

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** January 5, 2009

**SUBJECT:** Land Development Code Amendments: Chapter II, Article IV, Conditional and Special Exception Regulations

### **Discussion Only**

**APPLICANT:** Administrative

**NUMBER:** LDC 08-54

**PROJECT PLANNER:** Ormond Beach Planning Department

### **INTRODUCTION:**

This is a discussion item with the intention to amend Chapter II, Article IV, Conditional and Special Exception Regulations, of the Land Development Code (LDC) to align certain conditions with the terms used in the zoning districts, delete certain conditional or special exception regulations, and add conditional or special exception regulations to match the zoning district regulations.

### **BACKGROUND:**

Planning staff has reviewed the permitted, conditional, and special exception uses for each of the City's zoning districts and is proposing changes to improve the function of the zoning code within the City. Planning staff was tasked by the City Commission with reviewing the Land Development Code to review the districts to streamline and improve the review process for uses. The review of the conditional or special exception regulations Article of the LDC is a companion amendment with the zoning district and definition amendments.

### **ANALYSIS:**

The proposed amendments are included in Exhibit "A" attached to this staff report. The following changes were made as part of the amendments:

- 1. All conditional and special exception uses were reviewed to determine if regulations regarding that use existed and if they did not, regulations were formulated. Below is a list of uses for which conditional use or special exception criteria was developed:**

Campground	Hunting Lodge
Foster Home	Mining and Excavation (located in Landscaping Section)
Hobby Breeder	Petroleum Product Storage
Hunting Dog	Riding Stables
Hunting Lodge	Terminal, Bus Passenger
Mining and Excavation (located in Landscaping Section)	Industrial Use, Light

**2. The conditional and special exception uses were reviewed and modified to match the terms used in the zoning districts and definitions. Below are examples of uses that titles were amended to match the zoning district uses:**

Adult Family Care	Vehicle Sales
Convenience Stores	Vehicle rental
Parks and Recreation, Private	Warehouse, mini-rental
Retail, Daily Needs	Telecommunication Tower or Antennae, Camouflaged
Retail, Specialty	Vehicle Repair

**3. Conditions listed within the zoning district or definitions have been deleted and added to the conditional and special exception uses Section. Below are examples of existing zoning district uses that contained conditions for which such conditions have been relocated to the Conditional and Special Exception regulations in the Article.**

Community Residential Home, with six (6) or fewer residents	Group Home, 4 to 6 residents
Foster Home, up to 3 residents	Dwelling, Quadraplex
Cemeteries existing prior to 1990	Assisted Living Facility (ALF) developed as a single-structure and less than 10,000 SF in size
Multi-family Dwelling unit, 9 to 12 units per acre, in a single structure and less than 10,000 SF in size	Theater, provided that if there are less than five (5) viewing screens in a given complex, there shall be a minimum of three hundred (300) seats per viewing screen; or if there are five (5) or more viewing screens in a given complex, there shall be a minimum of one hundred (100) seats per viewing screen, and an average of at least one hundred fifty (150) seats per viewing screen.

4. **There are some conditional and special exception uses that are not listed in the zoning district. In these cases, staff reviewed if the uses should be added to the zoning district or if the use conditions should be deleted. These include:**

Marinas and Multi-Slip Docking Facilities (maintained)	Temporary Structure (moved to Accessory Uses)
Pool Hall, Billiards (added to B-5)	Massage Parlors (personal service)
Recreational Vehicle and Boat Storage (added to I-1)	Mobile Home and/or RV Truck or Boat Sales and Service – deleted
Temporary Sales Office (moved to Accessory Uses)	

5. **Certain uses were amended by staff as a general update. These uses include:**

Use	Notes
Agricultural uses	Consolidated multiple uses in zoning districts into this use.
Dwelling, Multifamily	Added Affordable/Attainable housing provisions.
Family Day Care	Added State Statute maximum number of children.
House Of Worship	Include Child Care Facility as an accessory use to the House of Worship
Outdoor Activity	Added based on amendments that delete the Special Exception requirement – created as a use.
Outdoor Storage	Added based on amendments that delete the Special Exception requirement – created as a use.
Parking Garage	Use existed in the Overlay District. Created standards for this use.
Restaurants	Combined the 5 different uses into 3 uses and made conditional use to ensure that the proposed conditions would be satisfied.
Shopping Center	Created conditions where none existed.
Townhouses	Added Affordable/Attainable housing provisions.
Wind Energy Systems	New use that has newly created conditions.
Service Stations	Deleted
Single Structure-Mixed Use	Deleted

## **CONCLUSION:**

There are certain criteria that must be evaluated before adoption of an amendment according to the 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 amendment 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, ensure accurate definitions of terms and uses, and streamline the review process.

- 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 amendment 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.

- 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 this amendment. 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 this amendment. 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 this amendment. 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 this amendment. 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:**

Staff is presenting this item to the Planning Board as a discussion item so that the Board can see how the zoning district amendments would relate to the Conditional and Special Exception Regulations. If the zoning district changes are acceptable, staff will present the Conditional and Special Exception Regulations for action at the February Planning Board meeting.

# EXHIBIT A

Proposed Chapter II,  
Article IV, Conditional  
and Special Exception  
Regulations  
Amendments

**LAND DEVELOPMENT CODE**

**CHAPTER 2: DISTRICT AND GENERAL REGULATIONS**  
**ARTICLE IV – CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS**

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**CHAPTER 2: DISTRICT AND GENERAL REGULATIONS**  
**ARTICLE IV: CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS**

§2-54: Purpose and Intent

§2-56: General Criteria and Special Exception

§2-55: Application and Review Procedures

§2-57: Criteria for Review of Specific  
Conditional and Special Exceptions

**SECTION 2-54: PURPOSE AND INTENT**

The intent of this Article is to ensure that conditional uses and Special Exceptions as designated in Chapter 2, Article II shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. Therefore, the City's purpose is to establish and enforce review criteria and standards to ensure that proposed development of conditional uses and Special Exceptions is compatible with the character of the surrounding area; has sufficient land area to accommodate the proposed type of use, including its scale, mass, density and/or intensity, as well as requisite project amenities, infrastructure, parking and internal vehicular and pedestrian circulation; provides adequate screening and buffering; and avoids or successfully mitigates nuisance and other adverse impacts.

**SECTION 2-55: APPLICATION AND REVIEW PROCEDURES**

Written application should be made to the Planning or Building Department for a conditional use or Special Exception ~~on forms supplied by the Planning Department~~ and shall be accompanied by any fees required in Chapter 1, Article IV. the standards shall apply:

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- A. **Review of Use and Site Plan Required.** An applicant may receive concurrent action on a conditional use or Special Exception application and site plan application by processing the applications for the conditional use or Special Exception concurrently pursuant to procedures established in Chapter 4, Article I for site plan review. Notwithstanding, all applications for a Special Exception will follow the review process established in Chapter 1, Article II.
- B. **Notice and Hearing Procedures.** The procedures for notice, review, and approval shall be as set forth in Chapter 1, Article II.
- C. **Final Site Plan Application.** A conditional or Special Exception shall be subject to approval of a final site plan that reflects compliance with the special development criteria and conditions contained in this article, as well as other conditions established by the City Commission.
- D. **Transfer of Conditional and Special Exception Approvals.** Approved conditional uses and Special Exceptions run with the property and not the owner. Therefore, an approved conditional or Special Exception can be transferred to another owner.
- E. **Abandonment of an Approved Conditional or Special Exception.** An approved conditional or Special Exception, for which a final site plan application has not been approved within two years from the date of said approval, shall be considered abandoned and a new application consistent with provisions in this Article and Chapter 4, Article I shall be required.

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**SECTION 2-56: GENERAL CONDITIONAL AND SPECIAL EXCEPTION REVIEW CRITERIA**

In addition to the standards contained in Chapter 2, Article II, applications for a proposed conditional use or Special Exception shall provide plans that demonstrate compliance with the following general criteria:

- A. **Off-Street Parking, Loading and Service Areas.** Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.
- B. **Required Yards, Screening or Buffering, and Landscaping.** Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.
- C. **Size, Location, or Number of Conditional and Special Exceptions.** Size, location, or number of conditional and Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.
- D. **Hours of Operation.** Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area. For instance, hours of operation may be restricted to avoid potential adverse impacts on a conforming residential use or on an adjacent residential district.
- E. **Hazardous Waste.** The conditional or Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.
- F. **Development Within or Adjacent to a Historic District.** All development proposed as a conditional Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures, contributing structures, and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.
- G. **Outdoor Lighting Shall Have No Spill-Over or Produce Glare onto Adjacent Properties and Rights-of-Way.** Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line. The lighting plan shall indicate all outdoor lighting, including lighting for streets, access drives, parking lot, building access points, and additional security lighting. The plan shall indicate fixture heights, type and rating by wattage or lumens. The plan shall include characteristics of all lighting whether freestanding or wall mounted; type of illumination, vendor specifications, method of shielding light and light source, photometric plan, measures of illumination with contours indicating light source at the property lines and ten feet into adjoining properties, including right-of-way. Lighting specifications for all signage shall be submitted and shall be compatible with land uses in the immediate vicinity.

H. **Special Location Criteria to Protect Residential Areas, Public Uses, and Community Facilities.**

The following location criteria shall be applicable to wine, beer, or liquor stores in a freestanding structure; bars and lounges;; houses of worship; nightclubs; public parks and recreation facilities; pool or billiards halls; and private schools.

1. No bar, lounge, or nightclub, as defined in Chapter 1, Article III of this Code, shall be located within one thousand feet (1,000') of any of the following uses permitted by this Code:
  - a. House of Worship
  - b. Public Park
  - c. Public Recreation Area
  - d. School
2. None of the following uses permitted by this Code, shall be located within one thousand feet (1,000') of any bar, lounge, or nightclub, as defined in this Code:
  - a. House of Worship
  - b. Public Park
  - c. Public Recreation Area
  - d. School
3. The distances specified in this Section shall be measured by measuring the shortest route of ordinary pedestrian travel along the public thoroughfare between the main entrances to each of the respective uses under consideration.
4. The restrictions in this Section do not apply to any type of restaurant, as defined in this Code, which is licensed as such by the Division of Hotels and Restaurants, Department of Business and Professional Regulations, and which is also licensed to serve alcoholic beverages for consumption on the premises by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.
5. No bar, lounge, or nightclub, as defined in this Code, shall be located within one thousand feet (1,000') of an existing bar, lounge or nightclub, except when part of a hotel or motel having one hundred (100) or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one (1) additional space per six (6) seats.

**SECTION 2-57: CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION**

In addition to demonstrating compliance with all general criteria included in Chapter 1, Article II, any applicant for a proposed conditional or Special Exception must submit plans that demonstrate compliance with the following specific criteria which shall apply within all districts. In considering whether to approve a conditional or Special Exception the City shall consider whether the respective application demonstrates such compliance.

**Deleted:** bowling centers; child care facilities; family day care homes

**Deleted: I. Tattoo Parlors.** Prior to approval of any Tattoo Parlor the applicant shall demonstrate compliance with all of the following provisions:¶

1. All body illustrations or tattooing of any kind shall be performed in strict compliance with Section 12-376 of the Code of Ordinances.¶
2. The hours of operation shall be restricted to 8:00 AM to 8:00 PM, Monday through Saturday, and 10:00 AM to 5:00 PM on Sunday, if located adjacent to a residential district or multi-family residential development. Hours of operation shall be restricted to 8:00 AM to 11:00 PM, Monday through Saturday, and 9:00 AM to 6:00 PM Sunday, when a tattoo establishment is adjacent to a non-residential district.¶
3. Screening and buffering for tattooing establishments adjacent to residential districts or multi-family projects within non-residential districts shall include an additional ten-foot (10') wide landscaped buffer in order to minimize impacts on these adjacent residential uses. This buffer is in addition to all other buffer and screening requirements contained in Chapter 3, Article I, Landscape Standards.¶
4. All signage shall be consistent with the requirements of this Code. The use of tattoos and examples of tattoos shall be considered a prohibited form of signage.¶
5. Murals and other graphic illustrations shall not be permitted on the exterior walls of the buildings.¶
6. All tattooing shall be performed inside the principal structure and shall not be visible to the public.¶
7. Parking for tattooing establishments shall abide by the requirements for intensive retail uses, as contained in Chapter 3, Article IV of this Code.¶
8. Tattooing parlors shall not be located within one thousand feet (1,000') of a school, church or public park.¶
9. No temporary vending or operation of tattooing establishments is allowed within the City. All tattooing shall be conducted on a permanent basis on a property that meets all applicable City codes.¶
10. Outside display of tattoos by persons, as a form of advertising, is prohibited.¶
- J. **Temporary Sales Office.** Trailers, or similar structures, used as temporary pre-development sales offices, may be permitted on the proposed development site provided the following minimum requirements are met:¶
  1. The proposed development shall be reviewed as a Special Exception.¶
  2. Following City Commission approval, the applicant shall submit a five hundred dollar (\$500) permit fee to the Building Division prior to locating the trailer. [28]

A-

1. ADULT DAY CARE CENTERS

- 1. In all residential districts allowing such use, the following minimum standards shall apply:
  - a. The center shall comply with all rules adopted by the Florida Department of Health and Rehabilitative Services pursuant to Part IV; Adult Day Care Centers, of Chapter 400, F.S.
  - b. The use is contained within a House of Worship, a community center, or an existing residential structure, provided that if the use is within a residential structure, the following additional conditions shall be met:
    - (1) The lot shall be a minimum of fifteen thousand (15,000) square feet in area.
    - (2) The center shall be limited to a maximum of five persons, including the staff as a conditional use. Any use that proposes over five persons shall require a Special Exception.
    - (3) The original character of the residential structure shall be maintained in accordance with the residential character of the area in which it is located.
    - (4) Any additional parking spaces required for the center shall be provided in the side or rear yard and shall be adequately buffered from abutting residential properties.

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- 2. In all other districts permitting adult day care centers, the following standards shall apply:
  - a. The center shall comply with all rules adopted by the Florida Department of Health and Rehabilitative Services pursuant to Part IV; Adult Day Care Centers, of Chapter 400, F.S.

Deleted: FOSTER HOME

2. ADULT FAMILY CARE HOME

- 1. The home shall comply with all rules adopted by the Florida Department of Health and Rehabilitative Services pursuant to Part VI, Adult Foster Home Care Act, of Chapter 429, F.S.
- 2. The home may provide services to no more than three (3) non-relatives.
- 3. The original character of the residential structure shall be maintained in accordance with the residential character of the area in which it is located.

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3. AGRICULTURE USES, MAJOR

- 1. Any agricultural use that does not meet the conditions established for agriculture uses, minor, shall be processed as a Special Exception.
- 2. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.

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4. AGRICULTURAL USE, MINOR. The following agricultural activities shall be allowed within the SR and REA districts, provided the following minimum standards are complied with:

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- 1. Minimum lot size: 5 acres.

- 2. Setbacks: Front - 50'  
Rear - 50'  
Side - 50'  
Waterfront - 50'
- 3. The minimum distance between a house, coop, barn, shed, yard, runway, building, beehive, or enclosure in which bees or livestock are confined and any inhabited dwelling on an adjacent property shall be fifty feet (50').
- 4. All livestock must be securely fenced or otherwise confined within the boundaries of the site.
- 5. All houses, barns, coops, sheds, yards, runways, buildings, or enclosures in which poultry or livestock are maintained shall be kept clean, dry and free from offensive odors that have a negative impact on adjoining properties.
- 6. Existing agricultural activities that do not conform to codes and ordinances in place prior to the adoption of this Code shall be considered nonconforming uses, and allowed to remain as such.
- 7. Any livestock kept or housed upon any premises prior to annexation into the City may remain thereupon until its death or removal. No such livestock shall be replaced nor shall any offspring of such livestock be kept or housed on the premises except as permitted under a Development of Regional Impact (DRI) or other provision of this ordinance. This provision shall not apply to lands zoned SR or REA which are five (5) acres or more.
- 8. Landscape buffer areas adequate to minimize visual and odor impact to neighboring residential structures shall be provided, except on parcels having an area of five (5) acres or more.
- 9. Agricultural activities in the SR district are limited to the keeping of equine or bovine livestock for non-commercial purposes. The construction of barns, sheds, or other buildings or structures built expressly for housing and keeping of said equine or bovine livestock shall be permitted.

10. Sales of agricultural products grown or raised on the premises, including the sales of insecticides and fertilizers, when integral and subsidiary to sales of other agricultural products are permitted.

11. Sales of hay and livestock raised on or off premises, when integral and subsidiary to an existing agricultural use.

12. Livestock feed lots up to ten animals per acre.

**5. ASSISTED LIVING FACILITY (ALF)**

- 1. For an ALF in the SR, R-3, and NP Districts, the following minimum standards shall apply:
  - a. The use shall be limited to the conversion of existing residential structures.
  - b. The lot shall be a minimum of fifteen thousand (15,000) square feet in area for all Assisted Living Facilities created after the date of this Ordinance.
  - c. The facility shall be limited to a maximum of ten (10) occupants, including the staff.
  - d. The original character of the residential structure shall be maintained in accordance with the residential character of the area in which it is located.

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<#>Any agricultural use that does not meet the conditions established for agriculture uses, minor, shall be processed as a Special Exception.¶  
<#>Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.¶

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- e. Any additional parking spaces required for the facility shall be provided in the side or rear yards and shall be adequately buffered from abutting residential properties.
2. For ALFs in all other Districts, all dimensional, buffer and landscape requirements for multi-family use shall apply.

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## 6. AUCTION BUSINESS

1. In any district permitting auctions businesses, by Special Exception or as a conditional use, the following minimum requirements shall apply:
  - a. Entrances and exits shall be designed to ensure that vehicles waiting to enter will not back-up into the public right-of-way and that exiting vehicles will not cause extensive back-up on site.
  - b. Up to fifty percent (50%) of the required parking spaces may be reserved in a grassed or other approved pervious surface area; all associated access ways, driveways, and aisles shall be surfaced as provided in Chapter 3, Article III.
  - c. The Site Plan submittal shall identify pedestrian and vehicular circulation areas, exits and entrances; rest rooms; lighting; and hours of operation.
  - d. The City Commission may limit hours of operation, and require additional information on structural design and site arrangement, in order to assure the compatibility of the development with existing and proposed uses in the surrounding area.
  - e. In accordance with Chapter 2, Article III (*Outdoor Product Display*), auction businesses are prohibited from displaying goods outside the exterior walls of the business premises. All items shall be properly stored within the principal structure.
2. In the B-4 district, the following minimum requirements shall apply:
  - a. Entrances and exits shall be designed to ensure that vehicles waiting to enter will not back-up into the public right-of-way and that exiting vehicles will not cause extensive back-up on site.
  - b. Up to fifty percent (50%) of the required parking spaces may be reserved in a grassed or other approved pervious surface area; all associated access ways, driveways, and aisles shall be surfaced as provided in Chapter 3, Article III.
  - c. The Site Plan submittal shall identify pedestrian and vehicular circulation areas, exits and entrances; rest rooms; lighting; and hours of operation.
  - d. Auctions shall be limited to specialty retail items.
  - e. Auctions shall not include the sale of heavy equipment, cars, boats, recreational vehicles, or any similar mechanic equipment.
  - f. All auctions shall be conducted within a building suitable for such use.
  - g. Auctions shall be prohibited during normal business hours (Monday through Friday, 8:00 AM through 5:00 PM); auction activities shall cease at 11:00 PM, seven (7) days a week.



- h. Auctions shall provide enough parking spaces to meet the minimum requirements contained in Chapter 3, Article III for Houses of Worship, Theaters, Auditoriums, Funeral Homes and Other Places of Assembly not listed.
- i. In accordance with Chapter 2, Article III (*Outdoor Product Display*), auction businesses are prohibited from displaying goods outside the exterior walls of the business premises. All items shall be properly stored within the principal structure.

**7. AUTOMATIC AMUSEMENT CENTERS/GAME ROOMS.** In all districts allowing such use, the following minimum standards shall apply:

1. When the sole business operated on the premises is the operation of any automatic amusement devices, said premises must be located more than one thousand feet (1,000') from any school, house of worship, public park or youth activity building. No two (2) amusement centers shall be located closer than one thousand feet (1,000') from one another. The distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the premises wherein the automatic amusement devices are located to the main entrance of the said school, house of worship or youth activity building.
2. Each automatic amusement device shall be located at least ten feet (10') from the entranceway to the premises in which located and placed so that it does not obstruct or interfere with the free and unfettered passage of patrons or users of the premises.
3. The maximum number of automatic amusement devices shall be limited to one (1) amusement device per fifty (50) square feet of premises used for the operation of such devices. The computation shall exclude any portion of the premises used for the storage or sales of automatic amusement devices or the conduct of any business other than the operation of automatic amusement devices.
4. Specific hours of operation may be established if the use may impact adjacent or nearby residential uses.
5. Shall be screened to minimize noise and glare impacts to neighboring residential uses.
6. No person shall in any automatic amusement center permit gambling in connection with the playing of any automatic amusement device.
7. Automatic amusement centers shall provide a current inventory of all games kept on the premises, including the name of the game which appears on the screen when the automatic amusement device is in attract mode, the manufacturer, serial number, the actual owner of the machine with the owner's address and phone number, and attachment of license to each machine.
8. The inventory required in paragraph 7 above shall be kept on file with the Planning Department as part of the approved development order. Any change whatsoever in games or machines on the premises must be so indicated on an updated inventory which shall be provided to the Planning Department within ten (10) business days of such changes.

**Deleted: 6. AUTO REPAIR, TYPES "A" and "B"**

<#>All repair work and permanent storage of materials, merchandise, and lubrication, repair and servicing equipment shall be conducted within the principal building.¶

<#>No operator shall permit the storage of motor vehicles for a period in excess of twenty-four (24) hours unless the vehicles are enclosed in the principal building.¶

<#>Service or customer vehicles shall be parked on the premises in a manner that will not create traffic hazards or interfere with vehicular maneuvering area necessary to enter or exit the site.¶

<#>The premises shall not be used for the sale or rental of vehicles.¶

<#>No outdoor work shall be performed except in areas designated for such activity on an approved site plan. Such areas shall be fenced, walled and screened to minimize on and off-site noise, glare, odor, or other impacts.¶

<#>Additional buffering and screening may be required where such use is located in close proximity to residential or retail commercial uses.¶

9. The general public shall be allowed in all automatic amusement centers. No automatic amusement center shall restrict access to the site by the use of age restrictions or membership to the center.
10. No automatic amusement center shall offer prizes, tickets, or other merchandise over five dollars (\$5.00) in value. Automatic Amusement Centers shall not allow customers to maintain a running tally of points for prizes or other goods.
11. Automatic amusement centers shall be prohibited from offering gift certifications, gift cards, or other cash substitutes.
12. There shall be no alcohol beverages, dispensed, sold, or otherwise consumed, on the premises.
13. Automatic amusement devices are prohibited from having switchable, programmable, or random generator devices to allow a rate of return to business operators or machine owners.
14. All applicable state permits shall be submitted to the City prior to the final release of the Certificate of Occupancy.
15. All licensing requirements contained within Chapter 12 – Automatic Amusement Devices, of the Code of Ordinances shall be complied with at all times.
16. Prior to the issuance of a Certificate of Occupancy, City neighborhood improvement and law enforcement officials shall inspect the automatic amusement devices for compliance with F.S. 849.
17. Once a Certificate of Occupancy has been issued, City officials shall be allowed to conduct random inspections of the automatic amusement devices, games, and the failure to cooperate with the inspections shall be grounds to revoke the C.O. and/or business tax receipt.
18. Automatic Amusement Centers/Game Rooms contained within the principal building shall be permitted as an accessory use to transient lodging facilities, bowling centers, skating centers, and in Type “E” restaurants, and shall not be subject to the above requirements, provided that the accessory use does not provide any type of prizes, tickets, or other merchandise. If the use awards prizes, tickets, or other merchandise, then they shall be subject to the provisions listed in Section 2-57.7(1-14), Chapter 2, Article IV.

**B-**

**1. BARS**

1. Proximity of Premises to Various Uses: **The locational criteria of Section 2-56.H. shall apply.**
2. If located adjacent to a conforming residential use, screening and buffering shall be provided to minimize noise and glare impact to the maximum extent feasible.

**2. BED AND BREAKFAST**

1. The building must be on the local list of historic landmarks or be uniquely sited with respect to scenic views, including the Halifax River, or Atlantic Ocean or other natural, historic, or archaeological place of significance.

**Deleted: 8. AUTOMOBILE/LIGHT MOTORIZED VEHICLE DEALERSHIP OR RENTAL OR SALES LOT¶**

<#>All outdoor vehicle display areas shall be identified on the site plan.¶  
 <#>Visitor/employee parking shall be provided separately from display areas, and shall also be identified on the site plan.¶  
 <#>All display areas visible from a public right-of-way or adjacent residential use shall be screened such that there is a minimum ten-foot (10') wide landscape buffer planted with a minimum of one (1) shade tree every 50 linear feet and a continuous hedge with a minimum height of three feet (3') at time of planting. If the property is located such that the minimum buffer as required by Chapter 3, Article I (Landscaping), then the more conservative requirement shall apply.¶  
 <#>A lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.¶  
 <#>Hours of operation shall be restricted if located within two hundred feet (200') of a residential district, such that the business hours are 8:00 to 9:00, Monday through Saturday, and 10:00 to 6:00 on Sundays.¶  
 <#>A minimum rear yard buffer area of fifty feet (50') shall be required if adjacent to a residential district or conforming residential use.¶  
 <#>All dealership related activities including office, repair, new car displays and similar uses, other than used car sales, shall be on contiguous property.¶  
 <#>Outdoor vehicle display areas may be on turf block or any other approved pervious surface in accordance with the standards provided in Chapter 3, Article III.¶  
 <#>Tandem parking for two (2) vehicles shall be permitted for vehicle display areas.¶

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**Deleted: a. . No bar, lounge, or nightclub, as defined in Chapter 1, Article III of this Code, shall be located within one thousand feet (1,000') of any of the following uses permitted by this Code.¶**

- (1) House of Worship¶
- (2) Public Park¶
- (3) Public Recreation Area¶
- (4) School¶

b. . None of the following uses permitted by this Code:¶

- (1) House of Worship¶
- (2) Public Park ¶
- (3) Public Recreation Area ¶
- (4) School¶

. shall be located within one thousand feet (1,000') of any bar, lounge, or nightclub, as defined in Chapter 1, Article III of this Code.¶

<#>The distances specified in this Section shall be measured by measuring the shortest route of ordinary pedestrian travel along the public thoroughfare between the main entrances to each of the respective uses under consideration.¶

<#>The restrictions in this Section do not apply to any type of restaurant, as defined in Chapter 1, Article III of this Code, which is licensed as such by the Division of Hotels and Restaurants, Dep{... [29]

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2. The site is large enough to accommodate one (1) parking space per guest bedroom plus one (1) space for owner/manager and parking area is developed in accordance with the standards of Chapter 3, Article III of this Code.
3. The residential character of the building must not be altered.
4. Fire and Life Safety codes shall be met.
5. The applicant shall demonstrate the absence of adverse impacts on adjoining residential properties, particularly with relation to adequate screening and buffering.
6. Unless approved as a restaurant or bar, such services shall be provided to overnight guests only.
7. Cooking facilities shall not be allowed in any guest room.
8. Only temporary, short-term lodging of no more than fourteen (14) consecutive days per guest within a thirty- (30) day period shall be permitted.
9. The facility shall maintain a guest register with the following information: date of arrival and departure, guest name, and current home address. Current registers and those for the immediately preceding twelve- (12-) month period shall be available for inspection.
10. Signage or any form of printed verbal advertising shall advertise the facility as a “Bed and Breakfast,” not as a rooming or boarding house or any other type of lodging facility. Signage shall be subject to the limitations of Chapter 3, Article IV.
11. Incidental sale of art works, antiques or other sundry items related to the history and/or culture of the greater Ormond Area to registered guests may be permitted.

### 3. BINGO PARLORS

1. May be allowed under a lease agreement in accordance with Section 849.0931, Florida Statutes, in the B-5 District or any district as an accessory use in conjunction with the primary place of operation of an eligible non-profit corporation licensee.
2. Parking shall be provided in accordance with the standards for Places of Assembly.
3. If located adjacent to a residential district, hours of operations shall be established.

### 4. BOWLING CENTERS

In all districts allowing such use, the following minimum standards shall apply:

1. If located adjacent to a residential district or within one thousand feet (1,000') of a House of Worship, school, child care facility, public park or playground or other public or semi-public youth facility, hours of operation may be limited and other restrictions may be imposed.
2. Additional screening and/or buffering as required under this Code shall be provided as necessary to minimize noise and glare impacts to neighboring residential uses.
3. Bowling Centers shall be located in compliance with Chapter 2, Article III, §2-56.H., as the same now exists or may hereafter be amended.

- 4. Houses of Worship, schools, child care facilities and youth facilities located within one thousand feet (1,000') of the proposed facility shall be notified of the public hearings at which the proposal will be considered.

**C-**

**1. CAMPGROUND**

- 1. The area designated for camping on the site plan shall be setback a minimum of 100 feet from the property boundaries.
- 2. A utility plan is required.

**2. CEMETERY**

- 1. If the site abuts a residential area, a six-foot (6') brick or finished masonry wall and a landscape buffer shall be provided in accordance with the standards specified in Chapter 3, Article I.
- 2. Cemeteries existing prior to 1990 in the R-3 and NP zoning classification are considered conforming. No new cemeteries shall be permitted in the R-3 and NP zoning district.

**3. CHILD CARE FACILITY.** In all districts allowing child care facilities, the following minimum standards shall apply:

- 1. County Health Department approval shall be obtained.
- 2. Minimum lot size is one (1) acre, if located in a residentially zoned area or associated with a school, House of Worship, quasi-public recreation facility, or commercial recreation facility having peak operational hours that would not conflict with the child care hours of operation, and shall be deemed to include the entire site. For all other child care facilities, including those located in non-residentially zoned areas, minimum lot size is one-half (1/2) acre (21,780 square feet), and shall also be deemed to include the entire site.
- 3. Outdoor play areas shall be located in the rear yard and visually screened from adjoining property.
- 4. Adequate off-street parking, drop-off, pick-up and stacking areas shall be provided in accordance with Chapter 3, Article III of this Code.
- 5. Child care facilities may be developed in conjunction with a school or House of Worship as a Conditional Use in all zoning districts.
- 6. The facility shall comply with all applicable rules adopted by the Florida Department of Health and Rehabilitative Services and the State Fire Marshal.
- 7. Hours and days of operation and maximum number of children may be limited to ensure compatibility with adjacent uses.

**Deleted: 5. BREW PUBS OR MICRO-BREWERIES**  
 <#>Allowed only in conjunction with on-site sales in a licensed bar, restaurant or nightclub.  
 <#>The use is compatible with other uses allowed in the district, and emits a minimal amount of noise and odors.  
 <#>Shall meet all building and fire codes.  
 <#>Shall conform to Section 561.221, F.S.  
**6. BUS PASSENGER TERMINAL**  
 <#>The applicant shall demonstrate the absence of adverse impacts on adjoining uses that may result from vehicles entering, idling on or leaving the premises.  
 <#>Bus loading zones and storage areas shall be identified on the site plan.  
 <#>Visitor/employee parking shall be identified on the site plan.  
 <#>Hours of office and vehicle operations to be described by applicant. Such hours may be restricted to avoid adverse impacts on adjoining uses.

**Deleted: 1. CAR WASH/CAR DETAILING.**  
 Provided that the following minimum standards are met:  
 <#>The site shall be located in a B-5 or I-1 District.  
 <#>No run-off of wash water onto adjoining properties shall be permitted.  
 <#>Entrances and exits shall be designed to ensure that waiting lines will not extend into the public right-of-way.  
 <#>Driveways shall be located at least fifty feet (50') feet from any intersection.  
 <#>No lighting shall be permitted which shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway.  
 <#>Except for uses limited to hand washing of ten (10) or fewer cars a day, all wash water shall be recycled.  
 <#>Stacking shall comply with the standards contained in Chapter 3, Article III.

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**4. CLUBS AND FRATERNAL ORGANIZATIONS**

1. Hours of operation may be limited in order to minimize adverse impacts on adjacent residential areas.
2. Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impacts on nearby residential areas to the maximum extent feasible.

**5. CLUSTER SUBDIVISIONS, SINGLE-FAMILY.** In any district permitting single-family cluster subdivisions, the following minimum standards shall apply:

1. Minimum Floor Area:
  - a. One Bedroom: 800 square feet
  - b. Two Bedroom :1,000 square feet
  - c. Three Bedroom: 1,200 square feet
  - d. Each Additional Bedroom: 150 square feet
2. Maximum length of structures: 180 feet
3. Common open space, exclusive of regulated wetlands (except as specified in Paragraph D below), stormwater retention/detention areas, perimeter buffer areas, and side, rear or front yards, shall be provided at a minimum of one hundred (100) square feet per dwelling unit. Fifty percent (50%) of the open space provided shall be readily accessible to all residents.
4. Protected wetlands, water bodies and other unbuildable areas may only be used to satisfy a maximum of fifty percent (50%) of the common open space requirement.
5. Lots shall be clustered so that no more than sixteen (16) lots appear in any one (1) row unless broken up by common open space having a minimum width of sixty feet (60'). Larger open space areas at the entryway to the cluster area from the collector road may be used to substitute for up to thirty percent (30%) of the open space area required by this Paragraph if the cluster is serviced by a local access street or cul-de-sacs only.

**6. COMMUNITY RESIDENTIAL HOME**

1. The home shall comply with all applicable rules adopted by the Florida Department of Health and Rehabilitative Services.
2. Where services are provided for six (6) or fewer unrelated residents, the home shall not be located within a radius of one thousand feet (1,000') of another existing community residential home with six (6) or fewer residents.
3. Where services are provided for seven (7) to fourteen (14) unrelated residents, the following conditions shall apply:
  - a. The facility shall not be located within a radius of one thousand two hundred feet (1,200') of another existing community residential home in a multi-family zone.

**Deleted:** <#>Child care facilities shall be located in compliance with Chapter 2, Article III, §2-56.H of this Code, as the same now exists or may hereafter be amended.¶

**4. CLINICS AND OFFICES¶**  
<#>The applicant must demonstrate that roads, parking, and access points are adequate to handle anticipated traffic volumes.¶

<#>Hours of operation may be limited in order to minimize adverse impacts on adjacent residential areas.¶

<#>Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impacts on nearby residential areas.¶

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- b. The facility shall not be located within a radius of five hundred feet (500') of a single-family zoning district.

**7. CONVENIENCE STORE, TYPE "A"**

1. Hours of operation may be limited in order to minimize adverse impacts on adjacent residential areas.
2. Screening and buffering shall be required to the degree necessary to minimize the impact on residential areas to the maximum extent feasible.
3. If applicable, the store operation shall comply with the Convenience Business Security Act (Sections 812.1701, et seq., Florida Statutes), as amended from time to time.
4. Shall be located at the intersection of two (2) public rights-of-way; this provision may be waived by the City Commission, subject to the applicant demonstrating that the site will not have detrimental impacts to the traffic flow on the adjacent street.

**8. CONVENIENCE STORE, TYPE "B".** All the requirements for convenience stores, Type "A", shall apply in addition to the following:

1. Traffic circulation shall be designed so as to provide safe ingress and egress.
2. The site is designed to provide a distinct separation of internal traffic and parking bay locations between the convenience store use and the gasoline pump area.

**9. CONVENIENCE STORE, TYPE "C".** All the requirements for convenience stores, Type "A", and Type "B", shall apply in addition to the following:

1. The minimum lot area shall be at least one and one-quarter (1¼) acres.
2. All pump island canopies shall comply with all setback requirements of the Greenbelt Overlay District as amended.
3. Traffic circulation shall be designed so as to separate convenience store traffic from gasoline sales traffic and drive-thru traffic.
4. The principal structure housing all uses on the site shall be a minimum of two thousand (2,000) square feet in area.

**D-**

**1. DRY CLEANING PLANTS AND SYSTEMS**

1. An Operating Plan shall be submitted to the City for review and approval in accordance with Chapter 2, Article III (*Hazardous Material*).
2. No person shall engage in the business of dry cleaning without first obtaining an Operating Permit issued in accordance with Chapter 2, Article III (*Hazardous Material*) of this Code.

**Deleted: 78. CONTOURED GOLF COURSES**  
 <#>Contoured golf courses shall be designed as miniature golf courses which require skills associated with golfing and which utilize only natural materials and landscaping features usually found on golf courses. Plaster materials and other features commonly associated with miniature golf courses are specifically prohibited.  
 <#>If located in close proximity to a residential use, appropriate screening and buffering shall be provided to minimize noise and glare impact.  
 <#>A detailed lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.  
 <#>Hours of operation may be limited if the site is adjacent to a residential use.  
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**Deleted: <#>All drive-thru lanes shall have sufficient stacking for ten (10) cars.**

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**12. CONVENTION AND SPORTS COMPLEXES, MAJOR**

<#>A traffic report prepared by a licensed traffic engineer or transportation planner shall be submitted with the site plan. The report shall indicate any off-site improvements needed, including turning lanes, signalization, and acceleration and deceleration lanes. In order to mitigate against any identified adverse impacts, the applicant shall be required to construct any necessary off-site improvements.

<#>Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.

**13. COUNTRY OR FLEA MARKETS.** In any district permitting Country Markets/Flea Markets, subject to Special Exception, the following minimum requirements shall apply.

... [30]

**Deleted: 1. DAILY NEEDS RETAIL SALES AND SERVICES.** Daily Needs Retail Sales and Services are permitted within the I-1 (Light Industrial) zoning district, subject to:

<#>In conjunction with the application for a ... [31]

- 3. Air Emissions Permit shall be obtained from the Department of Environmental Protection (FDEP).
- 4. The class of solvent used in the dry cleaning process shall not be changed to a more hazardous class unless permission for such change is first obtained from the Fire Chief and a new permit is issued.
- 5. The use shall comply with the most recent edition of the Standard Fire Prevention Code.

**2. DWELLING, MULTI-FAMILY**

- 1. A landscaped buffer of a minimum width as provided in Chapter 3, Article I, or as stated in a development order shall be provided along all perimeters of the project.
- 2. Parking areas shall be buffered and screened from abutting single-family residential properties adequate to provide a visual and headlight barrier.
- 3. No multi-family building shall be located within fifty feet (50') of a conforming single-family home or a residential district which is restricted to single-family use.
- 4. No building shall be closer than ten feet (10') to any parking area.

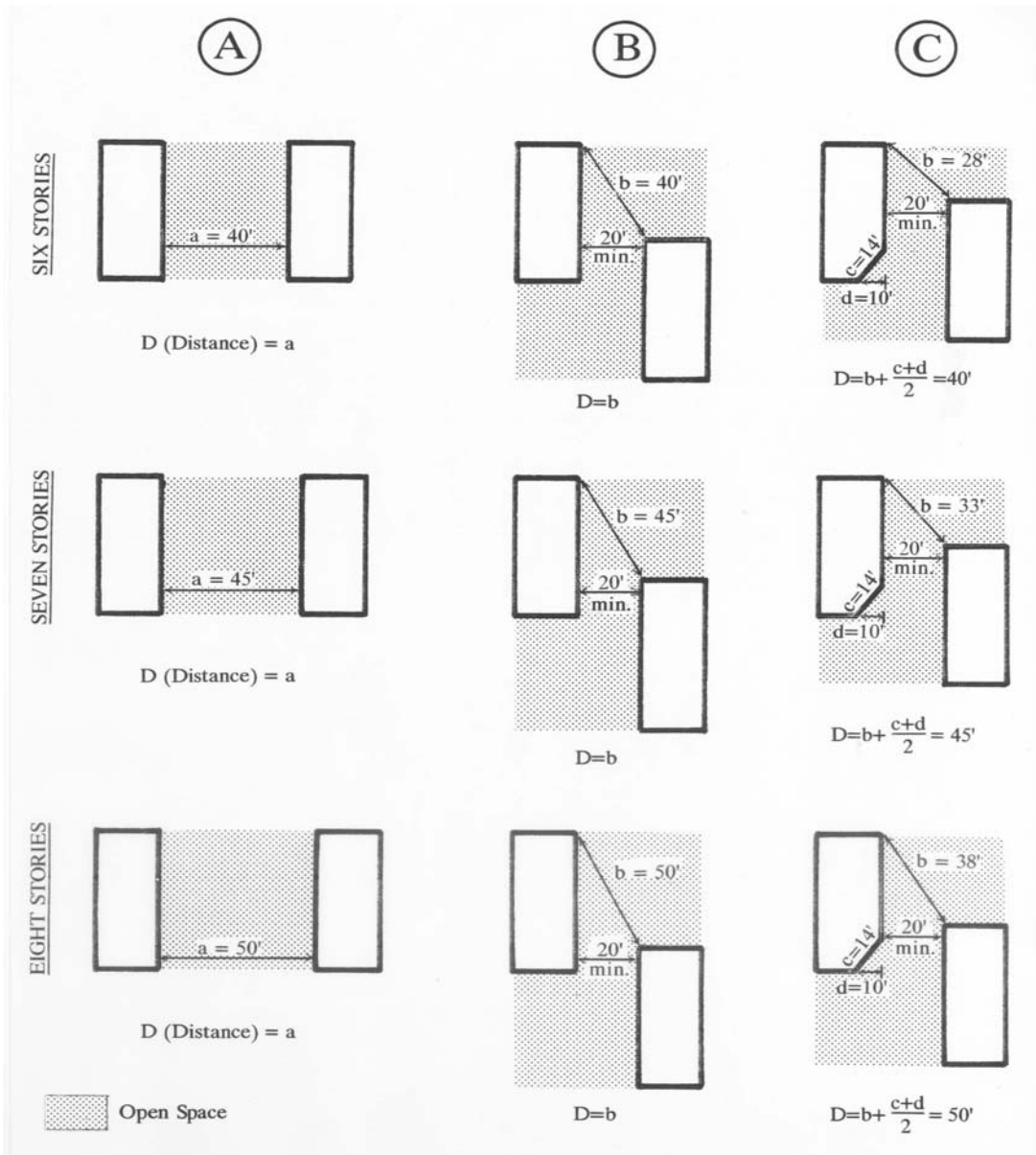
If the project includes more than one (1) building, the distance between buildings ("D"), shall not be less than twenty feet (20'), plus an additional five feet (5') for each story over two (2). However, where a Planned Development rezoning is obtained, the minimum separation ("D") shall be measured along the diagonal ("b") extending between the closest corner of each building; in addition, where the face of one (1) building angles away from the adjacent building, the minimum separation ("D") shall be measured as the length of the diagonal ("b"), plus one-half (1/2) the sum of the length of the angled face ("c") and the length of the additional separation ("d"). See Figure 3.1 on the following page.

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Figure 3.1





- 5. No structure shall exceed one hundred eighty feet (180') feet in length, unless a Planned Development is obtained.
- 6. The multi-family development shall be compatible with the existing character of the area. The architectural design of the buildings shall be developed with consideration given to the relationship of existing adjacent development in terms of building height, mass, texture and pattern.
- 7. Maximum possible privacy shall be provided for each dwelling unit through the use of structural screening and landscaping and building orientation. Auditory privacy shall be enhanced through the use of sound absorbing building materials.
- 8. The landscaping and architecture shall be coordinated to establish an optimum environment with regard to compatibility of materials, scale, and access and utility of open spaces.
- 9. Applicants for a multi-family development on the mainland which exceed ten (10) or more units shall be required to provide a low or moderate income household set-aside from the base density as part of the development. A density increase may be provided to offset the set aside provided land is available to accommodate the added density. The following set aside and density bonus percentages apply:

<u>Required Set Aside</u>	<u>Household Adjusted Median Income</u>	<u>Density Bonus</u>
<u>10% of Base Density</u>	<u>50%-80% of AMI</u>	<u>10% above Base Density</u>
<u>10% of Base Density</u>	<u>&gt;80-120% of AMI</u>	<u>5% above Base Density</u>
<u>A bonus density percentage may be increased but only with a resultant proportional increase in the base set aside. In no case shall the bonus percentage exceed 20%.</u>		

- Such density bonus shall be over and above the base density that can be accommodated on an approvable site plan. Externally, the set aside units must appear no different than the base units, unit distribution must be throughout the development and the following adverse situations shall not be created
  - a. Adverse impact on neighboring sites or subject site.
  - b. Traffic congestion in the streets which adjoin the development, or
  - c. An excessive burden on sewerage, water supply, parks, recreational areas or other facilities which are proposed to serve the development.

**3. DWELLING, QUADRAPLEX**

- 1. Used exclusively to replace existing multi-family dwelling units, provided that the overall number of units does not exceed the units replaced.

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**1. FAMILY DAY CARE HOME**

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1. Such homes shall comply with all applicable rules adopted by the Florida Department of Health and Rehabilitative Services and the State Fire Marshal and shall be located in compliance with Chapter 2, Article III, §2-56.H of this Code, as the same now exists or may hereafter be amended.

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2. A family day care home shall be allowed to provide care for one of the following groups of children which shall include those children under 13 years of age who are related to the caregiver: max of 4 children age 0-12; max of 3 children from 0-12 months plus other children to total 6; max of 6 preschool children if all older than 12 months; or a max of 10 children if no more than 5 are preschool and of those 5, no more than 2 are under 12 months

**2. FARMERS' MARKETS**

- 1. In general:
  - a. Parking shall comply with the requirements of Country or Flea markets, as listed in Chapter 3, Article III, as amended.
  - b. Sites shall comply with the required landscape buffers and minimum setbacks. Where farmers' markets are adjacent to residentially-zoned property the landscaping, buffers and setbacks for commercial uses shall apply.
- 2. In addition to the criteria contained above, the following criteria apply to farmers' markets operating in the B-4 zoning district:
  - a. Markets are allowed only in conjunction with existing public/institutional uses (schools, churches, state, county or city property).
  - b. Entities operating the market shall apply for a business tax receipt prior to beginning operation.
  - c. All requests to operate a farmers' market shall be reviewed and approved by the Site Plan Review Committee prior to the issuance of a business tax receipt. All applications shall indicate the location of the market; traffic and parking; booth and sale areas; garbage or dumpster locations.
  - d. All products sold on-site shall be limited to fresh fruits, vegetables, dried fruits, fresh and dried herbs, nuts, honey, eggs, house plants and cut flowers.
  - e. Hours of operation shall be limited to weekends and holidays, starting no earlier than 6:00 AM and ending no later than 3:00 PM.

- f. All markets shall comply with applicable Federal, State and County laws. Violation of any applicable law shall be grounds for terminating any and all City licenses, business tax receipts, and site plan approvals.
- g. All sites shall be properly maintained and kept in a clean state at all times.

~~3. **FLEA MARKETS.** In any district permitting Country Markets/Flea Markets the following minimum requirements shall apply:~~

- ~~1. There shall be a landscaped buffer of at least twenty-five feet (25') between the site and any adjoining residential district or conforming residential use.~~
- ~~2. Entrances and exits shall be designed to ensure that vehicles waiting to enter will not back-up into the public right-of-way and that exiting vehicles will not cause extensive back-up on site.~~
- ~~3. A traffic report shall be provided by a licensed traffic engineer or transportation planner indicating any off-site improvements needed, including turning lanes, signalization, and acceleration and deceleration lanes. In order to mitigate against such adverse impacts, the applicant shall be required to construct said off-site improvements.~~
- ~~4. Up to fifty percent (50%) of the required parking spaces may be reserved in turf block, grassed or other approved pervious surface area. All associated access ways, driveways, and aisles shall be surfaced as provided in Chapter 3, Article III.~~
- ~~5. The Site Plan submittal shall identify all booth, table, or partitioned spaces; pedestrian aisles, exits and entrances; rest rooms; lighting; hours of operation; and structure design and materials.~~
- ~~6. The City Commission may limit hours of operation and require additional information on structural design and site arrangement, in order to assure the compatibility of the development with existing and proposed uses in the surrounding area.~~

~~4. **FOSTER HOME**~~

- ~~1. Shall be limited to 3 residents.~~

~~5. **FUNERAL HOMES**~~

1. The site plan shall show stacking lanes in addition to visitor/employee parking areas.
2. Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impact on nearby residential uses.
3. Where an existing home in a residential area is converted to funeral home use, the residential character of the existing structure is to be preserved.

~~**G-**~~

~~1. **GARDEN CENTER/NURSERY**~~

1. Outdoor display and sales areas shall be screened and buffered to a minimum height of three feet (3') so as to separate the front yard from on-site activities.

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<#>The garage apartment may only be occupied by members of the family of the owner of the single-family dwelling unit.¶  
<#>The minimum lot area shall be at least two thousand eight hundred (2,800) square feet more than the current minimum lot area required per Table 5-1, except for lots in the REA, RR and SR districts that have a lot area of one (1) acre or more.¶  
<#>All utilities must be metered through the same meters serving the single-family dwelling unit.¶  
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- 2. All required side and rear yard buffer areas shall consist of permanent plantings.
- 3. All facilities and utilities required for any retail use shall be provided.
- 4. Site to be served by an approved central water supply.
- 5. Shall be located on street improved to City standards.
- 6. Fencing and/or walls to conform to guidelines set forth in Chapter 3, Article I, (Tree Protection, Landscaping, Fences or Walls, Clearing and Grading). When site is located in Granada Streetscape Overlay District, a wrought iron fence is required, specifically when use fronts on Granada Boulevard.
- 7. Outdoor storage of lawn equipment, including but not limited to, lawn mowers, edgers, tractors, cultivators, fertilizer spreaders, harvesters, shall be screened from view by use of buffers as prescribed by Chapter 3, Article I.
- 8. Storage areas for noxious or combustible materials such as fertilizers, pesticides, and/or chemicals shall be located so that there are no adverse safety impacts both on- and off-site.

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**2. GOLF COURSES/COUNTRY CLUBS**

- 1. A golf course/country club, including customary accessory uses, such as a clubhouse, driving range, tennis courts, swimming pools, and other related uses, is allowed in all districts, subject to Special Exception procedures and to the following minimum requirements:
  - a. Submittal of a natural resources protection plan prepared by a licensed environmental engineer or qualified biologist, including:
    - b. A fertilizer, fungicide, and pesticide use and storage program.
    - c. A water use and storage program.
    - d. An analysis of potential impacts on adjoining and nearby surface waters, wetlands, xeric communities and aquifers.
    - e. An on-site tree and natural vegetation protection plan.
    - f. An operating plan.
- 2. A statement describing anticipated noise, glare, and traffic impacts on nearby uses and proposed mitigation measures.

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**3. GOLF COURSES, CONTOURED**

- 1. Contoured golf courses shall be designed as miniature golf courses which require skills associated with golfing and which utilize only natural materials and landscaping features usually found on golf courses. Plaster materials and other features commonly associated with miniature golf courses are specifically prohibited.
- 2. If located in close proximity to a residential use, appropriate screening and buffering shall be provided to minimize noise and glare impact.

3. A detailed lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.

4. Hours of operation may be limited if the site is adjacent to a residential use.

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4. GREENHOUSE

- 1. Setbacks shall be the same as those for the principal building.
- 2. The applicant shall demonstrate that anticipated water usage will not have an adverse impact on the local aquifer.

5. GROUP HOME

1. Shall be limited to a maximum of 6 residents.

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1. HISTORIC PRESERVATION MIXED-USE. In any district permitting such use, any single-family dwelling listed on either the National Historic Register or the City’s Local Landmarks List may be used for professional office occupancy, provided the following standards are met:

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<#>The use may only be located in a B-5 or I-1 district.¶

<#>Screening, including a landscape buffer and finished masonry or brick wall, may be required to ensure equipment is not visible from any adjacent properties.¶

<#>Screening and buffering in excess of that required under Article VIII may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.¶

<#>The site plan shall be designed to Type “B” Auto Repair standards if other than Type “A” repairs are conducted on site.¶

2. **HISTORIC PRESERVATION.**

A site may be designated as a local historic site or landmark if the following minimum conditions are met.¶

<#>The structure or site exemplifies or reflects the broad cultural, political, economic or social history of the nation.¶

<#>The structure or site is identified with historic personages or with important events in national, State or local history.¶

<#>The structure or site embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship.¶

<#>The structure is over seventy-five (75) years of age.¶

The City Commission may waive the requirements in this Code other than for parking and surface water management if a structure is included in the local list of historic sites or landmarks.¶

Refer to Chapter 2, Article VI for specific requirements for designation and preservation of historic sites, buildings, and landmarks.¶

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- 1. A maximum of two (2) practicing professionals are permitted per residence, provided that one (1) must be an owner-occupant. For each professional, one (1) support person (secretary, aide, technician, etc.) shall be permitted. However, for every ten thousand (10,000) square feet above the minimum lot size required in the district in which the historic structure is located, and for every two thousand (2,000) square feet of floor area above the minimum floor area required in the district in which the historic structure is located, one (1) additional professional and one (1) additional support person may be permitted, not to exceed a total of four (4) professionals and four (4) support persons operating within the structure.
- 2. Professional services shall be limited to low traffic generating types of uses; specifically, the fields of law, architecture, engineering, accounting, psychology, psychiatry, planning, or consulting in the aforesaid fields.
- 3. Historic structures must be listed on either the National Historic Register or the City’s Local Landmarks List prior to establishment of, and at all times during, the professional office use.
- 4. Applications to permit professional office use of a historic structure shall include a Site Plan which meets the requirements of Chapter 3, Article I of this Code and includes the following:
  - a. A floor plan of the professional office area;
  - b. An exterior restoration plan approved by the Historic Landmark Preservation Board. The appearance of the premises may not be altered and the conduct of the professional occupation within it may not be such that the premises may be recognized as primarily serving a non-residential use, either by color, light, materials, sounds, noises or vibrations; and
  - c. A landscape plan which shall be approved by the Site Plan Review Committee and which shall emphasize natural and “era” vegetation. All Historic Preservation Mixed-Use uses

that require approval of a Special Exception shall prepare a landscape plan that will be reviewed by the Site Plan Review Committee and the Development Review Board during the processing of the Special Exception.

- 5. Four (4) parking spaces per professional, not to exceed sixteen (16) spaces, shall be provided. Parking spaces shall be located in the side or the rear yard only and shall be screened on all sides that have a view to surrounding property owners, including the view to the street. Hedges, trees, other plant materials, landscape treatments or a combination of such items shall be used for screening. Any screening shall be selected, located, and maintained to provide a visual barrier that is seventy-five percent (75%) or more opaque and between three feet (3') and six feet (6') above the average ground level of the buffer area when viewed horizontally. The parking spaces may be located no closer than five feet (5') to the side and rear lot lines.
- 6. Signage shall be in conformance with Chapter 2, Article IV.
- 7. Any professional office, permitted by terms of this Section, may only be open between the hours of 9:00 AM and 6:00 PM, Monday through Friday, and 9:00 AM and 12:00 Noon on Saturday.

**2. HOBBY BREEDER**

- 1. Facility owners must live on the premises.
- 2. The facility, whether it be a private residence, portion of a private residence or a separate structure not physically connected to a private residence, shall be structurally sound and maintained in good repair to protect the animals from injury, to protect the animals against overexposure to the elements, to contain the animals and to restrict the entrance of other animals.
- 3. The Owner shall be licensed or authorized as a hobby breeder by the Volusia County Animal Control Board.

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**3. HOSPITAL**

- 1. The applicant must demonstrate that roads, parking, and access points are adequate to handle anticipated traffic volumes.
- 2. Hours of operation may be limited in order to minimize adverse impacts on adjacent residential areas.
- 3. Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impacts on nearby residential areas.

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**4. HOUSES OF WORSHIP**, Houses of Worship, including customary accessory uses, are allowed as specified in Chapter 2, Article II subject to the following minimum requirements:

- 1. The predominant frontage shall be oriented toward an arterial or collector street as identified in the Traffic Circulation Element of the Comprehensive Plan.

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- 2. The building height may not exceed that allowed in the district in which the use is located. However the bell tower, steeple, spire, or other attached or free-standing accessory structure may be a maximum of seventy-five feet (75') above the mean site elevation based on a finding that the approved height will not have a negative impact on the character of the neighborhood or create a dangerous condition.
- 3. Where the use abuts a residential district or an existing conforming residential use not separated from the site by a public right-of-way, the minimum setback for the principal building (including schools and child care facilities) shall be one hundred feet (100') from the side and/or rear property line abutting such district or use; otherwise, the minimum side and rear property setback shall be thirty feet (30'). No accessory use or structure shall be located closer than thirty feet (30') to any property line.
- 4. Outdoor play areas may not be located within thirty feet (30') of a single-family home or district permitting such use and shall have a buffer area, fence, or wall as provided for commercial uses adjoining such districts in Chapter 3, Article I (*Landscaping*), for the area impacted by such use.
- 5. The facility shall be located in compliance with Chapter 2, Article III, §2-56.H of this Code, as the same now exists or may hereafter be amended.

6. Child Care facilities may be allowed as use in association with a House of Worship as a Conditional Use reviewed by the SPRC. All conditions listed under the Child Care Facility shall be complied with.

5. HUNTING DOG

1. Up to ten dogs per five acre parcel are permitted.

6. HUNTING LODGE

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.

I-

1. INDUSTRIAL USES, LIGHT

- 1. Outdoor activities shall be limited to storage only and shall be screened and buffered to the degree necessary to minimize adverse impacts on-site and on adjoining properties.
- 2. The use is compatible with other uses allowed in the district, and emits a minimal amount of noise, dust, odors, and/or glare.
- 3. Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.

- Deleted: <#>The facility must be located more than one thousand feet (1,000') from any Automatic Amusement Center/Game Room , Pawn Shop, Bar or Lounge, .
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1. **KENNELS**

- 1. All activities must be conducted indoors.
- 2. Facility must be air conditioned.
- 3. Screening and buffering in excess of that required under Chapter 3, Article I (*Landscaping*) may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.
- 4. No night time operation except for emergencies only.

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5. Pet cemeteries may only be located in the B-5 or REA zoning district in conjunction with a kennel with the following conditions:

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a. If abutting a residential district or a conforming residential use either a fifty-foot (50') landscaped or agriculture buffer or, a six-foot (6') high brick or finished masonry wall with a commercial/ residential landscaped buffer shall be provided.

b. The setbacks shall be the same as for the principal building.

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1. **MARINAS AND MULTI-SLIP DOCKING FACILITIES**

1. **General.** Marinas and multi-slip docking facilities shall be designed, constructed and operated to meet stringent environmental protection standards which require an applicant to provide reasonable assurances that such facilities will not adversely impact water quality standards, designated species wildlife habitat, or wetland or submerged aquatic vegetative communities. Such facilities shall also be designed to ensure compatibility with adjacent land uses.

2. **Development and Performance Standards**

- a. In residential districts, only ownership-oriented docking facilities are permitted, subject to the following minimum standards:
  - (1) Use is limited to residents of the subdivision or development.
  - (2) The use is designed to minimize noise, glare, traffic, and odor impacts on-site and on adjoining properties.
  - (3) The use is buffered and provided with fences and walls as required for commercial buildings under Chapter 3, Article I.

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1. . . Outdoor activities shall be limited to storage only and shall be screened and buffered to the degree necessary to minimize adverse impacts on-site and on adjoining properties.¶

2. The use is compatible with other uses allowed in the district, and emits a minimal amount of noise, dust, odors, and/or glare.¶

3. . . If located on an arterial or collector street, the use shall be designed so that the predominant frontage is used for office and/or showroom activity; the front facade shall be constructed of no less than forty percent (40%) natural materials (e.g., wood, glass, stone, or brick, as opposed to plain-faced block), so that the structure is aesthetically harmonious with other retail/service commercial uses in the traffic corridor.¶

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- (4) The marina or multi-slip dock facility shall be completely within or immediately adjacent to the residential area which it serves. No portion of the primary facility shall be within one hundred feet (100') of the riparian line adjoining a residential district and use or within fifty feet (50') of the riparian line of any other development, district or use.
- b. All applicable rules and permit requirements of the Department of Environmental Protection, Army Corps of Engineers, and St. Johns River Water Management District shall be complied with.
- c. The number of wet slips shall be limited as follows:
  - (1) One (1) to six (6) approved upland residential units: four (4) slips or one (1) slip per unit, whichever is less.
  - (2) Seven (7) to fourteen (14) approved residential units: five (5) slips or one (1) slip per two (2) units, whichever is less.
  - (3) Fifteen (15) to twenty-eight (28) approved upland residential units: seven (7) slips or one (1) slip per three (3) units, whichever is less.
  - (4) For the Halifax River, twenty nine (29) or more approved upland residential units: one (1) slip per four (4) units; for development on the Tomoka River and its tributaries with twenty nine (29) or more approved upland residential units: ten (10) slips or one (1) slip per four (4) units, whichever is less. For the Tomoka River and its tributaries the wet slips allowed shall not exceed the width of the shoreline between riparian lines divided by one hundred feet (100') or the number allowed under *a-d*, whichever is less.
- d. Regardless of the number of units, any multi-family, hotel/motel, timeshare resort or commercial development located within the boundaries of the Tomoka River Manatee Sanctuary and the Tomoka Marsh Aquatic Preserve shall be limited to one (1) wet slip.
- e. The use shall be designed and operated to maintain compatibility with natural resources and to minimize impacts on adjoining properties with regard to noise, traffic, glare, odor, and dust.
  - (1) All new or expanded marinas shall demonstrate compliance with State Water Quality standards by maintaining a water quality monitoring program as approved by the Florida Department of Environmental Protection and the City Engineer.
  - (2) Grass beds and other submerged habitat deemed valuable by the Department of Environmental Protection will be subject to protection regardless of size. Immediate access (ingress and egress) points shall be delineated by channel markers, indicating speed limits, manatee area warnings, and any other applicable regulations.
  - (3) All new and expanded marinas must provide treatment of stormwater runoff from upland areas to the extent necessary to ensure that State Water Quality Standards are met at the point of discharge to waters of the State. In addition, all requirements of the St. Johns River Water Management District and Florida Department of Environmental Protection shall be met.
  - (4) Boat maintenance activities in new or expanded marina sites shall be located as far as possible from open water bodies in order to reduce contamination of water bodies by

toxic and hazardous substances common to boat maintenance. Runoff from boat maintenance activities must be collected and treated prior to discharge.

- (5) Open wet slips shall be preferred to covered wet slips in marina design in order to reduce shading of water bodies which results in lowered biological productivity.
- (6) Marina design shall incorporate natural wetland vegetative buffers whenever possible near the docking area and in ingress/egress areas for erosion and sediment control, runoff purification, and habitat purposes.
- (7) All existing and new marina or multi-slip docking facility operators shall undertake the following manatee protection measures in areas where manatees are known to occur:
  - (a) Implement and maintain a manatee public awareness program (in consultation with FDEP) which will include the posting of signs to advise boat users that manatees are an endangered species which frequent the waters of the region's estuaries and lagoons and the provision of manatee literature at conspicuous locations. The signs shall be displayed in a conspicuous place on the structure and shall be maintained in good order by the owner or operator;
  - (b) Declare the waters in and around marinas as idle speed zones; and
  - (c) Post telephone number(s) to report injured manatees.
- (8) No portion of the primary facility shall be within one hundred feet (100') feet of the riparian line of an adjoining residential or institutional district and development or within fifty feet (50') of an adjacent professional office/ commercial use or twenty-five feet (25') of any other use.
- (9) All structures and other activities must be within the riparian rights area of the applicant and must be designed in a manner that will not restrict or otherwise infringe upon the riparian rights of adjacent riparian owners.
- (10) Any buffer zones established by FDEP's Shellfish Environmental Assessment Section shall be maintained and, where necessary, enhanced or expanded by FDEP or the City through the site plan review process.
- (11) The extension into the respective waterway of docks, moorings, pilings or other such structures shall be limited as follows:
  - (a) Shall not extend within one hundred feet (100') of a federal navigation project channel as defined by Subsection 253.03(10), F.S.
  - (b) Shall not extend more than twenty percent (20%) of the width of the Halifax River at that location.
  - (c) Shall not extend more than ten percent (10%) of the width of any waterway other than the Halifax River.
  - (d) Marinas shall be located in areas where the least dredging and maintenance are required and where aquatic resources shall not be adversely affected.
  - (e) Sufficient upland areas shall be available to accommodate needed support facilities such as required parking, dry storage, work areas, utilities, stormwater

- management facilities, sewage pump-out facilities and other non-water dependent uses.
- (f) Shall be located in areas which require minimal or no dredging or filling to provide access by either canal, channel or road. Dredging and filling of wetlands or open water in order to accommodate uses which are not water-dependent shall not be allowed. Exceptions may be granted in cases shown to be overwhelmingly in the public interest, such as the presence of sensitive upland systems.
  - (g) The marina areas and navigation access channels shall not be dredged to depths greater than necessary to prevent prop dredging.
  - (h) New marinas shall be located where there is an existing basin and access channel and adequate depths to accommodate the proposed use for ingress and egress with no dredging of productive submerged (vegetated or unvegetated) areas. A minimum natural depth of four feet (4') below mean low water shall be required. Greater depth shall be required for those facilities designated for or capable of accommodating boats having greater than a three-foot (3') draft. These depth requirements shall apply to the area between the proposed facility and any natural or navigation channel, inlet, or deep water where necessary marking of navigational channels may be required.
  - (i) Facilities shall be designed to maximize or improve water circulation patterns. Improvement of circulation shall be a priority consideration when expanding or upgrading existing facilities.
  - (j) Marinas shall not be permitted in areas where approved or conditionally approved shellfish harvesting would be severely impacted or in areas which have been determined by FDEP, USFWS, or the City to be critical to the survival of the manatee. These areas shall include but are not limited to manatee sanctuaries, feeding areas or areas which have been identified in manatee recovery plans.
  - (k) Cumulative effects of several marinas and/or boat ramps in one (1) area shall be considered in the review of proposed marina projects.
- (12) A fuel management/spill contingency plan and a hazardous materials management plan shall be developed and implemented for all marina or other watercraft fueling facilities. The plan shall be consistent with the criteria of Chapter 2, Article III (*Hazardous Material*) and shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a spill. Documentation shall include a list of cleanup equipment and hazardous substances on the site and where they will be stored; fuel pump operation and emergency shutdown procedures; spill contamination and removal procedures; and a description of the training which will be provided to marina personnel who will operate the pumps, deploy cleanup equipment, and handle the hazardous substances.
- (13) Sewer pump-out and treatment service and facilities shall be made available and accessible to all new boat slips constructed. Existing boat slips shall have sewer pump-out and treatment service and facilities by January 1, 1995. Applicants shall document the availability and capacity to handle the anticipated volume of wastes.

Waste treatment facilities shall be properly maintained and shall avoid contamination of surface water in accordance with Chapter 17-3, F.A.C.

- (14) Only docking facilities which require minimal or no dredging and/or filling to provide access by canal, channel, or road shall be approved. This restriction shall also apply to widening and/or deepening any existing canal or channel, but not to regular maintenance dredging and filling to meet depth standards of existing canals or channels. Preference shall be given to marina sites with natural channels. In the event that dredging is required, the mooring areas and the navigation access channels shall not be dredged to depths greater than those necessary to prevent prop dredging. Any required dredging shall utilize construction techniques and materials which comply with State water quality standards (e.g., turbidity screens, hydraulic dredges, properly sized and isolated spoil deposition area to control spoil dewatering).
- (15) In reviewing applications for new or expanded docking facilities, ways to improve, mitigate, or restore adverse environmental impacts caused by previous activities shall be explored. This may include ~~swallowing~~ dredged areas, restoring wetland or submerged vegetation, or marking navigational channels. Such mitigation or restoration may be required as a condition of approval for new, renewed, or expanded facilities.

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3. **Maintenance and Enforcement.** Marina and multi-slip docking facilities shall be maintained and enforced in accordance with those standards provided under Chapter 2, Article III (*Boats, Docks and Boathouses*).

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**2. MINING AND EXCAVATION**

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1. The excavation and mining of lands for the primary purpose of transporting material off site for use elsewhere is permitted only in the REA district; provided, however that mining and excavation operations determined to be in the public interest, such as public works, roads, and utilities, is permitted in all districts, subject to the requirements of Section C, below.

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2. Those mining and excavation operations existing at the time of adoption of this Code may continue subject to such operation continuing in good faith and subject to the condition of any interlocal or legal agreement with the City or other governmental agency.

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3. Other than in conjunction with an approved Development Order, mining activities which transport materials off site may be allowed in the REA District by Conditional Use Permit, provided that the applicant can demonstrate that the primary intent of the excavation is directly related to the beneficial use of the property and all requirements of the REA district and this Section are complied with.

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4. Mineral extraction activities shall be accomplished in a manner consistent with applicable aesthetic, engineering, environmental, health, noise, recreation, and safety standards.

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5. Prior to the initiation of any mining or excavation activities, a reclamation plan shall be prepared and sealed by a licensed civil engineer and/or landscape architect registered under Chapter 481, Part II, Florida Statutes, and approved by the City.

a. The plan shall include provisions for revegetation and reclamation.

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b. The plan shall achieve an aesthetically pleasing landscape compatible with adjacent land uses and shall minimize soil erosion by the use of native vegetative buffers. Landscaped buffers shall also be established between the mining activity and adjacent existing and planned future land uses.

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6. The applicant shall secure all necessary permits from the FDEP and SJRWMD.

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7. Any mining or excavation activity that requires dewatering shall meet the following criteria:

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a. Submit proof of permitting from SJRWMD.

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b. Applicant to submit a dewatering plan to be reviewed and approved by the City Engineer.

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c. The discharge shall occur from one (1) cell of the project site to another cell.

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d. Off site discharge is prohibited.

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e. Discharges shall be conducted in a manner that minimizes or avoids disturbances to wetland and water bodies and shall be consistent with Chapter 3, Article VII.

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f. The use of erosion and sedimentation containment practices is required.

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g. Demonstrate that any areas disturbed during the dewatering process will be restored to approximate predevelopment conditions.

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8. Any excavation or mining activity which uncovers or appears to be disturbing archaeological or paleontological resources shall be stopped until a preliminary assessment can be made to determine the probability of significant archaeological or paleontological assets.

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9. The Fire Chief may require dry hydrants to be installed at appropriate sites adjacent to strategically located borrow pits, to ensure an adequate means of water supply for fire protection.

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10. There shall be no commercial excavation of minerals within the Tomoka Marsh Aquatic Preserve.

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11. No commercial or industrial mining shall be allowed in prime groundwater recharge areas identified by the SJRWMD or in the watersheds of surface waters used as potable water supplies in order to prevent potentially adverse effects on water quality.

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12. Removal of the confining layer of material separating the upper surficial aquifer from the Floridan Aquifer shall be prohibited in the excavation of borrow pits or any other surface excavations for the purpose of disposal or storage of waste. A buffer shall be established above any confining unit or above the aquifer if a confining unit is not present.

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**N-**

**1. NIGHTCLUBS**

1. Shall be located in compliance with Chapter 2, Article III, §2-56 H of this Code, as the same now exists or may hereafter be amended.
2. Unless located within a hotel or motel having one hundred (100) or more rooms and with access limited to the hotel or motel lobby, shall not be located within one thousand feet (1,000') of another nightclub, bar or lounge.
3. Hours of operation may be restricted if located adjacent to a residential district or adjacent, conforming residential use.
4. 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.
5. Applicants requesting approval to establish a new nightclub shall submit a description of the proposed operation, including hours of operation, any special features or activities, the target market group and the ambient character to be created. Upon change of ownership, the new owner shall submit a description of all proposed changes in the manner in which the facility will be operated.
6. One (1) additional parking space per six (6) seats shall be provided when located within a hotel or motel having one hundred (100) or more rooms.

**2. NURSING HOMES**

1. Nursing Homes shall be buffered and provided with fences and walls as required for commercial buildings under Chapter 3, Article I.
2. The number of residents may be limited to ensure compatibility with adjacent uses.

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**4. MINI-WAREHOUSES.** Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements:¶  
 1. **Use Limitation.** Mini-warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial users. Each user shall have direct access to his rented space during all hours of operation. For each cubicle, no utility service, other than lighting and one (1) electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses by the provision of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited.¶  
 . A mini-warehouse shall not be used as a business address for purposes of obtaining a business tax receipt, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited.¶  
 2. **Storage.** All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building.¶  
 3. **On-Site Circulation and Driveway Widths¶**  
 <#>All single-loaded driveways shall be a minimum of twenty feet (20') in width.¶  
 <#>All double-loaded driveways shall be a minimum of thirty feet (30') in width.¶  
 <#>Traffic direction shall be designated by signing and/or painting on driveway surfaces.¶  
 <#>Access to storage cubicles shall only be provided from the interior of the site. ¶  
 4. **Off-Street Parking.** Shall be in accordance with Chapter 3, Article III (On-Site Parking).¶  
 5. **Landscaping.** Landscape buffer areas shall be provided as required in Chapter 3, Article I. ¶  
 . In addition, in order to reduce the visual impact of driveways, storage buildings and security fences common to mini-warehouse developments, ¶ ... [32]

**Deleted: 1. NEIGHBORHOOD COMMERCIAL¶**  
 1. Neighborhood Commercial uses shall meet the following minimum standards:¶  
 <#>A maximum land area of five (5) acres.¶  
 <#>Are located at the intersection of an arterial road and another arterial road or major collector.¶  
 <#>The use is designed, in terms of architecture, site arrangement, lighting and signing, to be compatible with conforming residential development in the surrounding area.¶  
 <#>Use occupancy is limited to those uses which serve the daily needs of residents in the imm ... [33]

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**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.

**2. OUTDOOR STORAGE**

- 1. Provide screening and buffering from abutting residential areas. All outdoor uses and storage shall comply with the landscape buffer and wall/fencing requirements contained in Chapter 3, Article I.
- 2. Parking areas shall be paved and identified on the site plan. The Site Plan Review Committee may waive the requirement for paving of the parking areas, if the site plan indicates that all of the access aisle is paved, but actual parking areas are a stabilized pervious surface, such as grass, shell or paver-brick. The Site Plan Review Committee shall not waive this requirement if the design does not result in reduction of paved, impervious area.
- 3. Storage areas shall be identified by type of storage.
- 4. Fencing for outdoor storage areas shall be installed along the interior line of the front or rear buffers, as established by Chapter 3, Article I. This requirement may be waived if there is specific language within an approved development order for a Special Exception or Planned Industrial Development.
- 5. No fencing shall be located within the minimum side corner yard buffer, as required by Chapter 3, Article I (Buffer Area Requirements).
- 6. In the B-5 and I-1 zoning districts, outdoor storage is permitted up to 49% of the principal building floor area. Outdoor storage exceeding this limitation shall require a Special Exception or a Planned Development.

**P-**

**1. PARKING LOTS**

- 1. If outdoor, a three-foot (3') high buffer with a minimum depth of ten feet (10') (unless a greater buffer depth is required under Chapter 2, Article II or Chapter 3, Article I of this Code) shall be provided in the front yard to screen parking areas from the road.
- 2. A lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.

**Deleted: 1. OFFICES IN SR DISTRICT¶**

- 1. Shall be located on an arterial road or in a location where it is demonstrated that roads and access points are adequate to handle anticipated volumes of traffic.¶
- 2. No building shall be located closer than fifty feet (50') from any existing conforming residential use or district.¶
- 3. No structure shall exceed one hundred eighty feet (180') in length.¶
- 4. Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impacts on nearby residential areas.¶
- 5. The office development shall be designed to be compatible with adjacent uses in order to preserve the character of the area.¶
- 6. If the project includes more than one (1) building, the distance between buildings shall not be less than twenty feet (20'), plus an additional five feet (5') for each story over two (2) for each adjacent building.¶
- 7. Hours of operation may be restricted if located adjacent to a residential district.¶
- 8. The design shall provide for the maximum feasible privacy for neighboring residential uses.¶

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**Deleted: Outdoor storage shall be limited to recreation vehicles, boats, automobiles, trucks and heavy equipment. Outdoor storage of materials, products or similar items shall be prohibited.¶**

**Deleted: Chain link fencing may be allowed on the side property line, provided the adjacent uses are industrially zoned.**

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- 3. Hours of operation may be limited if located adjacent to a residential district.
- 4. Additional buffering and screening in excess of that required under Chapter 3, Article I shall be provided as needed to minimize impacts on nearby residential uses.

**2. PARKING GARAGE:**

- 1. Shall not exceed a height of 45 feet.
- 2. Shall be design to comply with the architectural standards of this Code.
- 3. Additional buffering and screening in excess of that required under Chapter 3, Article I shall be provided as needed to minimize impacts on nearby residential uses.

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**3. PARKS AND RECREATION FACILITIES, PRIVATE, On-site park and recreation facilities for the exclusive use of the occupants of any residential or non-residential development are permitted provided that:**

- 1. The facilities, including parking, landscaping, building footprints and other site design features are shown on an approved site plan.
- 2. Any structures, playground, and active play areas and lights shall be located and screened in a manner which will minimize noise and glare impacts on adjoining properties to the maximum extent feasible.
- 3. One (1) parking space is provided for service and handicap access; one (1) space is provided for each ten (10) dwellings up to one hundred (100) units which are serviced by the facilities and located more than six hundred feet (600') from the facilities; and one (1) space is provided for each twenty (20) units thereafter. Under no circumstances shall there be less than three (3) total parking spaces, including one (1) for service and handicap access.
- 4. An operating plan describing specific activities and hours of operation is submitted for review and approval.
- 5. Buffering and screening is not required for bike paths or pedestrian walkways located within the road right-of-way.
- 6. Park and recreation facilities shall be designed and used in a manner that protects the quality of environmentally sensitive areas as defined in the Comprehensive Plan and including but not limited to floodways, waterbodies, and designated species wildlife habitat areas.

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**4. PARKS AND RECREATION FACILITIES, PUBLIC**

- 1. Impact on adjoining conforming residential uses or residential districts shall be minimized.
- 2. Activity areas shall be set back from conforming residential uses to the maximum extent feasible.

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3. Hours of operation may be limited if located adjacent to a residential district or conforming residential use.
4. The facilities shall be located in compliance with Chapter 2, Article III, §2-56.H of this Code, as the same now exists or may hereafter be amended.

~~5.~~ **PATIO HOME SUBDIVISIONS, SINGLE-FAMILY.** In any district permitting single-family patio home ~~subdivisions the~~ following minimum standards shall apply:

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1. Minimum Floor Area:
 

Two Bedroom	1,200 square feet
Three Bedroom	1,400 square feet
Each Additional Bedroom	150 square feet
2. Common open space shall be provided at a minimum of one hundred (100) square feet per dwelling unit. Common open space shall not include regulated wetlands (except as specified in Paragraph C below), stormwater retention/detention areas, perimeter buffer areas, and side, rear or front yards. At least fifty percent (50%) of the open space provided shall be readily accessible to all residents.
3. Protected wetlands, water bodies and other unbuildable areas may only be used to satisfy a maximum of fifty percent (50%) of the common open space requirement.
4. All perimeter lots within a patio home subdivision shall include a landscape buffer of at least ten feet (10') in width along the rear property line. This buffer area shall consist of at least one (1) tree planted every forty (40) linear feet, together with a contiguous hedge, so that there is a natural, opaque perimeter buffer.
5. In situations where a patio home subdivision is adjacent to a single-family development that has an average lot size of 7,500 square feet, a wood fence shall be required to be installed with the perimeter landscape buffer. The fence shall be located on the rear/side property line adjacent to the large lot single-family home, with the finished side facing the adjacent development. The fence shall be maintained in good condition at all times by the Home Owners' Association of the patio home subdivision. The developer may request that the wood fence requirement be waived by the City Commission during the review of the Special Exception if there is existing sufficient natural vegetation to effectively buffer the two (2) uses, and the existing natural vegetation will be permanently retained in the perimeter landscape buffer.
6. The fence otherwise required by Paragraph E shall not be required if all of the lots in the patio home subdivision have an area of at least 6,900 square feet, with a maximum width of sixty feet (60') and a minimum lot depth of one hundred fifteen feet (115').

**6. PAWN SHOP**

- 1. ~~Shall be located in compliance with Chapter 2, Article III, §2-56 H of this Code, as the same now exists or may hereafter be amended.~~
- 2. ~~The use shall not be located along Granada Boulevard or within the Granada/Bovard Streetscape Overlay District as delineated in Chapter 2, Article IV of this Code.~~
- 3. No drive-through window or similar device is allowed.
- 4. Screening and buffering shall be required to the degree necessary to minimize the impact on adjacent residential areas to the maximum extent feasible.
- 5. All existing pawn shops that are inconsistent with the foregoing provisions shall be deemed nonconforming uses pursuant to Chapter 2, Article V of this Code, and shall be “grandfathered” from compliance with the foregoing provisions until otherwise required by the provisions of Chapter 2, Article V of this Code.

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**Deleted:** Must be located more than one thousand feet (1,000') from any existing pawn shop, school or House of Worship.

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**Deleted:** <#>The distance specified in this Section shall be measured the shortest route of ordinary pedestrian travel along the public thoroughfare between the main entrances to each of the respective uses under consideration.¶

**7. PETROLEUM PRODUCTS STORAGE**

- 1. ~~Provide screening and buffering from abutting residential areas. All outdoor uses and storage shall comply with the landscape buffer and wall/fencing requirements contained in Chapter 3, Article I.~~
- 2. ~~The selected site has be reviewed and approved by the Police and Fire Department for public safety.~~

**Deleted: 6. . . . PET CEMETERIES¶**

- 1. . . . May only be located in the B-5 or REA zoning district in conjunction with a kennel.¶
- 2. . . . If abutting a residential district or a conforming residential use either a fifty-foot (50') landscaped or agriculture buffer or, a six-foot (6') high brick or finished masonry wall with a commercial/ residential landscaped buffer shall be provided.¶
- 3. . . . The setbacks shall be the same as for the principal building.

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**8. POOL HALLS/BILLIARDS.** In all districts allowing such use, the following minimum standards shall apply:

- 1. If located adjacent to a residential district or within one thousand feet (1,000') of a House of Worship, school, child care facility, public park or playground or other public or semi-public youth facility, hours of operation may be limited and other restrictions may be imposed.
- 2. Additional screening and/or buffering as required under this Code shall be provided as necessary to minimize noise and glare impacts to neighboring residential uses.
- 3. The facility shall be located in compliance with Chapter 2, Article III, §2-56.H of this Code, as the same now exists or may hereafter be amended.
- 4. Churches, schools, child care facilities and youth facilities located within one thousand feet (1,000') of the proposed facility shall be notified of the public hearings at which the proposal will be considered.

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**9. PUBLIC FACILITIES/UTILITIES.** Public Facilities/Utilities (other than parks and recreation areas or schools) are permitted in all districts, subject to the following minimum standards:

1. A finding that the use will have no negative impacts on adjoining properties, or the character of the neighborhood, in terms of noise, odors, glare, intensive traffic volumes or extensive visual impacts.
2. Where such findings cannot be made by the SPRC, it shall be processed as a Special Exception with approval based on a finding that the facility will have no substantive negative impacts or where such impacts are noticeable, that the use is in the overriding public interest; any adverse impacts have been mitigated to the maximum extent economically and physically feasible; and the facility cannot be reasonably and economically located on an alternate site.
3. All utility installation, construction, or repair within the right-of-way shall require a permit in accordance with Chapter 3, Article V.

**Q.**

1. [RESERVED]

**R-**

**1. RECREATION FACILITIES, INDOOR**

1. Glare shall not extend off-site or impact neighboring residential uses.
2. Parking areas shall be adequately screened from the street and adjacent uses by a continuous hedge and other materials at least three (3') feet in height for the depth of the required buffer area. A wall may be used to reduce the amount of required landscaping.
3. Hours of operation may be restricted if located adjacent to a conforming residential use.

**2. RECREATION FACILITIES, OUTDOOR**

1. Except for bike paths and pedestrian walkways located within the road right-of-way, outdoor recreation facilities provided for the exclusive use of residents of a residential development may be permitted, provided that:
  - a. They are reviewed in conjunction with site plans or plats.
  - b. Facilities shall be so located, walled, fenced, or screened as to minimize noise and glare impacts to neighboring residential uses.
2. Commercial or private outdoor recreation facilities shall be permitted in districts allowing such use, subject to the following:
  - a. Located on an arterial or major collector road.
  - b. Designed to minimize noise and glare impacts on adjoining conforming residential uses and residential districts.
3. Hours of operation may be limited if the site is adjacent to a residential use.

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**Deleted: RANGER'S RESIDENCE¶**  
 1. One (1) dwelling unit necessary for security for a public or institutional use (including, but not restricted to public recreation areas, schools, Houses of Worship and hospitals) may be permitted in conjunction with such principal use in any district.¶  
 2. The color, materials, landscaping and siting of the residence shall be compatible with the principal use and structures. ¶  
 3. A mobile home may be used for this purpose, provided that it is an accessory use to a principal use located on a minimum parcel size of five (5) acres and is screened from view of the street by the principal building or through the use of fences, hedges, trees, or a combination of such items.

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4. A detailed lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.

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3. **RECREATIONAL VEHICLES/BOAT STORAGE.** In all districts allowing such use, the following minimum standards shall apply:

1. **Use Limitation**

- a. RV and Boat Storage uses are intended exclusively for the storage of boats and RVs by the general public and for incidental storage by small commercial users.
- b. RV/Boat Storage developments shall be limited to storage use only. No business activities, such as sales or service, shall be conducted on the premises. Manufacture, auto repair, or other similar activities for commercial purposes are expressly prohibited.
- c. No signage, other than for the storage use itself, shall be allowed.
- d. No business will be issued authority for any use on the premises other than the storage yard itself.

2. **Storage**

- a. Unless located in a zoning district permitting outdoor storage, all storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within the designated storage areas.
- b. All RVs and boats shall be kept within the designated storage areas as shown in the approved site plan.
- c. Each user shall have direct access to his RV or boat during all hours of operation.

3. **On-Site Circulation and Driveway Widths**

- a. All single-loaded driveways shall have a minimum width of twenty feet (20').
- b. All double-loaded driveways shall have a minimum width of thirty feet (30').
- c. Traffic direction shall be designated by signing and/or painting on driveway surfaces.
- d. Access to storage spaces shall only be provided from the interior of the site. Interior circulation shall be designed to permit all vehicles to leave the site in a forward direction.

4. **Off-Street Parking.** Shall be in accordance with the Mini-Warehouse requirements as stated in Chapter 3, Article III (On-Site Parking).

5. **Landscaping.** Landscape buffer areas shall be provided as required in Chapter 3, Article I. In addition, in order to reduce the visual impact of vehicles/boats, driveways, storage buildings and security fences, a combination landscape screen and decorative masonry wall ranging from three feet (3') to six feet (6') in height may be required in the front yard, along the front yard setback, and along any property line that abuts a residential district or public right-of-way.

Where interior landscaping is to be provided, priority shall be given to softening end walls visible from a public right-of-way through foundation plantings, and to the landscaping of perimeter, entryway, and management office areas.

- 6. **Lighting.** All lights shall be shielded to direct light onto the development and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft.
- 7. **Building Treatment**
  - a. Only muted earth-tone colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the Chief Building Official.
  - b. Garage doors or simulated garage doors shall not be permitted on the side of a storage building facing a public right-of-way, except where there is adequate driveway width and landscape buffer area between the building and the right-of-way.
- 8. **Hours of Operation.** Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on site plan submittals and designed to provide maximum safety for users while not interfering with existing or potential users of adjoining properties.
- 9. **Maximum Height.** One (1) story, not to exceed thirty feet (30’).

**4. RIDING STABLES, HORSE**

- 1. All buildings and structures shall be located at least 100 feet from any property line.
- 2. In order to prevent adverse impact on adjoining uses, the City may limit:
  - a. Hours of operation.
  - b. Number of horses that may be rented for recreational riding or instruction.
  - c. On-site lighting.

**5. RESTAURANT, TYPE “A”**

- 1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.
- 2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.
- 3. A full menu must be available at all times during which alcohol is consumed.
- 4. If inside entertainment is provided, there shall be no additional charge for admission, and hours or operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.
- 5. Outdoor seating is permitted and shall be reviewed by the SPRC.

**6. RESTAURANT, TYPE “B”**

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- 1. One (1) unit may be provided in motels, hotels or timeshares.¶
- 2. One (1) unit may be allowed in conjunction with an industrial use involving extensive high-cost equipment or national security interests. Applicant shall demonstrate the need for such unit.¶
- 3. Occupant must be an employee or principal of the business.

Deleted: 6. RESIDENTIAL RETIREMENT/NURSING CARE FACILITIES. The following criteria shall be applied to planned retirement centers that integrate provisions for on-site medical/ nursing services for the care of the residents of the development. The regulations intend to allow developments of dwelling units at higher densities than normally permitted within the district provided that such facilities are primarily intended for persons fifty-five (55) years of age, or older.¶

- 1. Multi-family units, and medical/nursing care facilities that are limited to use by the occupants of the development. Nursing care facilities may only be open to the general public when the development is located in a zoning district which allows nursing homes as a permitted use or conditional use.¶
- 2. Accessory uses may be allowed within the development for use s (... [34]

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- 1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.
- 2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.
- 3. Type "B" Establishments are permitted to offer beer & wine only.
- 4. If inside entertainment is provided, there shall be no additional charge for admission, and hours or operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.
- 5. Outdoor seating is permitted and shall be reviewed by the SPRC.

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**7. RESTAURANT, TYPE "C"**

- 1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.
- 2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.
- 3. Outdoor seating is permitted and shall be reviewed by the SPRC.
- 4. Type "B" Establishments are permitted to offer beer & wine only.

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**8. RETAIL SALES AND SERVICE, DAILY NEEDS**

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- 1. Neighborhood Commercial uses shall meet the following minimum standards:
  - a. A maximum land area of five (5) acres.
  - b. Are located at the intersection of an arterial road and another arterial road or major collector.
  - c. The use is designed, in terms of architecture, site arrangement, lighting and signing, to be compatible with conforming residential development in the surrounding area.
  - d. Use occupancy is limited to those uses which serve the daily needs of residents in the immediate area.
  - e. Business site identification signs shall conform to the standards for monument signs, except where the use is located at the intersection of two (2) arterial roads. In such cases, the City-wide regulations shall apply.

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**9. RETAIL SALES AND SERVICE, SHOWROOM. Daily Needs Retail Sales and Services are permitted within the I-1 (Light Industrial) zoning district, subject to:**

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- 1. In conjunction with the application for a business tax receipt the applicant shall submit, for Site Plan Review Committee approval, floor plans showing the location of all uses within the development and the specialty retail use being applied for.

- 2. Maximum floor area shall be two thousand (2,000) square feet for any single use.
- 3. The total of all daily needs retail sales and service uses shall not exceed twenty percent (20%) of the total gross floor area of all buildings in the development.
- 4. Daily needs retail sales and service uses are not permitted as a free-standing use in the I-1 zoning district.

**10. RETAIL SALES AND SERVICE, SPECIALTY**

- 1. Specialty Retail Sales and Services are permitted, subject to:
  - a. In conjunction with the application for a business tax receipt the applicant shall submit, for Site Plan Review Committee approval, floor plans showing the location of all uses within the development and the specialty retail use being applied for;
  - b. Maximum floor area shall be two thousand (2,000) square feet for any single use;
  - c. The total of all specialty retail uses shall not exceed twenty percent (20%) of the total gross floor area of all buildings in the development.
- 2. Specialty Retail Sales and Services are permitted by a Planned Business Development provided that:
  - a. The maximum gross floor area dedicated to such uses shall not exceed forty-nine percent (49%) of the gross floor area of all buildings in the development and may be restricted to a lesser percentage as established by the City Commission based on: site conditions, including configuration of the development; availability of parking; ease of pedestrian and vehicular access, egress and on-site circulation; conformance to current codes; and area wide stormwater drainage and traffic circulation conditions.
  - b. These maximums may be reduced, as appropriate, in order to preserve the Office/Professional character of the development and the neighborhood.
  - c. In conjunction with the application for a business tax receipt, the applicant shall submit, for Site Plan Review Committee approval, floor plans showing the location of all uses within the development and the specialty retail use being applied for.

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**1. SCHOOLS, PRIVATE**

- 1. Landscaping buffers, fences and walls shall be required as provided under Chapter 3, Article I.
- 2. No principal building shall be located within one hundred feet (100') and no accessory use or structure may be located within thirty feet (30') of any existing conforming residential use or a residential district or within thirty feet (30') of the perimeter boundary of any other district.
- 3. Drop-off/pick-up areas shall be provided in accordance with Chapter 3, Article III of this Code.

4. The facilities shall be located in compliance with Chapter 2, Article III, §2-56.H of this Code, as the same now exists or may hereafter be amended.

## 2. SEXUALLY ORIENTED BUSINESS OR USE

1. No sexually oriented business establishment may be located within five hundred (500) feet of any residential zoned land use property, or any portion of a mixed use land use category developed and utilized as residential, any church, school, child care facility or public recreation area which is validly located or has previously received legal authority to locate.
2. No sexually oriented business establishment may be located within five hundred (500) feet of any other sexually oriented business establishment, regardless of whether or not the other sexually oriented business establishment is located within the corporate boundaries of the city or in an adjacent jurisdiction.
3. No sexually oriented business establishment may be located within two hundred fifty (250) feet of any business establishment that sells or serves alcohol for on or off-premise consumption.
4. The distance requirements under (1) above shall be measured along a straight line from the nearest residential land use category, or the nearest property line of the church, school, child care facility, public recreation area to the front entrance of a sexually oriented business establishment (see illustration, below).
5. The distance requirements under (2) above shall be measured along a straight line from the nearest property line on which an existing sexually oriented business establishment is located to the nearest property line of a proposed sexually oriented business establishment (see illustration, below).
6. The distance requirements under (3) above shall be measured along a straight line from the main entrance of a sexually oriented business establishment to the main entrance of an establishment that sells or serves alcohol for either on-premise or off-premise consumption (see illustration, below).
7. There shall be no public display of explicit materials on signs or as window displays. All windows shall be 100% opaque to ensure no visible activity from the interior can be observed exterior to the building.
8. Nothing in this Section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of these regulations. Additionally, nothing in these regulations shall be construed to authorize, allow or permit the establishment of any sexually oriented business, the performance of any activity or the possession of any item which is obscene under the judicially established definition of obscenity.
9. A sexually oriented business shall possess a Sexually Oriented Business Use Permit signifying a determination from the Planning Department that the location for the sexually oriented business establishment complies with the location standards for such use.

**Deleted:** 5. The school must be located more than one thousand (1,000') feet from any Automatic Amusement Center/Game Room, or Pawn Shop.¶

2. **SERVICE STATIONS.** The following regulations shall apply to the location, size, design, construction, operation, and maintenance of service stations:¶

1. No parcel of land shall be used for a service station if it is within seventy-five feet (75') of any existing service station site or within two hundred feet (200') of any place of public assembly located on the same side of the street or separated by a minor collector or lower classification street. Such distance shall be measured in straight lines from the closest point of the service station driveway or service bay to the main pedestrian entry of the place of public assembly.¶

2. No sign of any type, and no gasoline pump, tank, vent, pump island, or pump island canopy shall be located within twenty-five feet (25') of any conforming residential use or residential area.¶

3. The principal building shall conform to all street frontage setbacks required for the district in which the service station is located.¶

4. Gasoline pumps, tanks, vents, pump islands, and pump island canopies shall conform to the same side and rear setback requirements as for other structures in the district in which the service station is located, provided that no such pumps, tanks, vents, pump islands, or pump island canopies shall be located within twenty feet (20') of any side or rear property line.¶

5. Gasoline pumps, vents, tanks, pump islands, and pump island canopies may not be located within fifteen feet (15') of the front property line; provided that if the fifteen-foot (15') requirement is less than the setback requirements for the district in which the service station is located, such service station appurtenances shall be removed before the property is converted to any use other than service station.¶

6. In districts in which front setbacks greater than fifteen feet (15') are required, no gasoline pumps, vents, tanks, pump islands, or pump island canopies shall be located at a fifteen-foot (15') distance from the street right-of-way line until a legal instrument satisfactory to the City Attorney has been prepared and recorded at the expense of the property owner or lessee which instrument shall relieve the City of all costs of removal of such appurtenances.¶

7. The number of driveways shall not exceed two (2) for each one hundred fifty feet (150') of street frontage. Each driveway connection shall have a width of no more than thirty (30') feet exclusive of transitions and shall not be located within fifty feet (50') to the right-of-way lines of any intersection or fifteen feet (15') to any other property line. There shall be a minimum distance of twenty feet (20') between driveways. Before a building permit can be granted for access to a state or county road, a driveway permit shall be obtained from the Florida Department of Transportation or Volusia County, as appropriate.¶

8. Where lots to be used for service stations abut on any property which is residentially zoned, a landscape buffer area and wall shall be provided as required by Chapter 3, Article I of this Code.¶

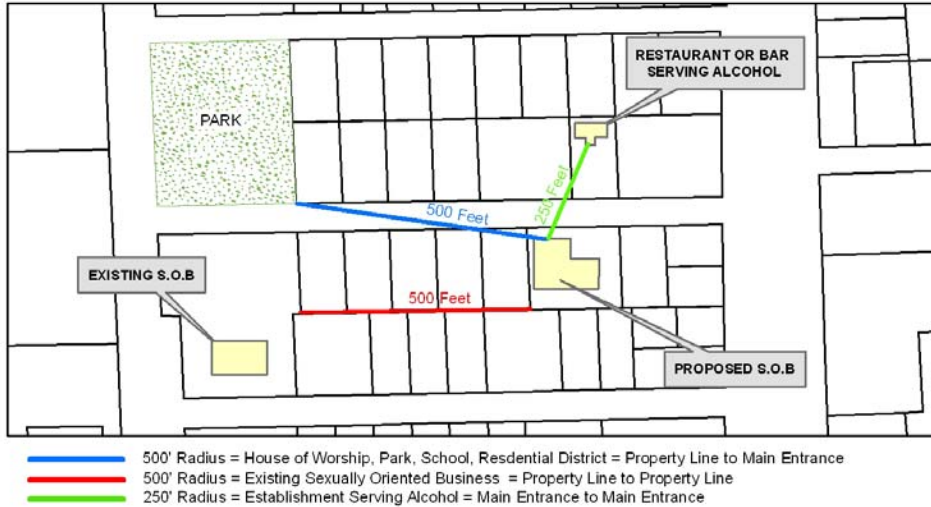
9. The following items may be displayed outside the service station building provided they are not located between the gasoline pump islands and any street right-of-way line: ¶

... [35]



10. A sexually oriented business shall possess a Sexually Oriented Business License, if applicable, signifying all operating requirements contained in Article XIV entitled Sexually Oriented Business Establishment Adult Use Permit and License Requirements of the City Code of Ordinances have been met.

**SEXUALLY ORIENTED BUSINESS ILLUSTRATION**



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**3. SILVICULTURE.** *Bona fide* silviculture operations may be allowed in the Rural Estate/ Agricultural district and the I-1 district provided that they meet the following criteria:

1. Provide certification from the Volusia County Property Appraiser that the property has an agricultural exemption and will be used for a bona fide silviculture operation.
2. Submit a detailed replanting and operation plan consistent with the following criteria:
  - a. Provide a tree survey to identify any unique or specimen trees on the site which are to be preserved in accordance with Chapter 3, Article III and estimate the total number of trees to be removed by type. Consideration shall be given to preserving unique specimens, which provide high wildlife habitat value. Specify all tree preservation methods.
  - b. Identify erosion control measures.
  - e. Delineate wetland boundaries and water bodies if applicable and demonstrate consistency with Chapter 3, Article II.
  - d. Provide a map of areas to be cleared and areas to be left undisturbed.
  - e. Outline a timetable that indicates the schedule for clearing and grubbing the area to be planted, and the estimated planting and harvesting dates.
  - f. The harvesting and replanting plan shall, at a minimum, meet or exceed Silviculture Best Management Practices (Florida Department of Agriculture, 1993, as revised).

3. The applicant cannot remove any trees in a manner that is not consistent with this harvesting plan. The applicant shall contact, in writing, City staff prior to removal of any tree not in accordance with the approved plan. The City shall review the request and within three (3) working days determine if the proposed removal may occur.
4. A minimum fifty-foot (50') wide buffer of undisturbed trees and understory vegetation around the perimeter of the property shall be established.
5. A one hundred foot (100') undisturbed buffer is required from the right-of-way of a principal or minor arterial road.
6. A minimum seventy-five foot (75') undisturbed buffer is required from any waterbody or water-course and one hundred twenty feet (120') from the Tomoka River.
7. A minimum area of twenty (20) acres shall be designated for the proposed silviculture use.
8. Tree removal permit is required for removal of any trees designated for preservation.
9. There shall be no mitigation required for the removal of protected trees other than specimen trees located outside the buffer areas.
10. All silviculture operations to comply with Chapter 3, Article II (*Surface Waters and Marine Life Habitat*), and Chapter 3, Article II (*Wetlands Protection*).
11. All mitigation for tree removal and damage, if required, to comply with Chapter 3, Article 1.
12. A minimum tree replanting ratio of trees per acre will be required in accordance with standard silviculture practice (i.e., 500-800 seedlings per acre for a pulpwood plantation).
13. Open burning is not permitted unless otherwise approved by the Chief Building Official and Fire Chief. All firebreaks shall be adequately maintained.
14. SPRC to review and approve of the proposed plan.
15. Any violation of this Section will require 2-to-1 mitigation for the estimated number of trees that were removed (as based on the stated number in the tree removal permit). Priority for mitigation shall be on-site but may, if not practical, include tree bank credits.
16. Tree replanting on the site shall commence within nine (9) months after harvesting is completed and shall be carried on to completion without unreasonable delay.

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**3. SHOPPING CENTER**

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1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.

2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.

4. SKATING CENTERS. In all districts allowing such use, the following minimum standards shall apply:

1. If located adjacent to a residential district, hours of operation shall be established.
2. Additional screening and/or buffering as required under this Code shall be provided as necessary to minimize noise and glare impacts to neighboring residential uses.

T.

#### 1. TATTOO PARLORS

1. All body illustrations or tattooing of any kind shall be performed in strict compliance with Section 12-376 of the Code of Ordinances.
2. The hours of operation shall be restricted to 8:00 AM to 8:00 PM, Monday through Saturday, and 10:00 AM to 5:00 PM on Sunday, if located adjacent to a residential district or multi-family residential development. Hours of operation shall be restricted to 8:00 AM to 11:00 PM, Monday through Saturday, and 9:00 AM to 6:00 PM Sunday, when a tattoo establishment is adjacent to a non-residential district.
3. Screening and buffering for tattooing establishments adjacent to residential districts or multi-family projects within non-residential districts shall include an additional ten-foot (10') wide landscaped buffer in order to minimize impacts on these adjacent residential uses. This buffer is in addition to all other buffer and screening requirements contained in Chapter 3, Article 1.
4. All signage shall be consistent with the requirements of Chapter 3, Article IV of this Code. The use of tattoos and examples of tattoos shall be considered a prohibited form of signage.
5. Murals and other graphic illustrations shall not be permitted on the exterior walls of the buildings.
6. All tattooing shall be performed inside the principal structure and shall not be visible to the public.
7. Parking for tattooing establishments shall abide by the requirements for intensive retail uses, as contained in Chapter 3, Article III of this Code.
8. Tattooing parlors shall not be located within one thousand feet (1,000') of a school, church or public park.
9. No temporary vending or operation of tattooing establishments is allowed within the City. All tattooing shall be conducted on a permanent basis on a property that meets all applicable City codes.

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~~Deleted: 5. . . SINGLE-STRUCTURE, MIXED-USE DEVELOPMENT.~~ The intent of the single-structure mixed-use development is to encourage compact, in-fill development, specifically in the Central Business District. This type of development shall encourage pedestrian traffic and efficient use of urban services. The design of all mixed-use buildings should provide for residential privacy and incorporate office/commercial uses that are compatible with the residential development. The following conditions shall be utilized in reviewing single-structure mixed-use developments:¶

1. . . The total amount of required parking shall be determined by the sum of the gross area attributed to each specific use and the standards required for that particular use as contained in Chapter 3, Article III.¶
2. . . Single-structure mixed-use developments shall be restricted to two (2) or more-story buildings. In no circumstance shall existing one-story buildings currently used for retail commercial or office uses be allowed to be partially developed for residential uses. This restriction applies specifically to existing single-story strip commercial/office developments.¶
3. . . Non-residential development shall occupy the lower floors of a multi-story building. There shall be included in the site plan and building plans a clear delineation of the residential and non-residential components of the building. Access to the residential portions of the building shall be secure, yet allow for prompt emergency ingress/egress.¶
4. . . Redevelopment or historically significant buildings that include a mix of residential and office/ commercial ... [36]

~~Deleted: 7. . . SPECIALTY RETAIL SALES AND SERVICES¶~~

1. . . Specialty Retail Sales and Services are permitted, subject to:¶
  - a. . . In conjunction with the application for a business tax receipt the applicant shall submit, for Site Plan Review Committee approval, floor plans showing the location of all uses within the development and the specialty retail use being applied for;¶
  - b. . . Maximum floor area shall be two thousand (2,000) square feet for any single use;¶
  - c. . . The total of all specialty retail uses shall not exceed twenty percent (20%) of the total gross floor area of all buildings in the development.¶
2. . . Specialty Retail Sales and Services are permitted by Special Exception or as part of a Planned Business Development provided that:¶ ... [37]

10. Outside display of tattoos by persons, as a form of advertising, is prohibited.

2. **TAXI BARN**

1. Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.
2. A minimum three-foot (3') high brick wall and landscape buffer shall be located as necessary to reduce views of vehicles from any right-of-way.

3. **TELECOMMUNICATIONS TOWERS AND ANTENNAE.** The purposes of this Section are twofold. It sets forth a policy that all telecommunication towers and antennae shall employ stealth technology if commercially practicable. 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. Using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances at the time of approval shall be the primary standard for review. To establish regulations governing the siting and construction of telecommunications towers and telecommunications antennae, these standards are intended to: provide administrative processing incentives to offset the increased costs of requiring camouflaged or stealth towers and antennae; and where placement of camouflaged towers and antennae are deemed to be technologically or commercially impracticable, encourage location of non-stealth telecommunications towers in non-residential areas, minimize the number of telecommunications towers, encourage co-location of telecommunications antennae on existing telecommunications towers or alternative support structures, and minimize adverse visual impacts of telecommunications towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques. All new telecommunications towers and antennae shall be subject to the provisions of this Section.

1. Chapter 2, Article II specifies the zoning districts in which stealth and non-stealth telecommunications towers and telecommunications antennae may be located. Non-stealth telecommunication towers and antennae may be permitted by Special Exception provided it can be satisfactorily demonstrated that b. (14) below has been met. Self-supporting antennae that do not require a telecommunications tower shall be subject to the supplemental regulations contained in Chapter 2, Article II of the Land Development Code. Any site on which a pre-existing telecommunications tower and/or a pre-existing telecommunications antenna is located, which pre-existing telecommunications tower and/or pre-existing telecommunications antenna does not comply with this Section, shall be deemed to be a "nonconforming developed site" and subject to the provisions of Chapter 2, Article V, and the pre-existing telecommunications tower and/or pre-existing telecommunications antenna shall be deemed a "nonconforming structure" and subject to the provisions of Chapter 2, Article V of this Code. The foregoing notwithstanding, additional telecommunications antennae may be attached to any pre-existing telecommunications

tower provided such additional telecommunications antennae are in full compliance with the provisions of this Section.

2. Non-stealth telecommunications towers may only be located in those zoning districts allowing such uses through a Special Exception process; provided, however, that non-stealth telecommunications towers may not be located in the following areas:
  - a. RR (Rural Residential), R-1 (Residential Estate), R-2 (Single-Family Low Density), R-2.5 (Single-Family Low-Medium Density), R-3 (Single-Family Medium Density), R-4 (Single-Family Cluster and Townhouse), and T-2, (Manufactured Home) zoning districts;
  - b. The area comprising the Granada/Bovard Streetscape Overlay District;
  - c. The area extending from Beach Street (North and South) eastward to the Atlantic Ocean;
  - d. Any area currently or hereafter designated as an Historic District pursuant to Chapter 2, Article VI of this Code.

Co-location of camouflaged antennae may be permitted on all multi-family and non-residential structures within these areas, if the camouflaged antennae comply with all applicable provisions of the Land Development Code.

3. In determining whether the installation of a telecommunications tower or telecommunications antenna complies with the district regulations, the dimensions of the entire lot shall control, even though telecommunications antennae or telecommunications towers may be located on leased parcels within the lot. The following Tables list minimum distances between 1) new telecommunications towers and other existing telecommunications towers, and 2) telecommunications towers located adjacent to specific areas within the City. All telecommunications towers shall comply with the following minimum separation requirements and special setback standards:

**Table 1. Minimum separation requirements between existing and new telecommunications towers.**

PROPOSED TOWER	EXISTING TOWER			
	Lattice	Guyed	Monopole 75' in height or greater	Monopole less than 75' in height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' in height or greater	1,500	1,500	1,500	750
Monopole less than 75' in height	750	750	750	750

**Note: Minimum separation requirements do not apply to camouflaged towers.**

**Table 2. Special Setback Standards**

AREA	SETBACK REQUIREMENTS
<b>Any residential zoning district which does not allow telecommunications towers</b>	200' or 200% of the height of the tower, whichever is greater.
<b>REA zoning district</b>	Towers located within the REA district, must be 200' or 200% of the height of the tower, whichever is greater, from the property line.
<b>Granada Boulevard</b>	300' from right-of-way or 200% of the height of the tower, whichever is greater.
<b>Clyde Morris Boulevard, Nova Road, Williamson Boulevard, Hand Avenue, US 1</b>	200' from right-of-way or 100% of the height of the tower, whichever is greater.
<b>Interstate 95</b>	100' or 100% of the height of the tower, whichever is greater.
<b>Scenic Drives (see Chapter 3, Article I)</b>	200' or 100% of the height of the tower, whichever is greater.

**Setbacks established in Tables 1 and 2 shall be measured at the base structure or any portion thereof, including but not limited to guy wires.**

4. In any planned development subject to Chapter 2, Article II of this Code and located in a zoning district which allows telecommunications towers, a telecommunications tower may be located in any non-residential area of the development, subject to being shown on the approved master development plan; and being included in the Development Order issued by the City Commission for the development project.
5. In order to encourage co-location of facilities, each applicant for a telecommunications tower and/or telecommunications antenna shall provide the City with an inventory of all existing telecommunications towers, telecommunications antennae, and sites approved for telecommunications towers or telecommunications antennae, that are located inside, and within one (1) mile outside, of the corporate limits of the City. This inventory shall specify the location, height, type and design of each telecommunications tower, and the ability of the telecommunications tower to accommodate additional telecommunications antennae. This information is available for public use in encouraging the co-location of telecommunications antennae on existing telecommunications tower facilities. By requiring and using this information, the City is not in any way representing or approving such sites as available or suitable.
6. Telecommunications towers and telecommunications antennae shall not have signs, banners, or other forms of commercial advertisement attached or otherwise affixed to the telecommunications tower or telecommunications antenna.

7. Telecommunications towers shall either maintain a galvanized steel finish appearance, or, subject to any applicable standards of the FAA, be painted so as to reduce the visual obtrusiveness of the structure.
8. The design of the buildings and related structures associated with the operation of the telecommunications tower and located on the telecommunications tower site shall use materials, colors, textures, screening, and landscaping that will enable the telecommunications tower to blend with the natural setting, as well as the surrounding built environment.
9. If a telecommunications antenna is installed on a structure other than a telecommunications tower, the telecommunications antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the telecommunications antenna and related equipment as visually unobtrusive as possible.
10. All telecommunications tower and telecommunications antenna locations, construction, and maintenance shall comply with all applicable Federal, State, and local regulations.
11. Any application for a telecommunications tower located within the SE (Special Environmental) zoning district must include an Environmental Assessment Report and any other report as required in Chapter 3, Article II, (Resource Protection).
12. Owners of telecommunications tower sites shall apply for and obtain a Business Tax Receipt from the City's Building Division. The owner shall state the number of telecommunications antennae and users occupying the telecommunications tower. If a telecommunications tower ceases to operate, in that there are no operational antennae located thereon for a period of six (6) consecutive months, then the telecommunications tower will be deemed to be abandoned. The owner/operator of the abandoned telecommunications tower shall be given six (6) months after being provided with written notice, to either reactivate, or dismantle and remove, the telecommunications tower.
13. Temporary telecommunications towers associated with a special event shall be permitted for a limited period of time by the City as part of the event, not to exceed the time of the special event. Temporary telecommunications towers necessary to aid in post disaster relief efforts are exempt from this permitting process.
14. The Special Exception application shall demonstrate that, in lieu of employing camouflage or other stealth technology, the proposed facility has been sited and designed so as to employ the least visually and physically intrusive means that are not commercially impracticable under the facts and circumstances. Such report must include evidence that fair and thorough consideration was given to the following:
  - a. Sharing an existing tower or other facility with another provider,
  - b. Locating the facility atop or within an existing structure,
  - c. Making any new tower accessible to co-location of additional antennas of other providers,

- d. Locating the facility so as to minimize the impact upon the following types of Zoning Districts in the following order.
  - (1) Historical Districts
  - (2) Single-family Residential Districts
  - (3) Multi-family Residential Districts
  - (4) Commercial Districts
  - (5) Manufacturing and Industrial Districts
- e. Minimizing the height of towers and other structures,
- f. A demonstration of the ability of any proposed new tower to accommodate future demand for at least five additional commercial applications, such as future co-locations, without causing interference. This requirement may be waived, provided that the applicant demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:
  - (1) The foreseeable number of FCC licenses available for the area.
  - (2) The kind of wireless telecommunications facilities site and structure proposed.
  - (3) Agreements between providers limiting or prohibiting co-location shall not be accepted as a valid basis for a claim of commercial impracticability or hardship. An assertion that the proposed site is the only site under option or lease shall not be accepted as a valid basis for a claim or commercial impracticability or hardship.

**4. TERMINAL, BUS PASSENGER**

- 1. The applicant shall demonstrate the absence of adverse impacts on adjoining uses that may result from vehicles entering, idling on or leaving the premises.
- 2. Bus loading zones and storage areas shall be identified on the site plan.
- 3. Visitor/employee parking shall be identified on the site plan.
- 4. Hours of office and vehicle operations to be described by applicant. Such hours may be restricted to avoid adverse impacts on adjoining uses.

**5. TERMINALS, TRUCK**

- 1. The applicant shall demonstrate the absence of adverse impacts on adjoining uses that may result from vehicles entering, idling on or leaving the premises.
- 2. Parking areas for visitors/employees shall be identified on the site plan.
- 3. Truck storage areas shall be provided separate from parking areas and shall be identified as such on the site plan.

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Trailers, or similar structures, used as temporary pre-development sales offices, may be permitted on the proposed development site provided the following minimum requirements are met:¶

- 1. The proposed development must receive final approval by the Site Plan Review Committee and the City Commission.¶
- 2. Following City Commission approval, the applicant shall submit a five hundred dollar (\$500) permit fee to the Building Division prior to locating the trailer on the site, or making other associated improvements. If the trailer is removed within the time period specified, four hundred dollars (\$400) shall be returned to the applicant, or, if construction commences within the time period specified within this ordinance, four hundred dollars (\$400) shall be credited toward the building permit. If the temporary trailer is not removed within the time period specified, the fee shall be forfeited.¶
- 3. A minimum of five (5) off-street parking places shall be provided. Such spaces shall be designed to meet the dimensional and circulation requirements of Chapter 3, Article III, except as specifically waived by the SPRC but can be surfaced with gravel or other similar material. Each space provided must be marked with a wheel stop.¶
- 4. The perimeter of the trailer shall be landscaped with plant materials at least three feet (3') in height. The perimeter landscaping shall be at least three feet (3') in width. The area between the trailer and the parking area shall be mulched or sodded to provide safe access for pedestrians.¶
- 5. The SPRC and the City Commission shall review and approve a site plan that includes the required landscaping and parking to serve the temporary trailer.¶
- 6. The trailer shall be permitted on the development site for a period not to exceed six (6) months from the date of City Commission approval. The applicant may request one (1) six- (6- ) month extension from the City Commission. If construction commences and is continuous within the permitted time period specified in the Development Order, the trailer may remain on the site as a sales office for a period of up to one (1) year from commencement of construction, or until seventy-five percent (75%) of the individual lots or dwellings are sold, or seventy-five percent (75%) of the units are constructed, whichever shall first occur.¶
- 7. If a violation of this ordinance is found, the violator may be brought before the Special Master.¶
- 8. The applicant shall provide bonding in an amount to be established by the City Engineer for removal of the trailer and site restoration in the event the trailer is not removed in accordance with time period for removal, as specified in the Deve[... [38]

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- 4. Truck storage areas may be on turf block or any other approved pervious surface.
- 5. Provide additional buffering and screening beyond that required under Chapter 3, Article I in order to minimize noise, odors, and glare impacts on nearby residential uses to the maximum extent feasible.

**6. THEATER**

- 1. If there are less than five (5) viewing screens in a given complex, there shall be a minimum of three hundred (300) seats per viewing screen; or if there are five (5) or more viewing screens in a given complex, there shall be a minimum of one hundred (100) seats per viewing screen, and an average of at least one hundred fifty (150) seats per viewing screen.
- 2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.

**7. TOWNHOUSES**

- 1. All townhouses shall provide a garage with a minimum area of 18' x 20' to provide parking for 2 vehicles.
- 2. A maximum driveway width of 18' is allowed.
- 3. Townhouse lots abutting single-family detached residential shall have a 20 foot wide buffer (design type 3) as specified in Chapter 3, Article I, Section 3.06(D).
- 4. New townhouse projects require a minimum of 20% dedicated as common area, exclusive of stormwater ponds and roads.
- 5. Patios and screen enclosures on townhouse lots shall maintain a minimum 10-foot rear yard setback.

6. Applicants for townhouse development on the mainland which exceed ten (10) or more units shall be required to provide a low or moderate income household set-aside from the base density as part of the development. A density increase may be provided to offset the set aside provided land is available to accommodate the added density. The following set aside and density bonus percentages apply:

<u>Required Set Aside</u>	<u>Household Adjusted Median Income</u>	<u>Density Bonus</u>
<u>10% of Base Density</u>	<u>50%-80% of AMI</u>	<u>10% above Base Density</u>
<u>10% of Base Density</u>	<u>&gt;80-120% of AMI</u>	<u>5% above Base Density</u>
<u>A bonus density percentage may be increased but only with a resultant proportional increase in the base set aside. In no case shall the bonus percentage exceed 20%.</u>		

Such density bonus shall be over and above the base density that can be accommodated on an approvable site plan. Externally, the set aside unit must appear no different than the base units, unit

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distribution must be throughout the subdivision and the following adverse situations shall not be created:

- a. Adverse impact on neighboring sites or subject site.
- b. Traffic congestion in the streets which adjoin the development, or
- c. An excessive burden on sewerage, water supply, parks, recreational areas or other facilities which are proposed to serve the development.

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- 1. The applicant shall demonstrate the absence of adverse impacts on adjoining uses that may result from vehicles entering, idling on or leaving the premises.¶
- 2. Parking areas for visitors/employees shall be identified on the site plan.¶
- 3. Truck storage areas shall be provided separate from parking areas and shall be identified as such on the site plan.¶
- 4. Truck storage areas may be on turf block or any other approved pervious surface.¶
- 5. Provide additional buffering and screening beyond that required under Chapter 3, Article I in order to minimize noise, odors, and glare impacts on nearby residential uses to the maximum extent feasible.¶

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- 1. [RESERVED]

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1. VEHICLE RENTAL

- 1. All vehicle rental areas shall be identified on the site plan.
- 2. Tandem parking for two (2) vehicles shall be permitted.
- 3. Screening and buffering in excess of that required under Chapter 3, Article of this Code may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.

2. VEHICLE REPAIR, TYPES "A" and "B"

- 1. All repair work and permanent storage of materials, merchandise, and lubrication, repair and servicing equipment shall be conducted within the principal building.
- 2. No operator shall permit the storage of motor vehicles for a period in excess of twenty-four (24) hours unless the vehicles are enclosed in the principal building.
- 3. Service or customer vehicles shall be parked on the premises in a manner that will not create traffic hazards or interfere with vehicular maneuvering area necessary to enter or exit the site.
- 4. The premises shall not be used for the sale or rental of vehicles.
- 5. No outdoor work shall be performed except in areas designated for such activity on an approved site plan. Such areas shall be fenced, walled and screened to minimize on and off-site noise, glare, odor, or other impacts.
- 6. Additional buffering and screening may be required where such use is located in close proximity to residential or retail commercial uses.

3. VEHICLE SALES

- 4. All outdoor vehicle display areas shall be identified on the site plan.

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- 5. Visitor/employee parking shall be provided separately from display areas, and shall also be identified on the site plan.
- 6. All display areas visible from a public right-of-way or adjacent residential use shall be screened such that there is a minimum ten-foot (10') wide landscape buffer planted with a minimum of one (1) shade tree every 50 linear feet and a continuous hedge with a minimum height of three feet (3') at time of planting. If the property is located such that the minimum buffer as required by Chapter 3, Article I (Landscaping), then the more conservative requirement shall apply.
- 7. A lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.
- 8. Hours of operation shall be restricted if located within two hundred feet (200') of a residential district, such that the business hours are 8:00 to 9:00, Monday through Saturday, and 10:00 to 6:00 on Sundays.
- 9. A minimum rear yard buffer area of fifty feet (50') shall be required if adjacent to a residential district or conforming residential use.
- 10. All dealership related activities including office, repair, new car displays and similar uses, other than used car sales, shall be on contiguous property.
- 11. Outdoor vehicle display areas may be on turf block or any other approved pervious surface in accordance with the standards provided in Chapter 3, Article III.
- 12. Tandem parking for two (2) vehicles shall be permitted for vehicle display areas.

4. **VEHICLE SALES, HEAVY**

- 1. The use may only be located in a B-5 or I-1 district.
- 2. Screening, including a landscape buffer and finished masonry or brick wall, may be required to ensure equipment is not visible from any adjacent properties.
- 3. Screening and buffering in excess of that required under Chapter 3, Article of this Code may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.
- 4. The site plan shall be designed to Type "B" Auto Repair standards if other than Type "A" repairs are conducted on site.

5. **VEHICLE WASHING OR DETAILING.** Provided that the following minimum standards are met:

- 1. The site shall be located in a B-5 or I-1 District.
- 2. No run-off of wash water onto adjoining properties shall be permitted.
- 3. Entrances and exits shall be designed to ensure that waiting lines will not extend into the public right-of-way.

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- 4. Driveways shall be located at least fifty feet (50') feet from any intersection.
- 5. No lighting shall be permitted which shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway.
- 6. Except for uses limited to hand washing of ten (10) or fewer cars a day, all wash water shall be recycled.
- 7. Stacking shall comply with the standards contained in Chapter 3, Article III.

6. VETERINARIAN

- 1. Hours of operation may be limited if located adjacent to a residential area.
- 2. Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.
- 3. All activities must be conducted indoors.
- 4. No nighttime operation shall be permitted except for emergencies.
- 5. Animal hospitals and pet cemeteries are allowed as an accessory use.

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1. WAREHOUSES, MINI. Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements:

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1. Use Limitation. Mini-warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial users. Each user shall have direct access to his rented space during all hours of operation. For each cubicle, no utility service, other than lighting and one (1) electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses by the provision of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited.

A mini-warehouse shall not be used as a business address for purposes of obtaining a business tax receipt, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited.

2. Storage. All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building.

3. On-Site Circulation and Driveway Widths

- a. All single-loaded driveways shall be a minimum of twenty feet (20') in width.
  - b. All double-loaded driveways shall be a minimum of thirty feet (30') in width.
  - c. Traffic direction shall be designated by signing and/or painting on driveway surfaces.
  - d. Access to storage cubicles shall only be provided from the interior of the site.
4. **Off-Street Parking.** Shall be in accordance with Chapter 3, Article III (On-Site Parking).
5. **Landscaping.** Landscape buffer areas shall be provided as required in Chapter 3, Article I.
- In addition, in order to reduce the visual impact of driveways, storage buildings and security fences common to mini-warehouse developments, a combination landscape screen and decorative masonry wall ranging from three (3') feet to six (6') feet in height may be required in the front yard, along the front yard setback, and along any property line that abuts a residential district or public right-of-way.
- Where interior landscaping is to be provided, priority shall be given to softening end walls visible from a public right-of-way through foundation plantings, and to landscaping perimeter, entryway, and management office areas.
6. **Lighting.** All lights shall be shielded to direct light onto the mini-warehouse development and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
7. **Building Treatment**
- a. Only muted earth-tone colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the Chief Building Official.
  - b. Garage doors or simulated garage doors shall not be permitted on the side of a storage building facing a public right-of-way.
8. **Hours of Operation.** Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on site plan submittals and designed to provide maximum safety for users while not interfering with existing or potential users of adjoining properties.
9. **Maximum Height.** One (1) story, not to exceed fifteen feet (15'). Multiple story buildings, exceeding fifteen feet (15') in height, to a maximum height of forty feet (40'), may be approved as a Planned Business Development. In order to exceed the fifteen-foot (15') height limitation, buildings shall include architectural elements typically associated with office/professional buildings, including, but not limited to, archways, windows, banding, decorative roof, and masonry or other finished exterior. Detailed building elevations indicating these elements, as well as materials, colors and dimensions shall be included in the PBD Development Order. Loading areas and overhead doors shall not be visible from the public right-of-way. Mini-warehouse developments with two (2) or more buildings shall have consistent and coordinated architectural design. The design of the buildings shall be consistent and compatible with surrounding development. In addition to the architectural requirements, the development will be limited to a maximum impervious area of forty percent (40%) on a site encompassing a minimum area of five (5) acres. When located within the Granada/

Bovard Streetscape Overlay District, Greenbelt Preservation District or Arterial Roadway Design Overlay District, as defined in this Code, additional front and side corner setbacks or landscape buffers may be required as follows: five feet (5') of additional setback or buffer for each story over one (1) story, not to exceed ten feet (10') per building story.

2. WIND ENERGY SYSTEM

- 1. Wind energy systems are permitted in any zoning district.
- 2. All systems shall be roof-mounted, except those located on properties zoned Rural Estate Agriculture (REA) and Rural Residential (RR), which may, install roof-mounted systems, tower-mounted systems or a combination thereof.
- 3. Single-family residential lots are permitted one roof-mounted system for each one-half acre of property. Any accessory dwelling unit on the same lot is permitted one system for each three-quarters acre of property.
- 4. Multi-family residential, commercial and industrial lots are permitted multiple systems, provided each system meets the fall zone requirement of this Section.
- 5. Roof-mounted systems:
  - a. All systems shall be omni-directional.
  - b. Systems installed on flat-roof structures shall be positioned toward the center of the structure; on pitched-roof structures, the system shall be positioned toward the rear of the structure.
  - c. No part of the system shall extend beyond a height of 15 feet above the roof or top of parapet, whichever is greater.
  - d. All systems shall be encircled with a minimum fall zone equal to 16 feet, including from each side of the building and from any existing electrical equipment.
- 6. Tower-mounted systems:
  - a. Tower-mounted systems are permitted in the (REA) and (RR) Zoning Districts only.
  - b. All systems shall be located in the rear-yard.
  - c. Lots one-acre or less in size are permitted one tower-mounted system with rotors one meter or less in diameter.
  - d. Lots one-acre or greater in size are permitted one-mounted system per acre and may utilize rotors one meter or greater in diameter. One additional system is permitted for each one acre thereafter.
  - e. The lowest tip of blade shall be a minimum of 30 feet above any physical wind barrier.

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- f. All systems shall be encircled with a minimum fall zone between the system and any property line, public right-of-way, utility line, sidewalk or parking area, equal to 1.25 times the tower height, including any wind turbine generation, wind-measuring devices and the highest vertical extent of any blades.
- g. All systems shall be encircled with a minimum fall zone between the system and any inhabited structure(s), equal to 1.5 times the tower height, including any wind turbine generation, wind-measuring devices and the highest vertical extent of any blades.
- h. No system shall be located within, or over, drainage, utility or other established easements, sidewalks or parking areas.
- 7. No system shall be located under overhead utility lines.
- 8. The Planning Director, or designee, shall have the authority to require any additional setbacks deemed necessary to protect the general public.
- 9. All systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. The colors used in the construction materials or finished surface shall be muted and visually compatible with the surroundings.
- 10. All systems shall bear a sign, limited to 18 inches in length and 12 inches in height, that includes a warning of high voltage and the phone number of the property owner and utility company in the event of an emergency. Tower-mounted systems shall also include a notice of no trespassing. No other signs, banners or other forms of advertisement shall, at any time, be attached.
- 11. All electrical interconnections or distribution lines shall be underground and comply with all applicable codes and public utility requirements. No system shall be installed until evidence is submitted to the City that the utility company has approved the interconnection pursuant to IEEE-929, UL-1741 and the National Electrical Code. Off-grid systems shall be exempt from this requirement.
- 12. The applicant shall produce evidence that the system will not interfere with emergency services, neighboring television, radio and cell phone operation. If signal interference occurs, the system owner shall make reasonable efforts to resolve the cause.
- 13. All systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls, to limit the system's rotation speed to within design limits.
- 14. All systems shall be compliant with OSHA, the Florida Building Code, the National Electrical Code, the National Electric Safety Code and any other applicable Code, as required by the Building Official.
- 15. No system, or combination of systems, shall exceed 55 dBAs on residential properties; 60 dBAs on commercial or tourist properties; and 75 dBAs on manufacturing properties.

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16. Installation shall be contingent upon receiving site plan approval. The Application for Site Plan Review shall include the following:

- a. Site plan, drawn to scale, showing the location of the proposed system and the locations of all existing buildings, structures, property lines, easements and fall zone.
- b. Elevations of the site, showing the height, design and configuration of the system and the height and distance to all existing buildings, structures, utility lines, property lines, easements and fall zone.
- c. Standard anchor design. Tower-mounted systems shall include actual and theoretical soil conditions at the site.
- d. Standard drawing and an engineering analysis of the system, including, but not limited to, weight, dead load, live load and wind load capacities.
- e. Details of the system type, size, material, rated power output, performance, safety and noise specifications, including the name and address of the manufacturer, model and serial number.
- f. A schematic of the electrical components, in sufficient detail to establish whether the installation conforms to all applicable electrical codes.
- g. Evidence that the utility provider for the property has been notified of the intent to install an interconnection, or that the system is not intended to be connected to the grid.
- h. Emergency and normal shutdown procedures.

17. All wind energy system applications shall include a written statement of understanding that any modifications or significant repairs, other than minor repairs or emergency repairs, shall be subject to prior review by the City, and be performed in accordance with approved plans.

18. All drawings and calculations must be signed and sealed by a Professional Engineer (P.E.) registered in the State of Florida.

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3. WINE, BEER, OR LIQUOR STORE IN FREESTANDING STRUCTURE

- 1. The facility shall be located in compliance with Chapter 2, Article III, §2-56 H of this Code, as the same now exists or may hereafter be amended.
- 2. Provide additional buffering and screening beyond that required under Chapter 3, Article I in order to minimize noise, odors, and glare impacts on nearby residential uses to the maximum extent feasible.
- 3. No consumption of alcohol or loitering shall be permitted on the premises.

X-



1. [RESERVED]

**Y-**

1. [RESERVED]

**Z-**

**1. ZERO-LOT-LINE DEVELOPMENT.** In any district permitting such use, zero-lot-line development is permitted through the platting process subject to the following:

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1. Lot dimensions shall conform to the requirements of the district in which the parcel is located.
2. One (1) wall of the dwelling unit shall be located on a side property line and windows shall be prohibited on that wall and any other wall that is parallel to and within eight feet (8') of the zero-lot-line. However, where a zero-lot-line wall is not adjacent to a side yard of another dwelling unit, windows may be provided in the zero-lot-line wall.
3. The distance between the structure and any adjacent structure shall not be less than twenty feet (20').
4. A permanent wall maintenance easement of at least three feet (3') in width shall be provided on the lot adjacent to the zero-lot-line property line which, with the exception of freestanding walls and/or fences, shall be kept clear of structures. This easement shall be recorded in the public records either on the plat or by separate instrument and incorporated into each deed transferring title to the property.
5. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two (2) affected lot owners.
6. Roof may overhang the easement on the adjacent lot to a maximum of two feet (2'), but shall be designed to limit any water runoff therefrom to the easement area.
7. Lots shall be clustered so that no more than ten (10) lots appear in any one (1) row unless broken up by common open space having a minimum width of forty feet (40') except that larger open space areas at the entryway from the collector road may be used to substitute for the above required open space areas within a cluster serviced by a local access street or cul-de-sac only.

**8. Applicants for zero-lot-line development on the mainland which exceed ten (10) or more units shall be required to provide a low or moderate income household set-aside from the permitted base density as part of the development. A density increase may be provided to offset the set aside provided land is available to accommodate the added density. The following set aside and density bonus percentages apply:**

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<b><u>Required Set Aside</u></b>	<b><u>Household Adjusted Median Income</u></b>	<b><u>Density Bonus</u></b>
<u>10% of Base Density</u>	<u>50%-80% of AMI</u>	<u>10% above Base Density</u>

<u>10% of Base Density</u>	<u>&gt;80-120% of AMI</u>	<u>5% above Base Density</u>
<u>A bonus density percentage may be increased but only with a resultant proportional increase in the base set aside. In no case shall the bonus percentage exceed 20%.</u>		

Such density bonus shall be over and above the base density that can be accommodated on an approvable site plan. Externally, the set aside unit must appear no different than the base units, unit distribution must be throughout the subdivision and the following adverse situations shall not be created:

- a. Adverse impact on neighboring sites or subject site.
- b. Traffic congestion in the streets which adjoin the development, or
- c. An excessive burden on sewerage, water supply, parks, recreational areas or other facilities which are proposed to serve the development.

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**I. Tattoo Parlors.** Prior to approval of any Tattoo Parlor the applicant shall demonstrate compliance with all of the following provisions:

1. All body illustrations or tattooing of any kind shall be performed in strict compliance with Section 12-376 of the Code of Ordinances.
2. The hours of operation shall be restricted to 8:00 AM to 8:00 PM, Monday through Saturday, and 10:00 AM to 5:00 PM on Sunday, if located adjacent to a residential district or multi-family residential development. Hours of operation shall be restricted to 8:00 AM to 11:00 PM, Monday through Saturday, and 9:00 AM to 6:00 PM Sunday, when a tattoo establishment is adjacent to a non-residential district.
3. Screening and buffering for tattooing establishments adjacent to residential districts or multi-family projects within non-residential districts shall include an additional ten-foot (10') wide landscaped buffer in order to minimize impacts on these adjacent residential uses. This buffer is in addition to all other buffer and screening requirements contained in Chapter 3, Article I, Landscape Standards.
4. All signage shall be consistent with the requirements of this Code. The use of tattoos and examples of tattoos shall be considered a prohibited form of signage.
5. Murals and other graphic illustrations shall not be permitted on the exterior walls of the buildings.
6. All tattooing shall be performed inside the principal structure and shall not be visible to the public.
7. Parking for tattooing establishments shall abide by the requirements for intensive retail uses, as contained in Chapter 3, Article IV of this Code.
8. Tattooing parlors shall not be located within one thousand feet (1,000') of a school, church or public park.

9. No temporary vending or operation of tattooing establishments is allowed within the City. All tattooing shall be conducted on a permanent basis on a property that meets all applicable City codes.

10. Outside display of tattoos by persons, as a form of advertising, is prohibited.

J. **Temporary Sales Office.** Trailers, or similar structures, used as temporary pre-development sales offices, may be permitted on the proposed development site provided the following minimum requirements are met:

1. The proposed development shall be reviewed as a Special Exception.
2. Following City Commission approval, the applicant shall submit a five hundred dollar (\$500) permit fee to the Building Division prior to locating the trailer on the site, or making other associated improvements. If the trailer is removed within the time period specified, four hundred dollars (\$400) shall be returned to the applicant, or, if construction commences within the time period specified within this ordinance, four hundred dollars (\$400) shall be credited toward the building permit. If the temporary trailer is not removed within the time period specified, the fee shall be forfeited.
3. A minimum of five (5) off-street parking places shall be provided. Such spaces shall be designed to meet the dimensional and circulation requirements of Chapter 3, Article III except as specifically waived by the SPRC but can be surfaced with gravel or other similar material. Each space provided must be marked with a wheel stop.
4. The perimeter of the trailer shall be landscaped with plant materials at least three feet (3') in height. The perimeter landscaping shall be at least three feet (3') in width. The area between the trailer and the parking area shall be mulched or sodded to provide safe access for pedestrians.
5. The SPRC and the City Commission shall review and approve a site plan that includes the required landscaping and parking to serve the temporary trailer.
6. The trailer shall be permitted on the development site for a period not to exceed six (6) months from the date of City Commission approval. The applicant may request one (1) six- (6) month extension from the City Commission. If construction commences and is continuous within the permitted time period specified in the Development Order, the trailer may remain on the site as a sales office for a period of up to one (1) year from commencement of construction, or until seventy-five percent (75%) of the individual lots or dwellings are sold, or seventy-five percent (75%) of the units are constructed, whichever shall first occur.
7. If a violation of this ordinance is found, the violator may be brought before the Special Master.

8. The applicant shall provide bonding in an amount to be established by the City Engineer for removal of the trailer and site restoration in the event the trailer is not removed in accordance with time period for removal, as specified in the Development Order.
9. The trailer shall be so located as to not interfere with the construction activity or use of the site.

#### **K. Temporary Structure**

1. The proposed development must receive final review by the Site Plan Review Committee (SPRC) and approval of the City Commission.
2. A temporary structure may be allowed only in association with the issuance of a building permit.
3. The applicant shall provide bonding in an amount to be established by the City Engineer for removal of the temporary structure and site restoration in the event the structure is not removed in accordance with appropriate time period for removal, as specified in the Development Order.
4. The City Commission shall establish time limits for removal in the Development Order.
5. All development review, building permit, and impact and connection fees shall be paid on the same basis as for permanent structures. Impact fees may be credited to the permanent structure.

#### **L. Massage Parlors**

1. Any licenses required by Chapter 480, F.S. and the Code of Ordinances shall be posted in a prominent place within the work area.
2. The hours of operation shall be restricted to 8:00 AM to 10:00 PM, if located adjacent to a residential district.
3. Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.

- a. No bar, lounge, or nightclub, as defined in Chapter 1, Article III of this Code, shall be located within one thousand feet (1,000') of any of the following uses permitted by this Code.
  - (1) House of Worship
  - (2) Public Park
  - (3) Public Recreation Area

- (4) School
- b. None of the following uses permitted by this Code:
  - (1) House of Worship
  - (2) Public Park
  - (3) Public Recreation Area
  - (4) School

shall be located within one thousand feet (1,000') of any bar, lounge, or nightclub, as defined in Chapter 1, Article III of this Code.

The distances specified in this Section shall be measured by measuring the shortest route of ordinary pedestrian travel along the public thoroughfare between the main entrances to each of the respective uses under consideration.

The restrictions in this Section do not apply to any type of restaurant, as defined in Chapter 1, Article III of this Code, which is licensed as such by the Division of Hotels and Restaurants, Department of Business and Professional Regulations, and which is also licensed to serve alcoholic beverages for consumption on the premises by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

No bar, lounge, or nightclub, as defined in Chapter 1, Article III of this Code, shall be located within one thousand feet (1,000') of an existing bar, lounge or nightclub, except when part of a hotel or motel having one hundred (100) or more rooms with access limited to the hotel or motel lobby and where parking is provided on the basis of one (1) additional space per six (6) seats.

Shall be located at the intersection of two (2) public rights-of-way; this provision may be waived by the City Commission, subject to the applicant demonstrating that the site will not have detrimental impacts to the traffic flow on the adjacent street.

## 12. CONVENTION AND SPORTS COMPLEXES, MAJOR

A traffic report prepared by a licensed traffic engineer or transportation planner shall be submitted with the site plan. The report shall indicate any off-site improvements needed, including turning lanes, signalization, and acceleration and deceleration lanes. In order to mitigate against any identified adverse impacts, the applicant shall be required to construct any necessary off-site improvements.

Screening and buffering in excess of that required under Chapter 3, Article I may be required in order to minimize impact on nearby residential uses to the maximum extent feasible.



13. **COUNTRY OR FLEA MARKETS.** In any district permitting Country Markets/Flea Markets, subject to Special Exception, the following minimum requirements shall apply:

There shall be a landscaped buffer of at least twenty-five feet (25') between the site and any adjoining residential district or conforming residential use.

Entrances and exits shall be designed to ensure that vehicles waiting to enter will not back-up into the public right-of-way and that exiting vehicles will not cause extensive back-up on site.

A traffic report shall be provided by a licensed traffic engineer or transportation planner indicating any off-site improvements needed, including turning lanes, signalization, and acceleration and deceleration lanes. In order to mitigate against such adverse impacts, the applicant shall be required to construct said off-site improvements.

Up to fifty percent (50%) of the required parking spaces may be reserved in turf block, grassed or other approved pervious surface area. All associated access ways, driveways, and aisles shall be surfaced as provided in Chapter 3, Article III.

The Site Plan submittal shall identify all booth, table, or partitioned spaces; pedestrian aisles, exits and entrances; rest rooms; lighting; hours of operation; and structure design and materials.

The City Commission may limit hours of operation and require additional information on structural design and site arrangement, in order to assure the compatibility of the development with existing and proposed uses in the surrounding area.

14. **CREMATORY/CINERATOR.** In all districts allowing crematories/cinerators, the following standards shall apply:

Building and related operations to be located within cemetery, in such a way as to maximize separation from existing residential uses or areas zoned for residential use.

Building to be screened by large trees from adjoining residential uses or areas proposed for residential use to diminish, to the maximum extent possible, the view of the crematory, accessory smokestack, and other features which identify the use.

1. **DAILY NEEDS RETAIL SALES AND SERVICES.** Daily Needs Retail Sales and Services are permitted within the I-1 (Light Industrial) zoning district, subject to:

In conjunction with the application for a business tax receipt the applicant shall submit, for Site Plan Review Committee approval, floor plans showing the

location of all uses within the development and the specialty retail use being applied for.

Maximum floor area shall be two thousand (2,000) square feet for any single use.

The total of all daily needs retail sales and service uses shall not exceed twenty percent (20%) of the total gross floor area of all buildings in the development.

Daily needs retail sales and service uses are not permitted as a free-standing use in the I-1 zoning district.

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4. **MINI-WAREHOUSES.** Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements:

1. **Use Limitation.** Mini-warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial users. Each user shall have direct access to his rented space during all hours of operation. For each cubicle, no utility service, other than lighting and one (1) electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses by the provision of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited.

A mini-warehouse shall not be used as a business address for purposes of obtaining a business tax receipt, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited.

2. **Storage.** All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building.
3. **On-Site Circulation and Driveway Widths**

All single-loaded driveways shall be a minimum of twenty feet (20') in width.  
All double-loaded driveways shall be a minimum of thirty feet (30') in width.  
Traffic direction shall be designated by signing and/or painting on driveway surfaces.

Access to storage cubicles shall only be provided from the interior of the site.

4. **Off-Street Parking.** Shall be in accordance with Chapter 3, Article III (On-Site Parking).
5. **Landscaping.** Landscape buffer areas shall be provided as required in Chapter 3, Article I.

In addition, in order to reduce the visual impact of driveways, storage buildings and security fences common to mini-warehouse developments, a combination landscape screen and decorative masonry wall ranging from three (3') feet to six (6') feet in height may be required in the front yard, along the front yard setback, and along any property line that abuts a residential district or public right-of-way.

Where interior landscaping is to be provided, priority shall be given to softening end walls visible from a public right-of-way through foundation plantings, and to landscaping perimeter, entryway, and management office areas.

6. **Lighting.** All lights shall be shielded to direct light onto the mini-warehouse development and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
7. **Building Treatment**
  - a. Only muted earth-tone colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the Chief Building Official.
  - b. Garage doors or simulated garage doors shall not be permitted on the side of a storage building facing a public right-of-way.
8. **Hours of Operation.** Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on site plan submittals and designed to provide maximum safety for users while not interfering with existing or potential users of adjoining properties.
9. **Maximum Height.** One (1) story, not to exceed fifteen feet (15'). Multiple story buildings, exceeding fifteen feet (15') in height, to a maximum height of forty feet (40'), may be approved as a Planned Business Development. In order to exceed the fifteen-foot (15') height limitation, buildings shall include architectural elements typically associated with office/professional buildings, including, but not limited to, archways, windows, banding, decorative roof, and

masonry or other finished exterior. Detailed building elevations indicating these elements, as well as materials, colors and dimensions shall be included in the PBD Development Order. Loading areas and overhead doors shall not be visible from the public right-of-way. Mini-warehouse developments with two (2) or more buildings shall have consistent and coordinated architectural design. The design of the buildings shall be consistent and compatible with surrounding development. In addition to the architectural requirements, the development will be limited to a maximum impervious area of forty percent (40%) on a site encompassing a minimum area of five (5) acres. When located within the Granada/ Bovard Streetscape Overlay District, Greenbelt Preservation District or Arterial Roadway Design Overlay District, as defined in this Code, additional front and side corner setbacks or landscape buffers may be required as follows: five feet (5') of additional setback or buffer for each story over one (1) story, not to exceed ten feet (10') per building story.

**5. MOBILE HOME AND/OR RV TRUCK OR BOAT SALES AND SERVICE**

1. Provide a three-foot (3') high landscaped buffer in the front yard to the width required in the district to screen vehicle display and parking areas from the right-of-way.
2. Identify vehicle display areas and visitor/employee parking on the site plan.
3. Provide additional buffering if adjacent to a conforming residential use or a residential district.
4. Submit a lighting plan showing exterior lighting fixtures, type and wattage. Glare shall be minimized.
5. Outdoor vehicle display areas may be on turf block or any other approved pervious surface.

**6. MULTI-FAMILY DWELLINGS**

A landscaped buffer of a minimum width as provided in Chapter 3, Article I, or as stated in a development order shall be provided along all perimeters of the project.

Parking areas shall be buffered and screened from abutting single-family residential properties adequate to provide a visual and headlight barrier.

No multi-family building shall be located within fifty feet (50') of a conforming single-family home or a residential district which is restricted to single-family use.

No building shall be closer than ten feet (10') to any parking area.

If the project includes more than one (1) building, the distance between buildings (“D”), shall not be less than twenty feet (20’), plus an additional five feet (5’) for each story over two (2) (a). However, where:

A Special Exception is obtained;

The project site is at least five (5) acres in total area;

The project site has a lot depth of at least three hundred feet (300’) feet;

The project site is zoned B-4 (Central Business District);

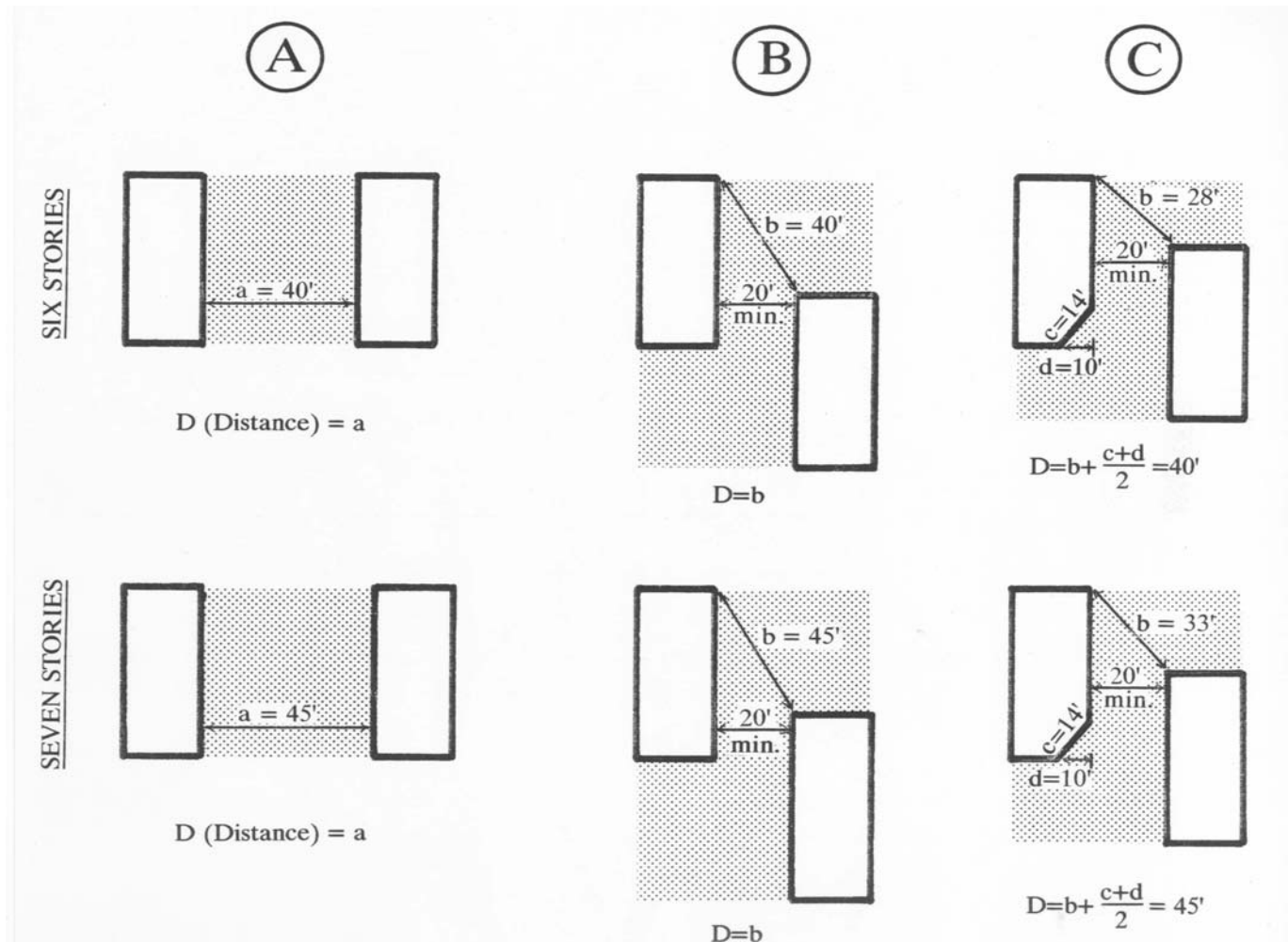
The buildings are all at least four (4) stories in height; and

Two (2) adjacent buildings are offset.

The minimum separation (“D”) shall be measured along the diagonal (“b”) extending between the closest corner of each building; in addition, where the face of one (1) building angles away from the adjacent building, the minimum separation (“D”) shall be measured as the length of the diagonal (“b”), plus one-half (½) the sum of the length of the angled face (“c”) and the length of the additional separation (“d”). See Figure 3.1 on the following page.

Page Break

Figure 3.1



9. The landscaping and architecture shall be coordinated to establish an optimum environment with regard to compatibility of materials, scale, and access and utility of open spaces.

## 1. NEIGHBORHOOD COMMERCIAL

1. Neighborhood Commercial uses shall meet the following minimum standards:

A maximum land area of five (5) acres.

Are located at the intersection of an arterial road and another arterial road or major collector.

The use is designed, in terms of architecture, site arrangement, lighting and signing, to be compatible with conforming residential development in the surrounding area.

Use occupancy is limited to those uses which serve the daily needs of residents in the immediate area.

Business site identification signs shall conform to the standards for monument signs, except where the use is located at the intersection of two (2) arterial roads. In such cases, the City-wide regulations shall apply.

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6. **RESIDENTIAL RETIREMENT/NURSING CARE FACILITIES.** The following criteria shall be applied to planned retirement centers that integrate provisions for on-site medical/ nursing services for the care of the residents of the development. The regulations intend to allow developments of dwelling units at higher densities than normally permitted within the district provided that such facilities are primarily intended for persons fifty-five (55) years of age, or older.

1. Multi-family units, and medical/nursing care facilities that are limited to use by the occupants of the development. Nursing care facilities may only be open to the general public when the development is located in a zoning district which allows nursing homes as a permitted use or conditional use.

2. Accessory uses may be allowed within the development for use solely by the residents. Such uses may include convenience shopping facilities, recreational facilities and personal services, provided that no exterior signs shall be permitted.

3. Minimum lot size shall be five (5) acres.

4. The maximum allowed density for dwelling units shall be twenty (20) units per acre, except where a higher density is allowed under specific zoning district regulations for multi-family dwellings.
5. The following dimensional requirements shall apply:
  - a. **Maximum Building Coverage.** The maximum lot coverage requirement shall be thirty percent (30%).
  - b. **Maximum Building Height.** Building height shall not exceed sixty feet (60'), or as established in the zoning district in which the project is located, whichever is less. However, the maximum height for the B-1 district shall be sixty feet (60').
  - c. **Setbacks.** All buildings in a associated Residential Retirement/Nursing Care Facility shall be set back a minimum of forty feet (40') from the project's perimeter boundaries, but shall not be less than the setbacks required by the district within which the facility is located.
  - d. **Minimum Building Spacing.** Twenty feet (20') between all buildings.
  - e. **Recreational Open Space.** At least ten percent (10%) of the project site shall be utilized as either passive or active recreational open space.
  - f. **Landscape Buffer Areas.** Landscape buffer areas shall be provided as required in Chapter 3, Article 1.
6. For each dwelling unit, one (1) parking space shall be provided on a hard surface parking area. In addition, the site development plan shall provide for an unimproved reserved area that may be utilized to provide one-half (½) parking space per unit in the event additional parking spaces are needed or if the project is ever converted to another use which results in an increase in parking requirements. Also, one (1) parking space shall be required for each four (4) beds in the nursing care facility.
7. An Associated Residential Development adjacent to a Residential/Nursing Care Facility will be permitted by Special Exception provided the following conditions are met:
  - a. All land included within the associated Residential Development and the Residential Retirement/Nursing Care Facility shall be under the control of one (1) owner, whether that owner is an individual, a partnership or a group of individuals, or corporation. Applicants shall present a copy of the recorded document evidencing such single ownership at the time of application (including the Associated Residential Development).
  - b. The Associated Residential Development must be of a compact nature and contiguous to the Residential Retirement/Nursing Care Facility.
  - c. Unless otherwise specified in this Section, the Associated Residential Development shall meet the design, density and minimum project size standards of residential developments allowed in the district in which the

Associated Residential Development is located, including the planned development design regulations, as per Chapter 2, Article VI, are met. In addition, where such development abuts an existing single-family area or an undeveloped area zoned single-family, the Associated Residential Development on its project perimeter with such single-family areas shall provide single-family structures that meet the R-3 district lot frontage and side yard setback requirements.

- d. The required perimeter setback for Associated Residential Development shall be the same as the setback for the Residential Retirement Nursing Care Facility.
  - e. A landscaped buffer or visual screening as required for commercial development under Chapter 3, Article I of this Code shall be established along the entire length of and contiguous to any existing single-family area or an undeveloped area zoned single-family.
  - f. Uses allowed in the Associated Residential Development are only those permitted under the residential zoning district in which the development is located or under the Planned Development criteria.
  - g. Vehicular access to the Associated Residential Development shall be designed so that the development could be physically separated from the Residential Retirement/Nursing Care Facility and have adequate and direct access to the public street system of the City.
  - h. The development plan for the Associated Residential Development shall illustrate schematic subdivision lines for the potential sale of individual units and clearly indicate the facilities that would become a part of the Associated Residential Development, if it was ever necessary to separate it from the Residential Retirement Facility.
8. The applicant shall submit a development plan for the proposed project at the time of planned development review and approval. Any significant material change from the development plan shall establish modification of the planned development approval. The City Commission may establish special provisions or conditions on the proposed project in order to ensure its compatibility with surrounding development. Architectural schematics of the proposed building shall be submitted as part of the development plan.
  9. As part of the planned development approval process, a development and use agreement shall be submitted with the application. This agreement shall be the statement of specifications and standards and shall govern the development of the project. This Development Agreement shall comply with the Florida Local Development Agreement Act and shall include, but not be limited to, the development plan and the following elements:
    - a. That the minimum age for residents of the development shall be fifty-five (55) years of age.



- b. The land for the project is under unified control and shall not be subdivided and the dwelling units shall not be leased or sold in a manner that would allow the units, upon vacancy, to be transferred to other than the owners of the project.
- c. The reserved parking area shall not be utilized for any use other than open space.
- d. The project shall not be converted to any use other than in compliance with the standards and site plan review processing requirements of this Code.
- e. Nursing care facilities shall be limited to the residents of the development, as applicable.
- f. The nature and character of any proposed accessory uses shall be specified.
- g. Any deed covenants or restrictions necessary to carry out the intent of this Section shall be set forth.

In addition to the preceding requirements, a Residential Retirement/Nursing Care Facility containing an Associated Residential Development shall address the following requirements in the Development Agreement:

- h. The Associated Residential Development shall meet all design requirements for a planned development in the district in which it is located and the only uses allowed shall be those permitted under the planned development regulations.
- i. In order for a separation of the Associated Residential Development from the Residential Retirement/ Nursing Care Facility to occur, the owner shall apply to the City Commission for modification of the planned development approval and establish a Home Owners' Association with all organizational documents customarily required by the planned development regulations of the City.
- j. The applicant shall be responsible for the maintenance of the streets, exterior areas, dwelling units and all other improvements within the Associated Residential Development.
- k. The Development Agreement shall specify a schedule for the beginning and completion of the residential area including any phasing, if proposed. Recreational and other amenities proposed in the development plan shall be constructed prior to the occupancy of any dwelling units.

- 5. The school must be located more than one thousand (1,000') feet from any Automatic Amusement Center/Game Room, or Pawn Shop.

2. **SERVICE STATIONS.** The following regulations shall apply to the location, size, design, construction, operation, and maintenance of service stations:
  1. No parcel of land shall be used for a service station if it is within seventy-five feet (75') of any existing service station site or within two hundred feet (200') of any place of public assembly located on the same side of the street or separated by a minor collector or lower classification street. Such distance shall be measured in straight lines from the closest point of the service station driveway or service bay to the main pedestrian entry of the place of public assembly.
  2. No sign of any type, and no gasoline pump, tank, vent, pump island, or pump island canopy shall be located within twenty-five feet (25') of any conforming residential use or residential area.
  3. The principal building shall conform to all street frontage setbacks required for the district in which the service station is located.
  4. Gasoline pumps, tanks, vents, pump islands, and pump island canopies shall conform to the same side and rear setback requirements as for other structures in the district in which the service station is located, provided that no such pumps, tanks, vents, pump islands, or pump island canopies shall be located within twenty feet (20') of any side or rear property line.
  5. Gasoline pumps, vents, tanks, pump islands, and pump island canopies may not be located within fifteen feet (15') of the front property line; provided that if the fifteen-foot (15') requirement is less than the setback requirements for the district in which the service station is located, such service station appurtenances shall be removed before the property is converted to any use other than service station.
  6. In districts in which front setbacks greater than fifteen feet (15') are required, no gasoline pumps, vents, tanks, pump islands, or pump island canopies shall be located at a fifteen-foot (15') distance from the street right-of-way line until a legal instrument satisfactory to the City Attorney has been prepared and recorded at the expense of the property owner or lessee which instrument shall relieve the City of all costs of removal of such appurtenances.
  7. The number of driveways shall not exceed two (2) for each one hundred fifty feet (150') of street frontage. Each driveway connection shall have a width of no more than thirty (30') feet exclusive of transitions and shall not be located within fifty feet (50) to the right-of-way lines of any intersection or fifteen feet (15') to any other property line. There shall be a minimum distance of twenty feet (20') between driveways. Before a building permit can be granted for access to a state or county road, a driveway permit shall be obtained from the Florida Department of Transportation or Volusia County, as appropriate.

8. Where lots to be used for service stations abut on any property which is residentially zoned, a landscape buffer area and wall shall be provided as required by Chapter 3, Article I of this Code.
9. The following items may be displayed outside the service station building provided they are not located between the gasoline pump islands and any street right-of-way line:
  - a. Oil in cans in the standard racks provided for such display.
  - b. Windshield wiper blade replacements in the standard cabinets provided for such display.
  - c. Automotive tires provided they are stacked on movable display racks.
10. All permanent storage of materials, merchandise and lubrication, repair and servicing equipment other than liquid fuel shall be within the principal building.
11. All repair work shall be conducted within the principal building; provided however, that the use of acetylene torches and welding equipment is prohibited on the premises.
12. No operator shall permit the storage of motor vehicles for a continuous period in excess of twenty-four (24) hours unless the vehicle is enclosed in the principal building.
13. Accessory buildings are prohibited.
14. Adequate enclosed trash storage facilities shall be provided on the lot. No operator shall deposit or cause to be deposited debris cleaned from the premises upon the adjacent roadways.
15. Automotive wreckers or other service vehicles shall be stored inside the principal building after business hours.
16. Wreckers and service or customer vehicles shall be parked on the premises in a manner which will not create traffic hazards or interfere with vehicular maneuvering areas necessary for gasoline pump areas, service bays, required off-street parking spaces or access to trash storage facilities.
17. No operator shall use the premises for the sale or rental of new or used vehicles. However, a truck and trailer rental operation, established primarily for the transporting of household goods, shall be permitted subject to the following:
  - a. Site plan submittal and approval under Chapter 4, Article 1 showing the location and type of rental truck or trailer. Such areas shall not be located in any required buffer area or customer parking area.

- b. A City business tax receipt specifying the total number of each type of vehicle to be authorized for any service station lot.
  - c. No such vehicles shall be parked within any front or side yard abutting a street.
  - d. Rental vehicles shall not be parked in a manner which will create traffic hazards or conflict with the on-site traffic circulation necessary for the service station function.
  - e. Unless a nonconforming use, no service station shall be approved for vehicle rental when such service station violates any part of this Subsection. All City business tax receipts shall be issued and renewed in accordance with this Code.
18. Car washes are permitted within service bays of the principal building.
19. In the event that a gasoline service station has been abandoned, or has not been in actual continuous use for a period of more than one (1) year, the owner of the property shall remove all gasoline storage tanks. Tanks may be filled with water or sand but only as a temporary measure and provided that all applicable FDEP rules are complied with at all times.
20. An environmental assessment and audit report shall be prepared by a licensed engineer, certifying that the soils are not contaminated, as defined under general law.

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5. **SINGLE-STRUCTURE, MIXED-USE DEVELOPMENT.** The intent of the single-structure mixed-use development is to encourage compact, in-fill development, specifically in the Central Business District. This type of development shall encourage pedestrian traffic and efficient use of urban services. The design of all mixed-use buildings should provide for residential privacy and incorporate office/commercial uses that are compatible with the residential development. The following conditions shall be utilized in reviewing single-structure mixed-use developments:
- 1. The total amount of required parking shall be determined by the sum of the gross area attributed to each specific use and the standards required for that particular use as contained in Chapter 3, Article III.
  - 2. Single-structure mixed-use developments shall be restricted to two (2) or more-story buildings. In no circumstance shall existing one-story buildings currently used for retail commercial or office uses be allowed to be partially developed for residential uses. This restriction applies specifically to existing single-story strip commercial/office developments.

3. Non-residential development shall occupy the lower floors of a multi-story building. There shall be included in the site plan and building plans a clear delineation of the residential and non-residential components of the building. Access to the residential portions of the building shall be secure, yet allow for prompt emergency ingress/egress.
4. Redevelopment or historically significant buildings that include a mix of residential and office/ commercial shall be encouraged.

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## 7. **SPECIALTY RETAIL SALES AND SERVICES**

1. Specialty Retail Sales and Services are permitted, subject to:
  - a. In conjunction with the application for a business tax receipt the applicant shall submit, for Site Plan Review Committee approval, floor plans showing the location of all uses within the development and the specialty retail use being applied for;
  - b. Maximum floor area shall be two thousand (2,000) square feet for any single use;
  - c. The total of all specialty retail uses shall not exceed twenty percent (20%) of the total gross floor area of all buildings in the development.
2. Specialty Retail Sales and Services are permitted by Special Exception or as part of a Planned Business Development provided that:
  - a. The maximum gross floor area dedicated to such uses shall not exceed forty-nine percent (49%) of the gross floor area of all buildings in the development and may be restricted to a lesser percentage as established by the City Commission based on: site conditions. including configuration of the development; availability of parking; ease of pedestrian and vehicular access, egress and on-site circulation; conformance to current codes; and areawide stormwater drainage and traffic circulation conditions.
  - b. Individual specialty retail shops shall be limited to a maximum floor area of four thousand (4,000) square feet when approved in conjunction with a Special Exception or a maximum of six thousand (6,000) square feet when approved as part of a Planned Business Development. These maximums may be reduced, as appropriate, in order to preserve the Office/Professional character of the development and the neighborhood.
  - c. In conjunction with the application for a business tax receipt, the applicant shall submit, for Site Plan Review Committee approval, floor

plans showing the location of all uses within the development and the specialty retail use being applied for.

**TEMPORARY SALES OFFICE.** Trailers, or similar structures, used as temporary pre-development sales offices, may be permitted on the proposed development site provided the following minimum requirements are met:

1. The proposed development must receive final approval by the Site Plan Review Committee and the City Commission.
2. Following City Commission approval, the applicant shall submit a five hundred dollar (\$500) permit fee to the Building Division prior to locating the trailer on the site, or making other associated improvements. If the trailer is removed within the time period specified, four hundred dollars (\$400) shall be returned to the applicant, or, if construction commences within the time period specified within this ordinance, four hundred dollars (\$400) shall be credited toward the building permit. If the temporary trailer is not removed within the time period specified, the fee shall be forfeited.
3. A minimum of five (5) off-street parking places shall be provided. Such spaces shall be designed to meet the dimensional and circulation requirements of Chapter 3, Article III, except as specifically waived by the SPRC but can be surfaced with gravel or other similar material. Each space provided must be marked with a wheel stop.
4. The perimeter of the trailer shall be landscaped with plant materials at least three feet (3') in height. The perimeter landscaping shall be at least three feet (3') in width. The area between the trailer and the parking area shall be mulched or sodded to provide safe access for pedestrians.
5. The SPRC and the City Commission shall review and approve a site plan that includes the required landscaping and parking to serve the temporary trailer.
6. The trailer shall be permitted on the development site for a period not to exceed six (6) months from the date of City Commission approval. The applicant may request one (1) six- (6- ) month extension from the City Commission. If construction commences and is continuous within the permitted time period specified in the Development Order, the trailer may remain on the site as a sales office for a period of up to one (1) year from commencement of construction, or until seventy-five percent (75%) of the individual lots or dwellings are sold, or seventy-five percent (75%) of the units are constructed, whichever shall first occur.
7. If a violation of this ordinance is found, the violator may be brought before the Special Master.

8. The applicant shall provide bonding in an amount to be established by the City Engineer for removal of the trailer and site restoration in the event the trailer is not removed in accordance with time period for removal, as specified in the Development Order.
9. The trailer shall be so located as to not interfere with the construction activity or use of the site.

**5. TEMPORARY STRUCTURE**

1. The proposed development must receive final review by the Site Plan Review Committee (SPRC) and approval of the City Commission.
2. A temporary structure may be allowed only in association with the issuance of a building permit.
3. The applicant shall provide bonding in an amount to be established by the City Engineer for removal of the temporary structure and site restoration in the event the structure is not removed in accordance with appropriate time period for removal, as specified in the Development Order.
4. The City Commission shall establish time limits for removal in the Development Order.
5. All development review, building permit, and impact and connection fees shall be paid on the same basis as for permanent structures. Impact fees may be credited to the permanent structure.

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