisements of the business shall not state the residential address, only the phone number.~~

~~k. Notwithstanding any of the above, a Home Occupation may be allowed in other than a single family dwelling, provided that:~~

~~(1) The occupation is limited to telephone use only.~~

~~(2) No sign or nameplates are permitted.~~

~~(3) There shall be no persons employed outside of household members.~~

~~(4) There shall be no sales on the premises.~~

~~(5) The use shall not generate any noise, odor, light, pedestrian or vehicular traffic or utility use above that required for normal household use.~~

~~(6) There shall be no advertising listing the address of the use.~~

~~(7) No commercial vehicle may be parked or stored on site for use in conjunction with the home occupation.~~

~~2. The following regulations shall apply to Type "B" and Type "C" Home Occupations:~~

~~a. The minimum lot size shall be five (5) acres.~~

~~b. Only persons who reside in the dwelling unit shall be employed or act as an independent contractor in said dwelling unit permitted as a Type "B" Home Occupation. Other employees or inde-~~

Note: Language to be deleted in ~~strikethrough~~ and language proposed to be added in underline

~~pendent contractors of the Type "B" Home Occupation may be permitted, provided that said persons do not assemble upon the premises for the purpose of conducting business. For Type "C" Home Occupations, the City Commission may allow, by Special Exception, one (1) or more employees or independent contractors who are not residents of the dwelling unit.~~

- ~~e. The home occupation shall be clearly incidental and subordinate to the residential use and shall under no circumstances change the residential character of the dwelling.~~
- ~~d. The floor area devoted to the home occupation shall not exceed 25% of the floor area of the dwelling. However, up to 500 square feet in an attached or detached garage of a dwelling, or in any accessory building in an agricultural classification, may be used for a home occupation in lieu of floor space within the dwelling.~~
- ~~e. There shall be no change in the outside appearance of the premises. Type "C" Home Occupations may permit one (1) non illuminated on-premises sign, not to exceed two (2) square feet in area. Any sign shall be mounted flat against the wall of the building.~~
- ~~f. All storage of materials or supplies used in the home occupation shall be done in enclosed buildings and within the space limitations in Paragraph 4, above. No products shall be displayed on the premises.~~
- ~~g. No equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or~~

Note: Language to be deleted in ~~strikethrough~~ and language proposed to be added in underline

~~television receivers off the premises, or causes fluctuations in line voltage off the premises.~~

- ~~h. No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit. Said volume of traffic shall not exceed ten (10) trip ends per dwelling unit. For Type "C" Home Occupations, the City Commission may allow, as a condition of the requisite Special Exception, a volume of traffic greater than that typically generated by the dwelling unit. No more than two (2) vehicles associated with the Home Occupation may be kept on the premises. Any need for parking shall be met off the street and on the premises but other than the front yard.~~
- ~~i. The home occupation shall not adversely affect the habitability or value of the surrounding properties nor alter the essentially residential character of the neighborhood.~~
- ~~j. Any violation of these regulations may result in the revocation of any home occupation permit, in addition to any other remedy for such violation provided in this ordinance or by law.~~
- ~~k. The issuance of a permit to engage in a home occupation in accordance with this ordinance shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property.~~

S. **Home Occupations.** Home occupations are to be conducted entirely within a dwelling unit, and/or accessory buildings, and/or accessory structure and are subject to the following regulations:

1. Permitted home occupations:

- a. Professional and business office activities that do not involve clients, customers, or employees

Note: Language to be deleted in ~~strikethrough~~ and language proposed to be added in underline

- visiting the premises except as otherwise provided by this code.
- b. Customary hobby crafts produced at home by residents and shall be sold off-site only. Such hobby crafts may include, but are not limited to needlework, woodworking (excluding furniture) or visual arts.
 - c. Instruction such as but not limited to nonamplified musical instrument, dance, swimming, tennis, art instruction, tutoring, etc. of no more than two students per session.
 - d. Cottage food sales as allowed in F.S. 500.80.
2. **Prohibited home occupations:** The following shall not be considered home occupations: motor vehicle, boat and small engine repair, on-site retail sales, upholstery, welding, photography studio, amplified music instruction, and outdoor repair of vehicles or storage of items.
3. **Restrictions:** Home occupations are permitted as an accessory use in all residential zones and subject to the following restrictions:
- a. The home occupation shall be clearly incidental and subordinate to the residential use and shall under no circumstances change the residential character of the dwelling.
 - b. There shall be no employment or help other than members of the resident family and one (1) clerical employee.
 - c. Multi-family dwelling units shall be limited to professional and business office uses, hobby crafts produced at home by residents, and cottage food sales.
 - d. There shall be no sales of products at the residence.

Note: Language to be deleted in ~~strikethrough~~ and language proposed to be added in underline

- e. For instructional home occupational uses the following conditions shall apply:
 - 1. Lessons shall be limited to five days a week, a maximum of six hours a day.
 - 2. No more than two students per instructional session are allowed.
 - 3. Any musical instrument lessons must be provided inside the residential structure.
- f. The principal structure, including the garage or accessory structure, may be used for home occupation purposes. The floor area devoted to the home occupation shall not exceed 25% of the gross floor area of all structures on-site.
- g. No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit.
- h. Commercial vehicles may be allowed subject to the restrictions outlined in Chapter 2, Article III, Section 2-50(G), Land Development Code.)
- i. Other than office supplies, there shall be no on site or outside storage of tools, machinery, equipment, etc. in size or number beyond that customarily found in a residence.
- j. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- k. There shall be no advertising listing the residential address of the use. One non-illuminated on-premises sign, not to exceed one and one-half (1 1/2) square foot in area is allowed provided it is mounted flat against the front wall of the dwelling or accessory structure used for the home occupation. For single-family homes of five acres or greater, one non-illuminated on-premises sign, not to exceed two (2) square feet in area. The

Note: Language to be deleted in ~~strikethrough~~ and language proposed to be added in underline

sign must be mounted flat against the wall of the dwelling or accessory structure used for the home occupation.

1. No equipment shall be used in the home occupation that creates fire hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- m. Any violation of these regulations may result in the revocation of any home occupation permit, in addition to any other remedy for such violation provided by this Code.
- n. A business tax receipt is required.

4. Procedural Requirements

The applicant shall submit the following information for review prior to issuance of a home occupation approval and Business Tax Receipt:

- a. Letter that describes the proposed home occupation in detail including
 1. Type of business,
 2. Type of supplies and materials required to be maintained on site in order to conduct the home occupation,
 3. Number of members of the resident family involved in the home occupation,
 4. Outside clerical staff involved in home occupation
 5. Days and hours of operation,
 6. Floor area used in dwelling unit and/or accessory buildings and/or structures for the home occupation including active and storage areas.

Note: Language to be deleted in ~~strikethrough~~ and language proposed to be added in underline

- b. Dimensional site plan of property that shows location and size of dwelling and all accessory buildings and structures on site,
 - c. Dimensional floor plan that identifies room or rooms in dwelling unit and/or accessory buildings and/or structures to be used for the home occupation with floor area or size of each,
 - d. If use is a food cottage, describe the type/s of food being prepared, food storage and preparation area and location for food cottage sales.
 - e. Notarized letter of approval for the home occupation from the property owner and/or property manager if the location is tenant occupied.
2. The Home Occupation and Business Tax Receipt shall expire on September 30 of each year and shall be subject to the same renewal requirements as specified in the Code of Ordinances, Chapter 12, Code of Ordinances and Florida State Statutes with regard to renewal of the Business Tax Receipt.
 3. Non-Transferability: A home occupation approval shall not be transferred to another person through the sale, lease, or rental of the property on which the home occupation is located or in any other manner.
 4. Revocation of Approval: Any violation of these regulations may result in the revocation of any home occupation permit, in addition to any other remedy for such violation provided for by this Code and Florida State Statutes with regard to renewal of the Business Tax Receipt. (Same question as relates to authority to revoke.)

Note: Language to be deleted in ~~strikethrough~~ and language proposed to be added in underline

Sheds, Utility Structures, Playhouses and Gazebos

LDC AMENDMENT:

BB. Sheds, Utility Structures, Playhouses and Gazebos

1. Each of the aforementioned accessory structures shall comply with the use limitations applicable in the zoning district for which it is located and are permitted under the following conditions:
 - a. An approved building permit shall be issued prior to the erection of any accessory structure.
 - b. The rear and side yard setback for a utility structure, shed, playhouse and gazebo shall be 7½ feet.
 - c. Area Requirements:
 1. For purposes of this Section, any utility structure/shed over 150 square feet shall be considered a garage and must meet the principal building setbacks for the zoning district in which the property is located.
 2. Any gazebo over 150 square feet shall be required to meet the principal building setbacks for the zoning district in which the property is located.
 - d. Number:
 1. No more than one detached utility structure/shed, plus a playhouse or gazebo shall be permitted on a lot having 10,000 square feet of lot area or less.
 2. Multiple utility structures/sheds, playhouses or gazebos are permitted in the Rural Residential or the Rural Agricultural zoning district with approval from the Planning Director or designee.
 - e. Height:
 1. The utility structure/shed or gazebo shall not exceed 10 feet in height.
 2. Playhouses shall not exceed 18 feet in height.
 - f. Sheds, utility structures, playhouses, and gazebos are permitted to have hard roofs.

Note: Language to be deleted in ~~strike through~~ and language proposed to be added in underline

EXHIBIT B

April 3, 2012 City Commission Workshop Minutes

- **Sheds, Utility Structures,
Playhouses and Gazebos**

property owners could each fit the standard and have their walls finished but they would all have different nuances in the walls. He stated that he felt that the city would want to be consistent.

Mayor Kelley confirmed that everyone was comfortable with the amendments.

Item 4: Greenhouses

Mr. Goss stated that greenhouses were currently not allowed in most of the residential districts. He stated that there had been a request to allow them. He stated that this amendment would allow greenhouses to be in all residential districts, subject to accessory structure set-backs and heights.

Mayor Kelley stated that he had one comment regarding the following language in the provision “the applicant shall demonstrate that anticipated water usage will not have an adverse impact on the local aquifer”. He stated that the cost of proving that would be ridiculous and that it would not be able to be done. He stated that requirement should be removed from the provision.

Mr. Goss stated it had existed in the code previously but could be removed.

Commissioner Boehm asked if there was a definition of what a greenhouse was. He asked if it was meant to be a permanent structure or if someone could just pull visqueen over wood.

Ms. Shanahan stated that the LDC defined greenhouses as a glass enclosure used for the cultivation and protection of tender plants.

Mr. Spraker stated that a greenhouse would be permanent structure that would be permitted and have to meet the Florida Building Code.

Item 5: Outdoor Storage, Parking, or Use of Personal Property

Mr. Goss stated that outdoor storage was regulated within the districts; therefore, there was no reason to have a provision in accessory use. He stated they wished to delete the issue of accessory use with outside storage.

The Commission approved the deletion.

Item 6: Play Structures

Mr. Spraker stated that the city had experienced a number of properties with larger and larger play structures built on them. He stated that there had been complaints from residents about structures that were so tall that you could see over a six foot fence and into other properties with them. He stated that staff had struggled with the question of when to regulate a play structure. He explained that staff did not want people who were buying play structures from Home Depot or Wal-Mart to have to obtain permits. He stated that their solution was to establish two categories of play structures: a Type One and a Type Two. He stated that Type One would be a more typical play structure that was less than seven feet in height, with a 7.5-foot setback, and would not require a permit. He stated that Type Two would usually be built and constructed in a manner similar to constructing a home. He stated that they wanted to increase the setbacks for those types

of structures to a 15-foot setback if they were less than 12 feet in height; and if they surpassed 12 feet in height, then they would need to meet the setbacks of a principal structure. He stated that currently the structures could be any height, up to the zoning district height, which was 30 feet. He stated that there was no setback or buffering.

Commissioner Kent asked what would happen with those types of structures that were already in existence if the code was amended to include those changes.

Mr. Spraker stated that those structures would become non-conforming and would be able to stay until they were destroyed.

Mr. Goss stated that you did not want a 25-foot structure along the side property line.

Mayor Kelley stated that he did not think any of those existed.

Mr. Goss stated that his experience had been that if you do not think you will ever see something, it ended up happening. He stated that the potential existed for it to occur.

Mayor Kelley asked if the provision could allow for a person that did not have an abutting property behind them to not have to meet setback requirements. He stated that if he were to stand on top of a 7-foot structure he would be almost two stories high and could still see in the back of someone's pool.

Mr. Goss stated that they could amend it to be similar to the pool provision, which stated that if the property backed up to recreation open space or a conservation easement that it could then be within the setback.

Mr. Spraker stated that the pool setback was five feet if you were abutting a conservation area. He asked if the Commission would be comfortable with that distance.

Mayor Kelley stated that he would be comfortable with whatever that setback was. He stated that he would hate for someone to have to bring it within the 15 feet if no one else was going to see it. He stated that there was a news story he saw on television about a man that was going to Afghanistan and had built a beautiful playhouse for his son that the city told him that he had to take down. He stated that Ormond Beach was not the only one dealing with these issues.

Commissioner Stowers stated that he appreciated how the amendment was constructed but that he was opposed to it from a policy standpoint. He stated that he felt like they were expanding their government purview. He stated that he felt that with this provision the homes that backed up to Sanchez Park, a giant nature park, would now have to get a permit if a father wanted to build his child a unique structure beyond seven feet. He stated that he would expect tree-houses probably fell under the same provision. He noted that he lived in the same neighborhood as one of the Type Two structures in the provided photographs. He stated that he had driven past it before. He stated that in the rear of his own property if he looked out his living room there was about ten feet between his back porch and his neighbor's fence. He explained that that fence was maybe six feet in height and his neighbor's home was right on the other side, and they could see into each other's living rooms. He stated that a child could climb a tree or onto a Type One structure if they wanted to be curious and look over their neighbor's fence. He stated that to him that did not seem to be a necessary primary reason for instituting broader regulations, and requiring building permits for play structures beyond seven feet. He stated that he was a

future father and that the provision would add more and more cost for all the fathers that wanted to build a playground for their kids.

Ms. Shanahan stated that the reason for the amendment was not because the city just felt there needed to be regulations. She stated it was because the city had received complaints from adjoining and abutting property owners about these structures. She stated that in one case of a Type Two structure, there was an option to allow it to stay where it was located but the abutting property owner would not agree and so it had to be moved, but the move actually made it closer to the property owner that was offended by it to begin with. She stated that they had not had any flexibility with that issue.

Mr. Goss stated that the person that was really affected had no objection to that structure.

Mayor Kelley asked why one would take precedence over the other.

Mr. Spraker stated that there had been multiple properties with similar issues. He stated that it would come down to a decision of how close the structure could get to the adjoining property and how tall the structure could be.

Commissioner Kent stated that the Type One structures appeared to be purchased at a “big box” store. He stated that he felt the Type One photograph on the right was over seven feet tall. He stated that the Type Two structure on the bottom right also appeared to be from a “big box” store and he did not like that they would need a building permit for that. He stated that he agreed with Mayor Kelley and Commissioner Stowers on the issue completely. He stated that the provision would mean more cost and headache for parents wanting to build their child a play structure. He stated that he himself had not heard any complaints about this issue.

Commissioner Stowers stated that he knew that the back neighbor retained an attorney in the instance with the homemade Type Two structure that was pictured. He asked whether or not they had made the argument that because there was not a specific reference in the code that therefore it was not prohibited.

Mr. Goss stated that the argument had been that when the structure was put in the permit was issued in error because the city misunderstood what they were actually putting in. He stated that the play structure was within the set-back. He explained that they went to the Board of Adjustment and Appeals for a variance and it was denied on a 3-2 vote. He stated that when they attempted to come to a resolution at the Planning Board, one of the ideas was to move it away from the property owner that was complaining because the other property owner who was directly adjacent to it and also had children, did not mind it. He stated that the play structure was moved to meet the set-back and actually ended up being moved closer to the complaining neighbor’s property.

Commissioner Stowers asked why a permit was issued in the first place.

Mr. Goss stated that was the problem with having simplicity in regulations. He stated that staff had thought it was a certain type of play structure that would not be so tall and in fact it ended up being extremely tall.

Mr. Spraker stated that it had met the criteria of a built structure. He explained that it had components that lead it to be a structure such as the size, scope, the way in which it was constructed, and anchoring, among other things. He stated that there was a review of

how it was constructed and of the location. He stated that the other issue that staff had faced was whether or not a hard roof should be allowed. He stated that once that was allowed, under the city's code, unless specifically exempted, it would move the structure to a principal building set-back. He stated that the constructed one he had just referenced had a soft cloth roof. He explained that one of the directions that staff needed from the Commission was whether or not they desired to allow a structure to have a hard roof at 7.5 feet to the property line.

Mayor Kelley stated that he favored a hard roof; whereby Commissioner Kent agreed. Mayor Kelley stated that then the kids could spend the night out in the structure.

Commissioner Kent stated that if you went to Wal-Mart or Sam's Club and purchased one, they came with hard roofs.

Ms. Shanahan stated that they would still have to meet the setbacks unless they changed that requirement.

Mr. Spraker stated that all accessory structures had a minimum of a 7.5-foot setback. He stated that was what should have been in the referenced permit in the first place. He stated that the proposed amendment basically increased the setback the taller the structure was.

Mr. Goss stated that the structure he referenced, that was in the setback and had to be moved back, was 18 feet tall at a 7.5-foot setback. He stated that with the code as it was, currently that was allowed.

Mr. Spraker stated that the picture shown was not of the one that he and Mr. Goss were discussing. He stated this was another property with a similar code violation to the pictured one they had discussed earlier. He said that they would do as the Commission decided and could put the regulation back into item 7 (sheds, utility structures, and gazebos) where it was before. He stated that if the direction was to leave it the way it had been, then that would mean a 7.5-foot setback, on the side and the rear, with no height limit, and with a hard roof being allowed. He stated that the Commission could establish a height limit, if they desired.

Commissioner Partington stated he was comfortable with everything so far but felt that there could be some safety issues by not having a height limit. He asked how far you would want a child to potentially fall out of one of these structures.

Mr. Spraker stated that the structure that was 18 feet was that high at the pinnacle of the structure and not where occupants were actually standing.

Mayor Kelley stated that they probably stood at about the 12-foot mark and had a six foot area for them to stand up in. He stated that it was expensive to build a structure that tall. Mr. Goss stated that it was also expensive to move them.

Commissioner Kent stated that he felt Commissioner Partington made a good point about the safety issue.

Commissioner Partington stated that 18 feet seemed like a good height limit to him.

Mayor Kelley and Commissioner Kent stated they were both comfortable with that

limitation.

Mr. Goss stated that they would keep the setback at 7.5 feet, and amend the height requirement to not exceed 18 feet. He asked whether the Commission preferred a hard or soft roof; whereby, the Commission stated that they preferred a hard roof.

Item 7: Sheds, Utility Structures and Gazebos

Mr. Goss stated that they eliminated the play structure from the sheds, utility structures, and gazebos. He stated that it would be added back based on the last discussion.

Item 8: Site Signs - Monument and Pole Signs

Mr. Goss stated that the Planning Board had not discussed this item at all. He noted that staff provided a chart showing where the city allowed pole signs and where they required monument signs. He stated that the question was whether or not the Commission wanted to revisit where types of signs were allowed and change any of the requirements from monument signs to pole signs.

Mayor Kelley stated that he had been a proponent of pole signs but felt like calling them all pole signs was like calling a manufactured mobile home a trailer. He stated that all pole signs were not created equal. He stated that there were beautiful examples of great pole signs in the city but acknowledged that there were also some that were awful. He stated that he felt that pole signs were safer and increased visibility. He stated that it was much more attractive and much more effective for the owner to have a pole sign to let people know where they were located. He stated that with monument signs you often had to look down on the edge of the road to see what was there.

Mr. Goss stated that pole signs could be pretty or ugly and it was tough to try and define the two.

Mayor Kelley stated that there could be design standards. He noted that Mr. Goss did not like pole signs or elevated signs.

Mr. Goss stated that was not necessarily true and he felt that there was a proper place for pole signs and a proper place for monument signs. He stated that he thought that the Commission, many years ago, prior to his employment with the city, wanted monument signs at least in the gateway and entrance ways to the city.

Mayor Kelley stated that not all of them had agreed, but it had passed.

Ms. Shanahan stated that was why they were revisiting the issue, to see if they had a different direction for staff.

Commissioner Stowers stated that to the extent that all pole signs were not alike he agreed with the Mayor. He stated that all the new directional signage and parking signage throughout downtown were on top of poles and were beautiful. He stated that the challenge was getting only high quality pole signs. He stated that the monument signs in the primary gateways had a consistency element that was aesthetically pleasing. He stated that he tended to think that downtown had a different vibe than driving through the gateway areas.

Commissioner Boehm stated that the memorandum said that the current ordinance had

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: May 3, 2012

SUBJECT: LDC Amendment –Architectural Design Standards

APPLICANT: Administrative

NUMBER: LDC 12-91

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is an administrative request to amend the Land Development Code to update the Architectural Design Standards, including the following Sections:

1. Chapter 3 Performance Standards, Article VI Architectural Design Standards:
 - a. Section 3-66: Purpose and Intent.
 - b. Section 3-67: In General.
 - c. Section 3-68: General Design Criteria.
 - d. Section 3-69: Architectural Style.
 - e. Section 3-71: Industrial District Exemptions and Standards.
2. Chapter 2, District and General Regulations, Article II: District Regulations:
 - a. Section 2-42: Design Standards.

BACKGROUND:

The City's architectural design guidelines started in 1998 and were applied first to the City's Downtown Community Redevelopment Area and in 2004 applied citywide. The design guidelines have been unchanged since the 2004 Land Development Code re-write. In working with these regulations for eight years, planning staff has noted the concerns from property owners, architects, engineers and others involved in the development review process. Staff views the attached amendments as the following:

1. A clarification of existing regulations.
2. An expansion of the four styles adopted in 2004 to include a modern architectural design that permits the blending of architectural elements from various architectural styles.
3. The ability to provide minor deviations of the design standards for existing buildings that are exceeding 50% of the assessed value of the structure.

An example of this type of deviation would be the required roof slope of 8:12 based on the roof of an existing building.

A draft version of the proposed amendments was presented to the Planning Board on April 12, 2012. There was Board discussion pertaining to the Section on exterior alterations exceeding 50%. The concern was there could be a problem if it is an existing building that has a lower assessed value and the cost of repairs or construction could exceed that. Staff has modified this Section to clarify that interior improvements and normal maintenance, such as replacement of windows and roofs, would not count towards the 50% threshold for compliance to the architectural standards. Board members stated that the proposed changes could provide some opportunity for variety in building design.

Staff also forwarded the draft to the Volusia County Association for Responsible Development (VCARD) and has received comments. Staff has incorporated the recommendations into the attached amendment.

ANALYSIS:

The amendments are presented performed by Sections and the changes are discussed below:

Section 3-66: Purpose and Intent:

1. Minor changes in the purpose and intent to allow the additional Neo-Eclectic architectural style.

Section 3-67: In General:

1. Subsection A: Changes in the "Application to Development" to clarify when the architectural standards of this Article would apply. The clarifications include allowing a private appraisal to determine the value of existing structures. This would allow a true value of structure to be utilized rather than the Property Appraiser which is typically not assessing the full market value of a structure.
2. Subsection B: Clarifies that this Article does not apply to single family residences, historically designated properties, or properties in the Downtown Overlay District. Other LDC Sections apply to these exempted properties.
3. Subsection C: Clarifies required exhibits as part of the application to the Site Plan Review Committee (SPRC) or building permits.
4. Subsection D: Allows an administrative variance for existing buildings that may not be able to fully comply with the required standards based on the existing building design.

Section 3-68: General

1. Subsection: A: Included the color requirements from Section 2-42 of the LDC into this Section. Also deleted items such as roof design and windows that are included in the architectural design Section 3-69.

Section 3-69: Architectural Style

1. Re-organized the text requirements and attributes for the four existing styles into one sheet per style.
2. Provided picture examples of each architectural style.
3. Addition of the Neo-Eclectic architectural style

Section 3-71: Industrial District Exemptions and Standards

1. Minor format change. No change in text proposed.

Section 2-42: Design Standards.

1. Deleted regulations regarding color which are all located in Section 3-68 instead of being located in two different Sections.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC); the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed Land Development Code amendments will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments is to update the architectural standards of the Land Development Code.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The proposed Land Development Code amendments will not have an adverse impact on environmentally sensitive lands.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties. It is the goal of the amendments to ensure accessory uses are compatible to surrounding uses.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed Land Development Code amendments are not applicable to public facilities.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

8. **The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is expected that the amendment will be reviewed by the City Commission on June 19, 2012 (1st reading) and July 3, 2012 (2nd reading). It is recommended that the Planning Board **APPROVE** LDC 12-91, to amend Chapter 2: District and General Regulations, Article III, General Regulations, Section 2-50, Accessory Uses of the Land Development Code as shown in the attached Exhibit.

EXHIBIT A

Proposed Land Development Code Amendments

- 1. Chapter 3 Performance Standards, Article VI Architectural Design Standards:**
 - a. Section 3-66: Purpose and Intent.**
 - b. Section 3-67: In General.**
 - c. Section 3-68: General Design Criteria.**
 - d. Section 3-69: Architectural Style.**
 - e. Section 3-71: Industrial District Exemptions and Standards.**
- 2. Chapter 2, District and General Regulations, Article II: District Regulations:**
 - a. Section 2-42: Design Standards.**

CHAPTER 3: DEVELOPMENT DESIGN AND CONSTRUCTION STANDARDS
ARTICLE VI: ARCHITECTURAL DESIGN STANDARDS

§3-66: *Purpose and Intent*

§3-67: *In General*

§3-68: *General Design Criteria*

§3-69: *Architectural Style*

§3-70: *Special Structure Provisions*

§3-71: *Industrial District Exemption and Standards.*

SECTION 3-66: PURPOSE AND INTENT

- A. The City of Ormond Beach hereby establishes the following architectural and design standards to ensure that each building that is developed or redeveloped reflects upon the image of the city as whole and furthers the goals, objectives and policies of the City’s Comprehensive Plan. The city has therefore enacted architectural standards to ensure that each building contributes positively toward that image. The character of Ormond Beach should be positively conveyed through the appropriate use of massing, form, and materials in new and redeveloped commercial structures. The styles include Mediterranean and Florida Cracker which is reflective of the community’s past. The Bermuda and Spanish Eclectic styles diversify and enhance the city’s overall architectural image. Neo-Eclectic recognizes innovative modern design by combining a wide array of decorative techniques taken from an assortment of different periods of historical building styles. This style presents a contemporary design and architectural expression that is appropriate if the basic principles of the guidelines are followed.
- B. To ensure high-quality development and to maintain and enhance an attractive physical environment within the city, the following article requires compliance with architectural and site design criteria for all development as stated herein. These criteria are hereby created to establish an attractive physical environment for the public through the design of the development/redevelopment site, use of colors and materials, signage, lighting, screening, architectural style and compatibility with surrounding structures.
- C. This article is intended to promote imagination, innovation and variety by focusing on design principles and encouraging creative solutions which serve the following purposes.
1. Create a sense of permanence and place by promoting development which respects and contributes to the unique character and identity of Ormond Beach.
 2. Promote variety and diversity in architectural design;
 3. Establish significant landmarks or focal points for the community, especially at prominent gateways to the city;
 4. Maintain a pedestrian-friendly, human scale throughout the built environment;
 5. Allow for buildings to be reused easily and gracefully over time, without the need for extensive remodeling or demolition, by designing them according to classic architectural styles and principles, as opposed to “disposable” corporate prototypes.
 6. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of a desirable built environment;
 7. Minimize incompatible surroundings and visual blight which prevent orderly community development and reduce community property values;

8. Encourage and promote development which features amenities and excellence in the form of variations of siting, types of structures and adaptation to and conservation of native vegetation and other environmental design features;
9. Foster civic pride and community spirit by maximizing the positive impact of development;
10. Inspire creative approaches to the use of land and related physical development;
11. Encourage the realization and conservation of a desirable, aesthetic, and enduring built environment through the use of high-quality design and building materials; and
12. Foster the development of a positive visual character for the city by promoting a high degree of compatibility between land uses and maintaining a standard for high-quality development.

SECTION 3-67: IN GENERAL

A. Application to Development. ~~The architectural design of all structures shall comply with the requirements of this chapter, except as otherwise provided herein. The requirements of this chapter shall apply to all building elevations clearly visible from areas within the property accessible by the public, adjacent properties, and from public rights of way. The term “clearly visible” shall be mean that the majority of a particular building elevation is unobstructed from view by natural or man-made features. Corporate prototypical buildings shall be modified to comply with this chapter. Single family and two family dwellings and their appurtenant accessory structures shall be exempt from the provisions of this article. City architectural review shall include, but not be limited to, roof design, construction materials, colors, finish, building orientation, lighting, screening, and signage. The architectural regulations established in this Article shall be applicable to the following development, with exemptions listed in paragraph B below:~~

1. Any new development that includes a structure requiring approval of a Site Plan, as specified in Chapter 1, Article I and Chapter 4, Article I.
2. Any exterior alteration to any existing structure, the cost of which exceeds fifty percent (50%) of the assessed value of the structure, as shown on the most recent ad valorem tax assessment roll or a appraisal prepared by a licensed appraiser, shall comply with all regulations of this Section to the maximum extent possible as determined by the Planning Director. The cost of the exterior alteration threshold shall not include interior renovations or maintenance of the exterior of the structure, such as window or roof replacement, with similar materials.
3. Any exterior alteration to any existing structure, the cost of which the alteration is less than fifty percent (50%) of the assessed value of the structure, as shown on the most recent ad valorem tax assessment roll a appraisal prepared by a licensed appraiser, shall comply with the architectural requirements of this Article for the feature altered, to the maximum extent feasible.
4. The requirements of this Article may be modified or new architectural styles introduced through a Special Exception or Planned Development.

~~**B. City Approval Required.** City approval shall be required for the following: All architectural designs required as part of the development approval process in accordance with the submittal requirements established by this Code. Any exterior change of any nonresidential structure or multi-family structure in a Planned Development or conventional zoning district. The purpose of such approval shall be to ensure that any exterior change is consistent with the intent and requirements of this chapter. Routine maintenance and replacement of materials that does not affect the approved exterior~~

~~design shall be exempt from this subsection. This shall be accomplished through the building permit process, unless there are site modifications that require compliance with other requirements of this Code including but not limited to landscaping, parking, stormwater management and signage. Please refer to the appropriate submittal requirements for additional review procedures and criteria.~~

B. Exemptions:

1. Single-family dwellings shall comply with the design standards of Section 2-42 of this Code.
2. Historical structures listed on the city, state or federal registries of historic structures shall comply with the design standards of Section 2-71 of this Code.
3. Structures within the Downtown Overlay District shall comply with the design standards of Section 2-70 of this Code.

C. Required Exhibits. ~~The following section itemizes the required exhibits for site development plan applications and/or Planned Developments development required to comply with the architectural regulations of this Article, including new site plans, redevelopment, planned developments, and building renovations. Required plans for all structures shall be prepared, signed, dated and sealed by a professional architect registered in the state per Florida Statutes, Chapter 481, unless exempted by Section 481.229 of the Florida Statutes.~~

- ~~1. **Site Plans.** Applications for site plans shall include the following information:~~
 - ~~a. Architectural drawings of all structures, including elevations of the front, sides, and rear facades, and as deemed necessary by the Planning Director, an overhead view, perspective view, and/or cross-section view. One copy of the required drawings shall be rendered in color. All drawings shall depict building dimensions, construction materials, location of service areas, location of ground mounted and roof mounted mechanical equipment, screening devices, site furnishings, lighting fixtures, signage, and any other information as determined necessary to ensure consistency with the intent of this chapter by the Planning Director.~~
 - ~~b. 2. Color charts or chips with manufacturer specifications of the building elevations; and~~
 - ~~e. 3. Construction material specifications. One copy of the required drawings shall be rendered in color.~~
4. All drawings shall depict building dimensions, construction materials, location of service areas, selected attributes, location of ground-mounted and roof-mounted mechanical equipment, screening devices, site furnishings, lighting fixtures, signage, and any other information as determined necessary to ensure consistency with the intent of this chapter by the Planning Director.
5. For buildings over 3 stories, a computer based model shall be required to show the relationship of the proposed buildings and surrounding buildings.
26. Planned Developments/Special Exceptions. Applications for rezoning to Planned Business Developments (PBDs), Planned Residential Developments (PRDs), Planned Manufactured Home Communities (PMHCs), and Planned Industrial Developments (PIDs) or Special Exception shall include architectural controls establishing a design theme that meets or exceeds the requirements of this Chapter. A theme shall be established in one of two ways:

- a. If the development is envisioned to adhere strictly to one of the ~~seven~~ recognized architectural styles, as described under Section 3-69 of this chapter, it shall be sufficient for a paragraph or section to be included in the proposed Development Agreement which specifies the style, such as “Mediterranean” or “Bermuda.”
- b. If the development is envisioned to deviate from one of the ~~four~~ recognized architectural styles, then it shall be necessary for the developer to negotiate a new style, as described under section 4(e) of this chapter. The new style must be approved by the City Commission as part of the PBD/PRD/PMHC/PID rezoning or Special Exception process. For the City to evaluate the proposed style, the developer shall include a “Schedule of Design Elements” as an exhibit to the Development ~~Agreement~~Order, showing examples of colors, materials, finishes, and design details such as cornices, columns, roofline, etc. The schedule shall also provide an example of a building that shows how the various design elements are combined to create a unique architectural style, and how that style would be applied to all structures in the development. Alternately, if the specific building end-product is known at the time of rezoning, a conceptual rendering of the front and side facades may be substituted for the Schedule of Design Elements. In such case, the rendering shall specify colors, materials, and finishes, and specify which design elements are expected to be applied to other structures in the development.

~~D. Application of Regulations~~

- ~~1. The architectural regulations established in this Article shall be complied with in the following manner:~~
 - ~~a. Any new development requiring approval of a Site Plan, as specified in Chapter 1, Article I and Chapter 4, Article I.~~
 - ~~b. Any exterior alteration to any existing structure, the cost of which exceeds fifty percent (50%) of the assessed value of the structure, as shown on the most recent ad valorem tax assessment roll, shall comply with all regulations of this Section. Any exterior alteration to any existing structure, the cost of which the alteration is less than fifty percent (50%) of the assessed value of the structure, as shown on the most recent ad valorem tax assessment roll, shall comply with the architectural requirements of this Article for the feature altered, to the maximum extent feasible.~~

~~Exterior renovation of existing structures within the Downtown Overlay District where the estimated dollar value of such renovation equals or exceeds fifty percent (50%) of the taxable assessed value of the structural improvements on the property, as shown on the most recent ad valorem tax assessment roll, shall comply with all regulations of this Section. If the valuation of the proposed improvements does not exceed \$50,000 per calendar year, then only the proposed changes, not the entire structure shall be required to comply with the architectural requirements of this Article for the feature altered, to the maximum extent feasible.~~

D. Administrative variance procedure

1. If the Planning Director agrees that a structure required to comply with the provisions of this Article cannot meet the architectural regulations based on the building design, existing building limitations, or structural attributes, an administrative variance may be approved through the Site Plan Review Committee process. Such requests shall be made in writing to

the Planning Director detailing the variance(s) required and why the structure cannot comply with the architectural regulations. If the Planning Director denies the variance, the applicant may appeal the determination per Section 1-19 of this Code.

SECTION 3-68: GENERAL DESIGN CRITERIA

- A. This section outlines the requirements upon which the design of all structures subject to architectural review, as provided by LDC §3-67. ~~D.~~ of this article, shall be based. Such design requirements shall include consideration of: architectural style, architectural compatibility with adjacent structures, roof design, exterior colors and materials, windows, entryway/customer entrance design, ornamentation and details, fence and wall design, screening of mechanical equipment and downspouts, lighting, utilities, outdoor storage, signage, and accessory uses and structures.
1. **Architectural Style.** The architectural style of all structures shall be as provided in §3-69 of this Article.
 2. **Architectural Compatibility.** It is the intent of this chapter to ensure a harmonious streetscape, compatibility between structures, and well-designed transitions between architectural styles from project to project. This shall be accomplished through application of the following requirements:
 - a. Structures within the same parcel shall reflect similar styles, materials, finishes, details, and colors.
 - b. Structures on different parcels, but within the same master development or subdivision, shall reflect similar styles, materials, finishes, details, and colors.
 - c. Structures on different parcels not within the same master development shall reflect styles and materials that are similar to surrounding structures or shall employ architectural techniques that provide for an aesthetically compatible transition between structures.
 - d. In locations where there is no established architectural pattern between adjacent structures, or where a change in established patterns would result in improved aesthetics, the Planning Director shall determine the appropriate style, construction materials and colors for new development or redevelopment.
 3. ~~**Roof Design and Materials.** Roofs are an integral part of building design and, as such, shall be designed and constructed to add interest to and reduce the “box like” massing of buildings. Roof features shall be in scale with the building mass and shall complement the character of adjoining structures, developments and neighborhoods. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofs shall incorporate the design elements and materials listed below:~~
 - a. ~~The design of roof structures shall be consistent with the recognized architectural style of the principal structure, and shall be extended to all sides of the structure clearly visible from areas within the property accessible by the public, adjacent properties, and from public rights of way. Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is non structural. “Stuck on” mansard roofs shall be prohibited. Flat roofs shall be prohibited for the entire building, except as provided below.~~
 - b. ~~Flat roofing systems shall only be permitted for the entire building if the design is determined to be an integral feature of a recognized architectural style, such as “Spanish Eclectic.”~~

~~Otherwise, flat roofing systems shall only be permitted on portions of a building which are screened by roof-like appurtenances such as false roofs, parapets and other similar features. All such appurtenances shall be decorative in appearance. Where approved, parapets shall be topped with a decorative cornice with significant vertical relief.~~

- ~~e. The roof edge, where visible from any public right-of-way, shall have, at a minimum of two locations, a vertical change from the dominant roofline, such as a gable. Such change shall be a minimum of three feet in height.~~
- ~~d. Roofs, whether pitched or flat as permitted herein, shall have a minimum of one plane change from the dominant roofline per primary facade. The intent of this provision is for each primary facade to have two distinct rooflines — the dominant roofline plus variation from that roofline. Buildings constructed on corner lots shall be considered to have two primary facades, one on each side facing the adjacent road. Buildings located within designated Greenbelt Overlay Districts shall have a minimum of two plane changes per primary facade (e.g., [3] three distinct rooflines).~~
- ~~e. All visible roof materials shall consist of either concrete, slate, terra cotta (clay), metal, fiberglass, or asphalt shingles (laminated, 25-year architectural grade or better) or similar material having a natural appearance.~~
- ~~f. Roof structures, including fascia, shall not be exaggerated beyond the proportions inherent to the building's architectural style.~~

~~4. **Exterior Materials.** Exterior building materials contribute significantly to the visual impact of a building on a community, which in turn, individually and collectively reflect upon the visual character and quality of that community. In order to project an image of high quality city aesthetics, building materials shall conform to the following requirements:~~

- ~~a. All buildings shall be faced with low maintenance materials that exhibit a durable, high-quality appearance.~~
- ~~b. Accepted exterior facing materials shall include brick, textured or split faced concrete masonry blocks, stone, coquina, architectural concrete, and wood. Synthetic materials, such as premium grade vinyl, aluminum, and cellulose fiber reinforced cement building boards, shall also be permitted, provided that such materials are visually indistinguishable from natural materials. Stucco shall also be permitted, as provided below.~~
- ~~e. Building materials shall be consistent around the entire building. Exceptions to this provision may be made for portions of a structure that are not exposed to the general public.~~

~~5.3. **Colors.** Colors of all building surfaces shall comply with the following requirements:~~

- ~~a. Colors shall be earth-tones and pastels. The selection of earth-tones shall be in accordance with the definition provided in this code. The selection of pastels shall be limited to those colors having a minimum white content of 90 percent (measured by spectrum, not volume). The requirement for earth-tones and pastels shall not apply to colors commonly found in natural materials such as brick or stone, unless such material has been artificially colored in a manner which would be contrary to the intent of these regulations.~~
- ~~b. Other colors, including pure white but excluding fluorescents, shall only be permitted as accent colors, not to exceed twenty percent (20%) of the surface area of any one elevation.~~

- c. A color or color scheme which is directly inherent to a unique recognized architectural style, but not otherwise in compliance with this section may be permitted through the Special Exception review process.
- d. Building colors shall be consistent around the entire building. ~~Exceptions to this provision may be made for portions of a structure that are not exposed to the general public.~~
- e. Stripes and geometric patterns shall be specifically prohibited. Geometric patterns may be approved by the City Commission where there are extensive areas of façade, the patterns are part of an overall architectural theme, and the colors are subtle.
- f. A paint permit shall be required prior to the painting or re-painting of any structure.

~~5. **Windows.** Windows (real or false) shall be placed along at least fifty percent (50%) of any facade that is visible from a public right of way. Windows shall be recessed or shall project at least one half inch (1/2") and shall include prominent sills, shutters, stucco relief or other such forms of framing. Windows of highly reflective glass shall not be used as an exterior finish on any building or structure. Tinted glass may used in order to encourage energy efficiency.~~

~~6. **Entryways/Customer Entrance Design**~~

- a. ~~In general, doors and entryways shall be designed to provide visual focal points as well as cover from the sun and adverse weather conditions. The pattern of placement, proportions and materials of doors shall be harmonious with surrounding structures. The ratio of wall surface to openings and the ratio of the width and height of doors shall also be consistent and compatible with surrounding structures. This requirement may be waived where the established appearance and purpose of specific uses within the city would indicate that a change in the pattern of placement, proportions and materials would be consistent with the intent of this article.~~
- b. ~~Entryways shall be designed in accordance with the techniques listed below:~~
 - (1) ~~Entryways shall be differentiated from the remainder of the facade through the use of color, change in materials, application of architectural features (arches, awnings, columns, porticos, colonnades, etc.), setbacks, offsets, level changes and the like.~~
 - (2) ~~Entryway design shall incorporate hardscape features such as low walls, decorative paving, water features and the like.~~
 - (3) ~~Entryway design shall incorporate landscaping, landscape planters or wing walls with landscaped areas.~~
 - (4) ~~Entryway areas shall provide structural or vegetative shading features and benches or other seating components. Such shading features shall be a minimum of five feet in depth.~~

~~8. **Design Detail.** Buildings shall be designed to enhance the attractiveness of the city's streetscape. Buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian.~~

- a. ~~Buildings shall incorporate details appropriate to its architectural style, as provided in Section 4 of this Article.~~

- ~~b. In addition, building facades shall, on all sides that are or will be exposed to the general public, include a repeating pattern that shall consist of a minimum of two of the elements listed below. At least one of the elements shall repeat horizontally.~~
- ~~(1) Color change~~
 - ~~(2) Texture change~~
 - ~~(3) Material change~~
 - ~~(4) Pattern change~~
 - ~~(5) Architectural banding (e.g. storefront cornice, string course, corbelling, etc.)~~
 - ~~(6) Expression of architectural or structural bays, such as a reveal, an offset, or a projecting rib, through a change in plane of no less than twelve inches (12") in width~~
 - ~~(7) Building setbacks or projections, a minimum of three feet in width, on upper level(s)~~
- ~~c. Blank wall areas shall not exceed ten feet in vertical direction nor 20 feet in horizontal direction of any building facade, unless the city approves the use of landscaping as an alternative to the inclusion of wall area architectural design elements. In addition to species listed in Chapter 3, Article I of this Code, the use of vines (whether espalier or on trellis/lattice), and hanging, potted flowers or other ornamental plants is strongly encouraged for this purpose.~~

9. 4. Fence and Wall Design. Design and construction quality of fences and walls are important components of site development. Their appearance and upkeep are visual reflections of community character and quality. In order to promote high-quality design aesthetics, fence and wall design and construction shall comply with the following requirements:

- a. Fences and walls which are clearly visible from areas within the property accessible by the public, from adjacent properties, and from public rights-of-way shall be decorative in appearance.
- b. Decorative fences and walls shall be designed in an architectural style consistent with the principal structure(s), incorporating the dominant exterior material(s), colors, and finishes of that structure.
- c. Decorative fences and walls shall be designed with offsets, banding, columns or posts with lintels or caps, landscape pockets, and other elements to avoid an expansive monolithic or monotonous appearance. Such elements shall be included every 30 feet or less.
- d. Decorative wood or PVC/vinyl fences shall be either be picket, rail, basket weave, or shadow-box styles, and shall have 4"x 4" posts topped with capitals. Stockade-style fences shall only be permitted if the individual planks are a minimum of 0.5 inches thick, and are modified to include decorative elements, such as scallops or crests, lattice work, stencils, cut-out designs, etc. The use of straight, non-decorative stockade-style fencing shall only be permitted for properties in the I-1 zoning district, ~~as provided in Section 5 of this article.~~
- e. The use of chain-link fencing shall only be permitted for properties in the I-1 zoning district, ~~as provided in this Article~~ provided the property is not located on an arterial or collector street. ~~Development on property adjacent to FDOT or Volusia County retention ponds shall be required to replace any chain link fencing around said ponds with decorative fencing, subject to the approval of those jurisdictions.~~

- ~~f. For commercial and industrial uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan.~~
- ~~g. Barbed wire shall be prohibited for commercial and industrial uses, except when installed at an eight foot height or greater.~~
- ~~h. No permanent fence or wall shall be located closer than two feet to any right-of-way line. No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with Chapter 2, Article III.~~
10. **5. Screening of Mechanical Equipment.** Lack of, or inadequate screening of, mechanical equipment can have negative visual impacts on the city's streetscape, ambient landscape or community image. Mechanical equipment can further negatively impact the surrounding properties because of the noise it produces. Such impacts shall be minimized through compliance with the following requirements:
- a. Mechanical equipment noise shall comply with the noise regulations set forth in the Code of Ordinances of the City of Ormond Beach, Florida.
 - b. Ground-mounted mechanical equipment, such as air conditioning units, heating units, dumpsters, satellite dishes, irrigation pumps, backflow preventors, propane tank displays and refilling areas, utilities lift stations and the like shall be screened from public view as follows:
 - (1) Ground-mounted mechanical equipment shall be located ~~within 20 feet~~ in close proximity of the principal structure.
 - (2) Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principal structure(s).
 - (3) Screening for noise-emitting equipment shall, at a minimum, be two feet taller than the height of the equipment, and lined with noise-dampening materials. Landscaping may be substituted for structural screening only if the equipment does not produce noise that will negatively impact surrounding residential properties, and if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.
 - c. ~~Roof mounted mechanical equipment and appurtenances shall be kept to a minimum.~~ All exposed roof top mounted equipment and appurtenances shall be fully screened from view from any public right-of-way or other areas visible by the public as follows:
 - (1) Roof-mounted mechanical equipment shall be located within the area of the roof surface that is farthest away from adjacent residential uses or residential zoned property.
 - (2) Screening shall be an integral part of the design of the building(s) and shall be architecturally consistent with the style, colors, construction materials and finish of the building(s).
 - (3) All screening shall, at a minimum, be a minimum of six inches (6") taller than the height of the equipment and appurtenances, and lined with noise-dampening materials.
 - (4) Painting of exposed appurtenances to blend with the color of adjacent materials of the building may be approved by the Planning Director where utilization of approved roof designs precludes full screening of exposed surfaces, where full screening would

undermine the integrity of the building's architectural style, and if the noise from the equipment will not negatively impact adjacent residential properties.

~~11.~~ **6. Downspouts.** External downspouts shall be enclosed within the building structure on any building elevation visible from areas within the property accessible by the public, from adjoining properties within the same master development (including drive aisles and parking facilities), and from public rights-of-way. Downspout enclosures shall be designed to be complimentary to the architectural design of the building. For example, downspouts may be enclosed in columns or pilasters if such features are used elsewhere on the building, or are consistent with the building's architectural style.

~~a.~~ **7. Signage.** Freestanding signs and wall signs shall be designed to be compatible and integral with the structure to be identified. Such signs, as permitted by this code, shall comply with the requirements listed below:

- ~~(1)~~ **a.** Building fascia or other architectural features shall not be exaggerated to accommodate signage.
- ~~(2)~~ **b.** The base treatment and sign cabinet of all freestanding signs shall be compatible with the principal structure with regards to style, color, materials, and finish. Cabinets shall be framed using a design similar to that of the principal structure, including a "roof." Exposed metal cabinets shall be prohibited.
- ~~(3)~~ **c.** No sign base or sign face shall use any color not permitted by this article and Chapter 3, Article IV.

~~12.~~ **8. Accessory Uses and Structures.** Structures and uses accessory to principal structures and uses shall be integrated into project design in a manner such that they will not detract from site aesthetics. Such structures and uses include, but are not limited to, drive-through canopies, motor vehicle service station canopies, storage buildings, auto washes, dumpster enclosures, outdoor storage areas, and miscellaneous site furnishings. Such structures and uses shall comply with the requirements listed below. Additional design criteria for motor vehicle service station canopies and service areas may be found in Section ~~5-~~ 3-70 of this article.

- a. Accessory structures shall be designed and constructed so as to be compatible with the architectural design of the principal structure(s). Such compatibility shall be determined by roof design, colors, materials, finishes, scale and any other feature deemed significant by the Planning Director.
- b. Outdoor storage areas shall be located behind the front facade of the main building and shall be fully screened from view by structural means, vegetative means, or a combination of earthen berms and vegetation. Where screening is accomplished by structural means, such as fences or walls, the structure shall be compatible in design and color with the main building.
- c. Outdoor garden supply areas shall be screened from view and shall be incorporated into the building architecture of the principal structure.
- d. Site furnishings such as benches, bicycle racks, newspaper racks, trash receptacles, shopping cart corrals, and the like shall be compatible with the architectural design, colors, materials, and finishes of the principal structure. If located within a planned commercial development, site furnishings shall be consistent with a uniform program established for all properties within said development.

- e. Miscellaneous structures such as coin-operated rides and other amusement devices shall only be permitted within the principal structure.
- f. Permanent shopping cart storage shall be contained within the principal structure.

13. 9. Lighting. Lighting fixture design, intensity, and placement are important components of an attractive urban environment as well as important to public safety. In order to enhance site aesthetics and minimize light pollution and visual distraction, yet maintain adequate public safety, project lighting shall comply with the requirements listed below:

- a. An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of a project's site plan submittal.
- b. Lighting of parking areas, access drives, and vehicular circulation areas shall be as follows:
 - (1) Poles and fixtures shall not exceed twenty feet (20') in height above grade.
 - (2) Poles and fixtures shall be decorative in appearance, in a style consistent with the architectural style of the principal structure, ideally reflecting a similar era or design theme. The standard "shoe-box" style light shall be the minimum acceptable. "Cobra-head" lights shall be prohibited. Lights mounted on wooden telephone poles shall also be prohibited.
 - (3) Lighting shall be of the metal halide type, incandescent, or City-approved equivalent.
 - (4) Light poles shall be located in landscaped strips, buffers or plant islands.
 - (5) Within primary travel lanes on a given property, the maximum light intensity of any fixture shall not exceed 250 watts or the minimum recommended safety standard for such areas, whichever is less.
 - (6) Within primary travel lanes, illumination from any light source shall not exceed 15 foot-candles. Within other areas on the property, illumination from any light source shall not exceed 7.5 foot-candles.
 - (7) Illumination from any light source onto adjacent properties shall not exceed 0.5 foot-candles, as measured at the property line.
 - (8) Freestanding light fixtures within 100 feet of residentially zoned property shall be fitted with glare guards to conceal the light source from the residential property.
 - (9) Lights mounted on the underside of motor vehicle service station canopies shall meet the special requirements of §3-70.A.1, as well as the requirements of this Section.
- c. Building illumination and architectural lighting shall be indirect and with no visible light source. Wall-mounted light fixtures shall be directional (oriented toward the building fascia and/or ground) and decorative in design to complement the architectural style of the building.
- d. Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.
- e. Decorative lights used for purposes other than illumination or temporary seasonal displays shall only be allowed as part of an approved site plan or landscape plan. Examples would include strings of lights used to enhance the appearance of outdoor seating areas, and not used to attract customers to the property.

~~13.~~ **10. Utilities.** The location and aesthetic treatment of utilities is an important factor in creating an attractive urban environment. In order to enhance and maintain the image of quality in the urban environment, utility construction and placement shall comply with the following requirements:

- a. Water and sewer lift stations, pump houses, backflow preventors, and similar features shall be located, when possible, away from direct public view. Such structures within public view shall be fully screened by structural or vegetative means. Where screening is accomplished by structural means, such screening shall be compatible in design and color with the main building. Where screening is accomplished by vegetative means, the utility equipment shall also be camouflaged by painting it a brown or green earth-tone color. The height of any utility structure shall not exceed the required height dimension as per the City's Standard Construction Details.
- b. Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed.

SECTION 3-69: ARCHITECTURAL STYLE

A. The following shall not be considered recognized architectural styles:

1. Corporate signature or commercial prototype architecture, characterized by the use of corporate colors, shapes, and styling used to identify the owner or tenant of the building.
2. Highway architecture as commonly described by architectural historians.
3. Any architecture having a historical reference which is so unique and different from current design philosophy that such reference is inconsistent and incompatible with surrounding structures. Examples of such include igloos, teepees, medieval castles, caves and the like.
4. Any kitsch architecture which does not resemble a typical structure, but resembles an exaggerated plant, animal, fish, edible food or other such item such as giant oranges, ice cream cones, dinosaurs and the like.
- ~~5. Historical structures listed on the city, state or federal registries of historic structures shall be exempt from complying with the following standards and shall comply with the requirements established by the City for such structures.~~

B. The use of features deemed by this article to be "integral features of a recognized architectural style" shall have a rational and aesthetic relationship to the elevation of a structure, and be harmonious with the pattern, proportions and materials of surrounding structures.

~~C. In certain areas of the City, site developments shall be required to conform to a specific style, as further described in this Article.~~

~~D. For the purposes of this article, the following shall be recognized as acceptable architectural styles.~~

~~1. Spanish Eclectic~~

- ~~a. **Massing.** Building mass shall be symmetrical.~~
- ~~b. **Roof Design and Materials.** Shall be predominantly flat, although pitched elements may be utilized over central or corner massings. Pitched roof elements shall be hip style with a low~~

- pitch (4:12 slope). Material of pitched roof elements shall be barrel tile made of clay, concrete or similar material having a natural appearance. Pitched roof overhangs shall be supported by large wooden brackets, which may be structural in nature or purely decorative. Flat roof elements shall be defined by a distinctive parapet wall, incorporating both rounded and angular geometries.
- ~~e. **Exterior Siding Materials.** Materials shall be primarily stucco (medium to rough textures). Stone, brick, split faced concrete block, or coquina may be used as a secondary material, provided that such materials comprise no more than one third of any building elevation.~~
 - ~~d. **Doors/Entrance.** Doors may be arched or rectangular. If greater than 50% of the door is made of glass, the glass portion shall be broken up into separate panes by mullions. Opaque portions of the door shall use materials resembling wood and wrought iron.~~
 - ~~e. **Windows.** Windows may be arched or rectangular in shape, and may be vertically proportioned or square. Windows without arches shall have decorative awnings of suspended wrought iron or sloped barrel tile. Windows shall be broken up into separate panes by fixed or false mullions on the exterior, and shall be recessed into the wall 2" to 3".~~
 - ~~f. **Colors.** Siding colors shall be light to medium earth tones. Trim colors shall be dark earth tones. Roof colors shall be reddish orange (terra cotta) or brown. The door frame and any opaque portions of the door shall be painted or stained dark earth tone colors to match the exterior trim color.~~
 - ~~g. **Details.** Required details shall include decorative glazed or ceramic tile, especially on the parapet wall and around the entrance; wrought iron fencing, gates and balcony railing, if applicable; and one of the following: brick parapet wall detailing; brick window sills, or porch enclosure of masonry or wrought iron railing.~~

~~2. Mediterranean~~

- ~~a. **Massing.** Building mass may be symmetrical or asymmetrical.~~
- ~~b. **Roof Design and Materials.** Shall be gable or hip style with a low pitch (4:12 slope). Roof material shall be barrel tile made of clay, concrete or similar material having a natural appearance. Overhangs may be large or small. Large overhangs shall be accompanied by sizable wooden brackets, which may be structural in nature or purely decorative. Roofs with small overhangs shall be treated with a molded cornice.~~
- ~~c. **Exterior Siding Materials.** Materials shall be primarily stucco (smooth, light, or medium texture). Stone, brick, split faced concrete block, or coquina may be used as a secondary material, provided that such materials comprise no more than one third of any building elevation.~~
- ~~d. **Doors/Entrance.** Entrance shall have arched colonnades, arcades, or porches, with smooth or twisted columns. Doors may be arched or rectangular. If greater than fifty percent (50%) of the door is made of glass, the glass portion shall be broken up into separate panes by mullions. Opaque portions of the door shall use materials resembling wood and wrought iron.~~
- ~~e. **Windows.** Windows shall be arched, double hung or casement, vertically proportioned, and may be placed singly or multiply in groupings. Windows shall be broken up into separate panes by fixed or false mullions on the exterior. Windows shall be recessed into the wall 2" to 3", and framed by a large lintel and sill.~~

- ~~f. **Colors.** Siding colors shall be light earth tones. Trim colors may be light, medium, or dark earth tones. Roof colors shall be reddish orange (terra cotta) or brown. Accent colors, particularly on decorative tile, shall be deep blue, red, orange, yellow, or green.~~
- ~~g. **Details.** Required details shall include decorative wall tiles, especially on corners near the roof line and around the entrance; wrought iron fencing, gates and balcony railing, if applicable; and one of the following: round ornamental windows or small arched casement windows; ceramic or glazed tile paving at entrance; porch enclosure of wrought iron railing or turned masonry balustrade; or, artful application of multiple stucco textures and colors on siding.~~

~~3. **Bermuda**~~

- ~~a. **Massing.** Building mass shall be symmetrical.~~
- ~~b. **Roof Design and Materials.** Shall be hip style, moderately pitched (4:12 to 8:12 slope). Roof material shall be either clay, slate, or concrete barrel tile or flat tile; metal shingles; or metal sheet (corrugated, V-crimp, or standing seam). Tile roofs shall have small overhangs, and shall be treated with a molded cornice. Metal roofs shall be required to display exposed functional or non-functional rafters supporting a deep overhang.~~
- ~~c. **Exterior Siding Materials.** Materials shall include coquina, smooth or light textured stucco, shell-based stucco, brick, split faced concrete block, and/or brick. Buildings with primarily stucco siding shall have a base course of coquina, brick, or split faced concrete block.~~
- ~~d. **Doors/Entrance.** Entrances shall be covered by gabled pediments, framed by round smooth or fluted columns.~~
- ~~e. **Windows.** Windows shall be vertically proportioned or square, and double hung or casement. Windows shall be broken up into separate panes by fixed or false mullions on the exterior. Windows shall have louvered shutters, which shall be appropriately sealed to the window so as to appear operable. Windows shall be framed with wood or stucco, and shall have lintels and sills.~~
- ~~f. **Colors.** Facade colors shall be pastels, off white, or light gray. Trim colors shall be white, off white, or light gray. Tile roofs shall be colored white, off white, light gray, medium blue gray, or medium green gray. Metal roofs, whether sheet or shingle, shall not be painted and the color shall be steel, tin or gray.~~
- ~~g. **Details.** Required details shall include circular louvers on gables and pediments; colonial-style cupolas with lightning rods; and one of the following: quoins; Bahaman style shutters; porch enclosure of turned masonry balustrade; or significant three-dimensional relief and ornamentation on roof cornice, window frames, and door frames.~~

~~4. **Florida Cracker (Florida Wood Vernacular)**~~

- ~~a. **Massing.** Building mass shall be symmetrical.~~
- ~~b. **Roof Design and Materials.** Roof style shall be primarily hip or gable, with a minimum slope of 8:12, although porch roofs may have a low slope of 4:12 or 6:12. All roofs shall be required to display exposed functional or non-functional rafters with an overhang. Where flat roof elements are integrated into predominantly sloping roof structures, the top shall be finished with a decorative railing. Where hip roofs are utilized, a cupola shall be provided. All roof materials shall be made of metal shingles, corrugated metal sheet, V-crimp metal~~

- sheet or standing seam metal sheet. Metal roofs shall not be painted and the color shall be steel, tin or gray.
- ~~e. **Exterior Siding Materials.** Exterior building materials shall consist of or accurately resemble horizontal or vertical wood siding. Alternative exterior building materials shall include coquina stone, shell-based stucco, or brick, provided that such materials comprise no more than one third of any building elevation visible from a public right of way.~~
- ~~d. **Doors/Entrance.** Entrances shall feature ground floor covered porches, supported by wooden posts. Doors shall be framed with wood.~~
- ~~e. **Window Design.** Windows shall be double hung and vertically proportioned, with a minimum of 1½ feet of vertical height for every one foot of horizontal width. Secondary windows situated on the sides or rear of the building, in a clerestory with lower windows, in the gables or in dormers may be square. Windows shall be divided into panes with fixed or false mullions on the exterior. The use of closed shutters, three sided fabric awnings, spandrel glass, or other appropriate vernacular architectural features shall be permitted to achieve the vertical look. Windows shall have wooden vertical wooden board or louvered shutters, which shall be appropriately sealed to the window so as to appear operable. Windows shall be framed with wood.~~
- ~~f. **Colors.** Exterior building materials shall be painted a pastel color. Where two or more exterior building materials are utilized, each shall be painted a different, yet complimentary, pastel color. Where building materials are used as a building base course, the materials shall be painted a dark color which may include the use of earth tones. Trim color shall be white. Doors, garage doors, windows and shutters shall be painted a non white color that is different from the exterior building materials. Roofs shall remain unpainted. No two buildings that share the same property line shall be permitted to have exterior building materials painted the same color.~~
- ~~g. **Details.** Required details shall include two of the following: porch balustrade of wooden spindles or boards; wrap around porch (two sides, minimum); fish scale wooden siding, particularly on roof gables; artistic shutter design featuring stencils, cutouts and the like; roof top dormers; and roof with louvered “clipped gables”.~~

~~5. Architectural Design Requirements~~

~~The following summarizes and identifies the specific architectural features and attributes that must be included and incorporated with all projects required to comply with the provisions of this Article. These are minimum standards so there may be additional requirements established as part of the Planned Residential Development, Planned Business Development, Planned Industrial Development and Planned Manufactured Home Community.~~

Architectural Style	Required Attributes	Optional Attributes (Minimum of 3 shall be used)
Spanish	Attributes No. 1,2,4 and 7	Attributes No.3,5,6,8,9 and 10

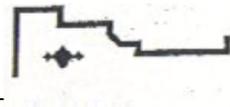
Bermuda	Attributes No. 1,2,4 and 6	Attributes No.3,5,7 and,8
Mediterranean	Attributes No. 1,3,7 and 8	Attributes No.2,4,5,6,9 and10
Old Florida Cracker	Attributes No. 1,2,3,7 and 9	Attributes No.4,5,6,8 and10

Spanish Design Style:

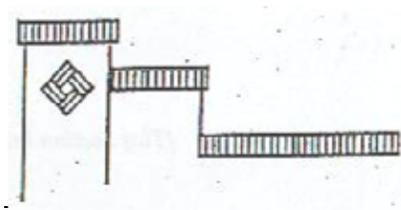
Attribute #1— Distinctive Geometric Parapet Wall



Attribute #2— Decorative Tile Detailing on Parapet Wall



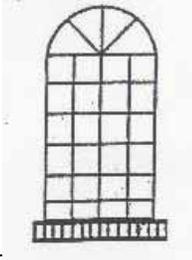
Attribute #3— Brick Parapet Detailing



Attribute #4— Wrought Iron Railing

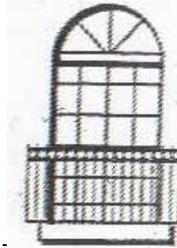


Attribute #5— Brick Sill

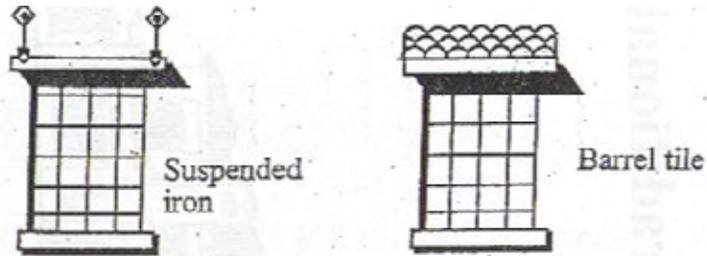


Spanish Design Style:

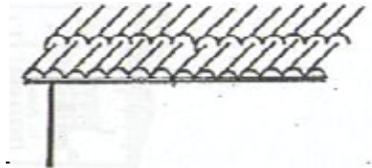
~~Attribute #6—Distinctive Geometric Parapet Wall~~



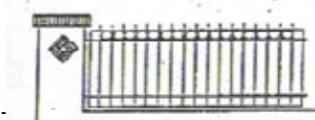
~~Attribute #7—Decorative Awnings~~



~~Attribute #8—Barrel Clay Tile Roof, reddish-orange color~~

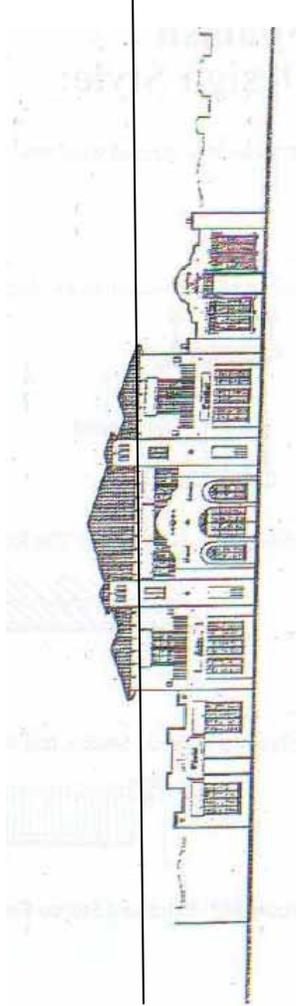


~~Attribute #9—Brick, Stucco and Wrought Iron Fence~~

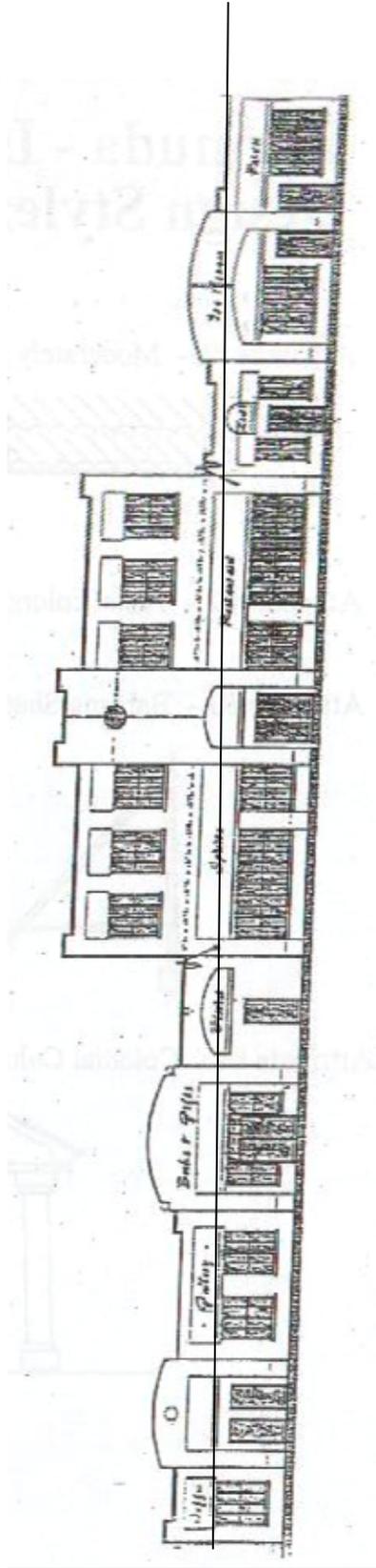


~~Attribute #10—Brick and Stucco Construction~~

Spanish Design Style - Traditional

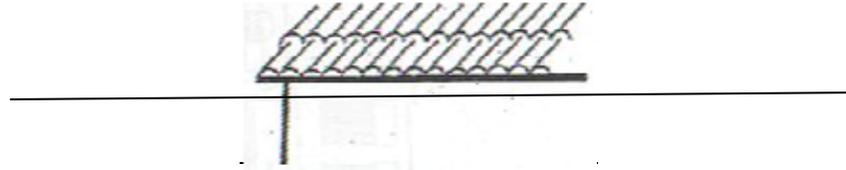


Spanish Design Style — Contemporary



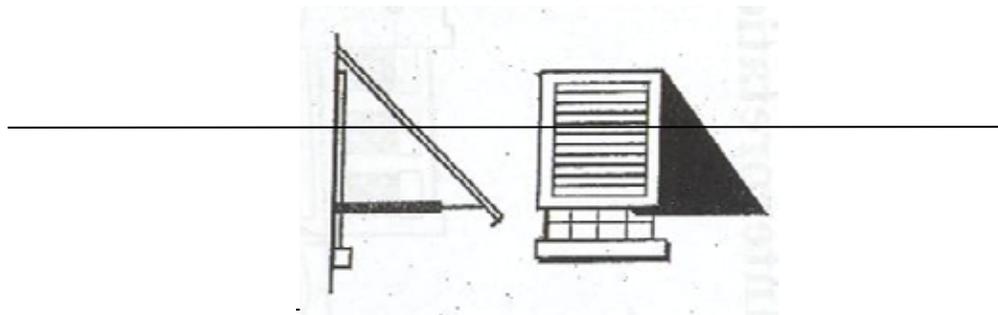
~~Bermuda – Island Colonial Design Style:~~

~~Attribute #1 – Moderately Sloped Roofs with White Tiles~~

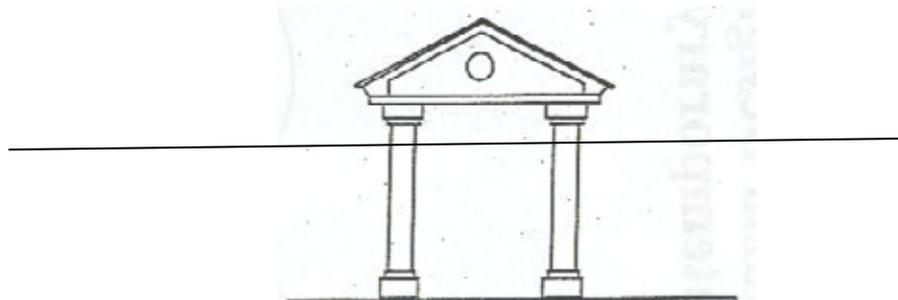


~~Attribute #2 – Pastel Colors: Pine, White, Yellow, Grey and Blue~~

~~Attribute #3 – Bahama Shutters~~



~~Attribute #4 – Colonial Columns~~

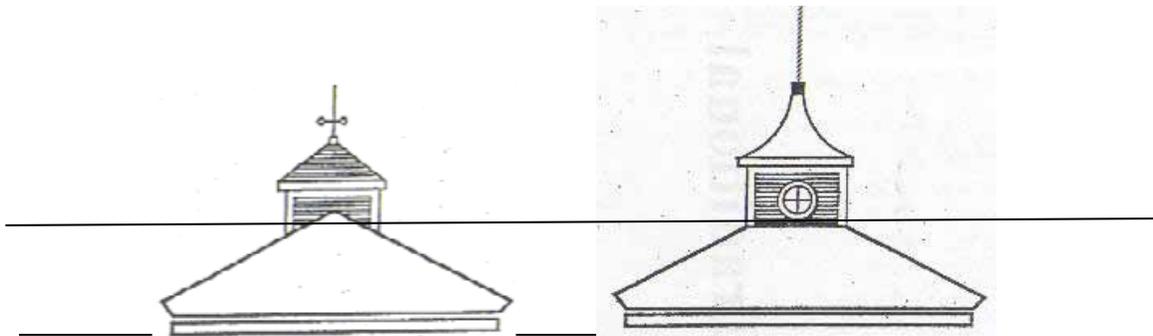


Bermuda—Island Colonial Design Style:

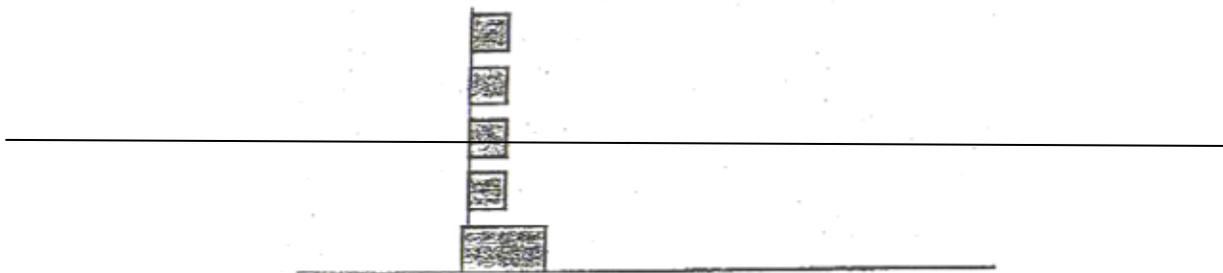
Attribute #5—Circular Pediment Details



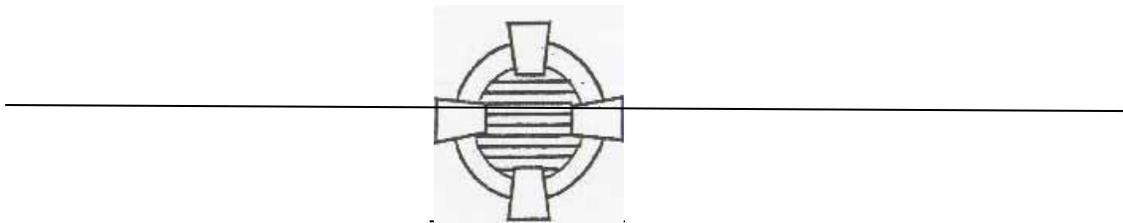
Attribute #6—Circular Pediment Details



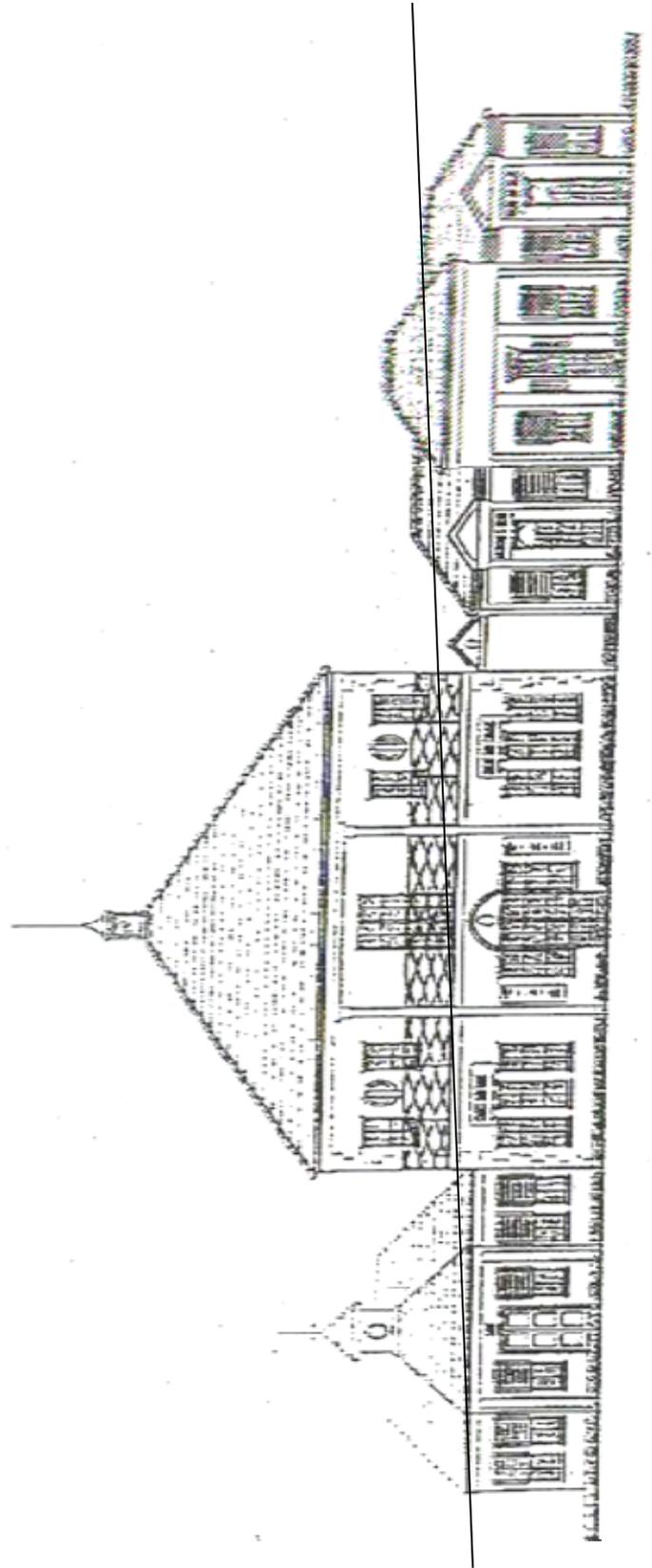
Attribute #7—Circular Pediment Details



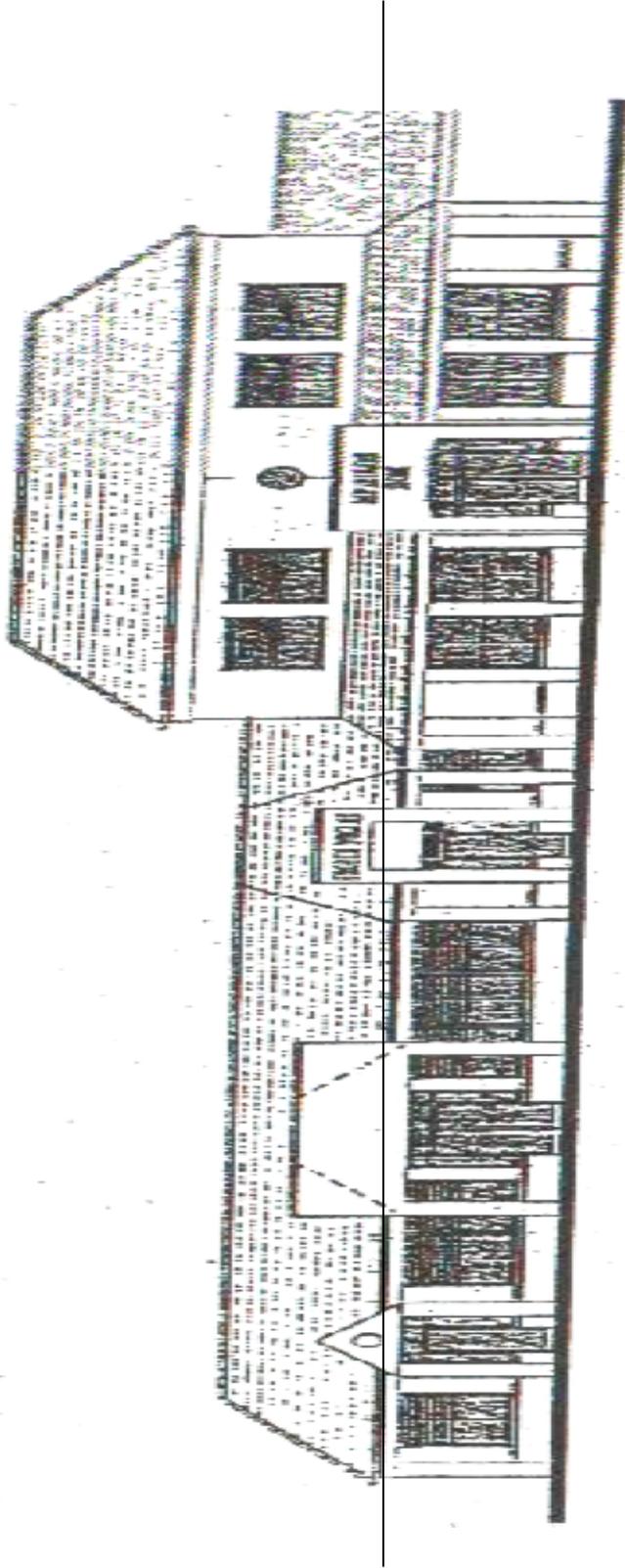
Attribute #8—Colonial Detailing



Bermuda Design Style - Traditional

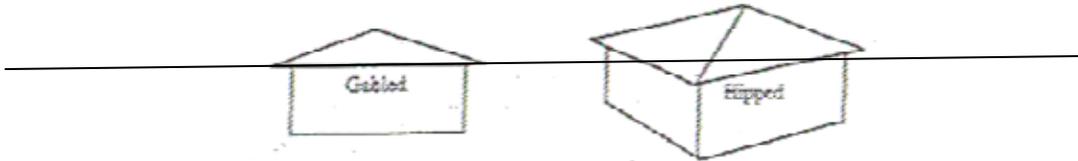


Bermuda Design Style – Contemporary Interpretation



Mediterranean Design Style

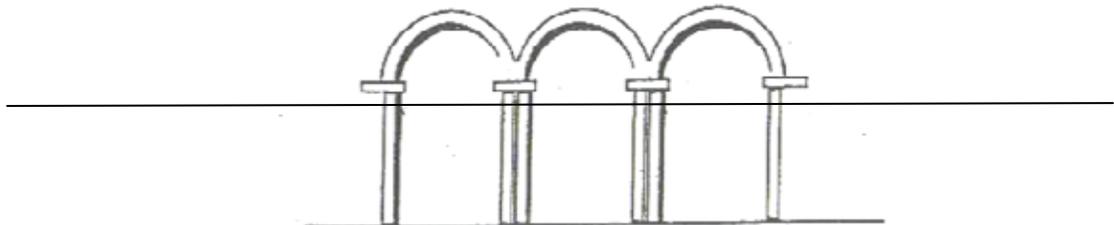
Attribute #1 — Low-Pitched Gable or Hip Roof



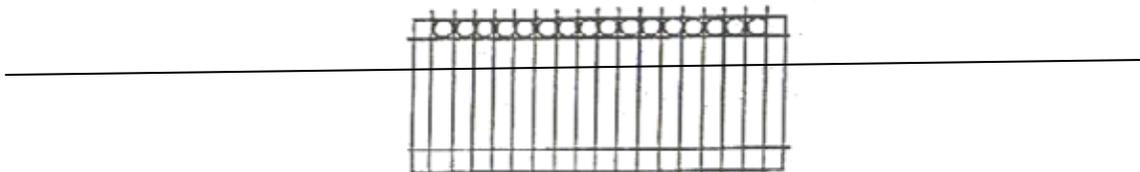
Attribute #2 — Decorative Tile Detailing on Walls



Attribute #3 — Arches With Columns



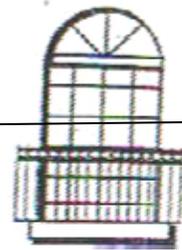
Attribute #4 — Black Wrought-Iron Railing



Attribute #5 — Stucco Surface on Masonry Walls: White, Beige, Terracotta

Mediterranean Design Style

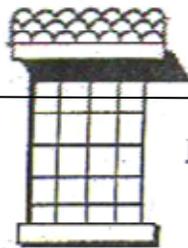
~~Attribute #6 — Arched Windows with Balconies~~



~~Attribute #7 — Decorative Awnings~~

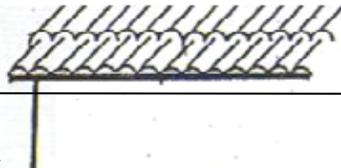


Suspended iron

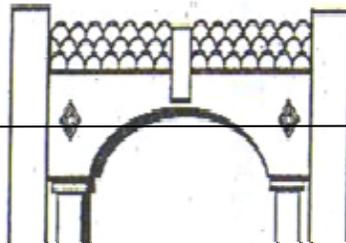


Barrel tile

~~Attribute #8 — Barrel Clay Tile Roof, Reddish-Brown Color~~

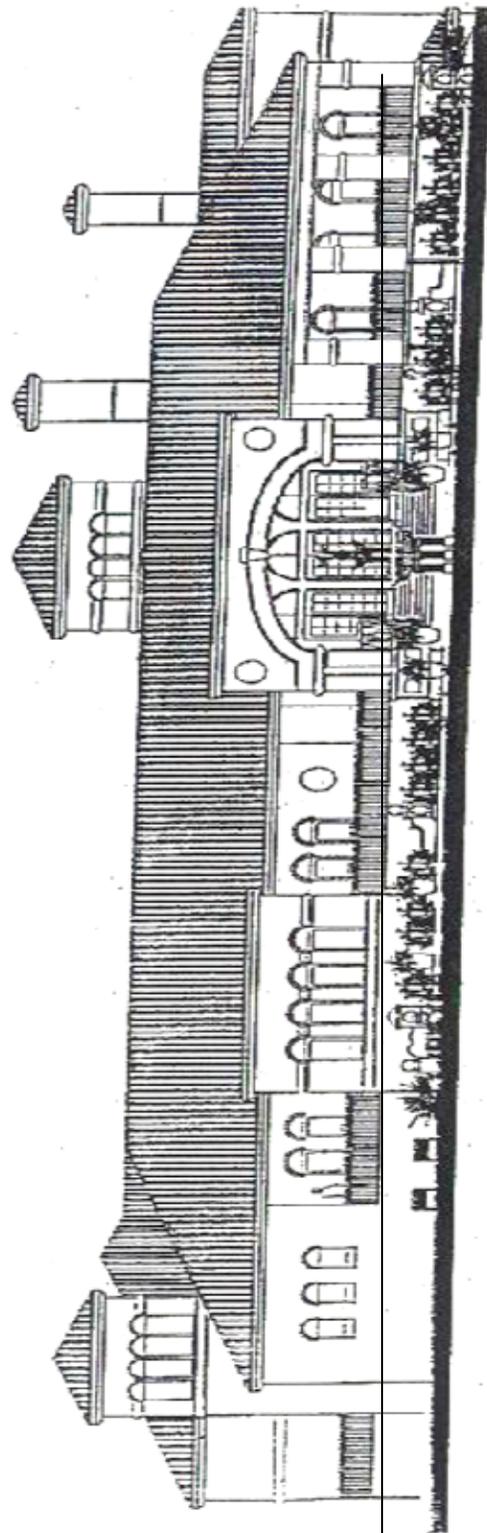


~~Attribute #9 — Arcades~~

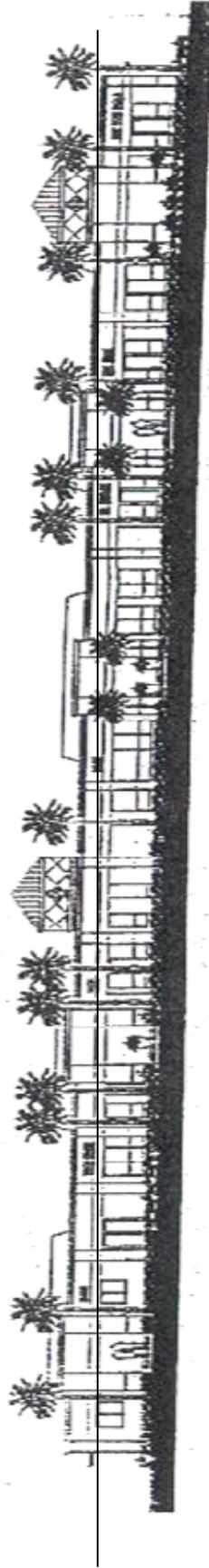


~~Attribute #10 — Ceramic Tile Paving~~





Mediterranean Design Style Contemporary Interpretation



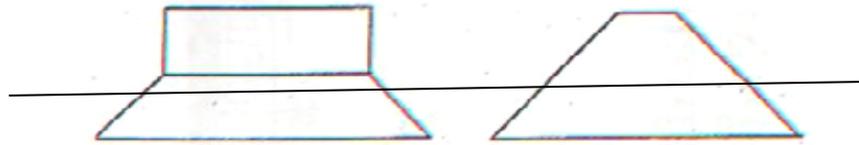
Florida Cracker Design Style

Attribute #1—Metal Roofing Materials

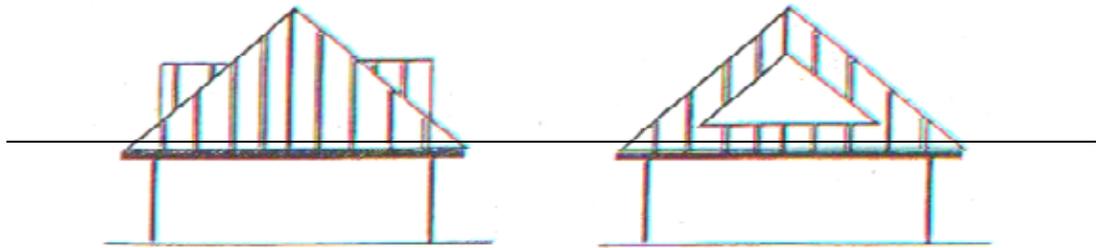


Attribute #2—Pastel Colors: Pink, White, Yellow, Gray and Blue

Attribute #3—Steep Pitched, Gable and Hipped Roofs



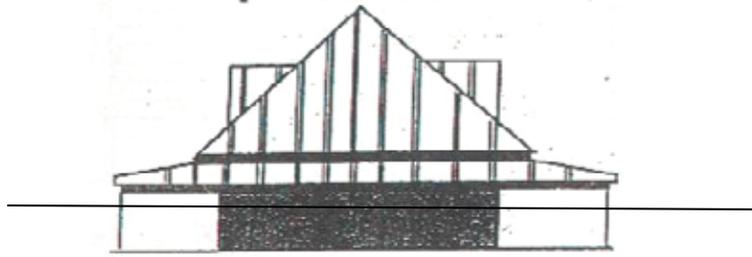
Attribute #4—Dormer Windows



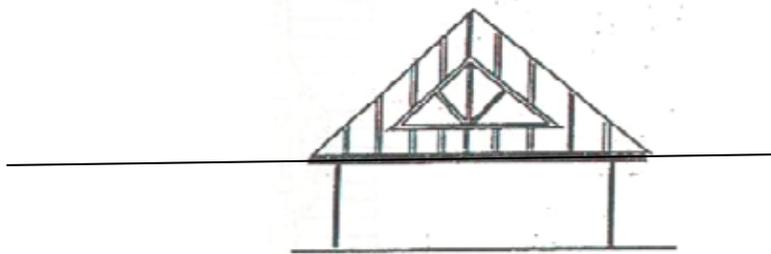
Attribute #5—Wood Frame Construction

Florida Cracker Design Style

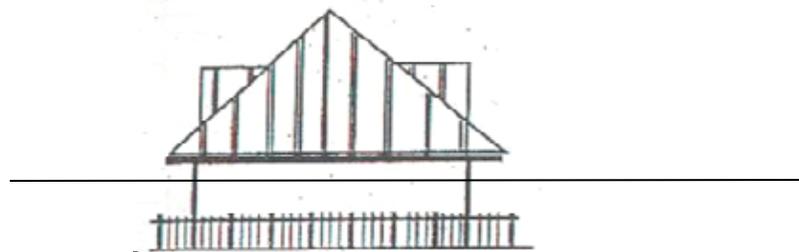
Attribute #6—Low-Pitched Roof Porches



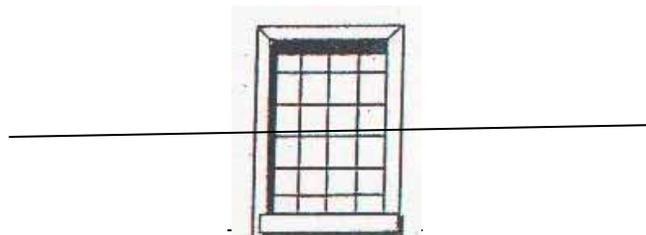
Attribute #6—Exposed Truss Work



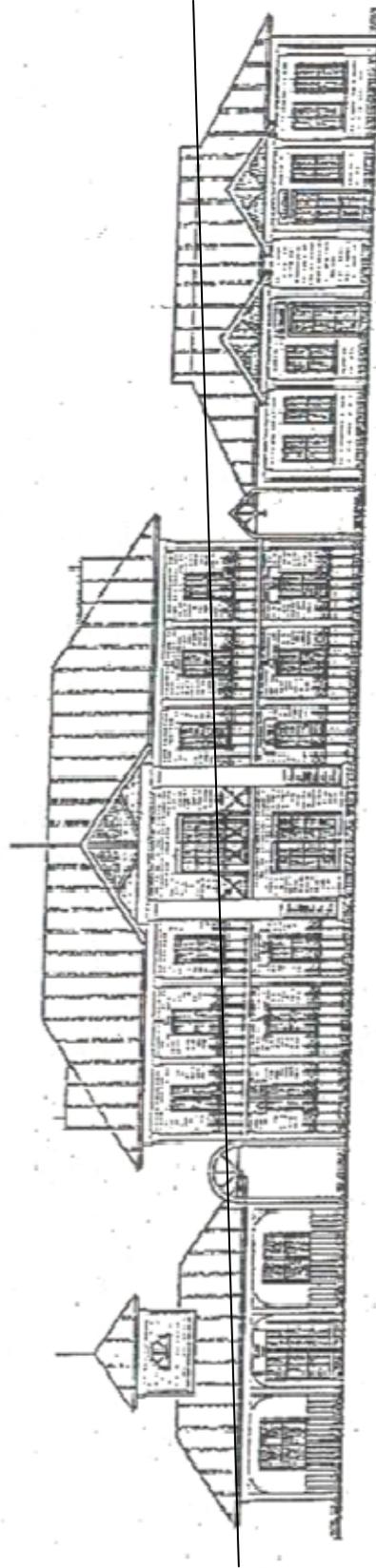
Attribute #8—Simple Wood Railings



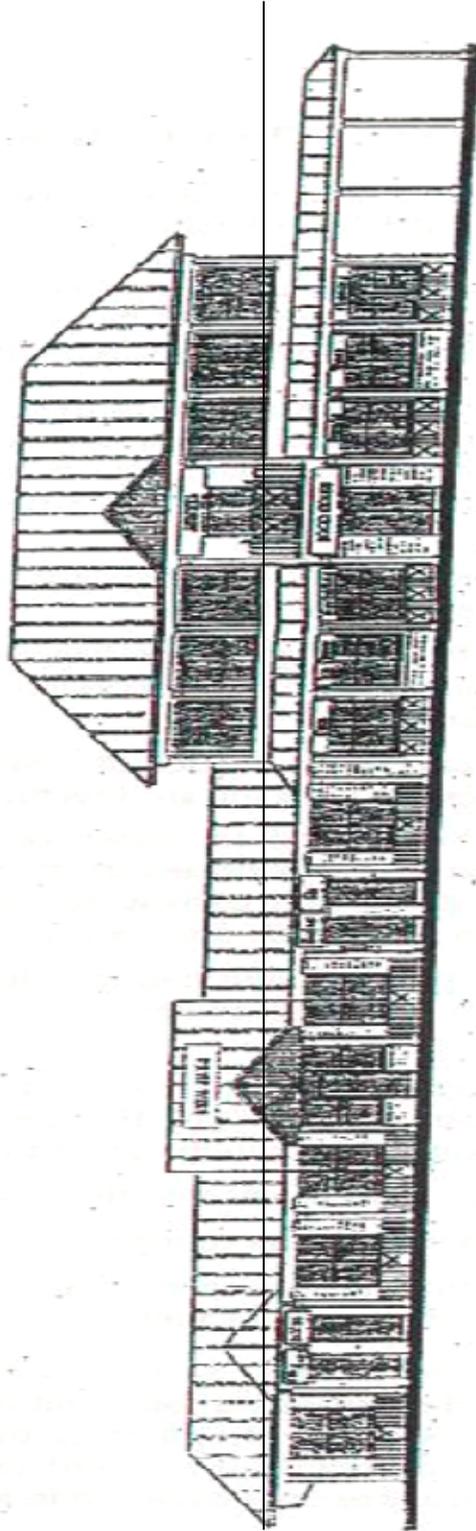
Attribute #9—Simple Wood Trim



Florida Cracker Design Style - Traditional



Florida Cracker Design Style Contemporary Interpretation

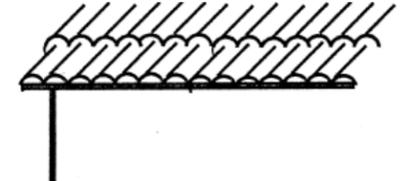


C. Mediterranean architecture style: Mediterranean architecture style structures are typically multi-story and based on a rectangular floor plan, and feature massive, symmetrical primary façades. Mediterranean is characterized generally by stuccoed wall surfaces, flat or low-pitched terra cotta and tile roofs, arches, scrolled or tile-capped parapet walls and articulated door surrounds. Feature detailing is occasionally executed with keystones. Balconies and window grilles are common, and are generally made of wrought iron or wood. Ornamentation can be simple or dramatic, and may use various Mediterranean references. Classical, Spanish Renaissance, Spanish Colonial, and Beaux-Arts architecture details are often incorporated into the design, as are lush gardens. Below are the requirements of the Mediterranean architectural style.

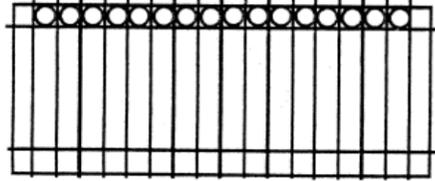
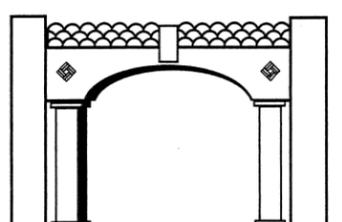
1. Mediterranean design guidelines: The following guidelines are required to be incorporated into the building design:

<p>a. Massing. Building mass may be symmetrical or asymmetrical.</p>	<p>e. Windows. Windows shall be arched, double-hung or casement, vertically proportioned, and may be placed singly or multiply in groupings. Windows shall be broken up into separate panes by fixed or false mullions on the exterior. Windows shall be recessed into the wall 2” to 3”, and framed by a large lintel and sill.</p>
<p>b. Exterior Finish Materials. Materials shall be primarily stucco (smooth, light, or medium texture). Stone, brick, split-faced concrete block, or coquina may be used as a secondary material, provided that such materials comprise no more than one third of any building elevation.</p>	<p>f. Colors. Siding colors shall be light earth tones. Trim colors may be light, medium, or dark earth tones. Roof colors shall be reddish-orange (terra cotta) or brown. Accent colors, particularly on decorative tile, shall be deep blue, red, orange, yellow, or green.</p>
<p>c. Doors/Entrance. Entrance shall have arched colonnades, arcades, or porches, with smooth or twisted columns. Doors may be arched or rectangular. If greater than fifty percent (50%) of the door is made of glass, the glass portion shall be broken up into separate panes by mullions. Opaque portions of the door shall use materials resembling wood and wrought iron.</p>	<p>g. Details. Required details shall include decorative wall tiles, especially on corners near the roof line and around the entrance; wrought iron fencing, gates and balcony railing, if applicable; and one of the following: round ornamental windows or small arched casement windows; ceramic or glazed tile paving at entrance; porch enclosure of wrought iron railing or turned masonry balustrade; or, artful application of multiple stucco textures and colors on siding.</p>
<p>d. Roof Design and Materials. Shall be gable or hip style with a low pitch (4:12 slope). Roof material shall be barrel tile made of clay, concrete or similar material having a natural appearance. Overhangs may be large or small. Large overhangs shall be accompanied by sizable wooden brackets, which may be structural in nature or purely decorative. Roofs with small overhangs shall be treated with a molded cornice.</p>	

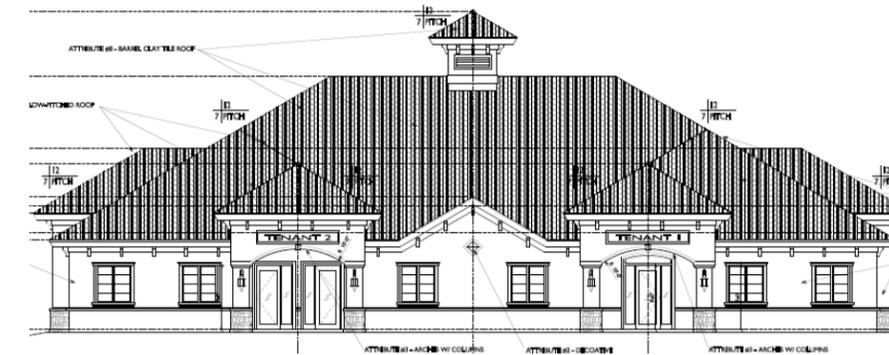
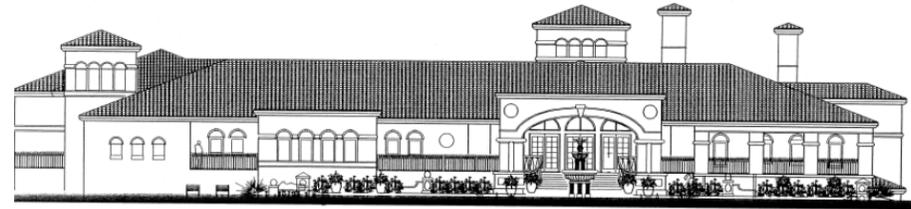
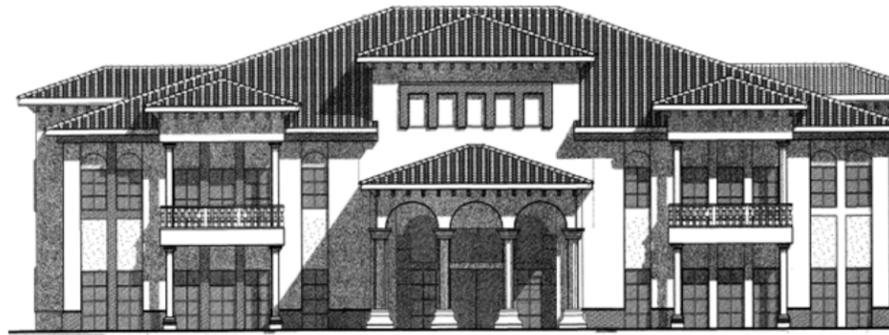
2. Required Attributes: All of the following attributes shall be required:

<p>a. Attribute #1: Low-pitched gable or hip roof</p>	<p>b. Attribute #2: Arches with columns</p>	<p>c. Attribute #3: Decorative awnings</p>	<p>d. Attribute #4: Barrel clay tile roof, reddish-brown color</p>
			

3. Optional Attributes: Three of the following attributes shall be required:

<p>a. Attribute #5: Decorative tile detailing on walls</p>	<p>b. Attribute #6: Black wrought iron railing</p>	<p>c. Attribute #7: Stucco surface on masonry walls – white, beige, terracotta</p>	<p>d. Attribute #8: Arched windows with balconies</p>	<p>e. Attribute #9: Arcades</p>	<p>f. Attribute #10: Ceramic tile paving</p>
					

4. Mediterranean architecture examples:

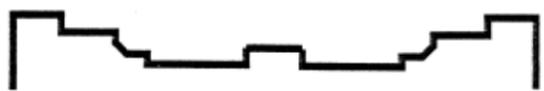
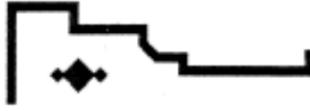
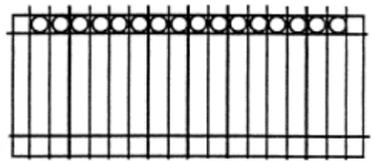
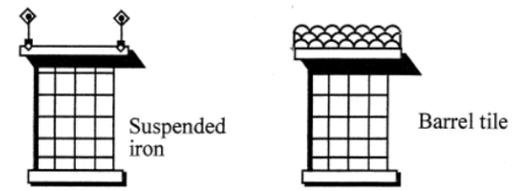


D. Spanish architecture style: Spanish style architecture is characterized by a combination of detail from several eras of Spanish Baroque, Spanish Colonial, Moorish Revival and Mexican Churrigueresque architecture, the style is marked by the prodigious use of smooth plaster (stucco wall and chimney finishes, low-pitched clay tile, shed, or flat roofs, and terracotta or cast concrete ornaments. Other characteristics typically include small porches or balconies, Roman or semi-circular arcades and fenestration, wood casement or tall, double-hung windows, canvas awnings, and decorative iron trim. Below are the requirements of the Spanish architectural style.

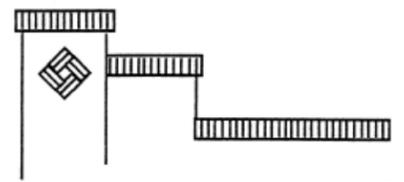
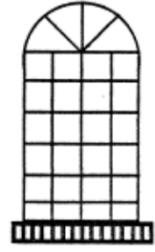
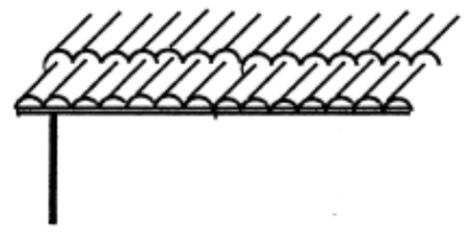
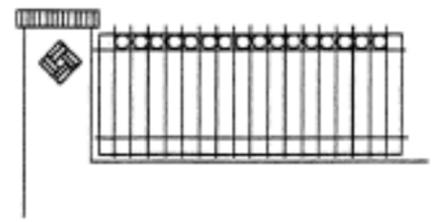
1. Spanish design guidelines: The following guidelines are required to be incorporated into the building design:

<p>a. Massing. Building mass shall be symmetrical.</p>	<p>e. Windows. Windows may be arched or rectangular in shape, and may be vertically proportioned or square. Windows without arches shall have decorative awnings of suspended wrought iron or sloped barrel tile. Windows shall be broken up into separate panes by fixed or false mullions on the exterior, and shall be recessed into the wall 2” to 3”.</p>
<p>b. Exterior Finish Materials. Materials shall be primarily stucco (medium to rough textures). Stone, brick, split-faced concrete block, or coquina may be used as a secondary material, provided that such materials comprise no more than one third of any building elevation.</p>	<p>f. Colors. Siding colors shall be light to medium earth-tones. Trim colors shall be dark earth-tones. Roof colors shall be reddish-orange (terra cotta) or brown. The door frame and any opaque portions of the door shall be painted or stained dark earth-tone colors to match the exterior trim color.</p>
<p>c. Doors/Entrance. Doors may be arched or rectangular. If greater than 50% of the door is made of glass, the glass portion shall be broken up into separate panes by mullions. Opaque portions of the door shall use materials resembling wood and wrought iron.</p>	<p>g. Details. Required details shall include decorative glazed or ceramic tile, especially on the parapet wall and around the entrance; wrought iron fencing, gates and balcony railing, if applicable; and one of the following: brick parapet wall detailing; brick window sills, or porch enclosure of masonry or wrought iron railing.</p>
<p>d. Roof Design and Materials. Shall be predominantly flat, although pitched elements may be utilized over central or corner massing. Pitched roof elements shall be hip style with a low pitch (4:12 slope). Material of pitched roof elements shall be barrel tile made of clay, concrete or similar material having a natural appearance. Pitched roof overhangs shall be supported by large wooden brackets, which may be structural in nature or purely decorative. Flat roof elements shall be defined by a distinctive parapet wall, incorporating both rounded and angular geometries.</p>	

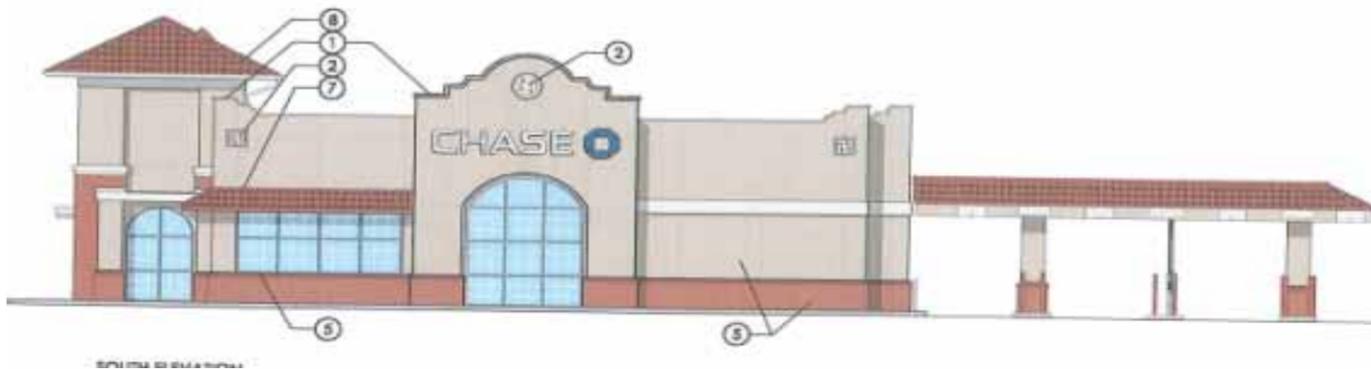
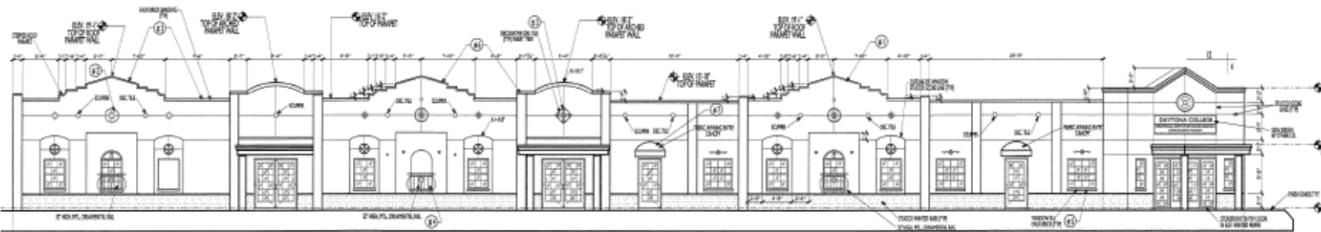
2. Required Attributes: All of the following attributes shall be required:

<p>a. Attribute #1: Distinctive geometric parapet wall</p>	<p>b. Attribute #2: Decorative tile detailing on parapet wall</p>	<p>c. Attribute #3: Wrought iron railing</p>	<p>d. Attribute #4: Decorative awnings</p>
			

3. Optional Attributes: Three of the following attributes shall be required:

<p>a. Attribute #5: Brick parapet detailing</p>	<p>b. Attribute #6: Brick sill</p>	<p>c. Attribute #7: Barrel Clay Tile Roof, reddish-orange color</p>	<p>d. Attribute #8: Brick, stucco and wrought Iron fence</p>	<p>e. Attribute #9: Brick and stucco construction</p>
				

4. Spanish architecture examples:

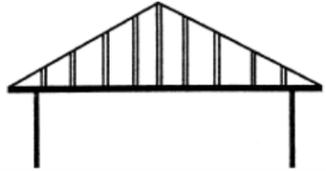
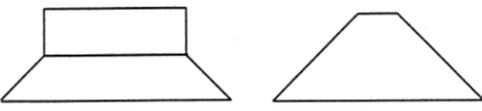
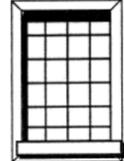


E. Florida Cracker architecture style: Florida Cracker architecture can be defined by two key elements: Ventilation and shade. Large openings and shallow building depths allow for cross ventilation, while the central stair often doubles as a ventilation shaft leading to a cupola to release warm air. Long roof overhangs and deep porches provide ample shade and also help to move water away from the foundations of the house during fierce downpours of rain. The Cracker home is rustic in nature. It typically incorporates simplified details and pure geometries. Below are the requirements of the Florida Cracker architectural style.

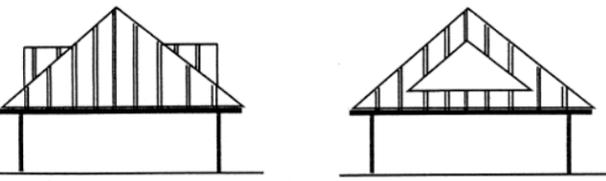
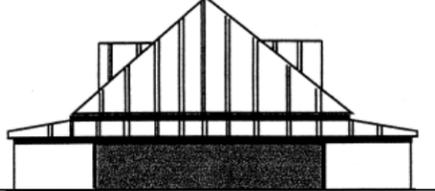
1. Florida Cracker design guidelines: The following guidelines are required to be incorporated into the building design:

<p>a. Massing. Building mass shall be symmetrical.</p>	<p>e. Exterior Finish Materials. Exterior building materials shall consist of or accurately resemble horizontal or vertical wood siding. Alternative exterior building materials shall include coquina stone, shell-based stucco, or brick, provided that such materials comprise no more than one-third of any building elevation visible from a public right-of-way.</p>
<p>b. Windows. Windows shall be double hung and vertically proportioned, with a minimum of 1½ feet of vertical height for every one foot of horizontal width. Secondary windows situated on the sides or rear of the building, in a clerestory with lower windows, in the gables or in dormers may be square. Windows shall be divided into panes with fixed or false mullions on the exterior. The use of closed shutters, three-sided fabric awnings, spandrel glass, or other appropriate vernacular architectural features shall be permitted to achieve the vertical look. Windows shall have wooden vertical wooden board or louvered shutters, which shall be appropriately scaled to the window so as to appear operable. Windows shall be framed with wood.</p>	<p>f. Colors. Exterior building materials shall be painted a pastel color. Where two or more exterior building materials are utilized, each shall be painted a different, yet complimentary, pastel color. Where building materials are used as a building base course, the materials shall be painted a dark color which may include the use of earth tones. Trim color shall be white. Doors, garage doors, windows and shutters shall be painted a non-white color that is different from the exterior building materials. No two buildings that share the same property line shall be permitted to have exterior building materials painted the same color.</p>
<p>c. Doors/Entrance. Entrances shall feature ground floor covered porches, supported by wooden posts. Doors shall be framed with wood.</p>	<p>g. Details. Required details shall include two of the following: porch balustrade of wooden spindles or boards; wrap-around porch (two sides, minimum); fish-scale wooden siding, particularly on roof gables; artistic shutter design featuring stencils, cutouts and the like; roof-top dormers; and roof with louvered “clipped gables”.</p>
<p>d. Roof Design and Materials. Roof style shall be primarily hip or gable, with a minimum slope of 8:12, although porch roofs may have a low slope of 4:12 or 6:12. All roofs shall be required to display exposed functional or non-functional rafters with an overhang. Where flat roof elements are integrated into predominantly sloping roof structures, the top shall be finished with a decorative railing. Where hip roofs are utilized, a cupola shall be provided. All roof materials shall be made of metal shingles, corrugated metal sheet, V-crimp metal sheet or standing seam metal sheet. Metal roofs shall not be painted and the color shall be steel, tin or gray.</p>	

2. Required Attributes: All of the following attributes shall be required:

<p>a. Attribute #1: Metal roofing materials</p>	<p>b. Attribute #2: Pastel colors: pink, white, yellow, gray and blue</p>	<p>c. Attribute #3: Steep pitched, gable and hipped roofs</p>	<p>d. Attribute #4: Exposed truss work</p>	<p>e. Attribute #5: Simple wood trim</p>
				

3. Optional Attributes: Three of the following attributes shall be required:

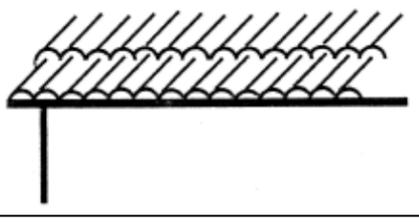
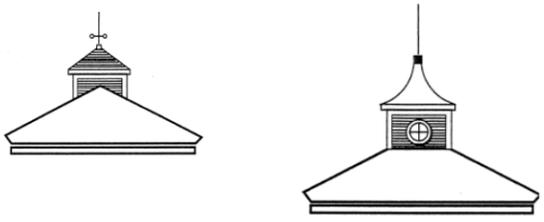
<p>a. Attribute #6: Dormer windows</p>	<p>b. Attribute #7: Wood frame construction</p>	<p>c. Attribute #8: Low pitched roof porches</p>	<p>d. Attribute #9: Simple wood railings</p>
			

F. Bermuda architecture style: Bermuda style architecture, also known as British Colonial architecture, was inspired by the traditions of the English colonists' architectural heritage. It was often adjusted to the character of the local building materials. Ornamental details were kept to a minimum with West Indian influences that include long cool verandas and small porches with upper balconies. Bermuda style is characterized by steeply pitched roofs of flat cement tiles replacing the traditional limestone slates. Other features include pediment, dormers, quoins and hip roofs. Architectural details include arched openings over entry doors and garden gateways. Window openings however are rectangular with roof slates cut 1" by 10" by 14" and were laid horizontally in parallel rows along wooden laths, cemented down and white-washed upon completion. Wood shutters adorned windows and a steeply pitched roof of 6:12 or a 45 degree slope were typical. Below are the requirements of the Bermuda architectural style.

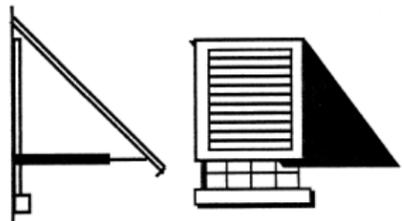
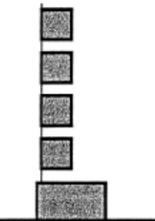
1. Bermuda design guidelines: The following guidelines are required to be incorporated into the building design:

<p>a. Massing. Building mass shall be symmetrical.</p>	<p>e. Windows. Windows shall be vertically proportioned or square, and double-hung or casement. Windows shall be broken up into separate panes by fixed or false mullions on the exterior. Windows shall have louvered shutters, which shall be appropriately scaled to the window so as to appear operable. Windows shall be framed with wood or stucco, and shall have lintels and sills.</p>
<p>b. Exterior Finish Materials. Materials shall include coquina, smooth or light-textured stucco, shell-based stucco, brick, split-faced concrete block, and/or brick. Buildings with primarily stucco siding shall have a base course of coquina, brick, or split-faced concrete block.</p>	<p>f. Colors. Facade colors shall be pastels, off-white, or light gray. Trim colors shall be white, off-white, or light gray. Tile roofs shall be colored white, off-white, light gray, medium blue gray, or medium green gray. Metal roofs, whether sheet or shingle, shall not be painted and the color shall be steel, tin or gray.</p>
<p>c. Doors/Entrance. Entrances shall be covered by gabled pediments, framed by round smooth or fluted columns.</p>	<p>g. Details. Required details shall include circular louvers on gables and pediments; colonial-style cupolas with lightning rods; and one of the following: quoins; Bahaman-style shutters; porch enclosure of turned masonry balustrade; or significant three-dimensional relief and ornamentation on roof cornice, window frames, and door frames.</p>
<p>d. Roof Design and Materials. Shall be hip style, moderately pitched (4:12 to 8:12 slope). Roof material shall be either clay, slate, or concrete barrel tile or flat tile; metal shingles; or metal sheet (corrugated, V-crimp, or standing seam). Tile roofs shall have small overhangs, and shall be treated with a molded cornice. Metal roofs shall be required to display exposed functional or non-functional rafters supporting a deep overhang.</p>	

2. Required Attributes: All of the following attributes shall be required:

<p>a. Attribute #1: Moderately sloped roofs</p>	<p>b. Attribute #2: Pastel colors: pine, white, yellow, grey and blue</p>	<p>c. Attribute #3: Colonial columns</p>	<p>d. Attribute #4: Circular pediment details</p>
			

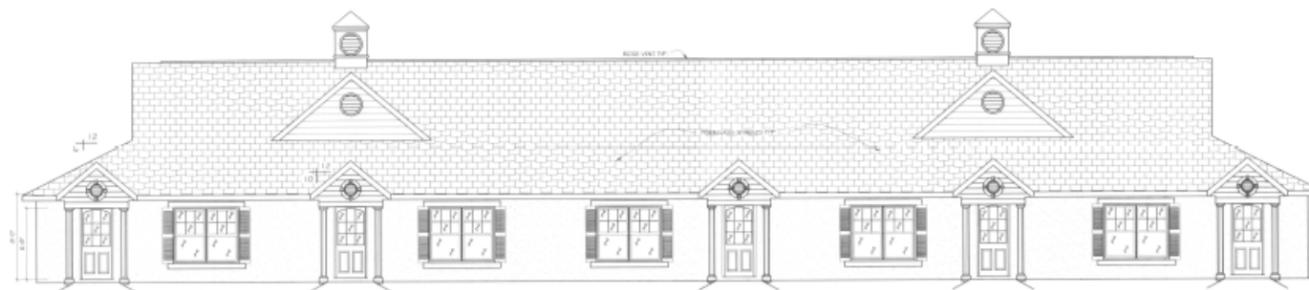
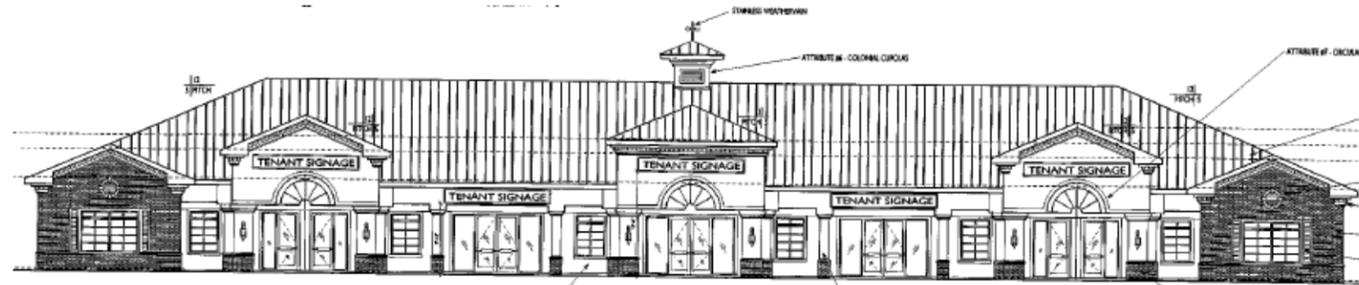
3. Optional Attributes: Three of the following attributes shall be required:

<p>a. Attribute #5: Bahama shutters</p>	<p>c. Attribute #6: Circular pediment details</p>	<p>d. Attribute #7: Circular pediment details</p>	<p>f. Attribute #8: Colonial detailing</p>
			

4. Bermuda architecture examples:



1 Front (South) Elevation



FRONT ELEVATION



G. Neo-Eclectic Architectural Style: Neo-eclectic architecture combines a wide array of decorative techniques taken from an assortment of different periods of architectural styles. Neo-eclectic buildings combine an array of different historical styles in a single building. Thus a structure so designed may have Cape Cod, Mission Revival, Tudor Revival, or Châteauesque and French Provincial elements all at the same time. In neo-eclectic architecture the revival elements are almost always decorative consisting of surface elements such as claddings and windows. The basic construction of neo-eclectic structures is unchanged from previous architectural styles. An important development leading to the modern neo-eclectic style is the popularity of EIFS, a form of external insulation that is easy to apply and can be colored and shaped to appear like an array of different materials such as stucco and stone. Recognition of this architectural style is recognition of post modern architecture which permits the designer to combine modern building techniques with older architectural styles. Below are the requirements of the Neo-Eclectic architectural style.

1. General design guidelines: The following guidelines are required to be incorporated into the building design:

a. Massing. Building placement and orientation is designed to reinforce the connection to primary and secondary streets. For buildings less than 15,000 square feet, massing elements in façade shall be every 25 feet of building length. For buildings larger than 15,000 square, the façade shall be broken up with massing techniques for every 40 feet. The goal of massing techniques is for larger buildings width to at least appear like smaller developments. The Planning Director may modify the massing techniques if the architect can demonstrate that they impact the interior layout/programming of the building. Below is a list of massing techniques, however, other improvements can be used to achieve the goal of braking up building facades:

- balconies
- cupolas
- arcades
- verandas
- overhangs
- pavilions
- building wall offsets
- towers
- porticos
- Colonnades
- variations in roof height
- projections and recessed sections

e. Windows. Windows (real or false) shall be placed along at least fifty percent (50%) of any facade that is visible from a public right-of-way. Windows shall be recessed or shall project at least one-half inch (1/2”) and shall include prominent sills, shutters, stucco relief or other such forms of framing. Windows of highly reflective glass shall not be used as an exterior finish on any building or structure. Tinted glass may be used in order to encourage energy efficiency.

b. Exterior Finish Materials. Exterior building materials contribute significantly to the visual impact of a building on a community, which in turn, individually and collectively reflect upon the visual character and quality of that community. In order to project an image of high-quality city aesthetics, building materials shall conform to the following requirements: Examples of acceptable materials include:

- stucco
- split face concrete
- brick
- wood siding
- stone
- Materials as part of an overall architectural style

Synthetic materials, such as premium-grade vinyl, aluminum, and cellulose fiber-reinforced cement building boards, shall also be permitted, provided that such materials are visually indistinguishable from natural materials. Building materials shall be consistent around the entire building. Exceptions to this provision may be made for portions of a structure that are not exposed to the general public.

Examples of unacceptable materials include:

- plastic siding
- textured plywood
- unfinished concrete block
- metal panels, except in the I-1 & I-2 zoning district
- cedar shakes

f. Colors. Colors of all building surfaces shall comply with the following requirements:

1. Colors shall be earth-tones and pastels. The selection of earth-tones shall be in accordance with the definition provided in this code. The selection of pastels shall be limited to those colors having a minimum white content of 90 percent (measured by spectrum, not volume). The requirement for earth-tones and pastels shall not apply to colors commonly found in natural materials such as brick or stone, unless such material has been artificially colored in a manner which would be contrary to the intent of these regulations.
2. Other colors, including pure white but excluding fluorescents, shall only be permitted as accent colors, not to exceed twenty percent (20%) of the surface area of any one elevation.
3. Building colors shall be consistent around the entire building. Exceptions to this provision may be made for portions of a structure that are not exposed to the general public.

Doors/Entrance. Doors and entryways shall be designed to provide visual focal points as well as cover from the sun and adverse weather conditions. Facades that front onto public roads shall contain functional windows and doors. The pattern of placement, proportions and materials of doors shall be harmonious with surrounding structures. Entryways shall be designed in accordance with the techniques listed below:

1. Entryways shall be differentiated from the remainder of the facade through the use of color, change in materials, application of architectural features (arches, awnings, columns, porticos, colonnades, etc.), setbacks, offsets, level changes and the like.
2. Entryway design shall incorporate hardscape features such as low walls, decorative paving, water features and the like.
3. Entryway design shall incorporate landscaping, landscape planters or wing walls with landscaped areas.
4. Entryway areas shall provide structural or vegetative shading features and benches or other seating components.
5. The ground floor of the primary façade shall be 50% fenestration at the pedestrian level.

Details. Buildings shall be designed to enhance the attractiveness of the city's streetscape. Buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian.

1. Building facades shall, on all sides that are or will be exposed to the general public, include a repeating pattern that shall consist of a minimum of three of the elements listed below
 - Color change
 - Texture change
 - Material change
 - Architectural banding (e.g. storefront cornice, string course, corbelling, etc.)
 - Expression of architectural or structural bays, such as a reveal, an offset, or a projecting rib, through a change in plane of no less than twelve inches (12") in width
 - Building setbacks or projections, a minimum of three feet in width, on upper level(s)
2. Blank wall areas shall not exceed ten feet in vertical direction nor 20 feet in horizontal direction of any building facade.

Roof Design and Materials. Roofs are an integral part of building design and, as such, shall be designed and constructed to add interest to and reduce the “box-like” massing of buildings. Roof features shall be in scale with the building mass and shall complement the character of adjoining structures, developments and neighborhoods. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofs shall incorporate the design elements and materials listed below:

1. Flat roofing systems shall only be permitted for the entire building if the design is determined to be an integral feature of a recognized architectural style, such as “Spanish Eclectic.” Otherwise, flat roofing systems shall only be permitted on portions of a building which are screened by roof-like appurtenances such as false roofs, parapets and other similar features. All such appurtenances shall be decorative in appearance. Where approved, parapets shall be topped with a decorative cornice with significant vertical relief.
2. The roof edge, where visible from any public right-of-way, shall have, at a minimum of two locations, a vertical change from the dominant roofline, such as a gable. Such change shall be a minimum of three feet in height.
3. Roofs, whether pitched or flat as permitted herein, shall have a minimum of one plane change from the dominant roofline per primary facade. The intent of this provision is for each primary facade to have two distinct rooflines – the dominant roofline plus variation from that roofline. Buildings constructed on corner lots shall be considered to have two primary facades, one on each side facing the adjacent road. Buildings located within designated Greenbelt Overlay Districts shall have a minimum of two plane changes per primary facade (e.g., [3] three distinct rooflines).
4. All visible roof materials shall consist of either concrete, slate, terra cotta (clay), metal, fiberglass, or asphalt shingles (laminated, 25-year architectural grade or better) or similar material having a natural appearance.
5. Roof structures, including fascia, shall not be exaggerated beyond the proportions inherent to the building’s architectural style.

d.

2. Neo-Eclectic architecture examples:



SECTION 3-70: SPECIAL STRUCTURE PROVISIONS

A. Certain structures require special design considerations to integrate them properly into the community's architectural fabric. Such structures include motor vehicle service station pump island canopies, service bays for car washes and motor vehicle service stations, power supply facilities, and drive through aisles. Also warranting special consideration are multi-family residential buildings, shopping centers/office complexes, and "big-box" structures larger than 10,000 square feet in size. Such facilities shall comply with the requirements below.

1. **Motor Vehicle Service Station Canopies.** Canopies are considered to be accessory structures. It is the intent of this subsection to ensure that canopies associated with convenience stores, motor vehicle service stations, etc. are designed such that they do not visually dominate the site, as compared to the size of the principal structure. Such canopies shall meet the following design criteria:
 - a. Architectural design shall be consistent with the principal structure in terms of style, roofline, colors, materials, and finishes.
 - b. Decorative rooftop design embellishments shall be provided, such as dormers, cupolas, clerestory windows, and weathervanes, as consistent with the architectural style of the principal structure.
 - c. The columns must be of sufficient width so as to appear "structural" in proportion to the canopy, as consistent with the architectural style of the principal structure.
 - d. Bollards must be painted to match or be compatible with the color of the canopy and principal structure. If it is necessary that the bollards be painted a different color from that used for the building and canopy for the purposes of safety and visibility, then the color white shall be an acceptable alternative.
 - e. Signage on the pump island canopy shall be prohibited, including striping with corporate brand colors. In addition, panels removed from signs on existing canopies shall not be replaced.
 - f. Under-canopy light fixtures shall be recessed so as to minimize off-site glare and light intrusion. No part of the light fixtures, including bulb or glass, shall project downward beyond the bottom of the canopy so as to be visible from the adjacent public right-of-way.
 - g. The maximum clearance between the pavement and the canopy ceiling shall be 14.5 feet.
 - h. The maximum height of the canopy shall be no greater than that of the principal structure.
 - i. The maximum total canopy area shall not be more than twenty-five percent (25%) greater than that of the principal structure.
2. **Open Bays or Service Areas.** Structures that feature open bays or service areas, such as car washes, motor vehicle service stations, and office/warehouses, shall be oriented on a site in such a fashion that the open bays do not face the primary public road on which the structures are located. Facility site design shall also utilize landscaping to help screen open bays from public rights-of-way. Service areas not enclosed in a building shall be screened through similar means.

3. **Multi-Family Structures.** Multi-family developments shall comply with the following:
 - a. Outdoor patio areas of individual living units and community facilities shall be designed to provide maximum visual privacy. Such areas shall be enclosed with screen, or screened by opaque fence or walls or with landscaping and/or berms with landscaping.
 - b. Full architectural treatment shall be required on all sides of any multi-family structure. Such treatment shall include, but not be limited to, building finishes, roof design and materials, window and door styles, architectural details and colors.
 - c. The maximum length of any multi-family structure shall be one hundred sixty feet (160'). The Planning Director shall have the authority to approve structures which exceed this length if they are designed to incorporate additional mitigating features to break up the mass of the building, over and above the minimum standards of this article. Such mitigating features, for example, may include additional offsets or projections, roof plane changes, etc.
4. **“Big-box” Structures.** Structures over 40,000 square feet in size, regardless of the number of tenants or users, shall contribute to the enhancement of the community and public space. Because of their large size, it is important that big-box structures be designed to maintain a pedestrian scale. Such developments shall meet the following design criteria:
 - a. Building mass shall vary by height and width so that it appears to be divided into distinct massing elements, as follows:
 - (1) Buildings shall have a minimum of one (1) offset (projection or recess) per facade length that is clearly visible from areas within the property accessible by the public, from adjacent properties, and from public rights-of-way.
 - (2) The average length between offsets shall be seventy-five feet (75'), or one hundred feet (100') along arcaded facades.
 - (3) Offsets shall have a minimum depth of five percent of the facade length. For example, a structure that is one hundred feet (100') long shall have offsets that are a minimum of five feet (5') in depth.
 - (4) Pilasters, columns, and enclosed downspouts shall not be considered offsets for the purposes of this subsection unless they meet the minimum depth requirement of § 3-70.A.4(a)(2) above.
 - b. All customer entrances shall have awnings, porches, or arcades to protect customers entering and exiting the building from inclement weather. Multi-tenant buildings or buildings with more than one entrance shall have a continuous arcade or colonnade connecting each entrance. The arcade shall be functional, without interruptions, and shall have a minimum depth of ten feet.
 - c. Exterior features shall be used which create the impression of a pedestrian-friendly streetscape. Such features shall serve to keep the focus of the pedestrian more or less at eye level by creating a human-scale visual frame. This shall be accomplished by visually separating the ground floor/story from the upper portions of the building, regardless of the actual number of floors/stories. Such features may include a combination of either awnings, colonnades or arcades, and a change in material, color, and/or window placement between the ground floor and upper floors, separated by a cornice of “significant” three- (3-) dimensional relief.

- d. All facades which are clearly visible from areas within the property accessible by the public, from adjacent properties, and from public rights-of-way shall appear to have pitched roof elements. Pitched roof elements shall have a minimum depth of ten percent (10%) of the building depth.
- e. The development shall provide at least two community amenities such as a patio/seating area, water feature, clock tower, or pedestrian plaza with benches. Such amenities shall be located adjacent to the principal structure. The Planning Director shall have the authority to approve alternate locations of the community amenities through the development review process if the alternate locations would be of greater benefit to the public.
- f. Sidewalks shall be provided adjacent to the building along any facade with a customer entrance or abutting a parking area. The purpose of these sidewalks shall be to physically separate the parking area(s) from the building, and to provide safe pedestrian access from the parking area(s) to the building. Such sidewalks shall be located at least five feet from the facade of the building to provide planting beds for foundation landscape materials.
- g. Pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of special pavers, bricks, stamped bomanite, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.
- h. The number of parking spaces shall not exceed the *minimum* number required in Chapter 3, Article III of this code.
- i. No more than fifty percent of the off-street parking area shall be located between the front facade of the principal building and the abutting streets. Where site constraints or other factors would prevent this requirement from being met, the Planning Director shall have the authority to allow this proportion to be increased to be seventy-five percent (75%).

SECTION 3-71: INDUSTRIAL DISTRICT EXEMPTIONS AND STANDARDS

- A. **Industrial Zoning Districts.** Structures located in the I-1 or I-2 zoning districts shall not be required to comply with this Article of this chapter unless the parcel upon which the structure is to be constructed is visible from or fronts on any arterial or collector roadway, as determined by the future functional classification in the comprehensive plan. In such case, only the sides visible from the right-of-way shall be required to comply fully with this chapter. Additional regulations pertaining to buildings within the I-1 or I-2 zoning districts shall be as follows:
1. Exposed metal surfaces shall be permitted on 100 percent of the rear and side elevations, and up to twenty-five percent (25%) of the front elevation.
 2. Chain-link fences and straight plain stockade-style fences shall be permitted on properties which do not front on an arterial or major collector roadway. An exemption may be made from the arterial/collector road frontage requirement where existing vegetation or proposed landscaping will effectively screen the fence from view. Where chain-link fencing is required or approved, such fencing shall be vinyl-coated, colored black. Posts and rails shall also be black.

SECTION 2-42: DESIGN STANDARDS

A. Single Family Dwelling Exterior Infill Standards. ...*No change to existing text...*

B. Building Orientation. ...*No change to existing text...*

~~C. **Building Colors.** Building colors for non-residential buildings shall meet the following criteria:~~

- ~~1. Selected colors shall be pastel, earth or natural tones.~~
- ~~2. Stripes and geometric patterns shall be specifically prohibited. Geometric patterns may be approved by the City Commission where there are extensive areas of facade, the patterns are part of an overall architectural theme, and colors are subtle.~~
- ~~3. A color or scheme which is directly inherent to a unique recognized architectural style, but not otherwise in compliance with this Section may be reviewed and approved by the City Commission.~~
- ~~4. A paint application permit is required for non-residential uses.~~

~~DC. **Multiple Structures** ...*No change to existing text...*~~

ED. **Single-Family Detached Residences and Planned Manufactured Home Communities.** ...*No change to existing text...*

CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

TO: Chairman Thomas and Planning Board members

FROM: Steven Spraker, AICP, Senior Planner

DATE: May 3, 2012

SUBJECT: Discussion Item, Outdoor Activity

INTRODUCTION:

Based on the April 3, 2012 City Commission workshop, Planning staff is seeking the input of the Planning Board in developing Land Development Code amendments for outdoor activity. The purpose of this item is to present the discussion that the City Commission conducted and to obtain direction for potential Land Development Code amendments regarding outdoor activity.

ANALYSIS:

Outdoor Activity:

Outdoor activity is defined in the Land Development Code as "The display of merchandise offered for sale or any activity, such as live entertainment, outside of the building walls of a completely enclosed building". Outdoor activity is regulated as follows:

#	LDC Section	Type of Use	Notes
1.	Section 2-50.U(1-9)	Accessory Use	Special event permits for certain uses four times a year, a maximum of fourteen days (56 days per year)
2.	Section 2-50.10	Accessory Use	Special event for non-profits.
3.	Sections 2-22 through 2-32	Zoning Districts	In the commercial and industrial zoning districts outdoor activity is allowed through a Special Exception.

Type 1: Section 2-50.U (1-9), outdoor activities for retail uses:

Section 2-50.U.1-9 of the Land Development Code states:

U. Outdoor Activities. Non-residential uses in commercial and industrial zoning districts are prohibited from having outdoor events, including exhibitions, concerts, festivals, product display or sales, except as permitted under the following regulations:

1. The permanent display and/or sale of merchandise outside of the exterior walls of any business premises shall be prohibited in all commercial and industrial zoning districts except where expressly permitted through the issuance of a Special Exception or a Planned Development.
2. Temporary outdoor display of merchandise by retailers may be permitted up to fourteen (14) consecutive days, no more than four (4) times per year, provided:
 - a. An application is submitted to the Building Department a minimum of five (5) business days prior to the planned outdoor display of merchandise. Applications that propose to use parking areas for product display must be submitted 21 days prior to the event and are required to be reviewed by the City's Site Plan Review Committee.
 - b. The display is limited to the goods sold by the sponsoring business. The sale of items not sold by the sponsoring business shall be prohibited. The Planning Director shall consult with the Chief Building Official in determining the goods sold by the sponsoring business, as well as approved site plans, building permits and business tax receipt.
 - c. The display area shall be located on the same lot or parcel as the principal commercial use. The use of vacant parcels for temporary merchandise sales or outdoor activity is prohibited, except for those parcels specifically permitted under Paragraph 10 of this Section.
 - d. The display area shall not be located so as to diminish the utility of any required parking space unless an alternative temporary parking plan is approved by the Site Plan Review Committee.
 - e. The flow of traffic on designated on-site traffic lanes on or off the lot or parcel shall not be obstructed in a manner that would create an unsafe condition.
 - f. Adequate area for safe pedestrian movement shall be maintained.
 - g. A scaled drawing showing the display area and its relationship to pedestrian and vehicle movement areas, parking bays, proposed sales areas, and any special signage. The City may, as a condition of the permit approval, require the applicant to provide:
 - (1) Police officers at the expense of the applicant to help ensure public safety.
 - (2) A good and sufficient surety bond or cash bond conditioned upon the removal of any garbage, waste, trash, and debris from the property within 48 hours after the outdoor sales event.

- h. A permit fee, as established in Chapter 1, Article IV, shall be required for each outdoor sales event.
3. The following uses are prohibited from outdoor merchandise sales or activities:
 - a. Service Stations and Convenience Stores (Types A, B and C).
 - b. Office uses
 - c. Industrial uses
 - d. Restaurants, Types A, B, C, D (outdoor seating is permitted)
4. The sale of food or beverages, other than as promotional items, is prohibited.
5. Any temporary structure shall not be erected more than two (2) days before the temporary sale is to occur, at which time a fire safety inspection shall be performed. The structure shall be removed within two (2) days following the temporary sales event.
6. The area encompassed by the temporary sales shelter shall not exceed 3,000 square feet as measured from the perimeter of the temporary structure.
7. The temporary sales of cars, trucks or vans on property not approved for an automobile sales facility is prohibited.
8. A temporary sign may be approved by the Planning Director, or his designee, in association with outdoor activities. All temporary signage shall conform to the requirements of the Land Development Code Chapter 3, Article IV, Section 3-45(E)(1).
9. Outdoor merchandise sale by any retail establishment or house of worship of seasonal or holiday items, such as Christmas trees, Halloween pumpkins, or sparklers, as defined in FS 791.01(8) shall be permitted 30 days prior to the holiday, as long as the outdoor display is concluded after the respective holiday. Seasonal items do not include garden supplies and equipment, landscape materials, bicycles, children's pools, lawn furniture, sporting goods, and other merchandise associated with outdoor activities.

This Section allows retail merchants to conduct outdoor activities, such as tent sales, sidewalk sales and other activities outside of the building walls of their establishment. Certain uses, such as service stations, office and industrial uses, and restaurants are not allowed to have an outdoor activity permit. The permits cost \$25 and are valid for 14 days, four times a year.

Type 2: Section 2-50.U.10 outdoor activities for non-profits:

Section 2-50.U.10 of the Land Development Code states:

10. Car washes, bake sales, cookie sales, charitable solicitation, outdoor church events and other such sales and fundraising events conducted by a non-profit organization (schools, churches, girl/boy scouts, etc.) shall be exempt from the requirements of this Section, provided that:
 - a. The proposed events do not impede pedestrian or vehicular traffic.

- b. The following information is required for outside events:
 - (1) Day(s) of the events.
 - (2) Hours of operation.
 - (3) Expected number of participants.
 - (4) Types of temporary structures.
 - (5) Number of portable toilets provided.
 - (6) Security plan.
 - (7) Pedestrian and vehicle movement plan.
 - (8) A scaled sketch detailing the location of the special event area, and parking areas.
 - (9) Location of any planned activities.
- c. The proposed event is required to be registered with the Building Department. There shall be no permit fee if the organization provides proof of their nonprofit status.
- d. Any temporary structure shall not be erected more than two (2) days before the event is to occur, at which time a fire safety inspection shall be performed. The structure shall be removed within two (2) days following the event.
- e. There are no public safety hazards, as determined by the Planning Director or his/her designee.

The purpose of this Section is to allow non-profits an opportunity to conduct fundraisers or hold a community event. Examples of these types of permits include church activities, sport teams carwashes, and girl scout cookie sales in front of retail stores. The activity does require a registration with an approved plan. There is no cost for the registration.

The sole issue staff has experienced with this code Section is during the last Bike Week, there was an application at a restaurant/bar that utilized a non-profit to allow iterant vending for a ten day period.

Type 3: Sections 2-22 through 2-32, outdoor activity:

Outdoor activity is permitted within the business and industrial zoning districts as a Special Exception use. The Special Exception requires an application fee of \$1,850 and review by the Planning Board and approval by the City Commission as a Resolution. There are two primary types of outdoor activity. The first is the sale of products by retailers and the second is live outdoor music, typically associated with restaurants.

The review of the outdoor activity Special Exception is based upon the general criteria for Special Exceptions and the following three conditions:

O-

1. **OUTDOOR ACTIVITY**

1. If located adjacent to a residential use, appropriate screening and buffering shall be provided to minimize noise and glare impact to the maximum extent feasible.
2. A site plan displaying the area for activity and pedestrian movement shall be required.
3. Outdoor music shall provide a sound study demonstrating compliance with the adopted maximum decibel levels.

POLICY CONSIDERATIONS:

On April 3, 2012, the City Commission conducted a workshop to discuss multiple topics, including outdoor activity. The minutes of this meeting are attached. The City Commission focused on the requirement that outdoor activity as a primary use through the Special Exception process. The City Commission examined if the use could be allowed through a conditional use (staff approval). City Commissioners stated that under certain situations that outdoor activity would not impact other properties or aesthetics from the roadway. The City Commission expressed concern regarding the cost and process of the Special Exception and the impacts on the business community.

The City Commission discussed conditions to allow outdoor activity such as distance of the building to the roadway, location of products (not blocking sidewalks), and requiring merchandise to be close to the entry way of the building or individual unit. The City Commission did not discuss outdoor music or the temporary outdoor activities.

The City's Land Development Code has requires a Special Exception to allow permanent outdoor activity. The principal consideration has been community aesthetics and the appearance from roadways. The topic that the City Commission examined was if there was an option to allow retailers to display items outside that did not lower the community aesthetics and assisted retailers to be successful. For the purpose of discussion, staff has identified the following options for outdoor activity:

Option 1: No change-require a Special Exception:

This option would not amend the existing land development regulations. Retail businesses are allowed to obtain special event permits allowing the temporary display of merchandise four times a year for fourteen consecutive days. By requiring a Special Exception, the property owner has invested their money and time and once approved, will ensure that the conditions are met to protect their investment. This approach has been used to ensure outdoor activity is conducted within the boundaries of the City Commission approval.

The requests for outdoor activity have been limited over the years with Rivergrille outdoor music and the current application of Lowe's being notable applications in the last few years. Most businesses utilize the special event permit to display merchandise outside.

Discussion points:

1. The cost of the Special Exception is cost prohibitive and discourages retail users to display goods outside.
2. An alternative to this option would be for the City Commission to reduce the fee for a Special Exception. The advertising costs for two newspaper ads and abutter letters averages approximately \$1,500. Other hard costs include public records recording costs. Any reduction of the fee is recognition by the City that it is willing to subsidize the real costs associated with a Special Exception.
3. An alternative to this option would be to amend the amount of allowable time for temporary outdoor activities. This option would not address the issue of outdoor music.

Option 2: Allow outdoor activity as a permitted use:

This option would allow outdoor activity as a permitted use with no public hearing or staff review.

Discussion points:

1. The property owner would have no incentive to ensure that the product placed outside is maintained and placed in an organized fashion or that the music played outside complies with the noise standards of the City.
2. This option would also allow the outdoor display of merchandise during special events.

Option 3: Allow outdoor activity as a conditional use:

This option would allow outdoor activity provided that certain conditions were met by the business. The conditions could be broad or specific. Staff would suggest the following conditions as a starting point:

1. Require a determination that there are no impacts to single family residential zoning districts.
2. Request would be required to provide a dimensioned site plan with proposed outdoor merchandise location with approval by the Site Plan Review Committee (SPRC).
3. No merchandise would be allowed to block handicapped access, located in required parking spaces, loading or access areas, or in landscape areas and must be shown on a civil site plan approved by the SPRC.

4. Outdoor music would require plot plan for music location and a sound test after notification to property owners within 600'. Those that have no impacts as determined by staff would be approved by staff. Those that have objection or could impact other properties could be bumped up to Special Exception, similar to a neighborhood meeting regulations.
5. All merchandise shall be within XX' (number to be determined) of the building.
6. Building must be setback at least XX' (number to be determined) from the road.
7. The display is limited to the goods sold by the sponsoring, licensed business. The sale of items not sold by the sponsoring business shall be prohibited.

Discussion points:

1. Which types of businesses would be allowed to have outdoor activity? Would the prohibited uses of the temporary outdoor activity be carried over (restaurants, office and industrial use, and convenience stores)?
2. How would the issue of iterant vending be addressed? Would iterant vending be permitted?
3. If a building setback to display merchandise is required, there may be businesses that cannot meet the required setback.

CONCLUSION:

This item is being provided to obtain policy direction from the Planning Board and no recommendation is being made at this time.

EXHIBIT A

Outdoor Activity

**City Commission workshop minutes
from April 3, 2012**

would have to be removed.

Mayor Kelley stated that a monument sign could not go there because it was a safety issue as it would obstruct traffic and that the Commission had voted on that issue in 1996.

Commissioner Kent stated that the Shell gas station that moved across the street had a monument sign.

Ms. Burt asked if the downtown district could be pulled out of the sign regulations and have their own.

Mr. Spraker stated that the existing property in question was nonconforming because it had been vacant longer than six months. He stated that once a business tax receipt was obtained it would have to go back to the Site Plan Review Committee. He stated that part of bringing the property up to code would be removing the non-conforming signage. He stated that the signage did not have to go back in that same place and could be moved to the middle of the property where you may or may not have the obstruction issue.

Mayor Kelley stated that the Commission had decided that it was a safety issue and there was an exemption in the code.

Mr. Spraker stated that exemption was no longer in the code. He stated that there was a process to go to a public hearing to get a pole sign.

Mr. Goss stated that you would put the monument sign at the corner where it would not block visibility because at a signalized intersection you would not be going against the light.

Mayor Kelley asked about turning right on red.

Mr. Goss stated that if you were coming in east on SR-40 you would take a right in and then you would go out at the intersection. He stated that if you were coming west, there was a median and you would have to make a left at the intersection. He stated that the dynamics had completely changed since seven years ago and you now could have a monument sign at the other end.

Mr. Stowers stated that he agreed with Ms. Burt about having something that exempted the downtown district. He stated that the experience in downtown was different than driving through west Granada Boulevard. He stated that the uses were different and it was form based code. He stated he would like increased flexibility for downtown businesses to use either option or a sign directly on or off the building.

Outdoor Activity and Outdoor Storage

Mr. Goss stated that the city permitted outdoor activities, which included outdoor music or displays of products for sale. He stated that it was done by special exception. He stated that staff had provided information on the process, the cost, and a special exemption was required. He stated that if the Commission wanted to alter those conditions they could change it from a special exception to a conditional use or a permitted use, subject to criteria.

Mayor Kelley stated that he wanted to work with the residents and businesses within the

community. He stated that Lowes was 300 or 400 feet off the road and asked why they needed a permit to put plants out for people to buy in springtime. He stated that the city was so restrictive that they could not even put their carts out front for awhile. He stated that these businesses were paying taxes. He stated that there was someone in attendance that had had issues with having their outdoor furniture sale items for display 100 feet off the road under a covered area at his business. He explained that he was passionate about this issue and if there was anything that could be done to help the businesses he would like to do it.

Commissioner Kent stated that he agreed with everything that Mayor Kelley said. He stated that the only negative thing that came to his mind was thrift shops and that some he had seen in Holly Hill had lots of junk sitting outside their business. He stated that business owners would think there was favoritism if Lowes would be allowed to have their plants out but thrift stores could not have their old bicycles out.

Commissioner Boehm stated that the current cost of a special exception was \$1,850. He confirmed with Mr. Goss that was for advertising costs. He asked that if outdoor storage was changed to a permitted use or a conditional use, would it have to be advertised; whereby Mr. Goss stated that then they would not.

Commissioner Boehm stated that just changing the category would save those businesses a lot of money. He stated that he had seen the big yellow signs out in front of Lowe's property advertising that a special exception was being requested. He stated that he also agreed with Commissioner Kent in that he did not like the idea of not having any regulations at all because he would not want a thrift shop to have a garage sale on the sidewalk every day. He stated that either a permitted or conditional use, which would drop the expense to the business, seemed to be the better way to go.

Commissioner Stowers asked if there was any expense for conditional use; whereby Mr. Goss stated that there was not.

Mayor Kelley stated that he also did not want people having used clothing and the like outside on sidewalks.

Ms. Shanahan stated that they may be able to make the distinction of allowing only new product and not used.

Mr. Goss stated that as a conditional use they could control the placement and the maintenance, but he did not think you could restrict it to new products or certain types of businesses only.

Commissioner Boehm stated that a condition could be not blocking the sidewalk. He stated that the larger places would have items set way back off of the road and would not interfere with sidewalks. He stated that it was the smaller "mom and pop" places that were right up against the road where they would run into people that could not walk down the sidewalk because of outdoor items. He stated he was in favor of conditional use and allowing the city to establish the conditions.

Mr. Spraker stated that they would have to maintain handicap accessibility on the sidewalks, as well.

Mr. Barry Kalin, owner of Kalin Home Furnishings, stated that they had had problems with

the present ordinance when they had displayed merchandise outside; whereby Mayor Kelley asked him whether what had been discussed would be a solution. Mr. Kalin stated that as long as they could have a display off the sidewalk it would be fine. He stated that he felt the Commission was on the right track.

Mr. Goss stated that in the shopping centers without frontage, items needed to not be placed in the buffer out along the road. He stated that he could assure them there would be instances of that occurring because the merchandise would not be visible from the road.

Commissioner Stowers asked if that could be made one of the conditions; whereby Mr. Goss stated that it could.

Commissioner Boehm stated that conditions could be established to maintain the look that they would like to see Ormond Beach have, while at the same time allowing retailers the opportunity to display things outside their businesses.

Mr. Goss stated some businesses also would not have the opportunity to display merchandise outside because their doors opened right on the sidewalks, which may only be four feet wide and needed to be clear for handicap accessibility. He stated that some people may say it was not fair; whereby Ms. Shanahan stated that they could not please everyone.

Mayor Kelley stated that the condition could be within so many feet of their door and not reference the sidewalk, as there may or may not be a sidewalk.

Mr. Goss asked if they wanted to change the criteria for outdoor music. He stated that currently when someone wanted outdoor music they had to do a noise study before they even came in for a special exception.

Mayor Kelley asked if that exception cost \$2,500; whereby Mr. Goss stated that it did and that the special exception went through the Planning Board and the City Commission.

Commissioner Stowers stated that there may be a lot of discussion on the issue and noted the time restraints, as there was less than 15 minutes until the Commission meeting was to begin.

Ms. Shanahan stated that them to address this issue another time, because she had one more thing to speak to them about.

Doggy Dining

Ms. Shanahan stated that they had received a citizen's request about allowing doggy outdoor dining. She stated that the state allowed local governments to issue permits that the health department would then regulate. She stated that prior to researching and creating a code and taking it to the Planning Board, staff wanted to know what the Commission's thoughts were about even considering it. She stated that the restaurant would have to apply for the permit and they would not impose it on them. She stated that it would provide the restaurant the opportunity to apply and go through the permitting process.

Mayor Kelley stated that one individual had complained because someone at Einstein's Bagels was sitting outside drinking coffee with their dog. He stated that nobody else