

**ORDINANCE NO. 2024-O-34**

**AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA, AMENDING ARTICLE II (DEFINITIONS), ARTICLE III (PERMITTED, CONDITIONAL, ACCESSORY, AND PROHIBITED USES), ARTICLE IV (RESOURCE PROTECTION STANDARDS), AND ARTICLE V (SITE DESIGN CRITERIA) OF CHAPTER 21 (LAND DEVELOPMENT CODE) TO ESTABLISH STANDARDS AND PROCEDURES FOR DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS IN COMMERCIAL, INDUSTRIAL, AND MIXED USE ZONING DISTRICTS PURSUANT TO CHAPTER 2023- 17, LAWS OF FLORIDA (LIVE LOCAL ACT); PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE AND ADOPTION.**

**WHEREAS**, Chapter 2023-17, Laws of Florida, known as the “Live Local Act” was approved by the Governor and took effect on July 1, 2023, includes the obligation which requires a municipality to authorize multifamily and mixed-use residential development as an allowable use in any area zoned for commercial, industrial, or mixed-use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of not less than 30 years, affordable as defined in Section 420.0004, Florida Statutes, and

**WHEREAS**, the City Edgewater supports affordable housing and finds it necessary to amend the Land Development Code to establish policies, procedures, and regulations for development of residential projects in alternative zonings pursuant to the Live Local Act, and

**WHEREAS**, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. On July 10, 2000, City Council adopted Ordinance #2000-O-12 which enacted Chapter 21 (Land Development Code) of the City of Edgewater Code of Ordinances.

2. Adoption of this Ordinance will modify the above-referenced Articles of Chapter 21 (Land Development Code).

**NOW, THEREFORE, BE IT ENACTED** by the People of the City of Edgewater,

Florida:

**AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA, AMENDING ARTICLE II (DEFINITIONS), ARTICLE III( PERMITTED, CONDITIONAL, ACCESSORY, AND PROHIBITED USES), ARTICLE IV (RESOURCE PROTECTION STANDARDS), AND ARTICLE V (SITE DESIGN CRITERIA) OF CHAPTER 21 (LAND DEVELOPMENT CODE) TO ESTABLISH STANDARDS AND PROCEDURES FOR DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS IN COMMERCIAL, INDUSTRIAL, AND MIXED USE ZONING DISTRICTS PURSUANT TO CHAPTER 2023- 17, LAWS OF FLORIDA (LIVE LOCAL ACT); PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE AND ADOPTION.**

Amend Chapter 21 (Land Development Code) of the City of Edgewater, Florida by amending Article II (Definitions), Article III (Permitted, Conditional, Accessory, and Prohibited Uses), Article IV (Resource Protection Standards), and Article V (Site Design Criteria) as set forth in **Exhibit “A”, Exhibit “B”, and Exhibit “C”** which is attached hereto and incorporated herein.

**PART B. CONFLICTING PROVISIONS.**

All conflicting ordinances and resolutions, or parts thereof, in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

**PART C. SEVERABILITY AND APPLICABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to

be inapplicable to any person, property, or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property, or circumstance.

**PART D. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplished such intention; provided, however, that Parts B through F shall not be codified.

**PART E. EFFECTIVE DATE.**

This Ordinance shall take place upon adoption.

**PART F. ADOPTION.**

**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diezel DePew, Mayor

**ATTEST:**

\_\_\_\_\_  
Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2024

**REVIEWED AND APPROVED:** \_\_\_\_\_  
Aaron R. Wolfe, City Attorney

## Exhibit “A”

~~Strike through~~ passes are deleted.  
Underlined passaged are added.  
2024-O-34

**ARTICLE II**

**DEFINITIONS**

**SECTION 21-20 - DEFINITIONS ..... II-1**  
21-20.01 - Intent..... II-1  
21-20.02 - Definitions..... II-1

## ARTICLE II

### DEFINITIONS

#### SECTION 21-20 - DEFINITIONS

##### 21-20.01 - Intent

Unless otherwise expressly stated the following terms shall, for the purposes of these regulations have the meaning indicated. Words in the singular include the plural, and those in the plural include the singular. Words used in the present tense include the future tense. The words “person,” “subdivider,” “developer” and “owner” include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual. The word “watercourse” includes channel, creek, ditch, spring and streams.

The words “should” and “may” are permissive. The words “shall” and “will” are mandatory and directive. Words not herein defined shall have the meanings given in Webster’s Unabridged Dictionary or the applicable state statutes and/or administrative rules. The words and terms herein shall have the meanings ascribed thereto.

##### 21-20.02 - Definitions

**ABANDON** means to discontinue an existing use of land or structure for 181 consecutive days, other than cessation due to probate or mortgage foreclosure activities.

**ABUT OR ABUTTING** means to physically touch or border upon, or to share a common property line, or be separated from such a border by an alley, easement, street or canal.

**ACCESS** means a dedicated, or recorded right-of-way, road, lane, alley or easement affording perpetual ingress and egress to a subject property, to a public thoroughfare or to a water body.

**ACCESSORY BUILDING** means a structure, the use of which is customarily incidental and subordinate to that of the main building on the same lot, including but not limited to, detached garages, or carport, barns, greenhouse, woodshed, tool shed, gazebos, docks, boat houses and similar uses that are used to shelter and/or protect equipment, supplies, chemicals, goods, furniture and the like for use by the principal occupant.

**ACCESSORY DWELLING UNIT** means a residential dwelling unit located on the same lot as a primary residence as an attached or detached secondary dwelling with separate entrance. Also known as a Mother-in-law unit or Garage Apartment.

**ACCESSORY USE** means a use that is incidental, related, appropriate and clearly subordinate to the principal use of the building, lot or parcel and is under the direct control or ownership of any person who occupies or operates the principal use of the same building, lot or parcel.

**ACTUAL START** means the first placement of, permanent construction of a structure

on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation.

**ADJUSTED GROSS INCOME** means all income including but not limited to wages, assets disbursements, cash on hand or gifts from persons outside the eligible household, and other income determined by the United States Department of Housing and Urban Development, then adjusted for family size, minus allowable deductions from the Internal Revenue Code.

**ADMINISTRATIVE OFFICIAL** means the Development Services Director or Building Official of the City of Edgewater.

**ADULT DAY CARE CENTER** means any building, buildings, whether operated for profit or not, in which is provided through its ownership or management, for any part of a day, basic services to three or more persons who are 18 years of age or older, who are unrelated to the owner or operator by blood or marriage, and who require such services.

**ADVERTISING DISPLAY AREA OR DISPLAY AREA** means the advertising display surface area (copy area) which may be encompassed within any regular geometric figure and which forms the informational component of a sign, not including the structural support components of a sign.

**AFFILIATE** means a person that directly or indirectly owns or controls, or has common ownership or control with another person. For purposes of this paragraph, the term own means to own an equity interest (or the equivalent thereof) of more than 10 percent.

**AFFORDABLE HOUSING** means residential units priced so that monthly costs do not exceed thirty (30) percent of the median adjusted household gross annual income.

**AFFORDABLE UNIT(S)** means residential rental units that are considered Affordable to eligible households and meet at least forty percent (40%) of the total rental units in a development.

**AGRICULTURAL USE** means the use of land in horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, beekeeping, pisciculture and all forms of farm products and farm production.

**AGRICULTURE** means general farming activities and attendant accessory uses and subsequent processing and industrial activities.

**AIRCRAFT HANGER** means an enclosed or semi-enclosed building specifically intended for the storage of aircraft.

**ALLEY** means a public right-of-way primarily designated to serve as a secondary means of access to the side or rear of abutting properties having principal lot frontage on a street.

**ALTERED OR ALTERATIONS** means any change in a building's structural parts; stairways; type of construction; kind or class of occupancy; light and ventilation; means of ingress and egress; wiring, plumbing, heating or cooling system; and other changes affecting or regulated by building codes or the ordinances.

**ALTERATION** in regards to Historic Preservation means any act that changes the exterior features of a designated property.

**ALTERED WETLAND** means wetlands that have been substantially affected by development, but which continue to provide some environmental benefit.

**ALTERNATIVE SUPPORT STRUCTURE** means structures, other than telecommunication towers, including, but not limited to: buildings; water towers; light poles; power poles; telephone poles and other public utilities structures.

**AMENITIES** means an aesthetic natural or man-made feature of a development that increases the desirability of not only the development but also the community to which the development is constructed, increasing the marketability to the public. While amenities may differ from development to development, possible designs might include but not be limited to swimming pools, tennis courts, dog parks, tree preservation, and other unified building designs.

**AMORTIZATION OR AMORTIZING** means a method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

**ANIMAL BOARDING** means the housing of animals for compensation for more than 12 hours.

**ANTENNA** means any system of wires, poles, rods, reflecting discs or similar devices, used for the transmission or reception of electromagnetic waves external to, or attached to, the exterior of any building.

**APARTMENT-** see "Dwelling" for various housing types.

**APPEAL** means a request for a review of an administrative interpretation of any provision of this Code, a decision made by any City official, City board or the City Council.

**APPLICANT** means any person who submits appropriate documentation as required by the City relating to all aspects of this Code.

**AQUACULTURE** means raising aquatic animals for sale.

**AQUACULTURE, LIMITED** means the cultivation, production and raising of the natural products of water including hatcheries, nurseries and maintenance of products in above ground tanks less than 10,000 gallons of capacity.

**AREA OF SHALLOW FLOODING** means a designated AO or VO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and



indeterminate and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD** means the land in a flood plain in a community subject to a one percent or greater chance of flooding in any given year.

**AS-BUILT SURVEY** means a survey which depicts the location and dimension of all structures, parking areas, stormwater management facilities and associated grades, road easements or other improvements as may be required or constructed on the parcel and includes the location and limits of the 100-year flood plain, if any.

**ASSISTED LIVING FACILITY (ALF)** means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

**AUTOMOTIVE PAINT AND BODY SHOP** means an establishment for automotive bodywork including the painting, repainting, restoring of a vehicle, parts or components including engine removal or dismantling, straightening or welding of vehicle frames or body parts, or the performance of other related vehicle services.

**AUTOMOTIVE REPAIR** means a use or establishment performing mechanical repair or serving work to automobiles and light trucks and does not include large trucks or other mechanical equipment. The term does not include any of the following activities or uses:

- (a) Vehicle paint and body shop.
- (b) Vehicle fabrication or assembly uses.
- (c) Vehicle welding services or repairs.

**AUTOMOTIVE SERVICE STATION** means an establishment that is used primarily for the retail sale and direct delivery to motor vehicles of motor fuels and lubricants.

**AWNING** means a roof-like structure, regardless of the material used for construction, attached to a building which shelters doors or windows from the weather.

**BANNER SIGN** means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind, including such signs stretched across or hung over any public right-of-way.

**BASE FLOOD** means the flood having a one-percent (1%) chance of being equaled or exceeded in any given year (100-year storm event).

**BASE FLOOD ELEVATION** means the maximum elevation above mean sea level expected to be reached by flood waters during a 100-year storm event.

**BASEMENT** means that portion of a structure having its finished floor (below ground level) on all sides.

**BEACON LIGHT SIGN** means any sign or device which includes any light with beams capable of being revolved automatically.

**BED AND BREAKFAST** means a house or portion thereof where lodging rooms are available for short-term rental and meals may be provided to the guests renting the rooms and where the operator of the establishment lives on the premises.

**BENCH SIGN** means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto, as further described in Chapter 337.408, F.S.

**BERM** means a manmade or natural mound of earth located so as to form a mound above the general elevation of the adjacent ground or surface.

**BEST MANAGEMENT PRACTICES (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, treatment methods and other management practices to prevent or reduce pollutants from entering the MS4 (see definition).

**BILLBOARD SIGN** means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**BLOCK** means a tract of land existing within well-defined and fixed boundaries, usually being a group of lots surrounded by streets or other physical barriers.

**BOAT HOUSE** means an accessory structure typically but not necessarily attached to a dock designed and used for the protection and storage of boats and boating supplies.

**BOUNDARY LINE** means a delineation that indicates or defines limits between differing lot or property lines.

**BOUNDARY SURVEY** means a survey that depicts the physical boundaries and dimensions of a parcel and its legal description.

**BREAK POINT** means the location on a communication tower of a designed feature which, in the event of a tower failure, would result in the tower falling entirely within the boundaries of the property on which it is located.

**BREAKAWAY WALL** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevation portion of the building or the supporting foundation system.

**BUFFER** means a land area of specified width and/or height which is used to separate one use from another, or to shield or block noise, lights, or other nuisances.

**BUILDABLE AREA** means that portion of a lot remaining excluding the established front, rear and side setbacks.

**BUILDING** means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or moveable property of any kind.

**BUILDING ADDITION** means any expansion to the perimeter of a building to which the addition is connected.

**BUILDING FRONTAGE** means the side of a building facing the principal road, street, highway or easement serving the building.

**BUILDING HEIGHT** means the vertical distance measured from the required minimum finished floor elevation to the highest point of ~~a flat roof, or to the deck line of mansard roof, or to the average distance between eaves and ridge for gable, hip and gambrel roofs~~ the roof.

**BUILDING PERMIT EXPIRATION** means every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official

**BUILDING SETBACK LINE** means a line within a lot or other parcel of land so designated on the final plat, between which line and the adjacent boundary of the street or street widening setback line, where applicable, upon which the lot or parcel abuts the erection of a building is prohibited, as prescribed by the zoning ordinance

**BULKHEAD LINE** means a line established to fix the maximum distance from the shoreline within which filling may occur.

**BUSINESS TAX RECEIPT** means a permit to engage in an activity that requires regulation and all regulated activities must operate from within a permanent structure.

**CALIPER** means the trunk diameter of trees at a predetermined point.

**CANOPY (FREESTANDING)/TEMPORARY CARPORTS** means a rigid supported structure (capable of disassembly) covered with fabric, and supported by columns or posts embedded in the ground and/or attached at other points. Does not include the term carport.

**CAPACITY** means the availability of a public or private service or facility to accommodate users, expressed in an appropriate unit of measure such as gallons per day or average daily trips.

**CARTWAY** means the actual road surface areas from curb line to curb line or the hard surface road width of the road surface when no curbs are present.

**CARPORT** means an accessory structure or portion of a principal structure consisting of roofed area open on one, two, or three sides and free standing or attached to the main building by support members for storage of one or more vehicle. Does not include the term canopy (freestanding).

**CAMOUFLAGE COMMUNICATION TOWER** means a tower designed to merge and blend into and conform in appearance with existing surroundings. An example of a camouflage communication tower would be one that is constructed in the form and shape of a tree in order to appear to be part a forested area or a tower constructed to appear to be a component of a bell tower or to be or appear to be a component of church steeple in order for the tower to be or appear to be part of these more aesthetically pleasing structures.

**CANAL** means an artificial, primary water conveyance facility with an open channel and usually a wet bottom.

**CEMETERY** means land used or intended to be used as a burial ground or burial place of the human dead and dedicated for crematories, mausoleums and mortuaries if operated in connection within the boundaries of such cemetery.

**CERTIFICATE OF CONCURRENCY** means a statement issued by the City and relating to a specific development project on a specific parcel of real property or part thereof, which is valid and states that all concurrency requirements are satisfied and that a specified quantity of concurrency facilities is reserved for a specified period of time.

**CERTIFIED LOCAL GOVERNMENT** means a government meeting the requirements of the National Historic Preservation Act Amendments of the 1980 (P.A. 96-515) and the implementing regulations of the U. S. Department of the Interior and the State of Florida.

**CHANGEABLE COPY SIGN** means a sign that is designed so that characters, letters or illustrations can be changed or rearranged, including billboards.

**CHILD CARE FACILITY** means any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

Public schools and nonpublic schools and their integral programs, except as provided in Chapter 402.3025, F.S. (2005);

- (a) Summer camps having children in full-time residence;
- (b) Summer day camps;
- (c) Bible schools normally conducted during vacation periods; and
- (d) Operators of transient establishments, as defined in Chapter 509 (F.S.), which provide child care services solely for the guests of their establishment or resort provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of Chapter 435.

**CHRONIC NONMALIGNANT PAIN** means pain unrelated to cancer or rheumatoid arthritis, which persists beyond the usual course of the disease or injury that is the cause of the pain, or more than ninety (90) days after surgery.

**CITY** means the City of Edgewater, a Florida municipal corporation.

**CITY COUNCIL** means the governing body of the City.

**CITY ENGINEER** means a professional engineer employed by the City or the designated consultant professional engineer.

**CLEAN WATER ACT (CWA)** means Public Law (PL) 92-500, as amended PL 95-217, PL 95-576, PL 6-483, and PL 97-117, 33 U.S.C. 1251 et seq., as amended by the Water Quality Act of 1987, PL 100-4.

**CLEARING** means the removal of trees and/or brush from a parcel, not including mowing.

**CLUB** means a building or facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business and where the serving or sale of alcohol is not the primary use.

**COASTAL HIGH HAZARD ZONE OR AREA** means the area subject to high-velocity waters caused by, but not limited to, hurricane wave wash found in Category 1 storms.

**CODE OF ORDINANCES** means the laws, rules and regulations of the City of Edgewater which shall include, but not be limited to, the Code of Ordinances and the Land Development Code.

**COMMERCIAL MASCOT** means any person(s), animal(s) and/or facsimile thereof holding, spinning, waving and/or otherwise displaying signage for the advertising of commercial products or services within any public right-of-way or visible from any public right-of-way, including any person(s), animal(s) and/or facsimile thereof attired or decorated with commercial insignia, images or symbols, for the advertising of commercial products or services within any public right-of-way or visible from any public right-of-way. This shall include, but not be limited to, sign spinners, sign twirlers, sign walkers, sign clowns, etc.

**COMMERCIAL MOBILE SERVICES** means the communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 21 of the FCC's rules.

**COMMON AMENITY (INDOOR)** means a shared indoor space which is provided for the private use of all residents, and their visitors, of a property. The space shall generally be used for recreational, social and cultural activities, and may include leisure, sports or fitness facilities, swimming pools, meeting rooms, kitchen and dining facilities (i.e., party rooms), or workshops. Guest rooms without cooking facilities may also be provided as indoor common amenity space. Indoor common amenity spaces shall not be used for commercial purposes.

**COMMON AMENITY (OUTDOOR)** means a shared open space primarily intended for the enjoyment and recreational use of all residents, and their visitors, of a property. The space shall generally be programmed for passive or active use and shall not include any drive aisle, parking area, or other space intended for an alternative functional purpose (e.g., storage,

utility access, stormwater management, etc.). Illustrative examples of outdoor amenity use include: community gardens, swimming pools, landscaping, or recreational space for leisure activities normally carried out outdoors.

**COMMUNICATION ANTENNA** means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC).

**COMMUNICATION TOWER** means a tower greater than 35 feet in height (including the antenna component) which supports communication (transmission or receiving) equipment. Amateur radio operators' equipment, as licensed by the FCC, shall not be deemed a communication tower.

**COMMUNITY RESIDENTIAL HOME** means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents; provided that, prior to licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six or fewer residents. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity.

**COMMUNITY WATER SYSTEM** - means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

**COMPATIBILITY** means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is negatively impacted directly or indirectly by another use or condition.

**COMPREHENSIVE PLAN** means an ordinance of the City which contains the official statement of public policy for the development and/or redevelopment of the City, and which conforms to the relevant requirements of Chapter 163, Part II, F.S. and the appropriate portions of the Florida Administrative Code.

**COMPUTERIZED SWEEPSTAKES DEVICE** means any computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public



generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value that is not de minimis. Machines designated for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this definition.

**CONCEPTUAL PLAN** means a preliminary presentation and attendant documentation of a proposed development project of sufficient accuracy to be used for meaningful discussion.

**CONCURRENCY** means a finding that required public facilities and services necessary to support a proposed development are available, or will be made available concurrent with the impacts of the development. Roadways, wastewater, solid waste, drainage, potable water, open space/parks and recreation facilities and schools have or will have the necessary capacity to meet the adopted level of service standards at the time the impact of a new or expanded development occurs. Transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.

**CONCURRENCY MANAGEMENT** means the procedure and process that the City uses to ensure that no development order or permit is issued by the City unless the necessary concurrent public facilities are available. This means public facilities and services for which a Level of Service (LOS) must be met concurrent with the impact of development, or an acceptable deadline as mandated in the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and 9J-5.0055, Florida Administrative Codes, and shall include but may not be limited to:

- |                    |                           |             |
|--------------------|---------------------------|-------------|
| (a) potable water  | (d) recreation/open space | (g) schools |
| (b) sanitary sewer | (e) solid waste           |             |
| (c) drainage       | (f) roadways              |             |

**CONSTRUCTION PLANS** means signed and sealed drawings by an appropriate professional, and/or specifications indicating specific locations of site improvements and other similar matters.

**CONSTRUCTION SIGN** means any sign giving the names of contractors, design professionals and lending institutions responsible for construction occurring on the same parcel.

**CONSTRUCTION TRAILER** means a temporary office placed upon a parcel for the purpose of supervising the development of said site, and can only be installed after site plan approval and must be removed within five days of the issuance of a Certificate of Occupancy.

**CONDITIONAL USE** means a use within a zoning district that may be permitted, pursuant to express standards and criteria, which are consistent with the Comprehensive Plan.

**CONTIGUOUS** means lands which abut each other or are separated by streets, easements, pipelines, power lines, conduits, or rights-of-way under ownership of the petitioner, governmental agencies, subdivision, or public or private utility.

**CONTROLLED SUBSTANCE MEDICATION** means any controlled substances

identified in Schedules I, II, III or IV of Chapter 893, Florida Statutes as may be amended from time to time.

**COSTS** with regard to hazardous substances means those necessary and reasonable costs incurred by the City in connection with investigating, mitigating, minimizing, removing or abating discharges of hazardous substances, including but not limited to: the actual labor costs of city personnel or authorized agents, cost of equipment operation and rental, cost of expendable items, including but not limited to, firefighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, goggles and protective clothing (both structural and chemical protective, disposable or standard use). Costs shall further include overhead costs and indirect expenses allocable to the foregoing costs.

**CREMATORIUM** means an establishment in which a deceased body is reduced to ashes in a furnace. This type of facility must be licensed with the Florida Department of Business and Professional Regulation and meet the criteria of the Florida Department of Health Department of Environmental Protection, pursuant to Florida Statutes, Chapter 470.

**DECISION OR RECOMMENDATION** regarding Historic Preservation means when referring to the Recreation/Cultural Services Board, the executive action taken by the Board on an application for a designation or a certificate of appropriateness regardless of whether that decision or recommendation is immediately reduced to writing.

**DEMOLITION** means any act that destroys in whole or in part, a building or structure, landmark or archeological site.

**DENSITY** means an objective measurement of the number of residential units allowed per unit of land.

**DESIGN CAPACITY** means the limit of capacity of a public facility beyond which it ceases to function efficiently.

**DESIGN HIGH WATER (DHW)** means the water elevation expected to occur at a particular design storm event. Examples are:

DHW 10	10-year storm event
DHW 25	25-year storm event
DHW 100	100-year storm event

**DEVELOPER** means any person, partnership or corporation, or duly authorized agent who undertakes any material changes to land or other development activities under these regulations.

**DEVELOPMENT** means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three (3) or more parcels and includes the following activities or uses:

- (a) A reconstruction, alteration of the size or material change in the external appearance of a structure or land:



- (b) A change is the intensity of use of land, such as an increase in the number of dwelling units in a structure, or on land, or a material increase in the number of businesses manufacturing establishments, offices, or dwelling units in a structure or on land;
- (c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal including any “coastal construction” as defined in Section 161.021, Florida Statutes;
- (d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land;
- (e) Demolition of a structure;
- (f) Clearing of land as adjunct of construction;
- (g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land; or
- (h) The subdivision of land consistent with this regulation.

When appropriate to the context, “development” refers to the act of developing or to the result of development.

**DEVELOPMENT AGREEMENT** means an agreement entered into between the City and another party associated with the development of land, including agreements associated with development orders issued pursuant to Section 21-101 of this Code.

**DEVELOPMENT ORDER** means an order or permit granting, denying, or granting with conditions an application for a development permit.

**DEVELOPMENT SIGN** means a sign designed and intended to advertise and promote the sale of buildings or subdivided lots on the same parcel.

**DIAMETER AT BREAST HEIGHT (DBH)** means the diameter of a tree, measured 4-1/2 feet above the average ground elevation at its base. If the tree, or shrub forks 4-1/2 feet above the ground level, it is measured below the swell resulting from the double stem. Stems that fork below 4-1/2 feet above the ground level should be considered a separate plant.

**DIRECTORY SIGN** means a sign on which the names and locations of occupants or the use of a building is given.

**DISCHARGE** shall mean any intentional or unintentional action or omission resulting in the release of liquid, solid or gaseous material and includes but is not limited to a release, spilling, leaking, seeping, pouring, emitting, emptying, and dumping of any substance or material.

**DISPENSING FACILITY** means a facility of a dispensing organization that dispenses low-THC cannabis and/or medical cannabis.

**DISPENSING ORGANIZATION** means an organization authorized by the Florida Department of Health to cultivate, process, transport and dispense low-THC cannabis or medical cannabis.

**DOCUMENTATION** means any photographs, slides, drawings, plans, electronic media,

or additional written description or narrative relating to the specific matter.

**DREDGING** means excavation by any means that occurs in a water body or which is, or is proposed to be, connected to a water body via excavated water bodies or a series of excavated water bodies.

**DWELLING** means any building or portion thereof designed or used exclusively for residential living occupancy.

### **DWELLING TYPES**

**SINGLE-FAMILY** means a residential building designed for, or occupied exclusively by one family.

**DUPLEX** means a residential building containing two dwelling units joined by a minimum 2-hour rated firewall each having separate entrances and kitchen facilities.

**MULTI-FAMILY** means a residential building on one parcel of land designed for, or occupied exclusively by three or more families with separate housekeeping and cooking facilities for each unit.

**APARTMENT** means a rented or leased room, or a suite of rooms, occupied, or which is intended or designed to be occupied as the home or residence of one individual, family, or household for housekeeping purposes with each unit separated by a minimum one-hour rated fire wall.

**TOWNHOUSE** means a one family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common wall with a minimum 2-hour rated fire wall.

**GARAGE APARTMENT** means a two story attached accessory building with a ground floor automobile storage and single family living quarters on the second floor located in a multi-family designated district.

**GARDEN APARTMENT** means a residential building containing more than four apartments, not exceeding three stories in height with units located side by side and on top of each other with each unit separated by a minimum one-hour rated fire wall.

**UNIT** means a group of interrelated rooms which are intended or designed for the use of one family, separated from other spaces by lockable doors, having access to the outdoors without crossing another dwelling, having living and sleeping facilities and cooking facilities, fixed or portable, and complete sanitary facilities.

**MID-RISE** means a residential building containing more than four

apartments, not less than four stories with units located side by side and on top of each other.

**CLUSTER HOUSING** means a development involving two or more detached dwellings to be constructed on a parcel on which all land areas not occupied by dwelling units shall be designated as common space.

**DRY BOTTOM** means any water retention, detention, or conveyance facility which evacuates its water level below its designated bottom within seventy-two hours of its deigned storm event, by either natural or artificial draw down means; and whose bottom is maintained a minimum twelve inches above the SHWT.

**EASEMENT** means any strip of land created by a subdivider, or granted by the owner for public utilities, drainage, sanitation or other specified and limited uses, the title to which shall remain in the name of the property owner subject to the right of use designated in the conveyance.

**ELEVATED BUILDING** means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers).

**EMF** (electromagnetic field) means a wireless communication.

**ENGINEER** means a person practicing engineering and licensed in the State of Florida pursuant to the requirements of Chapter 471, F.S.

**ENVIRONMENTAL CONSTRAINTS** means natural resources or natural characteristics that are sensitive to improvements and require mitigative actions to be maintained by owner.

**EQUIPMENT** means the implements used in an operation or activity.

**EQUIVALENT RESIDENTIAL UNIT (ERU)** means 204 gallons per day potable water usage, and 204 gallons per day of wastewater contribution to be an equivalent residential unit.

**ERECT** shall mean to build, construct, attach, hang, place, suspend or affix, whether temporary or permanent, and shall include the painting of wall signs.

**ERECTED** means attached, altered, constructed, enlarged, reconstructed, or moved whether temporary or permanent.

**EXCHANGE ACCESS** means the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services.

**EXFILTRATION SYSTEM** means water passing through a permeable substance such that water is filtered as it is discharged from a water conveyance facility (e.g., exfiltration pipe).

**EXISTING CONSTRUCTION** means any structure for which the “start of construction” commenced before June 17, 1974.

**F.A.C.** means the most current version of the Florida Administrative Code which is the administrative rules implementing state statutes.

**FAMILY** means a group of individuals living under one roof. Those who dwell under the same roof and compose a family; a social unity comprised of those living together in the same dwelling.

**FDEP means the Florida Department of Environmental Protection.**

**FEATHER FLAG means a five (5) to fifteen (15) foot tall flag that is used to advertise a company and draw attention to an event or business.**

**~~FEATHER FLAG means a type of portable advertising banner that consists of a narrow piece of printed fabric mounted on a lightweight frame that contains a harpoon style pole or staff driven into the ground.~~**

**FEMA** means the Federal Emergency Management Agency.

**FENCE** means a barrier, usually comprised of wooden or metal posts, rails or chain link, used as a boundary marker or means of protection, concealment and/or confinement, but not including hedges, shrubs, trees, or other natural growth.

**FINISHED FLOOR ELEVATION** means the elevation of the finished floor of the habitable space of a building. The elevation should be referenced to a standard datum, typically the North American Vertical Datum of 1988 (NAVD-88).

**FIREWALL** means a wall as described in the Standard Building Code which is of sufficient fire resistance, durability and stability to withstand the effects of an uncontrolled fire exposure, which may result in collapse of the structural framework on either side. Openings in the wall, if allowed, must be protected.

**FIRM** means the Flood Insurance Rate Map.

**FIS** means Flood Insurance Study.

**FIXED BASE OPERATIONS** means directly related activities to operate and support an airport and its users.

**FLASHING SIGN** means a sign that contains an intermittent or sequential flashing light source. An animated or moving sign shall not be considered a flashing sign. Such signs shall not be deemed to include time and temperature signs.

**FLOOD OR FLOODING** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD HAZARD AREA** means land in the flood plain within a community which is subject to a one percent (1%) or greater chance of flooding in any given year. Also defined as the one hundred (100) year storm event or Base Flood.

**FLOOD INSURANCE RATE MAP (FIRM)** means an official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** means a Federal Emergency Management Agency (FEMA) report containing flood profiles, flood boundary maps and the water surface elevation of the base flood.

**FLOODWAY** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

**FLOOD PLAIN** means boundaries of the special flood hazard area indicating a flood having one percent (1%) chance of occurrence in any given year as indicated on the Federal Insurance Rate Map (FIRM) Flood Hazard Boundary Map. Flood plain can also be defined as or include a ten (10) year, twenty-five (25) year or one hundred (100) year storm event.

**FLOOR** means the top surface of an enclosed area in a building, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction, but does not include the floor of a garage used solely for parking vehicles.

**FLOOR AREA** means the sum of the gross horizontal area of the several floors of a building, except that in structures used as a residence, cellar, basement, garage, carport, patio, porch and attic floor area not devoted to living use shall be excluded. All dimensions shall be measured between exterior faces of walls or the center line of the wall separating two attached buildings.

**FLOOR AREA RATIO (FAR)** means the gross floor area of a building or structure divided by the gross area of the parcel.

**FOWL** means any guineas, peafowl, pigeons, pheasants or poultry or similar wild birds.

**FRONTAGE** see “~~Lot Frontage~~LOT FRONTAGE.”

**F.S.** means the most current version of the Florida Statutes.

**FUTURE LAND USE MAP (FLUM)** means a graphic representation of the land use categories adopted as part of the Edgewater Comprehensive Plan. The Future Land Use Map may also be referred to as the “Land Use Map” or “Future Land Use Map Series.”

**GARAGE** means an accessory building incidental to a dwelling unit which is intended for the off-street storage of motor vehicles belonging to the inhabitants of the dwelling unit on the parcel on which the garage is located; and is not intended to be used for any commercial business purpose.

**GRADE** means the slope of a road, street, unimproved land, or any other land improved, altered or changed; specified in percent.

**GROCERY STORE** means a retail business that has a minimum of 1,200 square feet of fresh food including but not limited to fruits, vegetables, meats, poultry, and seafood.

**GROUND SIGN** means a sign that is anchored to, and not elevated above, the ground and maintains essentially the same contour from the ground to the top of the sign.

**GUEST COTTAGE** means living quarters within a detached accessory building located on the same lot or parcel as the main building to be used exclusively for housing members of the family occupying the main building and/or their nonpaying guests; such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

**GUY-WIRE** means a tensioned cable designed to add stability to a freestanding structure.

**GUYED TOWER** means a communication tower that is supported, in whole or in part, by guy-wires and ground anchors.

**HAZARDOUS MATERIALS** means any substance or material, solution, mixture, or a formulation containing such materials and includes any material which due to its chemical composition poses an unreasonable and eminent risk to the life, health, safety or welfare of persons, property or environment. Materials deemed hazardous are as specified in the following:

- (a) Chapter 38F-41 of the Florida Administrative Code
- (b) Title 40 of the Code of Federal Regulations, Part 261
- (c) Title 40 of the Code of Federal Regulations, Part 302.4
- (d) Title 40 of the Code of Federal Regulations, Part 355

**HEALTH/EXERCISE CLUB** means an establishment which provides for athletic and physical force training or health and recreational exercise whether private or public.

**HIGHEST ADJACENT GRADE** means the highest elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**HISTORIC DISTRICT** means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects or areas, which are united by past events. A district also may be comprised of individual resources which are separated geographically but are linked by association or history.

**HOME OCCUPATION** means a commercial enterprise within a residence for the purpose of sending and receiving communication, maintaining records and similar functions; and

where no business is conducted other than by phone, mail or electronically; and employing no persons other than members of the immediate family residing on the premises. No commercial delivery shall be allowed.

**HOSPITAL** means an institution where the sick or injured are given medical or surgical care.

**HOTEL** see “~~Motel~~MOTEL.”

**HOUSING, EXTREMELY LOW-INCOME** means according to the State of Florida Statutes “one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.” Fla. Stat. §420.004 (2023)

**HOUSING, LOW- INCOME** means according to the State of Florida Statutes “one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.” Fla. Stat. §420.004 (2023)

**HOUSING, MODERATE- INCOME** means according to the State of Florida Statutes “one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.” Fla. Stat. §420.004 (2023)

**ILLEGAL SIGN** means a sign that does not meet the requirements of this Code and that has not received nonconforming status.

**ILLICIT CONNECTION** means point source discharges to the City’s Municipal Separate Storm Sewer System (MS4) or to waters of the United States, which are not composed entirely of stormwater and are not authorized by a permit.

**ILLICIT DISCHARGE** means the discharge to the City’s MS4 or to waters of the United States which is not composed entirely of stormwater, unless exempted pursuant to local, state and/or federal permits.

**ILLUMINATED SIGN** shall mean any sign illuminated in any manner by an artificial light source.

**IMPERVIOUS SURFACE AREA (ISA)** means the area of a lot or parcel of land covered by any part of a building, street, parking lot, or any other structure, improvement,



facility or material, except roof overhang, which restricts natural percolation by rain water. This includes swimming pools, all asphalt, brick or wooden surfaces and areas devoted to any outdoor storage and/or display of materials and merchandise. Unpaved parking shall be considered impervious surfaces.

**IMPERVIOUS SURFACE RATIO (ISR)** means the gross impervious surface area divided by the gross area of the parcel.

**IMPROVEMENT** means any building, structure, construction, demolition, excavation, landscaping, or any part thereof existing, built, erected, placed, made, or done on land or other real property for its permanent benefit. Property abutting a street, waterway or utility easement shall be considered improved.

**INFILL DEVELOPMENT** means the addition of new housing or other buildings on scattered vacant sites or platted lots in a developed area or subdivision.

**INFILTRATION** means water passing through a permeable surface such that the water is filtered before it is collected by a water conveyance facility (e.g., under drain pipe).

**INFORMATION SERVICES** means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

**INTEGRAL SIGN** means memorial signs or tablets, including names of buildings and date of erection when cut into any noncombustible materials mounted on the face of a building.

**INTERNET/SWEEPSTAKES CAFÉ** means any business, establishment or portion of business or establishment, which conducts giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, game promotions, to include any giveaways obtained with any “Computerized Sweepstakes Device”, as defined in this Section, and that does not otherwise violate Florida law and is located for the use or entertainment of the public.

**JUNKYARD** see “~~Salvage Yards~~SALVAGE YARDS.”

**KENNEL** means any place of business where dogs or cats regardless of number are kept for sale, breeding, boarding or treatment purposes, except an animal hospital, grooming facility or pet shop. The term “kennel” shall include any premises used for residential purposes where five (5) or more dogs or cats four (4) months or older are kept, harbored or maintained for monetary compensation.

**LAND PLANNING AGENCY** means the Planning and Zoning Board as designated pursuant to the requirements of Chapter 163.3174, F.S.



**LANDMARK** in regards to Historic Preservation means a building or structure meeting one or more of the criteria required in Article XIV of this Code. A “landmark” shall include the location of significant archeological structures, features or of an historical event.

**LANDMARK SITE** in regards to Historic Preservation means the land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the settings for the landmark.

**LATTICE TOWER** means a telecommunication tower that is constructed without guy wires and ground anchors.

**LEVEL OF SERVICE STANDARD (LOS)** means the volume of capacity per unit of demand for certain public facilities as adopted in the Comprehensive Plan.

**LITTER** means any garbage, rubbish, trash, refuse, cans, bottles, boxes, container paper, tobacco products, tires, appliances, electronic equipment, mechanical equipment or parts, building or construction material, tools, machinery, wood, motor vehicles or motor vehicle parts, vessels, aircraft, farm machinery or equipment, sludge from a water treatment facility, water treatment plant or pollution control facility; or substances in any form resulting from domestic, industrial, commercial, mining, agriculture or governmental operations as defined in Chapter 403.413, F.S.

**LIVE LOCAL ACT(CS/SB 102)** means a Florida Statute originally pass on July 1, 2023, which provides a statewide attainable housing strategy, designed to increase the availability of affordable housing by providing special incentives to developers.

**LIVING AREA** means space in a structure in which the air is conditioned by heating and/or air conditioning and the space is habitable and enclosed.

**LOADING SPACE** means a space within, or adjacent to, the main building on a lot providing for the standing, loading or unloading of trucks.

**LOCAL REGISTER** in regards to Historic Preservation means a method by which to identify and classify various sites, buildings and objects as historic and/or architecturally significant.

**LOCATION** means any lot, premises, building, structure, wall or any place whatsoever upon which a sign, structure or dwelling is located.

**LOT** means an area of land which abuts a street and which either complies with or is exempt from the City’s regulations, and is sufficient in size to meet the minimum area and width requirements for its zoning classification as established in Article V of the Land Development Code or in Article VII entitled “Non-Conforming Uses” or a subdivision or any other tract or parcel of land, including the airspace above or contiguous thereto, intended as a unit for transfer of ownership or for development or both. The word “lot” includes the word “plot”, “tract” or “parcel”.

**LOT AREA** means the total horizontal area within the boundaries of a lot of record.

**LOT, CORNER** means either a lot bounded entirely by streets, or a lot that adjoins the point of intersection of two or more streets and includes lots on curves.

**LOT COVERAGE** means that portion of the lot area expressed as a percentage, occupied by all buildings.

**LOT, FLAG** means a lot or building site which has minimum required frontage on a public or private street typically behind another lot also fronting on the same street shaped similar to a flag.

**LOT FRONTAGE** means any portion of a lot which fronts upon a public or private street. The primary front line is that frontage on which the address is given.

**LOT, THROUGH (DOUBLE FRONTAGE)** means any lot, not on a corner, having both the front and rear property lines adjacent to a public street.

**LOT LINE** means the boundary of a lot.

**LOT LINE, FRONT** means the continuous line formed by the lot frontage.

**LOT LINE, REAR** means any lot line, except a front or side lot line.

**LOT LINE, SIDE** means a continuous line which runs back from an intersection with the lot front line, and which forms the boundary line between the lot and the adjacent parcel of land.

**LOT LINE, ZERO** means a single-family dwelling unit sited on a lot contiguous to one side lot line with no more than a 5-foot separation.

**LOT OF RECORD** means a lot or parcel whether or not a part of a subdivision which exists as shown or described on a plat or deed in the Official Records of Volusia County as of June 17, 1974.

**LOUNGE** means a building or portion of a building wherein alcoholic beverages are sold by the drink and consumed on the premises (includes the word Nightclub).

**LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement). An unfinished shed or flood-resistant enclosure which is not within a basement but which is usable solely for parking of vehicles, building access or storage purpose, is not considered a building's (or structure's) lowest floor, providing such enclosure is built in compliance with applicable non-elevation design requirements of this Code.

**LOW-THC CANNABIS** means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, sale, derivative, mixture, or preparation of such plant or its seeds

or resin that is dispensed only from a dispensing organization.

**MAJOR TRANSIT STOP** means a location along selected points of a transportation route, such as a bus, train, or light rail, which picks up, drops off, or transfers passengers at a transit stop shelter or hub, but excludes vehicle repairs or storage facilities.

**MAJOR TRANSPORTATION HUB** means any bus, train, or light rail station which provides public transit with a mix of transportation options.

**MANGROVE STAND** means an assemblage of mangrove trees which is mostly low trees noted of a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species:

Black Mangrove	-	(Avicennia nitida)
Red Mangrove	-	(Rhizophora mangle)
White Mangrove	-	(Laguncularia racemosa)
Buttonwood	-	(Conocarpus erecta)

**MANSARD** means a sloped roof or roof-like facade architecturally comparable to a building wall.

**MANUFACTURED HOME (OR STRUCTURE)** means a mobile home fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act.

**MANUFACTURING** means a premises, or portion of a premises, occupied by an establishment primarily engaged in the making of a product, fabrication or processing of materials, products or personal property.

**MARQUEE** means a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall that is designed and constructed to provide protection against the weather

**MEAN HIGH WATER** means the average height of waters over a 19-year period. For shorter periods of observation, "mean high water," means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19year value.

**MEAN SEA LEVEL** means the average height of the sea for all stages of the tide and is used as a reference to establish flood plain elevations.

**MECHANICAL REPAIR** see "VEHICLE REPAIR."

**MEDICAL CANNABIS** means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as

defined in Florida Statutes.

**MICROWAVE** means a dish antenna, or a dish-like antenna used to link communication sites together by wireless transmission of voice or data.

**MINI-WAREHOUSE** means a structure, or structures in a controlled access and fenced compound that contains varying sizes of individual climate controlled compartmentalized and controlled access stalls or lockers without water, sewer or electric connections for the dead storage of customers' goods or wares.

**MINOR SUBDIVISION** means any division or re-division of a parcel of land in single ownership whose entire area is ten (10) acres or less, into not more than three (3) lots if all of the following requirements are met:

- (a) All resultant lots or parcels front by at least twenty feet (20') on an existing public or private street and;
- (b) The division or re-division does not involve the construction of any new street, road or change in an existing street or road and;
- (c) The division or re-division does not require the extension of municipal water or sewer or the creation of any public improvement.

**MIXED USE DEVELOPMENT** means more than one (1) type of use in a single parcel or structure.

**MOBILE and LAND BASED TELECOMMUNICATION FACILITY** means whip antennas, panel antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless transmission with low wattage transmitters not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

**MOBILE HOME** means a structure, transportable in one (1) or more sections which is eight (8) body feet or more in width, and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For the purpose of this section, a travel trailer is not classified as a mobile home.

**MOBILE HOME PARK** means a parcel or tract of land of contiguous ownership where lots or spaces are rented or leased to accommodate more than one (1) mobile home.

**MOBILE VENDOR** (Mobile Dispensing Vehicle) means any vehicle mounted public establishment that is self-propelled or otherwise moveable from place to place, and is self-sufficient for utilities, such as gas, water, electricity, and liquid waste disposal. Proof of inspection by the State of Florida Department of Motor Vehicles is required.

**MODEL HOME CENTER** means an area comprised of one (1) or more lots containing one (1) or more model dwellings upon which active sales or demonstration activities are conducted regardless of the ownership status of the model dwellings or lots.

**MODULAR HOME** means a structure constructed to the same state, local or regional building codes as site-built homes. Other types of system-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms. A modular home is designed to be set on a permanent foundation and is not intended to be moved once set.

**MONOPOLE TOWER** means a telecommunication tower consisting of a single pole or spire ~~self-supported~~self-supported by a permanent foundation, constructed without guy wires and ground anchors.

**MOTEL** means a building, or group of buildings, which contains sleeping accommodations for transient occupancy and may have individual entrances from outside the building to serve each such sleeping unit. Motels may have one (1) or more dining rooms, restaurants or cafes as accessory uses. For the purposes of this Code, motel and hotel shall have the same meaning.

**MOVABLE SIGN** means any mobile sign or sign structure, not securely attached to the ground or to any other structure, but does not include trailer signs as defined below.

**MOVING SIGN** means a sign all or part of which is in motion, including fluttering, rotating, revolving or any other motion.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** means a conveyance, storage area or system of conveyances and storage areas (including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, treatment ponds, and other structural BMPs) owned or operated by a local government that discharges to waters of the United States or to other MS4's, that is designed solely for collecting, treating or conveying stormwater, and that is not part of a publicly owned treatment works (POTW) as defined by 40 Code of the Federal Register 122.2 or any amendments thereto.

**MUNICIPALITY** means a duly incorporated ~~municipality in the County~~city, town, or village.

**MURAL** means a work of art that is hand-painted, hand-tiled, or digitally printed image on the exterior surface of a building. A mural is not a sign and shall not constitute advertising or commercial messages with the brand name, product name, company business name or logo, hashtag, trademark.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD)** means a vertical control used as a reference for establishing varying elevations within the flood plain.

**NAVD88** means the North American Vertical Datum of 1988.

**NET DENSITY** means the number of dwelling units per acre of land devoted to residential uses and excludes right-of-ways, wetlands and lands below the 100-year flood plain.

**NEW CONSTRUCTION** means any structure for which the "start of construction" commenced after adoption of this Article and includes any subsequent improvements to such structure.

**NGVD29** means the National Geodetic Vertical Datum of 1929.

**NIGHTCLUB** See “Lounge.”

**NONCONFORMING BUILDING OR STRUCTURE** means a structure or building existing as of June 17, 1974 which does not conform to the property development regulations of area, height, lot coverage, yard setbacks, lot location or other like requirements of the district in which it is located.

**NONCONFORMING LOT** means an existing single lot, tract or parcel of land at the effective date of this Code which does not conform to the property development regulations of area, lot width, depth or both or other like requirements of the district in which it is located.

**NONCONFORMING MULTI-FAMILY COMPLEX (LEGAL)** means any multi-family structure erected after the adoption of the affordable housing act CS/CS/SB 328 from February 28, 2024 and does not comply with the development’s affordability period requirements.

**NONCONFORMING USE** means any use of land, building or structure which does not conform to all of the provisions, requirements and regulations of this Code at the time of adoption.

**NONCONFORMING SIGN** means any sign that was a legal sign prior to adoption of this Code, but which does not conform to all of the requirements of this Code.

**NONRESIDENTIAL ACTIVITY** means any activity occurring on any described parcel of land, whether or not within a structure, that is not a residential activity as defined herein.

**NON-TRANSIENT NON-COMMUNITY WATER SYSTEM** means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

**NUMBER PORTABILITY** means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

**NUISANCE** means an offensive, annoying, unpleasant, or obnoxious object, odor, noise or practice; a cause or source of annoyance, especially a continuing or repeated invasion or disturbance of another’s right, including the actual or potential emanation of any physical characteristics of activity or use across a property line, which emanation can be perceived by or affects a human being.

**NURSING HOME** means any facility which provides nursing services as defined in Chapter 464, Florida Statutes as may be amended from time to time.

**OFFICIAL MAP** means the map established by the City Council as amended from time to time showing the streets, highways and parks thereafter laid out, adopted and established by the law and any additions resulting from the approval of subdivision plans or annexations.

**OPEN SPACE** means any parcel or area of land or water set aside, reserved or dedicated for the use and enjoyment of all owners and occupants of the project. Usable common space shall include area(s) readily accessible and generally acceptable for active or passive recreational use. Open space shall not include required setback areas, contain structures, impervious surfaces, or right-of-way's other than those intended for landscape or recreational purposes.

**OUTSTANDING FLORIDA WATERS (OFW)** means special designation by the FDEP, for waters worthy of special protection because of their natural attributes, pursuant to the criteria set forth in Section 17-3.041 of the Florida Administrative Code. The eastern border of the City of Edgewater along the Intracoastal Waterway also referred to as the Mosquito Lagoon, an aquatic preserve, is considered an OFW.

**OWNER** means any person, partnership, corporation or corporations, or other legal entity having legal title to the land sought to be subdivided or developed under this Code.

**PAIN CLINIC** (hereinafter "pain clinics" shall include, but not be limited to, pain clinics, pain management clinics, wellness clinics, urgent care facilities or detox centers) shall have the same meanings and same exemptions as provided for in Florida Statutes Chapter 458 and 459 as amended from time to time, or any successor state law. Pain clinic means a privately owned pain management clinic, facility or office which advertises in any medium for any type of pain management services or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and is required to register with the Florida Department of Health pursuant to Florida Statutes Chapter 458 and 459 as amended from time to time, or any successor state law. A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Pain management clinic does not include a clinic:

- (a) Licensed as a facility pursuant to Chapter 395, Florida Statutes, as may be amended from time to time;
- (b) Where the majority of the physicians who provide services in the clinic primarily provide surgical services;
- (c) Owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded fifty million dollars (\$50,000,000.00);
- (d) Affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;
- (e) That does not prescribe or dispense controlled substances for the treatment of pain; or
- (f) Owned by a corporate entity exempt from federal taxation.

**PANEL ANTENNA** means an array of antennas designed to concentrate a radio signal in a particular area.



**PAWN SHOP** means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

**PENNANTS** shall include the terms "ribbons" and "streamers" and shall mean pieces of cloth, flexible plastic or other flexible material intended to attract attention because of their bright colors and/or flapping caused by action of the wind and shall include a single pennant, ribbon or streamer or a series of such pennants, ribbons or streamers.

**100 PERCENT CLEAR ZONE** means the requirement that in the event of a tower failure, the entire height of the tower would fall completely within the boundaries of the subject parcel.

**PERMANENT CONSTRUCTION** shall mean designed, constructed and intended to be used for more than 180 days, but does not include land preparation, such as clearing, grading and filling.

**PERMANENT STRUCTURE** means a building designed, and constructed from the ground up, meeting all building code and fire protection standards and intended to be used for more than 180 days, but does not include land preparation, such as clearing, grading, and filling.

**PERSON** means any individual, firm, association, organization, whether social, fraternal of business, partnership, joint venture, trust company, corporation, receiver, syndicate, business trust, or other group or combination acting as a unit, including any government.

**PERSONAL SERVICES** means a use primarily engaged to provide services involving the care of a person's appearance or apparel.

**PLACE OF WORSHIP** means a premises, or portion of, occupied by a religious organization operated primarily for worship and related activities; may also be called a church, temple, synagogue or other names appropriate to the worship and related activities. The term worship does not include day care facilities or educational facilities.

**PLANNED UNIT DEVELOPMENT (PUD)** means a land area under unified control, designed and planned to be developed for residential, commercial or industrial uses in an approved Final Development Plan.

**PLAT** means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable sections of this Code and any other local or state legislation including Chapter 177, F.S. and may include the terms "replat", "amended plat," or "revised plat."

**POLE SIGN** means a sign attached to, and elevated above, the ground by means of a pole or poles.

**POLITICAL SIGN OR CAMPAIGN SIGN** means a sign relating to any person, political party or matter subject to a public election.



**PORTABLE SIGN** means a sign that is mounted on a trailer or other chassis and is capable of being moved as an entire unit.

**POTABLE WATER** means water that is satisfactory for drinking, culinary and domestic purposes meeting current State and Federal drinking water standards.

**POTABLE WATER SUPPLY WELL** means water supply well which has been permitted for consumptive use by the SJRWMD.

**PREMISES** means a parcel of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit of real estate.

**PRIMARY CONTAINMENT** means the first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous substance being contained.

**PROJECTING SIGN** means any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

**PUBLIC BODY** means any department or branch of governmental, municipal, agency of the City, Volusia County, the State of Florida or the United States county, or state agency located within the United States.

**REAL ESTATE SIGN** means any sign that is used to offer for sale, lease or rent the property upon which the sign is placed.

**RECHARGE AREA** means a recharge area designated by the SJRWMD for the surficial aquifer in the City of Edgewater.

**RECLAIMED WATER** means treated wastewater effluent that has received at least advanced secondary treatment and high-level disinfection.

**RECREATIONAL VEHICLE** means a vehicle designed as temporary living quarters for recreational camping or travel use, which either has its own motor power or is mounted on, or drawn by, another vehicle. The term recreational vehicle excludes park trailers, automotive vans and mobile homes, but includes travel trailers, camping trailers, truck campers and motor homes as defined by Chapter 320.01, F.S.

**REPEAT VIOLATION** means a violation of a provision of a code or ordinance by a person who has been previously found through the Code Compliance Board to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations which occurred at different locations.

**RESIDENTIAL ACTIVITY** means any structure, or portion thereof, that is used for residential purposes, including those customary and accessory residential activities.

**RESTAURANT** means where meals are prepared, and food, including beverages and confections, is served to customers, with the food and nonalcoholic beverage sales amounting to

at least fifty-one percent (51%) of the total food sales.

**RE-SUBDIVIDE** means the making of a new subdivision and/or replatting of previously subdivided and/or platted parcels.

**REUSE** means the deliberate application of reclaimed water, in compliance with Florida Department of Environmental Protection and the St. Johns River Water Management District rules, for a beneficial purpose.

**RIGHT-OF-WAY** means land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, utilities or other purpose by the public, certain designated individuals, or governing bodies.

**ROADWAY/STREETS** means public or private roads falling into one of several categories, more particularly defined as follows:

**Expressway** means a limited access facility of four (4) or more lanes designed primarily for the high-speed movement of traffic.

**Arterial** means a facility of two (2) or more lanes designed primarily to serve as a major access route to expressways and/or as a connector of subregions, inter-county and inter-city vehicular movement. The main function is to move large volumes of vehicles (greater than 6,000 Average Daily Trips (ADT's)).

**Collector** means roads of two (2) or more lanes designed primarily for traffic movement within and between residential neighborhoods, commercial and industrial areas and all other roads.

**Cul-de-sac** means a minor street with only one (1) outlet terminating at one (1) end with a circular turn around.

**Local** means road facilities designed primarily to provide direct access to abutting property. Average daily trips are normally less than 1000 vehicles.

**Marginal Access** means roads which are parallel to, and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

**Private** means any street that has not been dedicated for public use.

**Public** means any street designed to serve more than one (1) property owner which is dedicated to the public use and accepted for ownership and maintenance by the City Council or other regulatory public body, includes any street right-of-way dedicated to the public prior to, or at the time of, adoption of this Code.

**ROOF LINE** means the top edge of the roof or the top of a parapet; whichever forms the top line of the building silhouette.

**ROOF SIGN** means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

**SALVAGE YARD** means a location used for collection, storage and/or abandonment of discarded or waste materials.

**SCHOOL** means any public or private elementary school, middle school or secondary school.

**SCREEN ENCLOSURE** means an addition to an existing structure that is attached to the principal structure and is enclosed with screen and has a roof and three (3) sides.

**SEASONAL HIGHWATER LEVEL (SHWL)** means the elevation to which ground or surface water can be expected to rise during a normal wet season.

**SEASONAL HIGH GROUND WATER TABLE (SHGWT)** means the zone of water saturated soil at the highest average depth during the wettest season of the year.

**SECONDARY CONTAINMENT** means the level of product containment separate from the primary containment.

**SELF-SUPPORT TOWER** means a communication tower that is constructed without guy wires and ground anchors.

**SEMI-TRAILER** see “~~Vehicle—Commercial~~ VEHICLE-COMMERCIAL.”

**SERVICE STATION** means an establishment that is used primarily for the retail sale and direct delivery to motor vehicles of motor fuel and lubricants, as well as lubrication, washing, repairs and installation of automobile parts and accessories.

**SETBACK (OR SETBACK LINE)** means a line determined by measurement, parallel to a lot line, creating an area between the lot line and the setback line in which all structures (unless otherwise permitted) may not be erected.

**SHOPPING CENTER** means a group of commercial establishments planned, developed, owned and managed as a unit, with off-street parking provided on a site of at least one (1) acre and related in its location, size and type of shops to the trade area which the unit serves.

**SHRUBS AND HEDGES** means that shrubs and hedges shall be self-supporting woody evergreen species and shall be a minimum of two (2') foot in height, immediately after planting. Plants shall be spaced no more than three (3') feet apart measured from center to center.

**SIGN** means any device, structure, fixture, or placard using graphics, identifiable corporate, or business symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods or service.

**SILVICULTURE** means the cultivation and harvesting of forest products for sale and which has an agricultural exemption from the State.

**SINGLE OR SOLE SOURCE AQUIFER** means the portion of the Florida Aquifer underlying most of Volusia County as designated pursuant to the requirements of Chapter 17-520, F.A.C.

**SITE IMPROVEMENT** means any man-made alteration to a parcel of land for the purpose of preparing the land for future construction, the actual construction/renovation of structure or paving of a surface and/or the planting or installation of permanent landscaping.

**SITE PLAN** means an illustration of the details of development of areas such as commercial, industrial, recreational, multi-family, residential and other uses not reflected on the plat.

**SJRWMD** means the St. Johns River Water Management District, a state agency designated by Chapter 373, F.S. with broad authority to manage the waters of the State.

**SNIPESIGN** means any sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on public or private property.

**SPECIMEN TREE** means any tree that is unique by reason of age, size, rarity, or status as a landmark as determined by an arborist or botanist and includes the following species of trees with the minimum specified diameter in inches at breast height:

Common Name	Botanical Name	Inches (DBH)
Elm	Ulmus spp.	12 plus
Hickory	Carya spp.	12 plus
Loblolly Bay	Gordonia lasianthus	12 plus
Magnolia	Magnolia grandiflora	12 plus
Maple	Acer spp.	12 plus
Other Oak Species	Quercus spp.	12 plus
Red Bay	Persea borbonia	12 plus
Red Cedar	Juniperus silicicola	12 plus
Swamp Bay	Persea palustris	12 plus
Sweet Bay	Magnolia virginiana	12 plus
Sweet Gum	Liquidambar styraciflua	12 plus
Sycamore	Platanus occidentalis	12 plus
Turkey Oak	Quercus laevis	12 plus
Cypress	Taxodium spp.	12 Plus
Sugarberry/Hackberry	Celtis laevigata	12 Plus
Slash Pine	Pinus Elliotti	18 Plus
Longleaf Pine	Pinus Palustris	18 Plus

**SPILL** means the release or escape of a hazardous substance, directly or indirectly to soils, surface waters, or groundwater.

**START OF CONSTRUCTION** (except for construction, or substantial improvement under the Coastal Barrier Resources Act, PL97-348) means the date the building permit was issued and includes the first placement of permanent construction of a structure (including a manufactured or modular building) on a site or plot, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling.

**STEALTH FACILITY** means any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mount antennas, antennas integrated into architectural elements, and telecommunications towers designed to look like light poles, power poles or trees.

**STORAGE BUILDING** means any structure used to shelter and/or protect equipment, supplies, chemicals, goods, furniture and the like for use by the principal occupant of the site.

**STORAGE, OUTDOOR** means the safekeeping of any goods, products, equipment or vehicles which are customarily incidental to the principal use, in an uncovered outdoor space and which is screened from view by the general public and neighboring properties.

**STORAGE SYSTEM** means any one or combination of tanks, sumps, wet floors, waste treatment facilities, pipes, vaults, or other portable or fixed containers used, or designed to be used, for the storage of hazardous substances at a facility.

**STORY** means that part of a building between the surface of a floor and the surface of the floor next above it, or if there is no floor above it then the space between the floor and the ceiling above it. For the purposes of this Code the minimum elevation change between a story shall be ten (10') feet. Any less dimension shall be considered a half-story.

**STRUCTURAL ALTERATIONS** means any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists or any substantial change in the roof or in the exterior walls of a building.

**STRUCTURE** means anything constructed, installed, or portable, which requires a location on a parcel of land. It includes a moveable structure while it is located on land which can be used for housing, business, commercial or industrial purposes whether temporary or permanent. Structure shall include, but not be limited to walls, billboards, swimming pools and decks, communication towers, on-site signs, tents, porches, fences, privacy screens, docks, arbor, gazebos, canopies/temporary carports, sheds and similar structures. Structure shall not include, pipes, pump stations and any other construction below ground level.

**SUBDIVIDER** means any person, firm, partnership, association, corporation, estate or trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein described.

**SUBDIVISION** means the ~~platting of real property~~division of land into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, and includes establishment of new streets and alleys, additions, and resubdivisions and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. (See Chapter 177.031(18), F.S.)

**SUBDIVISION PLAT, PRELIMINARY** means a drawing to scale and other supporting data, of a proposed subdivision prepared for the purposes of establishing the overall general layout and design for the provision of streets, lots, blocks and the location, plans and specifications for streets, utilities and other improvements.

**SUBDIVISION SIGN** means a sign designed as a permanent structure containing only the name of a subdivision, and not used for promotional purposes.

**SUBDIVISION SKETCH PLAN** means a drawing, not necessarily to scale, which shows a conceptual layout of the proposed subdivision.

**SUBSTANTIAL DAMAGE** See current Florida Building Code.

**SUBSTANTIAL IMPROVEMENT** See current Florida Building Code.

**SURVEYOR** means a land surveyor duly registered in the State of Florida.

**SWALE** means a man-made trench or channel approximately 1-foot deep or less and having side slopes equal to or greater than 4-foot horizontal to 1-foot vertical.

**SWIMMING POOL** means a body of water in an artificial or semi-public or private

swimming setting or other water-related recreational activity intended for the use and enjoyment by adults and/or children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool. This definition shall include whirlpools, spas, and hot tubs unless separately identified and shall exclude 110-volt plug-in Jacuzzi/hot tubs.

**SWIMMING POOL, COMMERCIAL** means a swimming pool and attendant equipment operated for profit or nonprofit open to the public and/or serving more than one family.

**TATTOO PARLOR/BODY- PIERCING STUDIO** means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

- (a) The placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- (b) The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This term does not include a permanent makeup establishment.

**TELECOMMUNICATIONS** means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content.

**TELECOMMUNICATION CARRIER** means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services. A telecommunications carrier shall be treated as a common carrier only to the extent that it is engaged in providing telecommunications services, except that the FCC shall determine whether the provision of fixed and mobile satellite services shall be treated as common carriage.

**TELECOMMUNICATIONS EQUIPMENT** means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment (including upgrades).

**TELECOMMUNICATION SERVICES** means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

**TEMPORARY SIGN** means any sign or advertising display intended for use for a period of time not to exceed twenty-four (24) days and designed and constructed in accordance with this intention.

**TRAILER** means any ~~non-self-propelled~~non-self-propelled wheeled vehicle licensed by the State of Florida as a trailer, not otherwise regulated herein as “Commercial”, “Watercraft” or “Recreational”.



**TRAILER SIGN** means any sign mounted on a vehicle normally licensed by the State of Florida as a trailer.

**TRANSIT STOP SHELTER** means a covered waiting area which has a small-scale protection from weather and allows access to nearby services, as well as, a waiting area for buses, taxis, trains or light rails.

**TRAVELING LIGHTS SIGN** means any sign that includes a series of lights, or lighting device that appears to move or travel in automatic sequence on the display surface of the sign.

**TREE** means any living, self-supporting perennial plant which has a trunk diameter of at least six inches (6") at D.B.H.

**TREE SURVEY** means a drawing prepared by a licensed Surveyor or Arborist in a readable scale for the site's size that provides the location, and common name for each tree equal to or greater than the defined DBH per each specimen and historic tree. The survey shall include a numbered list of the identified trees.

**TRIP** means a single or one-way vehicle movement.

**TRIP END** means the origin or destination of a trip.

**TRIP GENERATION** means the total number of trip ends produced by a specific land use or activity.

**UNLICENSED WIRELESS SERVICES** means the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition.

**USE** means the purpose for which land or a structure thereon is designed, arranged or intended to be occupied or utilized, or for which it is occupied or maintained.

**Use, Permitted -** means a use which is permitted in a particular zoning district providing it conforms with all requirements, regulations and standards of such district.

**Use, Principal -** means the primary purpose for which the land or building used as permitted by the applicable zoning district.

**UTILITIES** means, but is not limited to: water systems, electrical power, sanitary sewer systems, stormwater management systems, gas systems, communication systems, telephone and television cable systems, and street lighting.

**UTILITY SHED** means a building either constructed on site or pre-manufactured, containing 120 square feet or less.



**UTILITY SERVICE FACILITIES** means elements of utility distribution, collection or transmission networks required by their nature to be relatively dispersed throughout the service area. Typical facilities include, but are not limited to, electrical substations and telephone exchange structures.

**VARIANCE** means a modification of the strict application of site development requirements related to yard setbacks, building height, parking requirements, landscaping, drainage, and/or signage.

**VEHICLE** means any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance.

**VEHICLE, ABANDONED** means a vehicle that has no appearance of use for 60 days or more. Indication of an abandoned vehicle may include: no maintenance, no cover or screening, grass and weeds growing under and around vehicle and/or flat tires.

**VEHICLE, COMMERCIAL** means any vehicle, concession wagon, semi-trailer cab, or trailer with a rated capacity of more than one ton, and/or has more than two (2) axels, is over twenty-four (24) feet long, is intended or used for the transportation of people or goods as part of a business; and/or is either commercially or privately registered. Commercial vehicle shall not include rental vehicles designed for temporary personal use.

**VEHICLE, LICENSED** means any vehicle which is currently licensed by the State of Florida

**VEHICLE, MARINE** means any vehicle designed for and used on any water body.

**VEHICLE PAINT AND BODY SHOP** See “Automotive Paint and Body Shop.”

**VEHICLE ACCESSORY INSTALLATION** means the following:

- (a) Vehicle tune-up shops.
- (b) Installation, repair or services of vehicle glass, sun roofs, convertible tops, interiors, tinting, audio equipment, alarms and similar items.
- (c) Installation, repair or servicing of vehicle brakes, shock absorbers, radiators or air conditioning devices.
- (d) Installation, repair or servicing of vehicle electrical or ignition systems.
- (e) Washing, waxing, accenting and similar activities commonly known as detailing.

**VEHICLE REPAIR** means all maintenance of and modification and repairs to motor vehicles, and diagnostic work incident thereto, including, but not limited to, the rebuilding or restoring of rebuilt vehicles, warranty work, and other work customarily undertaken by motor vehicle repair shops.

**VESTED RIGHTS, COMMON LAW** means a right not created by statute or the provisions of the City of Edgewater Comprehensive Plan which would authorize the development of real property or the continued development of real property notwithstanding the provisions of the City of Edgewater Comprehensive Plan. The assignment of a particular zoning

classification, or a particular land use designation to a parcel of real property does not guarantee or vest any specific development rights to any person or entity as to said real property.

**VESTED RIGHTS, STATUTORY** See [Article I](#), Section 21.07.

**VIOLATION** means non-conformance with a code or ordinance, intentionally or unintentionally.

**WALL SIGN** means any sign painted on, or attached essentially parallel to, the outside wall of any building and supported by such wall with no copy on the sides or edges.

**WAREHOUSE** means a structure that stores goods and/or merchandise for use off-site.

**WATERS** means and shall include but not be limited to rivers, lakes, streams, springs, impoundments and all other waters or bodies of water whether surface or subsurface and whether navigable or non-navigable. The term shall encompass all bottom lands lying below the mean high water mark, whether said bottom lands are submerged or not.

**WATERS OF THE UNITED STATES** means surface and ground waters as defined by [Title 40](#) Code of the Federal [Regulations \(CFR\) §120](#)~~Register 122~~.2.

**WATERCRAFT** means any vehicle designed for use in water.

**WATERWAY** means a channel, creek, ditch, drainage way, dry run, spring, stream, river and canal; but not a lake, pond or pool without a water outlet.

**WELL** means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater.

**WELLFIELD** means an area of land that contains one or more potable water supply wells.

**WELLHEAD PROTECTION AREA** means an area designated by the City, upon the advice of the SJRWMD, to provide land use protection for the groundwater source for a potable water wellfield, including the surface and subsurface area surrounding the wellfield.

**WELLFIELD PROTECTION ZONE - PRIMARY** means the land area immediately surrounding any potable water supply well and extending a radial distance of five hundred feet (500') from said well(s).

**WELLFIELD PROTECTION ZONE - SECONDARY** means the land area, adjacent and surrounding the primary wellfield protection zone extending and defined by a radial distance of one thousand feet (1,000') from the well(s).

**WELLFIELD PROTECTION ZONE PERMIT** means that permit issued by the city authorizing the activities.

**WET BOTTOM** means any water retention, detention, or conveyance facility which cannot evacuate its water level (naturally or artificially) below its design bottom within seventy-two 72 hours of its design storm event or those tidally influenced facilities that contain water above their bottom more than twelve (12) hours a day.

**WETLANDS** means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include, but are not limited to, swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an under story dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature.

**WETLAND BOUNDARY** means the location on the ground where:

- (a) The vegetation type shifts from dominantly wetland types to dominantly upland species; or
- (b) The soil type shifts from dominantly wetland types to dominantly upland types; or
- (c) Flooding, inundation, or saturated soil indicators are no longer present.

**WETLAND BUFFER** means the twenty-five feet (25') upland areas adjacent to wetlands that protect the wetlands and consists of the existing canopy, under story, and groundcover.

**WETLAND MITIGATION** means any action to restore and/or create wetlands in compensation for permitted development activities.

**WHIP ANTENNA** means a cylindrical antenna that transmits signals in three hundred and sixty (360) degrees.

**WINDOW SIGN** means any sign on a window facing the outside and which is intended to be seen from the exterior.

**WRECKER/TOW TRUCK** means a motor vehicle equipped with hoisting apparatus or other equipment designed for the towing or servicing of wrecked, disabled or inoperable automobiles, trucks, motor vehicles or industrial equipment.

**XERISCAPE** means a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The principles of xeriscape

include planning and design, appropriate choice of plants, soil analysis, the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

**YARD** means a required open space clear from the ground surface upward, unoccupied and unobstructed by any structure except for fences, walls, trees, and other living landscape material as provided herein.

## ARTICLE III

### PERMITTED, CONDITIONAL, ACCESSORY AND PROHIBITED USES

<b>SECTION 21-30 – GENERAL PROVISIONS .....</b>	<b>III-1</b>
21-30.01 – Purpose .....	III-1
21-30.02 – District Boundaries .....	III-1
21-30.03 – Application of Districts .....	III-2
21-30.04 – Official Zoning Map .....	III-2
21-30.05 – Comprehensive Plan Consistency .....	III-3
<b>SECTION 21-31 – COMPREHENSIVE PLAN RELATIONSHIP.....</b>	<b>III-3</b>
21-31 - Table III-1 .....	III-4
<b>SECTION 21-32 – ZONING DISTRICT DESCRIPTIONS.....</b>	<b>III-4</b>
21-32.01 – Zoning District Descriptions .....	III-4
21-32.01 – Table III-2.....	III-5
<b>SECTION 21-33 – USES AND RESTRICTIONS .....</b>	<b>III-6</b>
21-33.01 – Purpose .....	III-6
21-33.02 – Permitted Uses .....	III-6
21-33.03 – Conditional Uses .....	III-6
21-33.04 – Accessory Uses .....	III-6
21-33.05 – Table III-3.....	III-7
<b>SECTION 21-34 – SPECIAL USE REQUIREMENTS .....</b>	<b>III-13</b>
21-34.01 – Home Occupations .....	III-13
21-34.02– Community Residential Homes (CRH).....	III-14
21-34.03 – Adult Living Facilities (ALF) .....	III-15
21-34.04 – Salvage Yards .....	III-15
21-34.05 – Refuse and Dumpsters .....	III-16
21-34.06 – Kennels .....	III-17
21-34.07 – Mini-warehouses .....	III-17
21-34.08 – Bed & Breakfasts.....	III-18
21-34.09 – Nursing Homes.....	III-18
21-34.10 – Residential Professional Offices.....	III-18
<b>SECTION 21-35 – PROHIBITED USES.....</b>	<b>III-19</b>
21-35.01 – Alcoholic Beverages.....	III-19
<b>SECTION 21-36 – ACCESSORY USE REQUIREMENTS.....</b>	<b>III-18</b>
21-36.01 – Purpose .....	III-19
21-36.02 – General Regulations .....	III-19
21-36.03 – Outdoor Storage and Display: Commercial/Industrial .....	III-20
21-36.04 – Satellite Dishes and Antennas .....	III-22

21-36.05 – Places of Worship – Schools/Child Care.....	III-21
21-36.06 – Boathouses.....	III-23
21-36.07 – Boat Docks and Slips.....	III-23
21-36.08 – Canopies/Temporary Carports and Tents.....	III-23
21-36.09 – Swimming Pools.....	III-24
<b>SECTION 21-37 – SPECIAL ACTIVITY/PERMIT REQUIREMENTS.....</b>	<b>III-27</b>
21-37.01 – Purpose/Scope .....	III-27
21-37.02 – Definitions .....	III-27
21-37.03 – Special Activity Permit Requirements .....	III-28
21-37.04 – Special Activity Permit Application Process .....	III-28
21-37.05 – Special Activity Permit Criteria .....	III-29
21-37.06 – Temporary Structures .....	III-29
21-37.07 – Inspections to Ensure Compliance .....	III-29
21-37.08 – Penalties.....	III-30
21-37.09 – Exceptions .....	III-30
<b>SECTION 21-38 – FENCES, WALLS and HEDGES.....</b>	<b>III-30</b>
21-38.01 – Purpose .....	III-30
21-38.02 – General Requirements .....	III-30
21-38.03 – Site Triangle Requirements .....	III-31
<b>SECTION 21-39 – PAIN CLINICS.....</b>	<b>III-32</b>
21-39.01 – Purpose .....	III-32
21-39.02 – General Requirements .....	III-33

## **ARTICLE III**

### **PERMITTED USES, CONDITIONAL USES, ACCESSORY USES AND PROHIBITED USES**

#### **SECTION 21-30 – GENERAL PROVISIONS**

##### **21-30.01 – Purpose**

In addition to the intent and purposes listed in Section 21-30, the various zoning districts established herein are intended to:

- a. Establish the permitted, prohibited, conditional and accessory uses allowed for each parcel; and
- b. Provide for equal protection of property rights of each parcel of land without regard for its classification; and
- c. Streamline the land development decision process to the maximum extent possible; and
- d. Provide reasonable opportunities for the provision of telecommunication facilities; and
- e. Control the placement of signage to preserve property values and enhance the aesthetic character of the City; and
- f. Prevent cut-through traffic in residential neighborhoods to the maximum extent possible.

##### **21-30.02 – District Boundaries**

Zoning districts are depicted as shown on the Official Zoning Map of the City of Edgewater, Florida, as revised at the effective date of this Code, and made a part of the Article by reference. When uncertainty occurs as to boundaries of zoning districts on the Official Zoning Map, the following rules shall apply:

- a. Boundaries are depicted to follow the centerline of streets, highways, alleys, or other public right-of-ways and shall be construed to follow such lines;
- b. Boundaries are depicted to follow platted lot lines, section lines, or tract lines and shall be construed as following such lot lines;
- c. Boundaries are depicted to follow political boundaries and shall be construed as following such political boundaries;
- d. Boundaries are depicted to follow railroad right-of-ways and shall be construed to be the center line of the railroad right-of-way;
- e. Boundaries are depicted to follow shorelines and shall be construed to follow such shorelines even if the shorelines change;

- f. Boundaries are depicted to follow the center lines of canals and shall be construed to follow such center lines;
- g. Boundaries shown to be parallel to the center line of streets, or the center line or right-of-way line of highways, such district boundaries shall be construed as being parallel thereto and such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined by measuring from the Official Zoning Map;
- h. Where a public road, street or alley is officially vacated or abandoned, the location of the zoning district boundaries shall be the center line of the vacated right-of-way;
- i. Where physical or cultural features existing on the ground are different from those shown on the Official Zoning Map, or in case any other uncertainty exists, the Development Services Director/Planning Director shall interpret the intent of the Official Zoning Map as to the location of district boundaries.

### **21-30.03 – Application of Districts**

Except as provided in Section 21-71 – Non-Conforming Uses, the enlargement, alteration, conversion, relocation, rehabilitation, or reconstruction of any structure or building shall be in accordance with regulations of the district in which said structure or building is located as well as all applicable regulations of this Article.

All use of land and/or water shall be done so only in accordance with the applicable requirements of this Article.

### **21-30.04 – Official Zoning Map**

- a. The City of Edgewater is hereby divided into zoning districts and shown on the Official Zoning Map as amended by the City Council. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Chapter 21, of the Code of Ordinances.”
- b. No changes shall be made in the Official Zoning Map except as provided herein in Article IX. Any unauthorized change of any kind by any person, or persons, shall be considered a violation of this Article and be subject to the applicable enforcement provisions described in Article X.
- c. Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be maintained in the official records of the City.
- d. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes and additions, the City Council shall adopt a new Official Zoning Map.



### **21-30.05 – Comprehensive Plan Consistency**

The regulations contained herein are consistent with and implement the Comprehensive Plan policies contained in the Future Land Use Element, Housing Element, Coastal Element and Conservation Element.

### **SECTION 21-31 – COMPREHENSIVE PLAN RELATIONSHIP**

Table III-1 shows which zoning categories are consistent with and implement the land use categories in the Comprehensive Plan, particularly the Future Land Use Map (FLUM).

**(See Page III-4)**

**TABLE III-1**  
**LAND USE AND ZONING COMPATIBILITY**

<b>Future Land Use Designation</b>	<b>Compatible Zoning Districts</b>
<b>Low Density Transition</b> 1.0 DU/net acre	RT, MUPUD
<b>Low Density Residential</b> 1.0 to 4.0 DU/net acre	R-1, R-2, R-3, RPUD, RP, RT, MUPUD
<b>Medium Density Residential</b> 4.1 to 8.0 DU/net acre	R-3, R-4, RPUD, MH-1, MH-2, MUPUD
<b>High Density Residential</b> 8.1 to 12.0 DU/net acre	R-5, RPUD, MUPUD
<b>Commercial</b>	B-2, B-3, B-4, BPUD, MUPUD, <a href="#">R-5<sup>1</sup></a>
<b>Industrial</b>	I-1, I-2, IPUD, MUPUD, <a href="#">R-5<sup>1</sup></a>
<b>Recreation</b>	CN, RT, AG, R-1, R-2, R-3, R-4, R-5, RPUD, RP, MH-1, MH-2, B-2, B-3, B-4, BPUD, I-1, I-2, IPUD, P/SP, R, EC, CC, MUPUD
<b>Public/Semi-Public</b>	CN, AG, P/SP, R, MUPUD
<b>Conservation</b>	CN, P/SP, R
<b>Agriculture</b> Minimum 1 DU/2.5 net acre	AG, R, MUPUD
<b>Mixed Use</b> Minimum 15 acres; to 12 DU/net acre	<a href="#">R-5<sup>1</sup></a> , RPUD, BPUD, IPUD, MUPUD, EC, CC
<b>Sustainable Community Development</b> See SCD Sub-Element of the City of Edgewater Comprehensive Plan	SCD/PUD

DU = Dwelling Units

[<sup>1</sup>= Only applicable to Projects approved under the Live Local Act per SB 102, Florida Statute 125.01055\(7\)](#)

## **SECTION 21-32 – ZONING DISTRICT DESCRIPTIONS**

### **21-32.01 – Zoning District Descriptions**

Table III-2 summarizes the principal purpose for each zoning category. The minimum parcel sizes are provided where applicable.

(See Page III-5)

**TABLE III-2**

**ZONING DISTRICT DESCRIPTIONS**

<b>Zoning District Title</b>	<b>Category</b>	<b>Purpose and General Description</b>
Conservation	CN	Protection of wetlands, aquifer recharge & environmentally sensitive areas.
Rural Transitional	RT	Provide for limited agriculture and provide for a transition between rural and residential land uses – min. 1 acre lot.
SF Residential	R-1	Single family residential – (1.0 to 4.0 units/net acre) min. 12,000 sq. ft. lot.
SF Residential	R-2	Single family residential – (1.0 to 4.0 units/net acre) min. 10,000 sq. ft. lot
SF Residential	R-3	Single family residential – (1.0 to 4.0 units/net acre) min. 8,625 lot.
<del>SF</del> MF Residential	R-4	Medium density residential (4.1 to 8.0 units/net acre) – single family, duplex, <del>apartments</del> , and townhouses.
MF Residential	R-5	High density residential (8.1 to 12.0 units/net acre) – single family, duplex, apartments, and townhouses.
Recreation	R	This zoning category includes parks and recreation facilities owned by the City, as well as recreation facilities located at area schools that are under lease to the City. This category includes land committed to both active and passive recreational uses.
Residential Planned Unit Development	RPUD	Intended for mixed residential, personal service and limited retail commercial with a single development plan.
Residential Professional	RP	Intended for office professional and personal service along SR#442 and a rezoning must be accompanied by a site plan.
Mobile Home Park	MH-1	Medium density residential (5.1 to 8.0 units/acre). Provide for mobile home parks – min. 5 acre parcel (See Sec. 21-71 for Non-Conforming Parks).
Manufactured Home Subdivision	MH-2	Medium density residential (5.1 to 8.0 units/acre). Provide for manufactured home subdivisions – min. 50 acre parcel.
Neighborhood Business	B-2	Intended for retail goods and services for frequent residential needs – min. 10,000 sq. ft.
Public/Semi-Public	P/SP	Consists of public facilities and private not-for-profit uses such as churches, schools, and cemeteries. All other public lands and facilities, including but not limited to, government offices, post offices, hospitals, utility sub-stations, water and wastewater treatment plants, fire stations, and libraries are also included in this category.
Highway Commercial	B-3	Intended for high volume highway related commercial uses – no min. parcel size.
Tourist Commercial	B-4	Intended for short term waterfront accommodations for visitors and accessory uses, may include residential mixed use – min. 2 acres.
Business Planned Unit Development	BPUD	Intended for mixed commercial and limited multifamily residential with a single development plan
Light Industrial	I-1	Intended for storage, light manufacturing, wholesaling and distribution uses and adult entertainment – no min. parcel size.
Heavy Industrial	I-2	Intended for heavy manufacturing uses – no min. parcel.
Industrial Planned Unit Development	IPUD	Intended for mixed industrial and limited commercial with a single development plan.
Agriculture	AG	Intended for general agriculture uses – min. 2.5-acre parcel – temporary or hold zoning intended for future urban development.
Employment Center/Community Center	EC/CC	Intended to allow a mix of uses to satisfy varying degrees of intensity and balance the residential and non-residential needs of the City.
Mixed Use Planned Unit Development	MUPUD	Intended for innovative mixed use developments to include, but not be limited to commercial, light industrial and residential.
Sustainable Community Development/Planned Unit Development	SCD/PUD	See SCD Sub-Element of the City of Edgewater Comprehensive Plan.

## **SECTION 21-33 – USES AND RESTRICTIONS**

### **21-33.01 – Purpose**

This portion of Article III depicts the permitted, conditional and accessory uses by zoning district using the matrix format. The footnotes in Table III-3 refer to any applicable special criteria for that use in the particular zoning district and are described in Section 21-34 of this Article.

If a use is not present in a given square in the matrix, that use is not permitted in that zoning district. Changes to the list of uses, the zoning districts and/or the permitted, conditional or accessory use status of a given land use can only be changed by completing the Land Development Code amendment process described in Article IX.

### **21-33.02 – Permitted Uses**

The use depicted as “P” in the matrix (Table III-3) means that it is permissible in that zoning district as a matter of right, subject to satisfactory compliance with the project design standards found in the Land Development Code and any applicable site plan review requirements in the Land Development Code.

The list of permitted uses cannot be all inclusive. The uses described in Table III-3 shall be interpreted by the Development Services Director/Planning Director to include other uses that have similar impacts to those listed. Any dispute or request regarding interpretations shall be resolved by the City Manager subject to an appeal to the City Council.

All permitted uses or businesses requiring business tax receipts shall operate from within a permanent structure.

### **21-33.03 – Conditional Uses**

The use depicted as a “C” in the matrix (Table III-3) means that it is permitted in that zoning district only after satisfactory completion of the conditional use process described in Article IX or the satisfactory completion of a Planned Unit Development. Satisfactory compliance with the applicable project design standards described in Article V and the concurrency requirements described in Article XI must also be achieved prior to commencement of a project.

### **21-33.04 – Accessory Uses**

The use depicted as an “A” in the matrix (Table III-3) means a use that is incidental, related, appropriate and clearly subordinate to the existing principle permitted use.

## SECTION 21-33.05

### TABLE III – 3 PERMITTED (P), CONDITIONAL (C), AND ACCESSORY (A) USES ZONING DISTRICTS

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD
Adult Entertainment (19)																	P							
Agriculture - General	P		P																	C				
Aircraft Manufacturing																	P	P	C		C		C	C
Airport Fixed Base Operations																	P	C	C	P	C		C	C
Aluminum Can Transfer Facility																	P	P	C		C		C	C
Animal Hospital									C	C			P	P		C	P		C				C	C
Antennas (1) (2)	C		C	C	C	C	P	P	P		C	C	C	C	C	C	C	C	C	C			C	C
Aquaculture	P	C																						
Auction/Flea Market – Indoor Only													P				P		C				C	C
Automobile Paint & Body (7) (17)													P				P	P	C				C	C
Automobile Repair – Indoor (7)													P	P			P	P	C				C	C
Automobile Service (7)													P	P		C	P	P	C				C	C
Automobile Sales/Leasing													P	P		C	A	A	C				C	C
Bed & Breakfast (3)				C					C					P	P	C							C	C
Boat Building & Repair													C	C	C	C	C	P	C		C		C	C
Boat Sales and Leasing													P	P		C	A	A	C		C		C	C
Bulk Processing																		P	C		C		C	C
Car Wash									C				P	P	C	C	C	C	C				C	C
Chauffeur/Vehicle for Hire														P		C	C	C	C				C	C
Cemeteries	P																			P				
Containment Facilities	P		C															C	P	C				
Day Care – Children or Adult (17)			P	P	P	P	P	P	P	P	P	P	C	P	A	C						C	C	C
Dispensing Facility									C				P	P	A	C	A	A	C	A			C	C
Distribution Facilities														C		C	P	P	C		C		C	C
Financial Institute									C	C				P		C			C		C	C	C	C
Garden & Yard Supplies	P													P		C	P	P	C				C	C
Government Facilities	P	C	P	P	P	P	P	P	C	C	P	P	P	P	P	C	P	P	C	P	C	C	C	C

# SECTION 21-33.05

**TABLE III – 3**  
**PERMITTED (P), CONDITIONAL(C), AND ACCESSORY (A) USES (cont'd)**

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD
Health/Fitness Facilities								L(23)	C			C	P	P	A	C	C	C	C			C	C	C
Home Occupations	P		P	P	P	P	P	P	C	C	P	P	P	P		C					C	C	C	C
Hotel/Motel														P	P	C						C	C	C
Internet/Sweepstakes Café (20)																	P							
Kennels & Boarding (4)	C		C											P		C	C	P	C	P			C	C
Laboratories									C					P		C	C	P	C		C		C	C
Lodges – Fraternal/Sorority														P	C	C							C	C
Marina		C							A						P	C				P	C	C	C	C
Marina Related Industrial																		P	C		C		C	C
Machine Shop/Repair													P	P		C	P	P	C		C		C	C
Manufacturing – General													C				P	P	C		C		C	C
Medical/Dental Offices								L(23)	C	C			P	P		C						C	C	C
Mini-warehouse (5)													P	C		C	P	P	C		C		C	C
Mining/Excavation (18)																	P	P	P					
Mobile Home Sales													P		C						C			
Night Club / Lounge/Bar								L(23)	C					P	A	C					C	C	C	C
Nursing Homes (6)														P		C	C			P		C	C	C
Outdoor Equipment Sales														P		C	P	P	C		C		C	C
Outdoor Storage (7)													A	C		C	C	P	C		C		C	C
Pain Clinic (21)														C										
Pawn Shop (22)														P			P							
Personal Service Facilities								L(23)	C	C			P	P	C	C	C	C	C				C	C
Pool Hall/Billiards								L(23)	C			C	P	P	C	C	C	C	C		C	C	C	C
Places of Worship			C	C	C	C	C	C	C			C	P	P	C	C				P			C	C
Places of Worship – Schools (14)	C		C	C	C	C	C	C	C			C	P	P		C				P	C	C	C	C
Professional Office Facilities (12)					C				C	C		C	P	P	C	C	P	P	C		C	C	C	C
Railroad Facilities																	P	P	C	P	C			
Recording Facilities										C			P	P		C	C	C	C		C	C	C	C

## SECTION 21-33.05

**TABLE III – 3**  
**PERMITTED (P), CONDITIONAL (C), AND ACCESSORY (A) USES (cont'd)**  
**ZONING DISTRICTS**

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD
Recreational Uses (R*) (13)	P	C	P	P	P	P	P	P	C	C	A	A	P	P	C	C	C	C	C	P	C	C	C	C
Research Facilities										C				P		C	P	P	C		C		C	C
Residential – ALF (9)	P		P	P	P	P	P	P	C					C		C						C	C	C
Residential - Community Home (8)	P		P	P	P	P	P	P	C		P	P				C					C	C	C	C
Residential – Duplex (15)							P	P	C							C						C	C	C
Residential – Multifamily (10) (15)							P	P	C				L(24)	L(24)	L(24)	C	L(24)	L(24)					C	C
Residential –Manufactured/ Mobile Homes	P		P						C		P	P										C	C	C
Residential –Modular Home	P		P	P	P	P	P	P	C			P				C					C	C	C	C
Residential – Single Family (15)	P		P	P	P	P	P	P	C							C					C	C	C	C
Restaurants								L(23)	C			A	P	P	A	C	C	C	C			C	C	C
Retail – General								L(23)	C				P	P	A	C	A	A	C	A			C	C
RV & Boat Storage									C			A	C	C	A	C	P	P	C		C		C	C
Salvage Yards (11)																		C						
Satellite Dishes	A		A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A
Schools – Public	P		P	P	P	P	P	P	C		P	C	P	P	C	C	C		C	P		C	C	C
Schools – Private	C		C					L(23)	C	C		A	C	P	C	C	C	C	C	P		C	C	C
Shopping Center									C				C	P	C	C					C	C	C	C
Silviculture	P		C																					
Tattoo Parlor/Body- Piercing Studio (22)														P			P							
Telecommunication - Unmanned	P		P	P	P	P	P	P	C		P	P	P	P	P	C	P	P	C	C			C	C
Telecommunication Towers (2)	C		C				C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C
Theaters									C					P		C						C	C	C
Truck Freight Terminal																		P	C		C		C	C
Warehousing & Storage													P	C		C	P	P	C		C		C	C
Wholesale & Distribution													P	C		C	P	P	C		C		C	C
Wrecker/Tow Truck Service													P	P		C	P	P	C		C		C	C

\* R – Recreation Zoning District, Recreational Uses permitted only

### TABLE III-3 FOOTNOTES

The sections cited below identify special requirements for the listed land uses and are found on the following pages. In addition, many of the proposed projects must also comply with the requirements of Article IV – Natural Resource Protection, Article V – Site Design Criteria, Article VI – Signs, Article XVIII - Indian River Boulevard – S.R. 442 Corridor Design Regulations and Article XX – Ridgewood Avenue Corridor Design Regulations.

1. See Satellite Dishes, Section 21-36.04 – Dishes greater than 39 centimeters in diameter are required to obtain a building permit and otherwise conform to the site development criteria.
2. See Telecommunications, Article XII for details.
3. See Bed & Breakfast, Section 21-34.08 for details.
4. See Kennels/Boarding, Section 21-34.06 for details.
5. See Mini-Warehouses, Section 21-34.07 for details.
6. See Nursing Homes, Section 21-34.09 for details.
7. See Outdoor Storage, Section 21-34.04 and 21-36.03 for details.
8. See Community Residential Homes, Section 21-34.02 for details.
9. See Adult Living Facilities (ALF), Section 21-34.03 for details.
10. Multifamily residential is permitted in BPUD only as part of a single business/residential development plan – See Article V, Section 21-57 for details.
11. See Salvage Yards, Section 21-34.04 for details.
12. Residential Professional offices may be permitted as a conditional use in the R-2 district for certain properties abutting State Road #442. See Section 21-34.10 for details.
13. No artificial lights or recreational activity within 25 feet of the perimeter of the property line shall be permitted adjacent to residential property.
14. Places of Worship – Schools/Child Care, see Section 21-36.05 for details.
15. Attached and detached aircraft hangars permitted in residential districts adjacent to airport taxiways.
16. Outside application of flammable finishes and/or environmentally sensitive finishes (spray painting) is strictly prohibited.
17. State license required.



18. Mining/Excavation is defined as the exploration for or extraction of surface or subterranean compounds; which shall include oil and gas exploration and production, and the mining of metallic and non-metallic minerals, sand, gravel, fill dirt, and rock.
19. Adult Entertainment is permitted in the I-1 (Light Industrial) zoning district with the exception of properties with frontage on Park Avenue.
20. Internet/Sweepstakes Cafés are permitted in the I-1 (Light Industrial) zoning district with the exception of properties with frontage on Park Avenue. This section shall not apply to any existing Internet/Sweepstakes Café locations, in operation and in compliance with chapter 205 and 849 Florida Statute, and in compliance with Florida Statute at the time of the passage of this ordinance. Such use may be continued within the present zoning category as a nonconforming use subject to all restrictions, limitations and requirements set forth in Article VII, Land Development Code, and all other applicable provisions of the Code of Ordinances. However, any change in ownership will remove said business or operation from this exception. Change in ownership in the case of a partnership or corporation, for the purpose of this section only, means more than fifty percent change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the date of passage of this ordinance. For purposes of any Internet/Sweepstakes Café deemed a nonconforming use as described above, the provisions of Article VII, Land Development Code pertaining to expansion and relocation shall be modified to allow the nonconforming use to continue if expanded or relocated on a one-time basis within the present zoning category if 1) the Internet/Sweepstakes Café deemed a nonconforming use dedicated less than 25% of its square footage to internet/sweepstakes activity in the original location prior to the expansion or relocation, and 2) the Internet/Sweepstakes Café dedicates less than 25% of its square footage to internet/sweepstakes activity after the expansion or relocation.
  - a. No person or entity shall propose, cause or permit the operation of, or enlargement of Internet/Sweepstakes Cafés that would or will be located within, 1,000 feet of a preexisting Internet/Sweepstakes Cafés, within 500 feet of a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption, within 500 feet of a preexisting religious institution, within 500 feet of a preexisting park, or within 2,500 feet of a preexisting educational institution. In this subsection the term "enlargement" includes, but is not limited to, increasing the floor size of the establishment by more than ten percent.
  - b. In addition to the distance requirements set forth in the subsection above, Internet/Sweepstakes Cafés shall not be allowed to open anywhere except in the I-1 district (with the exception of parcels having frontage on Park Avenue) where Internet/Sweepstakes Cafés is an expressly permitted use.
  - c. The aforementioned distance requirements are independent of and do not supersede the distance requirements for alcoholic beverage establishments which may be contained in other laws, rules, ordinances or regulations.

21. See Pain Clinics, Section 21-39 for details.
22. Pawn Shops and Tattoo Parlors/Body Piercing Studios are permitted by right in the B-3, Highway Commercial zoning district and allowed by right within the I-1, Light Industrial zoning district. This section shall not apply to any existing Pawn Shops and Tattoo Parlors/Body Piercing Studios in compliance with Florida Statutes at the time of the passage of this ordinance. Such use may be continued within the present zoning category as a nonconforming use subject to all restrictions, limitations and requirements set forth in Article VII, Land Development Code, and all other applicable provisions of the Code of Ordinances. However, any change in ownership will require to conform to the standards established herein. Change in ownership in the case of a partnership or corporation, for the purpose of this section only, means more than fifty percent change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the date of passage of this ordinance. The following standards must be met in order for a Pawn Shop or Tattoo Parlor/Body Piercing Studio to operate in the B-3, Highway Commercial zoning district:
- a. No Pawn Shop or Tattoo Parlors/Body Piercing Studios shall be located within 250 feet of a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption, within 250 feet of a preexisting religious institution, within 500 feet of a preexisting public park, or within 1,000 feet of an educational institution.
  - b. No Tattoo Parlors/Body Piercing Studios shall operate between the hours of 9:00pm and 8:00am. No Pawn Shop shall operate between the hours of 12:00 am and 6:00 am.
  - c. No part of the interior of the Pawn Shop or Tattoo Parlor/Body Piercing Studio shall be visible from any pedestrian sidewalk, walkway, street, or other public or semi-public area.
  - d. No more than one Tattoo Parlor/Body Piercing Studios or Pawn Shop may be located within 500 feet of another Tattoo Parlor/Body Piercing Studios or Pawn Shop.
23. ["L" denotes the acceptable commercial uses required in a mixed use project pursuant to a Multi-family development utilizing SB 102.](#)
24. [The City of Edgewater currently has less than 20 percent of land containing commercial and industrial zoning designations. As such \(Pursuant to Senate Bill 102, known as the "Live Local Act"\) multifamily development in areas zoned commercial or industrial use are only allowed if the proposed multifamily development is mixed-use residential. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. As such, Any multifamily projects occurring in Commercial or Industrial zoned districts per Senate Bill 102, known as the "Live Local Act", must adhere to the requirements of the R-5](#)

Multifamily zoning. Any Live Local Act site plan must adhere to the standards of the R-5 zoning district and corresponding multi-family requirements found throughout the land development code.

d.

## **SECTION 21-34 – SPECIAL USE REQUIREMENTS**

The following uses are subject to the special restrictions described below in addition to the applicable natural resource standards described in Article IV and the project design standards described in Article V.

### **21-34.01 – Home Occupations**

The purpose of this Section is to provide criteria under which a home occupation may operate in the City's residential districts. The Home Business Tax Receipt is designed to allow for office type uses within a residence. No home business tax receipt shall be issued unless the City determines the proposed home occupation (business) is compatible with the criteria shown below:

- a. The use must be conducted by a member, or members, of the immediate family residing on the premises and be conducted entirely within the living area of the dwelling unit, not to exceed twenty percent (20%) of the dwelling unit space (excluding garage/carport) for the home occupation.
- b. No manufacturing, repairing, storing, or other uses that are restricted to commercial and industrial districts are allowed.
- c. No chemicals/equipment, supplies or material, except that which is normally used for household domestic purposes, shall be used or stored on site.
- d. Noise, dust, odors or vibrations emanating from the premises shall not exceed that which is normally emanated by a single dwelling unit. Activities that cause a nuisance shall not be permitted in residential areas.
- e. No electrical, electro-magnetic or mechanical equipment that causes any interference or excessive noise to adjacent dwelling units shall be installed or operated.
- f. No products, services, or signage may be displayed in a manner that is visible from the exterior of the dwelling unit, except signage required by state law.
- g. Except as provided in the City of Edgewater Code of Ordinances, no commercial vehicles or equipment shall be permitted in the driveway, or adjacent public right-of-way, including commercial vehicles used for mobile vending and no delivery of commercial products for the use of the business tax receipt shall be allowed. Normal/routine UPS, FedEx, or over-night mail shall not be considered commercial deliveries.

- h. The use of typewriters, computers, printers, photocopiers and fax machines will be permitted for office use and small machinery such as hand drills and small jigsaws for hobbyist uses. Hobbyist uses shall be limited to \$500 in total inventory.
- i. All home occupations shall be required to obtain a home business tax receipt pursuant to the requirements of Chapter 11 of the City Code of Ordinances prior to initiating operation.
- j. Garages, carports or similar structures, whether attached or detached shall not be used for storage of material or manufacturing concerning the home occupation (other than storage of an automobile).
- k. Any home business tax receipt that generates more than 10 vehicle trips per day shall require a City fire inspection. Excessive traffic shall not be permitted other than routine residential traffic.
- l. An applicant may appeal the denial of an application to the City Council pursuant to the requirements of the Land Development Code.
- m. No home business tax receipt shall be issued for any property until such time that any Code Compliance issues are resolved.
- n. If the applicant does not own the property, said applicant shall provide a signed and notarized affidavit from the property owner permitting a Home Occupation on their property, provided the use is permitted by the City.

#### **21-34.02– Community Residential Homes (CRH)**

The purpose of this Section is to establish criteria for the placement of Community Residential Homes.

- a. All facilities shall comply with the minimum parcel area and dimensional requirements of the zoning district in which the facility is located.
- b. Community Residential Homes shall be used only for the purpose of providing rehabilitative or specialized care, and may not be used for administrative or related office-type activities, other than those in support of the facility.
- c. No counseling or other client services for non-residents shall be permitted in a CRH.
- d. A CRH shall be similar in appearance to the prevailing character of the area in which the proposed site is located. Similar means within 125 percent of the average floor area, height, and/or architectural style of any other dwelling units in the adjacent area.
- e. On-site signage shall be a low profile sign with a maximum height of 8 feet and a maximum area of 16 square feet.
- f. The CRH shall provide a minimum 4-foot (4') high fence on all property lines.

- g. The CRH shall comply with the appropriate project design standards described in Article V.
- h. The CRH shall comply with all appropriate Florida Fire Prevention Codes and Building Code requirements.
- i. The minimum dwelling unit size for each resident shall be 750 square feet.
- j. There shall be no more than fourteen (14) residents permitted in a structure.
- k. Each CRH shall provide a responsible supervisory person on duty at all times while residents are on the premises. The minimum staffing levels required by the State, or other licensing agency, shall be maintained at all times.
- l. Failure to substantially comply with all these criteria shall subject the property owner, and/or the applicant, to the enforcement provisions of Chapter 10, City of Edgewater, Code of Ordinances.
- m. A Community Residential Home shall not be located closer than 1,200 feet (1,200') to another CRH.
- n. All distance requirements shall be measured from the nearest point of the existing CRH property line, or the zoning district described above, whichever is greater.
- o. The City will inspect facilities for compliance with Florida Fire Prevention Codes.

#### **21-34.03 – Adult Living Facilities (ALF)**

The purpose of this Section is to provide regulations to protect the adjacent property values while allowing the ALF to operate.

- a. A minimum 4 foot (4') high fence shall be provided at all times.
- b. Full time on-site management shall be provided at all times.
- c. Minor on-site medical care may be provided at the option of the operator.
- d. Each resident shall have the minimum square footage of personal living area for their use, as required by the State.
- e. Each facility shall be required to obtain an appropriate license prior to receiving a business tax receipt from the City and Volusia County. The City will inspect facilities for compliance with Florida Fire Prevention Codes.

#### **21-34.04 – Salvage Yards**

The purpose of this Section is to control the operation of salvage yards and similar uses.

- a. Salvage yards shall comply with the conditional use standards for the I-2 zoning district.

- b. The site shall be a minimum of 40,000 square feet and a maximum of 200,000 square feet, and shall conform to the buffer yard requirements described in Article V, Section 21-54.
- c. All sites shall be enclosed by an eight foot (8') high stockade fence, vinyl fence or masonry wall. Existing sites with chain link fence may be enclosed with slatting. New sites shall require stockade fencing or masonry wall.
- d. Nothing stored shall be visible above the height of the fence or wall.
- e. A City of Edgewater Business Tax Receipt shall be required.
- f. No storage or parking of items under control of the salvage yard shall be permitted outside of the fence or wall.

### **21-34.05 – Refuse and Dumpsters**

The purpose of this Section is to control the placement and operation of refuse and dumpsters and similar such uses.

- a. Dumpsters, with the exception of those located at construction projects, shall be enclosed from view with a six foot (6') high stockade fence, vinyl fence or masonry wall and gate. Existing sites with chain link fence may be enclosed with slatting. New sites shall require stockade fencing or masonry wall. Dumpsters and dumpster pads shall not be required for properties zoned RP (Residential Professional).
- b. No dumpsters, containers or containment areas shall be permitted in any public right-of-way.
- c. Gates shall be kept closed at all times except on designated pick up days.
- d. Dumpsters and/or containers located within 150-feet of a residential property line or noise sensitive zone (as defined in the Noise Ordinance) shall not be delivered, emptied or removed between the hours of seven p.m. (7:00 p.m.) and seven a.m. (7:00 a.m.) on weekdays and seven p.m. (7:00 p.m.) and eight a.m. (8:00 a.m.) on weekends or holidays. Dumpsters and/or containers which are not within 150-feet of a residential property line or noise sensitive zone cannot be delivered, emptied or removed during the hours of ten p.m. (10:00 p.m.) and six a.m. (6:00 a.m.) .
- e. All construction projects shall have a dumpster located on-site for placement of construction debris for all new construction and additions exceeding 600-square feet.
- f. Containment areas and construction project areas shall be maintained in a clean and orderly manner at all times so as to not produce a nuisance.
- g. Newly developed/redeveloped non-residential projects and multi-family projects over four (4) units shall provide an adequate quantity of on-site dumpsters.

## **21-34.06 – Kennels**

The purpose of this Section is to minimize conflicts of noise, odor, and health hazards created by kennels. In addition to the regulations as set forth within the district(s) in which the use is located, the following minimum regulations shall apply:

- a. Commercial kennels are limited to the raising, breeding, boarding, and grooming of domesticated animals. Farm animals such as pigs and chickens or exotic animals such as snakes are expressly prohibited.
- b. All runs shall be equipped with drains provided every 10 feet (10') and connected to a sanitary facility approved by the City Engineer.
- c. No animal having a disease harmful to humans shall be boarded or maintained in the facility.
- d. No building or other structure nor any dog run shall be located within 150 feet (150') of any residential use.
- e. Dog runs adjacent to a residential use shall not be used between the hours of 10 P.M. and 7 A.M.
- f. Kennels are required to receive a commercial kennel license from the Volusia County Animal Control Department and a City of Edgewater Business Tax Receipt after receiving a Certificate of Occupancy from the City.
- g. See Chapter 5 of the Code of Ordinances, City of Edgewater, Florida for additional regulations.

## **21-34.07 – Mini-warehouses**

Mini-warehouses may be permitted under the following conditions:

- a. Mini-warehouse buildings shall be screened from the public right-of-way by a minimum of a six foot (6') high stockade fence or masonry wall with a ten foot (10') wide landscape buffer planted adjacent to the street side on all boundaries facing residential districts. Existing sites with chain link fence may be enclosed with slatting. New sites shall require stockade fencing, vinyl fence or masonry wall.
- b. The project shall be completely fenced, walled, and designed to limit ingress and egress through a controlled and lockable access point. This shall be limited to one (1) two (2) way access points or two (2) one (1) way access points.
- c. Mini-warehouse units shall not contain any provision for electrical outlets, potable water, or sewer services within the confines of the warehouse units. Hose bibs for cleaning purposes may be installed outside of the warehouse structures.
- d. Bathroom facilities shall be provided at a central facility in accordance with the Standard Plumbing Code.



- e. Mini-warehouses are to be used solely for storage purposes. No other commercial use or business shall be permitted within the facility unless permitted as part of a Master Plan. However, one (1) office unit attached by common walls or floors as a part of the mini-warehouse facility may be provided for use of the warehouse manager.
- f. No storage of flammables, weapons, ammunition, explosives, hazardous, or illegal substances or materials is allowed.
- g. Mini-warehouses may be permitted as a conditional use in the B-3 and BPUD District when located at least 100 feet (100') from the front property line and where in that 100 feet (100') the property is developed.
- h. A City Business Tax Receipt shall be required.

#### **21-34.08 – Bed & Breakfasts**

- a. Bed and breakfast accommodations, as defined in Section 21-20 shall require off-street parking at 1 space/bedroom, plus residential parking requirements.
- b. Landscaping shall be provided as required for hotel/motel uses.
- c. One (1) sign not to exceed six (6) square feet.
- d. A City Business Tax Receipt is required.

#### **21-34.09 – Nursing Homes**

- a. Nursing home sites shall front on a major collector or arterial roadway.
- b. Buffering shall be provided based on land use intensity and comply with the landscaping requirements of Section 21-54.
- c. A City Business Tax Receipt is required.

#### **21-34.10 – Residential Professional**

Residential Professional uses are permitted as a conditional use and require site plan approval. Residential Professional uses are permitted only along S.R. 442, east of Pinedale Road and west of U.S. Highway 1. A site plan shall be provided with a Zoning Map Amendment application and shall conform to the site design criteria as defined in Article V and Article XVIII of the Land Development Code

- a. The property must have a minimum frontage of 100-feet along S.R. 442.
- b. One ground sign not to exceed sixteen (16) square feet of display area and an overall height of eight feet (8') is permitted.



1. **Ground Sign Base Specifications.** Vertical structure supports for ground signs shall be concealed in an enclosed base. The width of such enclosed base shall be equal to at least two-thirds (2/3) the horizontal width of the sign surface.
  2. **Ground Sign Setback.** The leading edge of the sign shall be setback a minimum of ten feet (10') from the right-of-way.
  3. **Movement.** No ground sign nor its parts shall move, rotate or use flashing lights.
  4. **Prohibited Signs.** Signs that are prohibited in the Indian River Boulevard Corridor include animated signs, billboards, off-site signs, flashing signs, snipe signs, portable signs (trailer signs), roof signs, beacon lights, bench signs, trash receptacle signs, gutter signs, signs on public property, immoral display, obstruction, streamers, spinners and pennants.
- c. Commercial building code requirements shall be met.
- d. A City Business Tax Receipt is required.
- e. Permitted uses are restrictive and shall be designed to primarily serve the populace of the general vicinity.

## **SECTION 21-35 – PROHIBITED USES**

### **21-35.01 – Alcoholic Beverages**

No alcoholic beverage establishments, i.e., establishments engaged in the sale of alcoholic beverages for on-premises consumption, shall be located within 500-feet of an established school unless licensed as a restaurant, which derives at least 51-percent of their gross revenues from the sale of food and nonalcoholic beverages, pursuant to Florida Statutes.

## **SECTION 21-36 – ACCESSORY USE REQUIREMENTS**

### **21-36.01 – Purpose**

This Section includes those accessory uses and detached structures that are subordinate to the main use or building or located on the same lot. The term other accessory buildings shall include, but not be limited to such structures as greenhouses, gazebos, storage buildings, storage shed, garages, carports and the like.

### **21-36.02 – General Regulations**

- a. No accessory structure or use shall be permitted on any lot which does not have an established principal use conforming to the requirements of this code and no accessory structure shall be permitted on any lot which does not have a permitted principal or primary structure.
- b. All accessory uses, buildings and structures shall be located on the same lot as the principle or permitted use.

- c. No accessory use, building or structure shall exceed the height limit shown in that district and shall not exceed the height of the peak of the majority of the roof height of the principle or primary structure in residentially zoned areas.
- d. Accessory buildings shall not be rented or otherwise used as a dwelling unit.
- e. No accessory structure may be located within a public right-of-way or public easement.
- f. All accessory structures are required to obtain a building permit.
- g. No accessory structure may be located in any front yard in any zoning district.
- h. Accessory buildings shall conform to the setback requirements described in Table V-1 and shall not cause an excess of the maximum building coverage and/or maximum impervious coverage as established for the respective zoning district.
- i. No accessory building may be located within any required parking area, landscape area or stormwater facility area.
- j. Accessory buildings shall be limited to 2 per parcel.
- k. The total square feet of all accessory buildings and/or storage sheds shall not exceed sixty percent (60%) of the total square feet of the principle or primary structure in residentially zoned areas, with the exception of attached and detached aircraft hangars permitted in residential districts adjacent to airport taxiways; and properties zoned Agriculture and or contain an agriculture exemption as recognized by the Volusia County Property Appraiser.
- l. Storage sheds of 200 sq. ft. or less and not utilized as a garage may be located five (5') feet from rear and side property lines.
- m. All accessory uses and buildings located in residentially zoned areas exceeding 350 sq. ft. or visible from a public roadway and located on a parcel of less than five (5) acres shall be consistent with the primary structure in architectural design, exterior construction materials or façade treatment, roofline and color.
- n. Accessory structures located on through lots and facing a public or private street other than the street where the primary structure is addressed shall conform and compliment the surrounding character of the area of said street.

### **21-36.03 – Outdoor Storage and Display: Commercial/Industrial**

The purpose of this Section is to provide regulations for the location of outdoor storage and display facilities where such storage is an accessory use and a part of normal operations on the premises.

- a. Outdoor storage and display may be permitted in conjunction with the uses allowed in certain commercial and industrial districts as indicated in Table III-3. Such outdoor storage or display shall not be located adjacent to any residential district or use unless such storage or display is screened from the view of the neighboring residential district or use.

- b. No outdoor storage may be located in any required front yard, parking areas, fire zones, loading areas or access lanes.
- c. All outdoor storage areas shall be screened from view by a six foot (6') high stockade fence, vinyl fence or masonry wall. However, the wall or fencing shall not interfere with the flow of traffic entering or leaving the site. Existing sites with a chain link fence may be enclosed with slatting. New sites shall require stockade fencing, vinyl fencing or masonry wall.
- d. Loose materials such as sand, Styrofoam, cardboard boxes, mulch, compost areas, and similar materials, which are subject to being scattered or blown about the premises by normal weather conditions, shall be contained by an adequate enclosure. No outdoor storage area or building shall be located in a public right-of-way, utility or drainage easement.
- e. Commercial outdoor display of merchandise may be permitted as an accessory use within the required front, side or rear yard areas, providing that such outdoor display shall not be located adjacent to a residential street.
- f. The sale, storage, or display of all products not normally found or used outdoors shall be conducted from indoor locations only.
- g. Outdoor display of products shall be limited to items typically associated due to their nature, size or construction with common outdoor usage or sales and shall be limited to one of any one product or model and shall be located in a designated display area. In addition one (1) ice machine and one (1) LP Gas dispenser shall be permitted in a designated exterior area. Merchandise typically permitted for outdoor display include, but are not limited to: sales, display and rental of vehicles, boats and mobile homes, plant nurseries and sale of landscape materials, swimming pools and spas, lawn mowers, lawn furniture, basketball nets, volleyball equipment, Christmas trees, pumpkins at Halloween, tomato plants, harvested fruits and vegetables etc. Merchandise typically not permitted for outdoor display include, but are not limited to: indoor furniture, stoves, ranges, bathroom fixtures, clothing, bedding mattresses, etc. This section shall not apply to permitted garage/yard sales, authorized farmers/craft markets and permitted special activities/events.
- h. Outdoor display of vehicles, watercraft, etc., for sale shall be set back no less than ten feet (10') from the front and side corner property line and five feet (5') from the interior side and rear property line. Landscaping shall be installed in this area on any adjacent local street.
- i. All display merchandise and related display equipment shall be removed at the close of business each day. This shall not include vehicles, boats, mobile homes, large lawn/construction equipment and campers displayed for rent or sale. No outdoor display areas shall be permitted within required parking spaces or areas, public sidewalks or pedestrian or vehicular access areas, parking aisles, driveway entrances or exits. At no time shall any exterior display areas impede the entry or means of egress of any doorway. No outdoor display areas shall obstruct visibility triangles at intersections or at points of ingress or egress to the business.
- j. All new outdoor garden supply areas shall be screened from public view, the public right-of-way and incorporated into the architecture of the principle building.

- k. All unattended machines dispensing a product, with the exception of ice and water machines, LP gas, newspaper machines (general circulation), shall be located indoors.

#### **21-36.04 – Satellite Dishes and Antennas**

The purpose of this Section is to control the location of satellite dishes and antennas in order to allow their use without sacrificing property values. Telecommunication tower location and site development standards are found in Article XII.

- a. Privately owned ham radio antennas, citizens band radio and/or satellite dish antennas shall be considered accessory uses. All other such facilities belonging to companies whose business involves the reception or transmissions of wireless communication signals shall be considered commercial uses.
- b. Pursuant to the Federal Telecommunications Act of 1996, satellite dishes 39 centimeters (approximately 36 inches) or less in diameter shall not require an installation permit.
- c. A satellite dish greater than 36 inches (36”) in diameter shall require a building permit from the City.
- d. Except as provided in Article XII, antennas and satellite dishes greater than 36 inches in diameter shall be set back five feet (5’) from side and rear lot lines or easements.
- e. No satellite dishes larger than 39 centimeters (approximately 36 inches) or antennas shall be permitted in the front yard of any parcel.
- f. The required setback shall be measured from the closest point of the outermost edge of the antenna or satellite dish to the property line.
- g. Except as provided in Article XII, the height restrictions for antennas and satellite dishes shall not exceed the height limit in that district.

#### **21-36.05 – Places of Worship – Schools/Child Care**

The purpose of this Section is to establish criteria for the operation of schools and recreation facilities as an accessory use associated with places of worship.

- a. A school operated by a place of worship shall not be permitted to locate within 25 feet (25’) of property used as residential.
- b. Recreation areas associated with places of worship shall not use artificial site lighting at night unless shielded from adjacent residential areas.
- c. No recreational activity shall be located closer than 25 feet (25’) to an adjacent parcel.
- d. The front yard of a place of worship shall be on an arterial or collector roadway.
- e. The building design for new construction shall be substantially similar to the design of the existing structures. No portables, trailers or like buildings are permitted.

- f. Parking and service areas shall be located away from adjacent parcels.

#### **21-36.06 – Boathouses**

The following regulations shall apply to boathouses in all the R-1, R-2, R-3, R-4 and R-5 districts.

- a. *Height of boathouses:* No boathouse shall be erected or altered to a height exceeding fifteen (15') feet from mean high water.
- b. *Boathouse setback:* No boathouse shall be built less than five (5') feet from the established bulkhead line or less than ten (10') feet from any side lot line. If no bulkhead line is established, then the mean high tide watermark shall be used as the line of measurement.
- c. *Accessory building attached to boathouse:* No accessory building which is attached to a boathouse and a part thereof shall be erected or altered less than twenty (20') feet away from the established bulkhead line. If a bulkhead line is not established, then the mean high water mark shall be used as the line of measurement.
- d. *Detached accessory building to boathouse:* A detached accessory building to a boathouse is prohibited in the R-1, R-2, R-3, R-4 and R-5 residential districts.
- e. *Area of boathouses:* No boathouse or similar structure shall exceed twenty (20') feet in width measured on a line parallel to the established bulkhead line or exceed forty (40') feet in depth measured at right angles to the established bulkhead line. If a bulkhead line is not established, then the mean highwater mark shall be used as a line of measurement.

#### **21-36.07 – Boat Docks and Slips**

- a. Boat docks and slips for mooring pleasure boats, yachts and non-commercial watercraft shall be permitted in accordance with Volusia County's Manatee Protection Plan in any residential district as an accessory use to the residential use.
- b. If no bulkhead line is established, then the mean highwater mark shall be used as the line of measurement.

#### **21-36.08 – Canopies/Temporary Carports and Tents**

- a. Owners of canopies/temporary carports and tents shall be required to secure all components so as to prevent them from becoming airborne or from leaving the property where installed, as well as keep them in a good state of repair. Temporary canopies/carports and tents shall not require a permit if installed and maintained as per the manufacturer's installation instructions. No substantial modifications that would alter the design or integrity of the canopy/temporary carport or tent shall be permitted.
- b. The below specifications are intended to be minimum only and are no indication or guarantee of fitness for securing the temporary items covered under this Section. Quantities and sizing will vary by the size of the item being secured.

1. All tie downs must be secured to solid, immovable objects such as: mobile home anchors, concrete driveways, buildings, etc., or as per manufacturer's installation instructions or engineer's specifications.
  2. All tie down leads must be a minimum of 3/16" galvanized or stainless steel cable or a minimum of 3/8" true nylon rope, (not polyethylene, polypropylene or polyester) or sized as per manufacturer's installation instructions or engineer's specifications.
  3. It is forbidden to use concrete blocks or weights of any kind as a method of tie down, because attaching weight or other moveable objects to canopies/temporary carports and tents can cause those weights to be catapulted by wind lift.
- c. There shall be a limit of two (2) canopies/temporary carports and tents per parcel. Canopies/temporary carports and tents shall be located behind the front building setback line in the rear and side yard setback areas. Canopies/temporary carports and tents located in side yard setback areas shall be screened from view with a six foot (6') high opaque wall or fence.
  - d. Tarps/tops of temporary structures shall be removed during hurricane warning conditions.
  - e. Canopies/temporary carports and tents not related to a special activity event pursuant to Section 21-37 and not located in the rear and/or side setback areas shall not be erected for more than a two (2) day period and for no more than ten (10) days total in a six (6) month period.

## **21-36.09 – Swimming Pools**

### **a. Definitions**

As used in this Article, the following terms shall have the respective meanings ascribed to them:

*Residential swimming pool:* Any swimming pool used or intended to be used solely by the owner, operator or lessee thereof and his family, and by guests invited to use it without charge or payment of any fee.

*Swimming Pool:* A body of water in an artificial or semi-public or private swimming setting or other water-related recreational activity intended for the use and enjoyment by adults and/or children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool. This definition shall include whirlpools, spas, and hot tubs unless separately identified and shall exclude 110-volt plug-in Jacuzzi/hot tubs.

*Wading pool:* Any pool with a surface area of less than two hundred fifty (250) square feet and less than twenty-four (24) inches in depth at any point. Wading pools shall not be required to comply with this Article.

### **b. Permit – Application; plans and specifications**

1. *Application:* Before the erection, construction or alteration of any swimming pool has begun, an application for a permit shall be submitted to the Building Official for approval.
2. *Plans and specifications:* The application shall be accompanied by two (2) sets of full and complete plans and specifications of the pool, including a survey of the lot showing distance between buildings or structures and the distance from all property lines. Plans must show method of compliance with the Residential Swimming Pool Safety Act, F.S. 515, as amended from time to time.

**c. Structural Requirements**

1. *General:* All swimming pools whether constructed of reinforced concrete, pneumatic concrete, steel, plastic or others, shall be designed and constructed in accordance with the requirements of the Florida Building Code, 424 and accepted engineering principles.

**d. Location**

1. Front yard and side corner yard swimming pools are prohibited.
2. No swimming pool shall be constructed closer than five (5) feet from any building without engineering, nor within any easement or ten (10) feet from any property line, unless a Development Agreement or P.U.D. Agreement is established for the property.

**e. Enclosures**

1. Inground swimming pools, unless entirely screened in, shall be completely enclosed with a fence or wall at least four feet (4') high, and so constructed as to not be readily climbable by small children. All gates or doors providing access to the pool area shall be equipped with a self-closing and self-latching device installed on the pool side for keeping the gates or doors securely closed at all times when the pool area is not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped, per the Residential Swimming Pool Safety Act, F.S. 515, as amended from time to time.
2. The structure of an aboveground swimming pool may be used as its barrier or the barrier for such a pool may be mounted on top of its structure, additionally any ladder or steps that are the means of access to an aboveground pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier. All barriers shall comply with the Residential Swimming Pool Safety Act, F.S. 515, as amended from time to time.
3. All whirlpools, spas or hot tubs unless entirely screened in or equipped with a lock down cover shall be completely enclosed with a fence or wall at least four feet (4') high and so constructed as to not be readily climbable by small children, and comply with the Residential Swimming Pool Safety Act, F.S. 515, as amended from time to time.



**f. Filtration and recirculation system**

All swimming pools shall be equipped with a filtering and recirculation system and such systems shall be compliant with all applicable requirements as set forth by the American National Standards Institute.

**g. Electrical wiring**

All electrical wiring must comply with the National Electrical Code (NEC).

**h. Plumbing**

When plumbing is connected to City service for water supply, all plumbing shall be in strict accordance with the local plumbing code. When water is supplied from sources other than City connected service to family pools, then plastic pipe stamped and approved one hundred (100) by an ASTM laboratory may be accepted, if inspected and approved by a licensed plumbing inspector.

**i. Discharge water**

Water being discharged from the pool or from the back flushing of the filtering system may be discharged to a storm sewer, dry well, seepage pit, or through an irrigation system or other approved method by the City. Discharge water may not be discharged into a sanitary or combined sewer.

**j. Rim height**

The overflow rim of all swimming pools shall be a minimum grade above surrounding ground level and in all cases sufficiently high enough to prevent groundwater from flowing into the pool.

**k. Walkway**

A walkway of concrete or other approved materials shall surround all swimming pools from the overflow rim outward a distance of three feet (3') for at least two-thirds (2/3) of the pool perimeter and shall be so designed that water cannot drain from the walkway into the pool.



## **I. Overflow Skimmer**

A beam overflow skimmer shall be required and be designed so that debris caught in it will not be washed back into the pool by water movements.

## **SECTION 21-37 – SPECIAL ACTIVITY/PERMIT REQUIREMENTS**

### **21-37.01 – Purpose/Scope**

To establish policies and procedures pertaining to special activities, including but not limited to, outdoor entertainment, to ensure compliance with all applicable City, County and State requirements. A special activity permit will be required of all special activities held within the City of Edgewater.

### **21-37.02 – Definitions**

*Charitable event/activity* – is an event/activity or cause sponsored by a business or non-profit organization for the purpose of soliciting aid, assistance or contributions for benevolent purposes. To qualify as a charitable event/activity; all profits (net difference of gross revenues less expenses) must be given to the charitable cause for which the charitable event/activity was organized. For purposes of this definition, a charitable event/activity cannot exceed one (1) day. Each charitable event/activity permit application shall adhere to the special activity permitting process as defined in Section 21-37.04. For the purposes of this definition, a charitable event/activity does not include an event/activity with the primary purpose of carrying on propaganda or otherwise attempting to influence legislation, and does not include an event/activity with the primary purpose of raising funds or garnering support for a political campaign on behalf of (or in opposition to) any candidate for public office.

*City sponsored activity* – sponsored or co-sponsored by the City Council or any City Department for the benefit of the residents of the community.

*Civic group/non-profit organization* – any group that meets for the improvement of the community and whose main function is to make the community a better place to live either by deed, donations of time or finances. A tax-exempt certificate is not necessary if the group meets the above stated criteria.

*Community activity* - activities which take place on City owned or controlled property in which the general public is invited to participate.

*Live entertainment* - entertainment in the form of music, singing, speaking or similar activities that are enhanced by amplification equipment. This includes bands, concerts, performances, karaoke and disk jockey functions.

*Outdoor entertainment* – entertainment in the form of music, singing, speaking and similar activities, amplified or non-amplified that is located outside of or partially outside of the area of the sponsoring property permitted for normal retail sales or services.

*Private business* - any business enterprise operating for the purpose of creating a profit.

*Special activity* – any public or private activity held within the City of Edgewater in which it can be reasonably anticipated that the number of persons attending the activity will exceed the on-site parking, seating or sanitary facilities available at the premises upon which activity will take place or that services will be required beyond that which are regularly provided by the City such as additional traffic control, crowd control, fire and/or emergency services, street closures, cleanup or other municipal services.

*Special activity permit* – a permit issued by the City to authorize a special activity.

*Sponsor/promoter* – any person, group or entity ultimately responsible in full or part for producing, operating, sponsoring or maintaining a special activity.

### **21-37.03 – Special Activity Permit Requirements**

- a. The uses authorized by a Special Activity Permit are temporary and all permitted improvements shall be removed within five (5) days of the completion of the special activity.
- b. The number of special activities at any given location or address shall not exceed:
  1. One 10-day period and two 1-day charitable events/activity between the period of January 1<sup>st</sup> through June 30<sup>th</sup>; and
  2. One 10-day period and two 1-day charitable events/activity between the period of July 1<sup>st</sup> through December 31<sup>st</sup>.
  3. The City Council may grant an exemption to the number events/activities permitted per year for a specific location or address. The exemption shall not be granted for more than a one (1) year period. All other requirements contained in this Section shall apply.
- c. Outdoor entertainment/amplified sound in conjunction with a special activity shall be permitted only between the times of 1:00 p.m. to 10:00 p.m., unless otherwise authorized by the City.

### **21-37.04 – Special Activity Permit Application Process**

- a. A special activity permit will be required for each special activity held within the City of Edgewater. No special activity permit will be required for any event sponsored or co-sponsored by the City if it is occurring on public property.
- b. A special activity permit application must be completed and submitted to the Development Services Department for review by City staff at least 60-days in advance of the activity for special activity permits that are required to go before City Council for approval and 21-days for special activity permits that only require Staff approval. The application must include specific dates and times of the planned activity (including set up and demobilization), number and types of vendors, types and hours of entertainment, specific parking layouts, quantity and number of sanitary facilities. If the application is for a charitable event/activity, sufficient information (financial, medical and/or socio-economic) must be provided for a clear

determination that the event meets the criteria of a charitable event/activity. Hours for outdoor entertainment/amplified sound are described in Section 21-37.03 of this Article.

- c. The completed special activity permit application and staff comments will be provided to the City Council for review and consideration at the next regularly scheduled meeting for those events that exceed an anticipated attendance of 2,000 people. City staff will notify affected property owners within 500-feet of the site requesting the special activity permit from City Council and the date and time of the City Council meeting in which the application will be reviewed. The applicant shall provide names and addresses of each affected property owner, obtained from the Volusia County Property Appraiser's office.

#### **21-37.05 – Special Activity Permit Criteria**

- a. The proposed activity will not result in unsafe ingress/egress for either pedestrians or vehicles.
- b. The proposed activity shall comply with the appropriate Florida Fire Prevention Codes conditions.
- c. The proposed activity shall comply with the City's Land Development Code and noise ordinance conditions.
- d. The proposed activity will direct on-site lighting away from adjacent parcels and roadways.
- e. The proposed activity shall have adequate sanitary facilities.
- f. The applicant shall post a bond or provide insurance in the amount of \$500,000 if no on-site alcohol consumption is proposed and \$1,000,000 if on-site alcohol consumption is permitted and/or pyrotechnics are proposed to indemnify and hold the City harmless of any and all liabilities.
- g. The City Council may waive the requirements as contained in Section 21-35.01 for alcohol sales and/or consumption associated with a special activity.
- h. The City Council may add other conditions to protect the health, safety and welfare of the residents.

#### **21-37.06 – Temporary Structures**

It shall be the responsibility of the applicant of the special activity permit to ensure the structural integrity of all temporary structures erected for special activities. The structures are to be safe, structurally sound and of adequate capacity to service the number of persons proposed to use the structure and must be removed with five (5) days of completion of the special activity. The Building Official and Fire Marshal shall verify such compliance is obtained.

#### **21-37.07 – Inspections to Ensure Compliance**

The City shall provide scheduled and unscheduled inspections prior to and/or during the special activity by police, fire, code enforcement, building and/or City administration representatives to

monitor and ensure compliance with all applicable City, County and State codes. Special activity permits that include outdoor entertainment may require a code enforcement officer to remain on site during the activity. The cost of said officer shall be reimbursed to the City by the sponsor/promoter. Appropriate State agencies are responsible for the inspection of amusement rides and public food preparation facilities.

### **21-37.08 – Penalties**

Any person or entity who shall conduct, operate or maintain a special activity and fails to obtain a special activity permit shall be ordered to cease and desist and be punished by a fine of three times the cost of the application fee as well as all associated City fees. No further special activities shall be authorized until all penalties are current. A repeat offender shall not be eligible for a special activity permit for a one-year period. A repeat offender is defined as a sponsor/promoter who violates any of the conditions of the special activity permit more than one time in a six-month period.

### **21-37.09 – Exceptions**

Any special activity sponsored/promoted by a civic group or non-profit organization or co-sponsored by the City of Edgewater may be exempt from any and all fee requirements. This decision shall be rendered by the City Council and any waiver granted regarding these requirements is only binding and applicable upon that one activity or portion thereof and shall not mean that the sponsor/promoter has any rights to future waivers.

## **SECTION 21-38 – FENCES, WALLS and HEDGES**

### **21-38.01 – Purpose**

The purpose of this Section is to set forth the standards necessary to regulate the use of fences.

### **21-38.02 – General Requirements**

The following regulations shall apply to the erection of fences and walls.

- a. All fencing materials must comply with the definition in Article II and shall be consistent with or similar to other fencing in the vicinity.
- b. All fences shall comply with the provisions of the applicable building codes and are required to obtain a building permit.
- c. Fences may be located in all front, side and rear yard setback areas and directly on property lines, provided that if a fence encroaches into a utility access easement or right-of-way, the City shall not be responsible.
- d. The maximum allowable height of all fences located between the front property line and the primary building frontage line of residential properties and river front lots of residential property not subject to site plan review shall be four feet (4'). Fences located in these areas must be non-opaque. The maximum allowable height of all other fences in residential areas

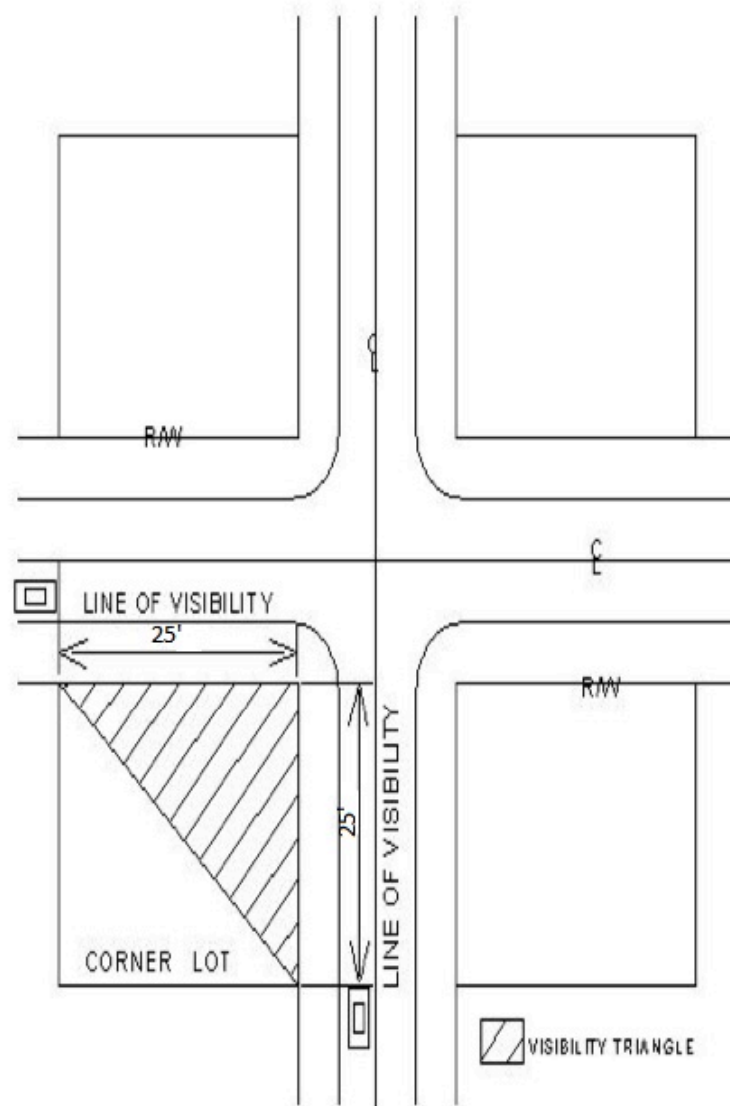
shall be six feet (6') including side corner yards and meet the site triangle requirements. Six (6') foot fences on side corner lots shall be setback ten feet (10') from the property line. In commercial and industrial areas no fence shall exceed ten feet (10') feet in height unless otherwise approved as part of a development plan and meet the site triangle requirements. The filling or berming of property solely for the purpose of creating a barrier that exceeds the height requirements contained herein is prohibited.

- e. Concrete block walls shall be constructed with appropriate reinforcement as determined by the Building Official. Block walls shall be stucco and painted to compliment the surrounding character of the area.
- f. All fences shall be erected with the finished side facing outward or away from the enclosed screened area. The "good-side" (side without posts) of fence shall be facing public view.
- g. Approval to exceed maximum height limitations may be granted by the Development Services Director/Planning Director subject to either of the following:
  - 1. The enclosed or screened area is sufficiently lower than adjoining lands to render a fence of the maximum allowable height inadequate for its intended purpose.
  - 2. The area to be enclosed or screened contains a nuisance or a hazard that cannot adequately be encompassed or obscured by a fence of the maximum allowable height.
- h. Fences with barbed wire shall be prohibited in conjunction with residential development. In nonresidential development, up to three (3) strands of barbed wire may be installed at the top of a fence. For regulatory purposes, barbed wire shall not be included in the measurement of the fence height. In no case shall barbed wire be allowed to overhang or extend outside of the property lines of the site on which the fence is installed, nor shall any barbed wire be installed at a height of less than six-feet (6') with the exception of agriculturally zoned property.
- i. Electric or electrified fences and/or any fencing containing chicken wire shall be prohibited except in agriculturally zoned districts for the containment of livestock.
- j. Customary fencing around public recreational amenities shall be exempt from height restrictions.
- k. Opaque fencing shall not be permitted on lots fronting on large lakes, rivers, golf courses or other common areas deemed as an aesthetic amenity.
- l. Fences shall conform to the "site-triangle" requirements as set forth below:

### **21-38.03 – Site Triangle Requirements**

- a. Nothing shall be erected, planted or placed in a manner as to materially impede vision between a height of two and one-half feet (2 ½') to ten feet (10') above the intersecting street right-of-way lines. The site triangle shall be measured twenty five feet (25') in each direction from the intersecting right-of-way lines.

These regulations may also apply in commercial ingress and egress driveway areas if the TRC determines that a safety hazard may exist.



## SECTION 21-39 – PAIN CLINICS

### 21-39.01 – Purpose

The purpose of this Section is to set forth the standards necessary for the regulation of pain clinics.

## **21-39.02 – General Requirements**

- a. Pain Clinics shall not have employees, full-time, part-time, contract, independent or volunteers who have been convicted of or who have pled guilty or nolo contendere at any time to an offense constituting a felony in this state or in any other state involving the prescribing, dispensing, supplying, selling or possession of any controlled substance within a five (5) year period prior to the date of the application for a Certificate of Use and that the Pain Clinics shall not employ any such persons thereafter.
- b. The Pain clinic shall be operated by a medical director who is a licensed physician in the State.
- c. The Pain Clinic shall not limit the form of payment for services or prescriptions to cash only.
- d. Pain Clinics are prohibited from having any outdoor seating areas, queues or customer waiting areas or permitting patients to wait on the Pain Clinic property outside the Pain Clinic building. There shall be no loitering outside of the Pain Clinic building, including any parking area, sidewalk, right-of-ways or adjacent properties. No loitering signs shall be posted in conspicuous areas on all sides of the building. All activities of a Pain Clinic, including sale, display, preparation and storage shall be conducted entirely within a completely enclosed building.
- e. The Pain Clinic shall not be operated by or have any contractual or employment relationship with a physician:
  - 1. Whose drug enforcement administration number has ever been revoked.
  - 2. Whose application for a license to prescribe, dispense or administer a controlled substance has been denied or revoked by any jurisdiction.
- f. The owner or physician shall not have been convicted of violating a pain management ordinance in a different city, county or state.
- g. Pain Clinics are prohibited from having an on-site pharmacy for Controlled Substance Medication.
- h. There shall be no on-site sale or consumption of alcoholic beverages on the property containing a Pain Clinic.
- i. No Pain Clinic shall be located within five hundred (500) feet within an established private or public school, church or daycare facility.
- j. No Pain Clinic shall be located within one thousand (1,000) feet of another Pain Clinic.
- k. Within thirty (30) days of the removal of a Pain Clinic from a building, site or parcel of land for any reason, the property owner shall be responsible for removing all signs, symbols or vehicles identifying the premises as a Pain Clinic. In the event of noncompliance with this provision the City may remove such signs at the expense of the property owner.

- l. Pain Clinics shall remain in compliance with all federal, state, county and municipal laws and ordinances as may be amended from time to time
- m. Pain Clinics may operate Monday through Friday during the hours of 9:00 a.m. and 5:00 p.m. only.
- n. Pain Clinics shall have a waiting room of at least three hundred (300) gross square feet in area and each examination room shall consist of at least one hundred (100) gross square feet in area.
- o. Pain Clinics shall provide one (1) parking space per ten (10) gross square feet of waiting room area, two (2) parking spaces per one (1) examination room and one (1) parking space per two hundred fifty (250) gross square feet of the remaining building area.
- p. All Pain Clinics shall allow representatives of the City to enter and inspect their places of business during business hours or at any time the business is occupied for the purpose of an initial inspection to verify compliance with the requirements of the City Land Development Code, Code of Ordinances, Florida Building Code and Florida Fire Prevention Code prior to Certificate of Use approval and thereafter on an annual basis in conjunction with the Certificate of Use renewal.



## ARTICLE IV

### RESOURCE PROTECTION STANDARDS

<b>SECTION 21-40 - GENERAL PROVISIONS .....</b>	<b>IV-1</b>
21-40.01 - Purpose .....	IV-1
<b>SECTION 21-41 - WETLANDS .....</b>	<b>IV-1</b>
21-41.01 - Comprehensive Plan Reference .....	IV-1
21-41.02 - Wetland Identification .....	IV-1
21-41.03 - Permit Requirements .....	IV-2
21-41.04 - Buffer Requirements .....	IV-2
<b>SECTION 21-42 - FLOOD PLAINS .....</b>	<b>IV-2</b>
21-42.01 - Comprehensive Plan Reference .....	IV-2
21-42.02 - Administration .....	IV-2
21-42.03 - Definitions .....	IV-18
21-42.04 - Flood Resistant Development .....	IV-23
<b>SECTION 21-43 - WELLFIELD PROTECTION.....</b>	<b>IV-29</b>
21-43.01 - Comprehensive Plan Reference .....	IV-29
21-43.02 - Designation of Wellfield Protection Zones (WPZ).....	IV-29
21-43.03 - Wellfield Protection Zone Permits .....	IV-29
21-43.04 - Wellfield Protection Zone Standards .....	IV-30
21-43.05 - Exemptions.....	IV-31
21-43.06 - Enforcement and Appeals .....	IV-31
<b>SECTION 21-44 - GROUNDWATER RECHARGE AREAS .....</b>	<b>IV-32</b>
21-44.01 - Comprehensive Plan Reference .....	IV-32
21-44.02 - Designation of Recharge Areas .....	IV-32
21-44.03 - Recharge Area Development Standards.....	IV-32
<b>SECTION 21-45 - SENSITIVE HABITAT AREAS .....</b>	<b>IV-33</b>
21-45.01 - Comprehensive Plan Reference .....	IV-33
21-45.02 - Development Thresholds & Exemptions .....	IV-33
21-45.03 - Listed Species Assessment Procedures .....	IV-33
<b>SECTION 21-46 – OPEN SPACE .....</b>	<b>IV-34</b>
21-46.01 - Comprehensive Plan Reference .....	IV-34
21-46.02 - Open Space Standards .....	IV-34
<b>Sections 21-47 through 21-48 reserved for future use.</b>	

## **ARTICLE IV**

### **RESOURCE PROTECTION STANDARDS**

#### **SECTION 21-40 - GENERAL PROVISIONS**

##### **21-40.01 - Purpose**

The purpose of this Article is to establish the criteria for the protection, maintenance, enhancement and utilization of natural resources within the City of Edgewater in accordance with the adopted Comprehensive Plan. In conformance with the requirements of the Comprehensive Plan, standards and criteria contained herein implement the specific Comprehensive Plan.

In addition to City-wide resource protection standards contained in this Article, the City of Edgewater has adopted the Indian River Boulevard Corridor Design Regulations and the Ridgewood Avenue Corridor Design Regulations which are incorporated as Article XVIII and Article XX respectively in this Land Development Code. Requirements contained in Article XVIII, Indian River Boulevard Corridor Standards and Article XX, Ridgewood Avenue Corridor Design Regulations include specific treatment for conservation lands located adjacent to Indian River Boulevard and Ridgewood Avenue. While Article XVIII shall generally supersede the requirements set forth in Article IV, Resource Protection Standards, the intent and purpose of resource protection standards plus all applicable comprehensive plan policies for conservation areas shall be adhered to for development within the designated Indian River Boulevard Corridor and Ridgewood Avenue Corridor.

#### **SECTION 21-41 - WETLANDS**

##### **21-41.01 - Comprehensive Plan Reference**

The provisions of Section 21-41 - Wetlands are consistent with and implement the Comprehensive Plan contained in the Future Land Use Element, Utilities Element, Coastal Element and Conservation Element.

It is the intent of this Article to provide for the protection, maintenance, enhancement and utilization of wetlands within the City recognizing the rights of property owners to use their lands in a reasonable manner as well as the right of all citizens for the protection and purity of the waters of the City. It is the policy of the City to minimize the disturbances of wetlands and to encourage their use only for the purposes that are compatible with their natural functions and environmental benefits.

##### **21-41.02 - Wetland Identification**

Wetlands are defined in Section 21-20. Where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear. In the event an undeveloped area

has been recently cleared of all vegetation, the wetland boundary may be determined by soil type, aerial mapping, photography, hydrology or other historical information as appropriate and approved by the City. The most restrictive wetland boundary as determined by authorized regulatory agencies shall be accepted.

### **21-41.03 - Permit Requirements**

It is hereby unlawful for any person to engage in any activity which will remove, fill, drain, dredge, clear, destroy or alter any wetland or wetland buffer as defined in Article II on any lot or portion thereof without obtaining a wetland alteration permit in accordance with the provisions of this Article. An applicant must obtain all other required permits from all appropriate agencies. Unless proper Federal/State approval has been granted a Wetland Alteration Permit must be obtained from the City and/or Volusia County. Wetland Alteration Permits may be issued concurrent or in conjunction with other land development permits. It is the intent of this Section that construction of a single-family dwelling on upland areas which do not alter by removing, filling, draining, dredging, clearing or destroying any wetland or wetland buffer shall not require a separate wetland alteration permit pursuant to this Section.

### **21-41.04 - Buffer Requirements**

- a. A minimum buffer of fifty feet (50') upland from the mean high water line and a minimum of twenty-five feet (25') upland from the wetland boundary shall be established adjacent to and surrounding all wetlands. The buffer may coincide with the required setback on a lot pursuant to Article V. There shall be no development activities in the buffer, except for direct access to water bodies.
- b. Maintenance activities which do not have a significant adverse effect on the natural function of the buffer may be allowed within the buffer. The activities which may be permitted include but are not limited to pruning, planting of suitable native vegetation, removal of exotic and nuisance pioneer plant species and the creation and maintenance of walking trails. See Section 21-53.07 for shoreline protection standards.

## **SECTION 21-42 - FLOOD PLAINS**

### **21-42.01 - Comprehensive Plan Reference**

The provisions of Section 21-42 - Flood Plains are consistent with and implement the Comprehensive Plan contained in the Future Land Use Element, Coastal Element and Conservation Element.

### **21-42.02 – Administration**

#### **a. General**

1. Title - These regulations shall be known as the *Floodplain Management Ordinance* of the City of Edgewater, hereinafter referred to as “this Section.”

2. Scope - The provisions of this Section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
3. Intent – Development within flood prone areas is strongly discouraged. The purposes of this Section and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
  - (a) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - (b) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  - (c) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  - (d) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  - (e) Minimize damage to public and private facilities and utilities;
  - (f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - (g) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  - (h) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
4. Coordination with the *Florida Building Code* - This Section is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

5. Warning - The degree of flood protection required by this Section and the *Florida Building Code*, as amended by the City, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the City to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guarantee of vested use, existing use, or future use is implied or expressed by compliance with this Section.
6. Disclaimer of Liability - This Section shall not create liability on the part of the City Council of the City of Edgewater or by any officer or employee thereof for any flood damage that results from reliance on this Section or any administrative decision lawfully made there under.

b. Applicability

1. General - Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
2. Areas to which this Section applies - This Section shall apply to all flood hazard areas within the City of Edgewater, as established in Section 21-42.02b.3 of this Section. No structure or land shall hereafter be located, extended, converted, or structurally altered within identified special flood hazard areas without compliance with the terms of this Section and all other applicable regulations. Provisions for flood hazard reduction shall be enforced upon all proposed development and re-development located within the City independent of proposed land use. No grandfathering provisions will be allowed for lots of record, platted subdivisions, etc.
3. Basis for establishing flood hazard areas - The “Flood Insurance Study for Volusia County, Florida and Incorporated Areas” dated September 29, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this Section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Development Services Department, 104 North Riverside Drive, Edgewater, FL 32132.
  - (a) Submission of additional data to establish flood hazard areas - To establish flood hazard areas and base flood elevations, pursuant to Section 21-

42.02e. of this Section the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this Section and, as applicable, the requirements of the *Florida Building Code*.
  - (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
4. Other laws - The provisions of this Section shall not be deemed to nullify any provisions of local, state or federal law.
  5. Abrogation and greater restrictions - This Section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this Section and any other ordinance, the more restrictive shall govern. This Section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Section.
  6. Interpretation - In the interpretation and application of this Section, all provisions shall be:
    - (a) Considered as minimum requirements;
    - (b) Liberally construed in favor of the governing body; and
    - (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

c. Duties and Powers of the Floodplain Administrator

1. Designation - The Development Services Director and/or the designee thereof is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
2. General - The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Section. The Floodplain Administrator shall have the authority to render interpretations of this Section consistent with the

intent and purpose of this Section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Section without the granting of a variance pursuant to Section 107 of this Section.

3. Applications and permits - The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:
  - (a) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  - (b) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Section;
  - (c) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  - (d) Provide available flood elevation and flood hazard information;
  - (e) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  - (f) Review applications to determine whether proposed development will be reasonably safe from flooding;
  - (g) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this Section is demonstrated, or disapprove the same in the event of noncompliance; and
  - (h) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Section.
4. Substantial improvement and substantial damage determinations - For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
  - (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the

building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  - (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
  - (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this Section is required.
- 5. Modifications of the strict application of the requirements of the *Florida Building Code* - The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 21-42.02g of this Section.
- 6. Notices and orders - The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Section.
- 7. Inspections - The Floodplain Administrator shall make the required inspections as specified in Section 21-42.02f of this Section for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- 8. Other duties of the Floodplain Administrator - The Floodplain Administrator shall have other duties, including but not limited to:
  - (a) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 21-42.02c.4 of this Section;
  - (b) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency



Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

- (c) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
  - (d) Review required design certifications and documentation of elevations specified by this Section and the *Florida Building Code* and this Section to determine that such certifications and documentations are complete; and
  - (e) Notify the Federal Emergency Management Agency when the corporate boundaries of the City are modified.
9. Floodplain management records - Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Section and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this Section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Section and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the City Development Services Department, 104 North Riverside Drive, Edgewater, FL 32132.

#### d. Permits

1. Permits required - Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this Section, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this

Section and all other applicable codes and regulations has been satisfied. The standards for issuing development permits shall comply with Title 44 Code of Federal Regulations Chapter 1, Section 60.3 Parts (A), (B), and (C), and are described in this Section.

2. Floodplain development permits or approvals - Floodplain development permits or approvals shall be issued pursuant to this Section for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(a) Buildings, structures and facilities exempt from the *Florida Building Code* - Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this Section:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

3. Application for a permit or approval - To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
  - (a) Identify and describe the development to be covered by the permit or approval.
  - (b) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  - (c) Indicate the use and occupancy for which the proposed development is intended.
  - (d) Be accompanied by a site plan or construction documents as specified in Section 105 of this Section.
  - (e) State the valuation of the proposed work.
  - (f) Be signed by the applicant or the applicant's authorized agent.
  - (g) Give such other data and information as required by the Floodplain Administrator.
4. Validity of permit or approval - The issuance of a floodplain development permit or approval pursuant to this Section shall not be construed to be a permit for, or approval of, any violation of this Section, the *Florida Building Codes*, or any other ordinance of the City. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
5. Expiration - A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
6. Suspension or revocation - The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Section or any other ordinance, regulation or requirement of the City.

7. Other permits required - Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
  - (a) The St. Johns River Water Management District; section 373.036, F.S.
  - (b) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
  - (c) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
  - (d) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
  - (e) Federal permits and approvals.

e. Site Plans and Construction Documents

1. Information for development in flood hazard areas - The site plan or construction documents for any development subject to the requirements of this Section shall be drawn to scale and shall include, as applicable to the proposed development:
  - (a) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development. Topographic and special flood hazard area mapping shall provide a minimum accuracy to a tenth of a foot (i.e. 1-foot topographic contour interval and base flood elevation to one decimal accuracy). USGS Quadrangle maps depicting 5-foot topographic contours are not adequate to comply with these design standards.
  - (b) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 21-42.02e.2(b) or (c) of this Section.
  - (c) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 21-42.02e.2(a) of this Section.
  - (d) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
  - (e) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  - (f) Where the placement of fill is proposed, the amount, type, and source of

fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

- (g) Existing and proposed alignment of any proposed alteration of a watercourse.
- (h) The SHGWT shall be established by drilling a sufficient number of geotechnical borings whereas the SHWL shall be determined by an ecological assessment of hydric soils, vegetative cover, wetland species, lichen lines, etc. The SHWL and/or SHGWT shall be determined for all wetlands, depressions, and any other low areas within the property boundary that are capable of impounding stormwater runoff on the undeveloped property.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this Section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Section.

- 2. Information in flood hazard areas without base flood elevations (approximate Zone A) - Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
  - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
  - (b) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
  - (c) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
    - (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
    - (2) Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
  - (d) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be

prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

3. Additional analyses and certifications - As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
  - (a) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 21-42.02e.4 of this Section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
  - (b) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than four (4) inches at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
  - (c) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 21-42.02e.4 of this Section.
4. Submission of additional data - When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida

licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

f. Inspections

1. General - Development for which a floodplain development permit or approval is required shall be subject to inspection.

(a) Development other than buildings and structures - The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Section and the conditions of issued floodplain development permits or approvals.

(b) Buildings, structures and facilities exempt from the *Florida Building Code* - The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this Section and the conditions of issued floodplain development permits or approvals.

(1) Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection - Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

(a) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(b) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 21-42.02e.2.(c)(2) of this Section, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(2) Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection - As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 21-42.02f.1.(b)(1) of this Section.

(c) Manufactured homes - The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

g. Variances and Appeals

1. General - Any Variances to the requirements of this Section shall be administered pursuant to the requirements of Section 21-100. Any appeals of the decisions of any City officials shall be in accordance with the procedure contained in Article I of the Land Development Code..
2. Restrictions in floodways - A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 21-42.02e.3 of this Section.
3. Historic buildings - A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.
4. Functionally dependent uses - A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Section, provided the variance meets the requirements of Section 21-42.02g.2, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
5. Considerations for issuance of variances - In reviewing requests for variances, Consideration shall be given to all relevant factors, all other applicable provisions of the *Florida Building Code*, this Section, and the following:



- (a) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (d) The importance of the services provided by the proposed development to the community;
- (e) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (f) The compatibility of the proposed development with existing and anticipated development;
- (g) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (h) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (i) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

6. Conditions for issuance of variances - Variances shall be issued only upon:

- (a) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Section or the required elevation standards;
- (b) Determination by the Planning and Zoning Board that:
  - (1) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - (2) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - (3) The variance is the minimum necessary, considering the flood

hazard, to afford relief;

- (c) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (d) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

#### h. Violations

- 1. Violations - Any development that is not within the scope of the *Florida Building Code* but that is regulated by this Section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Section, shall be deemed a violation of this Section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Section or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.
- 2. Authority - For development that is not within the scope of the *Florida Building Code* but that is regulated by this Section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- 3. Unlawful continuance - Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed in Section 1-8 of the City Code of ordinances regarding "General Penalty, continuing violations".

### **21-42.03 – Definitions**

#### a. General

1. Scope - Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Section, have the meanings shown in this section.
2. Terms defined in the *Florida Building Code* - Where terms are not defined in this Section and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
3. Terms not defined - Where terms are not defined in this Section or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

b. Definitions

*Accessory structure* - A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

*Alteration of a watercourse* - A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

*Appeal* - A request for a review of the Floodplain Administrator's interpretation of any provision of this Section or a request for a variance.

*ASCE 24* - A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

*Base flood* - A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

*Base flood elevation* - The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

*Basement* - The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

*Design flood* - The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or

otherwise legally designated.

*Design flood elevation* - The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

*Development* - Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

*Encroachment* - The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

*Existing building and existing structure* - Any buildings and structures for which the “start of construction” commenced before September 3, 1980. [Also defined in FBC, B, Section 1612.2.]

*Federal Emergency Management Agency (FEMA)* - The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

*Flood or flooding* - A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood damage-resistant materials* - Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

*Flood hazard area* - The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

*Flood Insurance Rate Map (FIRM)* - The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

*Flood Insurance Study (FIS)* - The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

*Floodplain Administrator* - The office or position designated and charged with the administration and enforcement of this Section (may be referred to as the Floodplain Manager).

*Floodplain development permit or approval* - An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Section.

*Floodway* - The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

*Floodway encroachment analysis* - An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

*Florida Building Code* - The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

*Functionally dependent use* - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade* - The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

*Historic structure* - Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

*Letter of Map Change (LOMC)* - An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

*Light-duty truck* - As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

*Lowest floor* - The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

*Manufactured home* - A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when

attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

*Manufactured home park or subdivision* - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Market value* - The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

*New construction* - For the purposes of administration of this Section and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after September 3, 1980 and includes any subsequent improvements to such structures.

*Park trailer* - A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

*Recreational vehicle* - A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Special flood hazard area* - An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

*Start of construction* - The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as

garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

*Substantial damage* - Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

*Substantial improvement* - Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

*Variance* - A grant of relief from the requirements of this Section, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this Section or the *Florida Building Code*.

*Watercourse* - A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

#### **21-42.04 – Flood Resistant Development**

a. Compensatory Storage – Compensatory storage for encroachments to the special flood hazard area shall be provided in accordance with the following methodology:

1. Encroachment to the special flood hazard area shall be computed for all fill placed within the special flood hazard area below the base flood elevation and above the predicted SHGWT or SHWL
2. Compliance will be based upon a volume for volume (cup for cup) methodology, with the volume of compensation equal to the volume of encroachment at each and every elevation (1-foot contour interval). Providing compensating storage equal to the volume of encroachment at each elevation will provide equivalent flood plain management for all storm events of magnitude less than the base flood event and is intended to prevent cumulative water quantity impacts.



3. Storage creation must occur below the existing base flood elevation and above the predicted SHGWT and/or SHWL.
4. Compensation must occur within dedicated storage areas excavated contiguous to the existing special flood hazard area.
5. Under no circumstances will compensatory flood storage be allowed within ponds that also provide stormwater management (retention and/or detention) for the proposed development.
6. The City may approve the creation of off-site compensatory storage areas located outside the property boundary on a case-by-case basis.
7. The City reserves the right to enforce additional criteria upon any project that is located within what the City considers a special flood hazard area. At the City's discretion, additional flood control measures may be required to adequately protect upstream systems, downstream systems and/or off-site properties.

b. Buildings and Structures

1. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code* - Pursuant to Section 21-42.02d.2.(a) of this Section, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 21-42.04h of this Section.
2. Non-elevated accessory structures - Accessory structures are permitted below elevations required by the *Florida Building Code* provided the accessory structures are used only for parking or storage and:
  - a. Are one-story and not larger than 600 sq. ft.
  - b. Have flood openings in accordance with Section R322.2 of the *Florida Building Code, Residential*.
  - c. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
  - d. Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
  - e. Have mechanical, plumbing, and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

c. Subdivisions

1. Minimum requirements - Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
  - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

- (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  - (c) Adequate drainage is provided to reduce exposure to flood hazards. No construction shall result in the creation of disconnected or isolated portions of a flood hazard area (Zone A, AE, and other A-series Zones) which increases the stage at which discharge occurs to less than one (1) foot below any existing or proposed finished-floor elevation of a habitable structure nor of the centerline elevation of any publicly-owned roadway that is within or adjacent to the flood hazard area.
  - (d) In Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. Subdivision plats - Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
- (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
  - (b) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 21-42.02e.2.(a) of this Section; and
  - (c) Compliance with the site improvement and utilities requirements of Section 21-42.04d of this Section.

d. Site Improvements, Utilities and Limitations

1. Minimum requirements - All proposed new development shall be reviewed to determine that:
- (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. Sanitary sewage facilities - All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector

systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

3. Water supply facilities - All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
4. Limitations on sites in regulatory floodways - No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 21-42.02e.3.(a) of this Section demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
5. Limitations on placement of fill - Subject to the limitations of this Section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

e. Manufactured Homes

1. General - All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Section.
  - (a) Limitations on installation in floodways - New installations of manufactured homes shall not be permitted in floodways.
2. Foundations - All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this Section.
3. Anchoring - All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not

limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

4. Elevation - All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A).
5. Enclosures - Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.
6. Utility equipment - Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

f. Recreational Vehicles and Park Trailers

1. Temporary placement - Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
  - (a) Be on the site for fewer than 180 consecutive days; or
  - (b) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
2. Permanent placement - Recreational vehicles and park trailers that do not meet the limitations in Section 21-42.04f.1 of this Section for temporary placement shall meet the requirements of Section 21-42.04e of this Section for manufactured homes.

g. Tanks

1. Underground tanks - Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
2. Above-ground tanks, not elevated - Above-ground tanks that do not meet the elevation requirements of Section 21-42.04g.3 of this Section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and

constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

3. Above-ground tanks, elevated - Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
4. Tank inlets and vents - Tank inlets, fill openings, outlets and vents shall be:
  - (a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### h. Other Development

1. General requirements for other development - All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Section or the *Florida Building Code*, shall:
  - (a) Be located and constructed to minimize flood damage;
  - (b) Meet the limitations of Section 21-42.04d.4 of this Section if located in a regulated floodway;
  - (c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  - (d) Be constructed of flood damage-resistant materials; and
  - (e) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
2. Fences in regulated floodways - Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 21-42.04d.4 of this Section.

3. Retaining walls, sidewalks and driveways in regulated floodways - Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 21-42.04d.4 of this Section.
4. Roads and watercourse crossings in regulated floodways - Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this Section. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 21-42.02e.3.(c) of this Section.

## **SECTION 21-43 - WELLFIELD PROTECTION**

### **21-43.01 - Comprehensive Plan Reference**

The City finds there is need to protect the existing and future water supplies from adverse impacts of contamination. The City also finds that its potable water wellfields are a resource that may be subject to irreversible degradation if not adequately protected.

The provisions of Section 21-43 – Wellfield Protection Areas are consistent with and implement the Comprehensive Plan contained in the Future Land Use Element, Utilities Element, Coastal Element, Conservation Element and Intergovernmental Coordination Element.

### **21-43.02 - Designation of Wellfield Protection Zones (WPZ)**

The primary and secondary potable water wellfield Protection Zones are hereby established as five hundred feet (500') radius from the well as the primary zone and one thousand feet (1,000') radius from the well as the secondary zone. These zones, and the regulations that follow, are established to protect the potable water supply from possible contamination. A permit is required for any development or occupational use within the wellfield protection zone.

- a. Except as otherwise provided in this Section, any use, handling, production or storage of hazardous materials shall be prohibited in the primary protection zone. Any existing use, or handling, production or storage of hazardous materials shall be considered a nonconforming use and shall apply for a wellfield protection permit as provided in Section 21-43.03 and be subject to the containment standards in Section 21-43.04.
- b. Except as otherwise provided in this Section, any new or existing nonresidential use, or the handling, production or storage of hazardous substances in the secondary protection zone shall apply for a wellfield protection permit as provided in Section 21-43.03.

### **21-43.03 - Wellfield Protection Zone Permits**

- a. The Director of Environmental Services shall be responsible to administer the wellfield protection zone permit program.

- b. Application for a wellfield protection permit shall be signed by the applicable owner or agent.
- c. The City shall issue, or renew such permit, upon the applicant's satisfactory demonstration that all standards required by this Section and other applicable regulations have been met and the appropriate fee as established by resolution have been paid.
- d. A potential applicant is required to arrange a pre-application conference with the Director of Environmental Services to discuss the permit application criteria and process.
- e. The City shall review applications, for compliance with the requirements of this Section and no application shall be approved unless compliance is demonstrated. Permits or business tax receipts issued in violation of this Section confer no right or privilege to the grantee.
- f. The following information shall be submitted by the applicant seeking a wellfield protection zone permit:
  - 1. A current survey signed and sealed by a licensed surveyor that, at a minimum, depicts all existing structures, adjacent streets, water bodies and public water supply wells.
  - 2. A legal description of the subject property.
  - 3. A description of the proposed activity at the proposed location, including a list of all known hazardous substances that may be utilized, generated and/or stored at the subject property.
  - 4. Construction plans and specifications for hazardous substance storage system, including but not limited to, details of tanks, conveyance and pumping systems, secondary containment, leak protection, overfill protection and access and an operating plan.
- g. Any person owning or operating a non-residential activity regulated by this Section at the time of adoption of this Article shall apply for a wellfield protection zone permit within one year and shall thereafter come into full compliance with the requirements of this Section.

#### **21-43.04 - Wellfield Protection Zone Standards**

- a. A proposed project, construction activity or business tax receipt use shall not adversely affect the quality and quantity of the potable water supply within the primary and secondary wellfield protection zone. In assessing the impacts of a proposed activity, the City shall consider the cumulative impacts of other projects or uses permitted in, or adjacent to, the Secondary Protection Zone.
- b. No discharge or disposal of hazardous substances into the soils, groundwater or surface water within either the Primary or Secondary Protection Zone will be allowed.
- c. Hazardous substance storage tanks are prohibited in the Primary Protection Zone.

- d. Hazardous substance storage tanks in the Secondary Protection Zone shall be constructed and operated in compliance with 17-762 Florida Administrative Code.
- e. The commercial and residential application of certain regulated substances such as pesticides, herbicides, rodenticides and fungicides shall be permitted in the protection zones subject to the following conditions:
  - 1. The application is in compliance with the use requirements on the EPA substances list and as indicated on the containers in which the substances are sold.
  - 2. The application is in compliance with the requirements of Chapters 482 and 487, Florida Statutes and Chapters 5E-2 and 5E-9, Florida Administrative Code.
  - 3. The application of any of the pesticides, herbicides, fungicides and rodenticides shall be noticed in the records of the certified operator of the use. The certified operator shall provide specific notification to the applicators that special care is required. Said public records shall include, at a minimum, the amount of substances used, the location of use and the date of the application.
  - 4. Septic disposal systems are prohibited in both protection zones.
  - 5. Existing underground storage facilities in either protection zone shall meet the construction retrofit standards of Chapter 17-761, F.A.C.

#### **21-43.05 - Exemptions**

The following activities or uses are exempt from the provision of this Article:

- a. The transportation of any hazardous substance through either the primary or secondary well field protection zone, provided the transporting vehicle is in transit.
- b. Agricultural uses, including mosquito control, except that said uses shall comply with Florida Statutes Chapter 487, Section 487.011 et seq., the Florida Pesticide Law, and the Florida Pesticide Application Act of 1974 and Rule 5E 2.001 et seq., and Rule 5E-9.001 et seq., F.A.C.
- c. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
- d. Storage tanks which are constructed and operated in accordance with the storage tank regulations as set forth in the Florida Administrative Code.
- e. Geotechnical borings.

#### **21-43.06 - Enforcement and Appeals**

- a. Any violation of the provisions of this Section may subject the property owner, and/or facility operator, to the enforcement provisions of Article X.



- b. The appeals process is described in Article I.

## **SECTION 21-44 - GROUNDWATER RECHARGE AREAS**

### **21-44.01 - Comprehensive Plan Reference**

Chapter 373, F.S. declares that the protection of groundwater is necessary to protect future potable water supplies. Chapter 163, Part II, F.S. requires each local government to protect identified recharge areas. The provisions of Section 21-44 – Groundwater Recharge Areas are consistent with and implement the City’s Comprehensive Plan contained in the Future Land Use Element, Utilities Element, Coastal Element and Intergovernmental Coordination Element.

### **21-44.02 - Designation of Recharge Areas**

The mapped recharge areas subject to the regulations herein are designated by the St. Johns River Water Management District and are available for review at City Hall.

### **21-44.03 - Recharge Area Development Standards**

The following standards are required for development projects within the Recharge Area.

- a. All stormwater runoff shall be retained on-site in compliance with all applicable state and local regulations.
- b. Any use that manufactures or stores hazardous materials/substances as defined in Section 21-20 shall be prohibited.
- c. Landfills, sludge disposal and incinerators shall be prohibited.
- d. Spray irrigation of treated sewage effluent may be permitted in compliance with applicable Florida Department of Environmental Protection permit criteria.
- e. All agricultural and/or silvicultural uses, shall employ the latest applicable Best Management Practices and Integrated pest Management Plans available from either the Soil Conservation Service and/or the Florida Department of Agriculture and Consumer Services.
- f. All underground storage tanks shall comply with the requirements of Chapters 62-761 and 62-762, F.A.C and shall be triple walled with impervious material and designed for one hundred twenty percent (120%) of the proposed capacity.
- g. All uses existing at the time of adoption of this Code shall come into compliance with these requirements by January 1, 2003.

## **SECTION 21-45 - SENSITIVE HABITAT AREAS**

### **21-45.01 - Comprehensive Plan Reference**

The purpose of this Section is to protect the City's significant natural resources. These regulations are supplemental to and do not supercede applicable State and/or Federal regulations. The provisions of Section 21-45 - Sensitive Habitat Areas are consistent with and implement the Comprehensive Plan contained in the Utilities Element, Coastal Element, Conservation Element and Intergovernmental Coordination Element.

### **21-45.02 - Development Thresholds & Exemptions**

- a. The Listed Species requiring protection are those described as endangered or threatened by Federal and State regulatory agencies.
- b. Nothing in this Section exempts any proposed development activity from complying with all appropriate State and Federal regulations.

### **21-45.03 - Listed Species Assessment Procedures**

- a. When the pre-application conference for a proposed project determines the possibility of one or more listed species inhabiting a site, the applicant shall submit an assessment to the Development Services Department on the forms provided by the Department. This application shall be completed by a qualified professional and include the following:
  1. The name, address and signature of the property owner;
  2. The name, address and signature of the applicant;
  3. A legal description of the subject property;
  4. A recent property survey;
  5. A description and location of the listed species found on the proposed site;
  6. A description of the field surveying techniques used; and
  7. Other material as may be deemed appropriate by the Development Services Director.
- b. When a listed species is found, the applicant may be required to submit a mitigation program to protect the listed species. The mitigation program shall be evaluated as follows:
  1. Approval by Florida Fish and Wildlife Commission;
  2. Provision of any permits needed from State and/or Federal agencies;
  3. The dedication of a conservation easement to the City and/or any other applicable agencies.

## SECTION 21-46 – OPEN SPACE

### 21-46.01 - Comprehensive Plan Reference

The purpose of this Section is to protect the City’s designated open space. These regulations are supplemented to and do not supercede applicable State and/or Federal regulations. The provisions of Section 21-46, Open Space, are consistent with and implement the Comprehensive Plan in the Future Land Use Element and the Recreation and Open Space Element.

### 21-46.02 - Open Space Standards

- a. All proposed development/redevelopment shall be designed to ensure the protection of existing designated open space areas.
- b. All proposed residential development/redevelopment shall provide a minimum of twenty five percent (25%) common open space as defined in Article II.
- c. Open space requirements for multifamily development shall use the following table to determine the required space. Open space areas shall include areas placed within preservation, recreation areas and amenities provided said amenities or areas are not enclosed with conditioned space. Stormwater retention or detention shall not be considered unless the minor amenity is provided. Drainage retention areas shall not exceed 25% of the open space requirement. Open space shall not include open bodies of water, right of ways, yards, off street parking, or other areas of impervious surface area that do not meet the criteria.

<u>Dwelling Units</u>	<u>Minimum Open Space</u>
<u>0-50</u>	<u>25%</u>
<u>51-150</u>	<u>35%</u>
<u>151+</u>	<u>40%</u>

Sections 21-47 through 21-48 reserved for future use.

## ARTICLE V

### SITE DESIGN CRITERIA

SECTION 21-50 - GENERAL PROVISIONS .....	1
21-50.01 - Purpose.....	1
21-50.02 - Minimum Site Dimensions .....	1
21-50.03 <u>Amenities for Multifamily Developments</u> .....	4
21-51.01 - Comprehensive Plan Reference .....	5
21-51.02 - General Requirements.....	5
21-51.03 - Utility Easements .....	6
SECTION 21-52 - VEHICLE/PEDESTRIAN CIRCULATION REQUIREMENTS .....	7
21-52.01 - Comprehensive Plan Reference .....	7
21-52.02 - Access/Driveways.....	7
21-52.03 - Drive-Up Facilities Standards .....	9
21-52.04 - Sidewalks .....	10
21-52.05 - Street Design Standards .....	10
21-52.06 - Public Recreation .....	13
SECTION 21-53 - STORMWATER MANAGEMENT REQUIREMENTS.....	15
21-53.01 - Comprehensive Plan Reference .....	15
21-53.02 - Permit Authority .....	15
21-53.03 - Exemptions to Permit Requirements .....	15
21-53.04 - General Design Standards.....	16
21-53.05 - Site Attenuation Standards .....	18
21-53.06 - Positive Outfall Standards.....	18
21-53.07 - Shoreline Protection Standards .....	21
21-53.08 - System Maintenance Standards.....	21
21-53.09 - Stormwater Permit Application.....	21
21-53.10 - Plan Adherence .....	22
21-53.11 - Enforcement .....	22
SECTION 21-54 - LANDSCAPING REQUIREMENTS.....	23
21-54.01 - Comprehensive Plan Reference .....	23
21-54.02 - Installation Standards.....	23
21-54.03 - Parking Lot Landscaping Requirements .....	24
21-54.04 - Buffer Yard Determination Process .....	25
21-54.05 - Buffer Yard Installation Standards.....	29
SECTION 21-55 - TREE PROTECTION REQUIREMENTS .....	31
21-55.01 - Comprehensive Plan Reference .....	31
21-55.02 - Tree Removal Permit .....	31
21-55.03 - Tree Removal Permit Standards.....	32
21-55.04 - Exemptions.....	33
21-55.05 - Historic Trees.....	33
21-55.06 - Specimen Trees .....	34
21-55.07 - Historic and Specimen Tree Protection Requirements.....	34
21-55.08 - Area Tree Protection Requirements .....	35
21-55.09 - Installation Requirements.....	35
21-55.10 - Enforcement .....	36
SECTION 21-56 PARKING AND LOADING REQUIREMENTS .....	36
21-56.01 - Comprehensive Plan Reference .....	36
21-56.02 - Off-Street Parking Standards .....	36
21-56.04 - Joint Parking Use Agreements .....	41
21-56.05 - Loading Berth Standards.....	41
SECTION 21-57- PLANNED UNIT DEVELOPMENT DESIGN CRITERIA.....	43

21-57.01 - Comprehensive Plan Reference .....43

21-57.02 - Residential Planned Unit Development (RPUD) .....43

21-57.03 - Business Planned Unit Development (BPUD).....44

21-57.04 - Industrial Planned Unit Development (IPUD) .....45

21-57.05 – Mixed-Use Planned Unit Development (MUPUD).....46

21-57.06 - Sustainable Community Development Planned Unit Development (SCD/PUD) .....47

## ARTICLE V

### SITE DESIGN CRITERIA

#### SECTION 21-50 - GENERAL PROVISIONS

##### 21-50.01 - Purpose

The purpose of this Section is to establish site design and development criteria for all public/private development and redevelopment. Pursuant to the requirements of Florida Statutes, all plans submitted for review by the City shall be signed and sealed by the appropriate professional person.

In addition to City-wide site design criteria contained in this Article, the City of Edgewater has adopted the Indian River Boulevard-S.R. 442 Corridor Design Regulations and the Ridgewood Avenue Corridor Design Regulations, which are incorporated as Article XVIII and Article XX respectively in this Land Development Code. Requirements contained in Article XVIII, Indian River Boulevard-S.R. 442 Corridor Design Regulations and Article XX, Ridgewood Avenue Corridor Design Regulations, are applicable to properties within each respective design overlay district and include site design and architectural design criteria that supersede the requirements set forth in this Article. A copy of these regulations and illustrations for design are available for purchase at City Hall. It is the Developer's responsibility to obtain a copy of the regulations for the Overlays prior to conceptual design layout.

##### 21-50.02 - Minimum Site Dimensions

Table V-1 depicts the minimum lot size, setbacks, height, building coverage and floor area requirements for each zoning category.

Minimum site dimensions may be administratively waived if non-conforming sites are created by eminent domain activities (State, County or City).

**TABLE V-1  
SITE DIMENSIONS**

Zoning Category	Min. Lot Sq.Ft. (12)	Min. Lot Width Ft.	Min. Lot Depth Ft.	Min. Front Yard Ft. (1) (4) (15)	Min. Rear Yard Ft. (1) (4)	Min. Side Yard Ft. (1) (4) (8) (10) (11) (15)	Max. Height Ft.	Max % Bldg Coverage	Max. % Imp. Coverage	Min. Floor Area Sq. Ft.
AG, Agriculture	2.5 acres	200	N/A	50	50	25	35	15	N/A	1,200
CN, Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
P/SP, Public/Semi-Public	N/A	N/A	N/A	30	20	10	35	40	60	NA
R T, Rural Transitional	1 acre	100	N/A	40	40	25	35	25	60	1,200
R-1, Single Family Residential	12,000	100	120	40	30	(5) 10	26	30	60	1,300
R-2, Single Family Residential (13)	10,000	80	125	30	20	10	26	30	60	1,200
R-3, Single Family Residential	8,625	75	115	30	20	10	26	30	60	1,000
R-4, <del>Multifamily</del> Single Family Residential – (9)	N/A	(14)	(14)	(2) 40	(2) 25	(2) 10	35	30	60	1,000
R-5, Multifamily Residential (9)	<del>N/A</del> 10,000	<del>(14)</del> 100	<del>(14)</del> 125	<del>(2)</del> 35 (16)	<del>(2)</del> 25 (16)	<del>(2)</del> 10 (16)	35	35	<del>60</del> 50	850
RPUD, Residential PUD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RP, Residential Professional	10,000	80	125	N/A	N/A	N/A	26	N/A	60	N/A
MH-1, Mobile Home Park - 5 acres	N/A	N/A	N/A	15	10	10 (between units)	N/A	N/A	60	N/A
MH-2, Manuf. Home Sub.50 acres	N/A	60	110	25 (6)	10	8	15	30	60	N/A
B-2, Neighborhood Business	10,000	80	125	40	20 (3)	10 (3)	26	30	75	N/A
B-3, Highway Commercial	N/A	150	N/A	40	25 (3)	25 (3)	45	30	75	N/A
B-4, Tourist Commercial - 2 acres	N/A	100	N/A	40	40(3)(5)	25	50	40	75	N/A
BPUD, Business PUD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I-1, Light Industrial	N/A	75	N/A	25	20 <del>(17)</del> 3 (7)	10 (3)	45	50	80	N/A
I-2, Heavy Industrial	N/A	N/A	N/A	25	20 <del>(17)</del> 3 (7)	10 (3)	45	60	80	N/A
IPUD, Industrial PUD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MUPUD, Mixed Use PUD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SCD/PUD, Sustainable Community Development PUD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## TABLE V-1 FOOTNOTES

- (1) 50 feet upland from mean high water line.
- (2) Setbacks for single family homes in multifamily zoning districts shall be the same as the R-2 District.
- (3) ~~3050~~ feet when adjacent to residential zoning/use.
- (4) 25 feet upland from wetlands vegetation.
- (5) 2 story dwellings shall increase side setback additional 5 feet on river, lakes, golf course & common open space.
- (6) From cartway.
- (7) Zero setback abutting RR.
- (8) Abandoned/non-developed streets in Florida Shores require a ten (10) feet side corner setback.
- (9) 3 or more units shall comply with density and other requirements for site plan approval.
- (10) Side corner lots shall have two (2) side yard setbacks, no rear.
- (11) Side corner setbacks shall be the same as front yard.
- (12) Minimum lot square footage shall be calculated based on the minimum lot width, minimum lot depth, and/or uplands area.
- (13) All properties located on SR 442 shall have a forty foot (40') setback from the new right-of-way lines.
- (14) Single family or duplex uses in the R-4 ~~and R-5~~ district shall have a minimum lot size of 75 feet by 115 feet.
- (15) Commercial gasoline pump island canopies setbacks shall be at least 20-feet from the front property line and five (5)-feet from the side property line.

(16) The minimum setback requirements in R-5 for multi-family developments for buildings, including anything attached thereto, with the exception of non-covered sidewalks, at the time of construction or any time thereafter which serves to increase the size of its footprint, including, but not limited to: paved slabs, patios, and porches are as follows:



1. Front yard setback:

- Local roadway: 25 feet
- Collector roadway: 25 feet
- Arterial roadway: 50 feet

2. Side yard setback:

- Residential, commercial, industrial, institutional, mixed-use, recreation zoning: 65 feet
- Local roadway: 25 feet
- Collector roadway: 25 feet
- Arterial roadway: 50 feet

3. Rear yard setback

- Residential, commercial, industrial, institutional, mixed-use, recreation zoning: 65 feet
- Local roadway: 25 feet
- Collector roadway: 25 feet
- Arterial roadway: 50 feet

(17) 50 feet when adjacent to residential zoning or use.

**SECTION 21-50.03 – Amenities for Multifamily Developments**

Amenities must be included in an R-5 zoning multifamily development plan with at least 10 dwelling units according to the following table:

<u>Dwelling Units</u>	<u>Minor Amenity</u>	<u>Major Amenity</u>
<u>10-20</u>	<u>1</u>	<u>0</u>
<u>21-50</u>	<u>2</u>	<u>0</u>
<u>51-150</u>	<u>3</u>	<u>2</u>
<u>151-250</u>	<u>4</u>	<u>3</u>
<u>251+</u>	<u>5</u>	<u>4</u>

A homeowner association or other private entity must maintain all such amenities. Amenities are approved at the discretion of the Development Services Director. The following two excerpts provides examples of Major and Minor Amenities.

- Minor Amenities: Playground (slide and 3 swings), Dog Park with one dog waste station and dog water fountain, minimum 7-foot paved walking trail around water retention or detention pond with 1 dog waste station per 500' with a minimum of 1 dog waste station per 50 units, outdoor grills, butterfly garden with 2,000 square foot minimum, raised bed gardens and irrigation (minimum 2' x 4' bed for 10% of

units), 4 dog wash station, secured package room, recreational lounge with billiards table, air conditioned storage units (minimum 10% of units)

- ii. Major Amenities: Pool (minimum occupancy 60 persons), spa (minimum occupancy of 20 persons), sauna or steam room (minimum occupancy of 15 persons) gym (minimum 14 pieces of equipment – dumbbells or any form of free weight exercises that utilize freeweights such as benchpress, squatting, power clean and the associated rack count as one major amenity), bowling alley (minimum two lanes), office station (minimum 15 computers and work stations), full time security/concierge, two regulation sports courts (pickleball, basketball, tennis).

### **21-51.01 - Comprehensive Plan Reference**

The provisions of Section 21-51 - Utilities are consistent with and implement the Comprehensive Plan contained in the Future Land Use Element and Utilities Element.

### **21-51.02 - General Requirements**

- a. All development shall comply with the appropriate sections of Article XI (Concurrency Management System).
- b. All new development shall connect to the City's water and sewer system. Temporary package plants may be permitted if City-owned water and sewer collection and distribution system improvements are planned.
- c. All new development shall be required to connect to the reclaimed water system, if available. Drylines may be required for future reclaimed water system service.
- d. All groundwater used in water-to-air heating and air conditioning systems must be directed to landscape irrigation systems, groundwater injection or exfiltration systems.
- e. All development shall comply with the current SJRWMD water conservation requirements.
- f. All development shall pay the adopted City and County impact and development fees.
- g. All multifamily, commercial and industrial development shall be required to install backflow preventers.
- h. All multifamily, commercial and industrial development shall be required to locate and install fire protection appliances pursuant to the criteria established in Article XVI.
- i. The developer shall obtain approved plans from appropriate electrical utility provider for

street light design. All new developments shall be required to create a streetlight assessment district to fund installation and operation/maintenance expenses. The streetlight district will be under the control of the homeowner's association. Streetlights shall be generally provided at all intersections and at intervals of no more than 300 feet apart along each street.

- j. All utility lines including wastewater, potable water, reclaim water, gas, electrical power, telephone, television, telecommunications, video, internet, broadband and similar services (collectively used herein as "utility facilities") in new residential developments shall be installed underground.
- k. All utility facilities for new non-residential developments shall be placed underground from the property line to the structure.
- l. Substantial improvements, additions or renovations to structures on non-residential properties that exceed 50 percent of the structure's assessed value and require upgraded or relocated utility facility service shall relocate existing overhead utility facility service to an underground service.
- m. Existing overhead electrical service lines shall be relocated underground for any electrical service upgrades equal to or exceeding 250 amps for non-residential properties.
- n. Non-residential developments may be exempt from placing all or a portion of utility services underground if such initiative will require the addition of utility poles outside of the property line. The Technical Review Committee (TRC) shall make the final determination.
- k. The City may require the oversizing of a utility line to serve future customers. The City shall be responsible for payment of the oversizing of the utility line.
- l. Valves shall be spaced at a maximum of 1,000 feet along all water mains.
- m. All water mains shall be looped to provide adequate pressure and system redundancy.
- n. All water systems designs shall maintain 20 psi residual pressure during maximum demand on the system.
- o. Manholes shall be spaced at all change in pipe slope and direction and at intervals no greater than 400 feet.
- p. Fire hydrants shall be installed only on a water main of six (6) inch and larger.
- q. All construction shall comply with the City's Standard Construction Details.

### **21-51.03 - Utility Easements**

- a. All new electric, telephone, fiber optics, cable television and other such lines (exclusive of transformers or enclosures containing electrical equipment) and gas distribution lines shall be placed underground within easements or public rights-of-way

- b. Lots abutting existing easements or public rights-of-way where overhead electric, telephone or cable television distribution supply lines and service connections have previously been installed may continue to be supplied with such services using the overhead facilities.
- c. When a developer installs or causes the installation of water, sewer, gas, electrical power, telephone or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility, the developer shall transfer to such utility the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

## **SECTION 21-52 - VEHICLE/PEDESTRIAN CIRCULATION REQUIREMENTS**

### **21-52.01 - Comprehensive Plan Reference**

The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. The provisions of Section 21-52 - Vehicle/Pedestrian Circulation are consistent with and implement the Comprehensive Plan contained in the Future Land Use Element and Transportation Element.

The regulations and requirements as herein set forth are intended to provide legal access to all parcels of land or development within the City and to control vehicular movements thereof to facilitate safe vehicle and pedestrian patterns.

### **21-52.02 - Access/Driveways**

- a. Prior to issuance of a building permit, all parcels, lots or new development shall have access to an improved public road or private road.
- b. Driveway access to any corner lot located on a local street (City maintained) shall be located or relocated a minimum of forty feet (40') from the intersection of right-of-way lines of other local streets and a minimum of one hundred feet (100') from the intersection of right-of-way lines on all other functionally classified streets.
- c. New driveway connections on arterial and collector roads shall adhere to FDOT access management standards in Section 14-97 Florida Administrative Code. Driveways shall conform to current FDOT turning radius standards.
- d. The City shall have the authority to require the creation, use and maintenance of common, joint-use driveways or other common ingress/egress facilities which provide access to two (2) or more lots, parcels or developments, when such joint use driveways are needed to protect, maintain or improve public traffic safety (see 21-57.04). Creation of joint use driveways shall be by recorded legal agreement provided that in all cases the agreement must:

1. Hold the City harmless from any and all claims or potential liability; and
  2. Be recorded in the public records of Volusia County, Florida prior to issuance of a building permit; and
  3. Must run with the lands involved and be binding on the parties to agreement, their successors or assigns.
- e. Adjacent (same side of the roadway) single family and duplex residential driveways shall be paved with materials approved by the City including the apron and separated by a minimum of ten feet (10') as measured driveway edge to driveway edge. No driveway shall be closer than five feet (5') to any lot line or encroach into any side or rear easement. At a minimum, access driveways to vacant lots shall be paved in the right-of-way from existing pavement to the lot line.
  - f. Adjacent nonresidential driveways shall be separated by a minimum of forty feet (40') as measured driveway edge to driveway edge, unless there is a recorded joint access agreement.
  - g. To the extent reasonably possible, driveway access to nonresidential land uses shall line up with driveways across the street.
  - h. All non-residential parcels shall be limited to one access point per street.
  - i. Non-residential land uses or developments (including parking lots) shall not connect to, have access to or primarily use any local residential street, unless:
    1. No other site access (including joint use driveways with other parcels) is possible.
    2. All traffic, site, and environmental conditions of the subject site, street, and neighborhood are, or will be suitable and compatible to accommodate the anticipated traffic, environmental and aesthetic impacts of the proposed nonresidential use or development without significant adverse impacts to neighborhood and the City as a whole. The site evaluation/traffic analysis report shall be submitted by the project applicant for the City's review and approval.
  - j. The City may require dedication of access rights to the City to control future ingress and egress.
  - k. Driveways shall have a minimum width of nine feet (9') for access way serving residential uses, a minimum width of twenty feet (20') for double access ways and twelve feet (12') for single access ways serving multi-family or non-residential areas.
  - l. The City shall have the authority to require the reduction of the number of or width of existing driveways for any modifications to an existing structure, parking area or current property uses.
  - m. Driveways for single-family residential properties equal to or greater than one (1) acre shall be paved from the access point to the minimum front yard setback for the property's

respective zoning district.

- n. Driveways for single-family residential and two-family residential properties less than one (1) acre shall be paved from the access point and extend into an enclosed area for the primary garage or carport. In the absence of a garage or carport, the driveway shall be paved from the access point and extend to the primary building frontage line.
- o. All additional and/or secondary garages and/or carports located on single-family residential and two-family residential properties less than one (1) acre shall require an apron paved from the access point extending at least three feet (3') into the property and a stabilized pathway and/or wheel path to the enclosed area of said garage and/or carport.
- p. All construction shall comply with the City's Standard Construction Details.

### **21-52.03 - Drive-Up Facilities Standards**

All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the following standards:

- a. The facilities and stacking lanes shall be located and designed to minimize turning movements in adjacent streets and intersections.
- b. The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks or other pedestrian access ways.
- c. A by-pass lane shall be provided so that the full aisle width is provided for parking maneuvers.
- d. Stacking lane distance shall be measured from the point of entry nearest the drive-through area to the center of the farthest drive-through services window area.
- e. Minimum stacking lane distance shall be as follows:
  - 1. Financial institutions shall have a minimum of one stacking lane with a minimum distance of one hundred seventy five feet (175') per lane.
  - 2. Restaurants, full service car washes and day care facilities shall have minimum stacking distance of two hundred feet (200').
  - 3. Self service car washes (per bay) and dry cleaners shall have a minimum stacking distance of sixty-five feet (65').
  - 4. Other uses may require the City to determine the stacking distance on a case-by-case basis.
  - 5. Facilities not listed above with more than one (1) drive-through lane shall provide one hundred feet (100') of stacking distance per lane measured from the point of entry to the center of the furthest service window area.
  - 6. Drive-Through Separate from Other Circulation: The drive-through lane shall be

a separate lane from the circulation routes and aisles necessary for ingress and egress from the property or access to any off-street parking spaces.

- f. Alleys or driveways in or abutting areas designed, zoned, or developed for residential use shall not be used for circulation of traffic for drive-up facilities.
- g. Where turns are required in the exit lane, the minimum distance from any drive-up station to the beginning point of the curve shall be thirty-four feet (34'). The minimum inside turning radius shall be twenty-five feet (25').

#### **21-52.04 - Sidewalks**

A system of sidewalks shall be provided by the developer to provide safe movement of pedestrians separately from motor vehicles.

- a. Sidewalks shall be required on both sides of streets in all new development projects and redevelopment projects. In lieu of sidewalk installation, funds may be paid to the Pedestrian System Development Fund. Installation of the sidewalk or payment into the above referenced Fund shall be at the discretion of the TRC.
  - b. The sidewalk shall be constructed in the dedicated right-of-way.
- c. All sidewalks shall have a minimum width of four feet (4') and be separated by at least four feet (4') from the road edge and comply with the City's Standard Construction Details.
- d. As an alternative in residential areas, sidewalks may be provided within rear lot easements or common open space areas as part of an approved development plan.
- e. Sidewalks shall connect to existing pedestrian circulation facilities for all projects within a distance and/or radius of 1,000-feet.

#### **21-52.05 - Street Design Standards**

- a. The arrangement, character, extent, width, grade and location of all new and improved streets shall conform to the adopted Comprehensive Plan now in existence or as may hereafter be adopted and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

Where such is not shown in the Comprehensive Plan now in existence or as may hereafter be adopted, the arrangement of streets in a subdivision shall either:

- 1. Provide for the continuation or appropriate projection of existing major streets in surrounding areas, or
- 2. Conform to a plan for the neighborhood or be aligned to meet a particular situation where topographical or other conditions make continuance or

conformance to existing streets impractical.

b. All new streets to be established within a subdivision shall meet the following minimum design standards.

1. *Local streets.* Local streets shall be laid out so that use by through traffic will be discouraged.
2. *Subdivisions on arterial streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the subdivider shall provide reverse frontage lots with a planting screen contained in a non-access reservation along the rear property lines or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
3. *Intersection designs.* Streets shall be laid out and aligned to intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees. Street jogs and intersections with centerline offsets of less than one hundred fifty feet (150') shall be prohibited. Multiple intersections involving the juncture of more than two (2) streets shall be prohibited. A minimum sight distance of two hundred feet (200') from any intersection shall be maintained on intersecting streets; however, this requirement shall not be construed as requiring an increase in the minimum allowable intersection separation of one hundred fifty feet (150').
4. Proposed streets shall be designed to provide access to adjoining unsubdivided tracts at logical locations for future subdivisions.
5. A minimum of two points of access shall be provided into each subdivision of twenty-five (25) lots or more. Where adjoining existing development and code requirements preclude the development of two public street access points, an unobstructed driveable access way may be substituted.
6. Right-of-way line intersections shall be rounded with a minimum radius of twenty-five feet (25'). A greater radius may be required on collector or arterial roads, or where road construction details require.
7. *Minimum street design specifications.* All streets to be established in a subdivision shall be graded to their full required right-of-way width and designed in accordance with the following minimum right-of-way specifications:

Arterial	150 ft.
Collector	100 ft.
Local	60 ft. (open drainage) 50 ft. (curb and gutter)

8. *Cul-de-sac.* All cul-de-sacs shall comply with the requirements contained in the Standard Construction Details.
9. *Street access to adjoining property.* Street stubs to adjoining unplatted areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs in excess of two hundred fifty feet (250') shall be provided with a temporary cul-de-sac turnaround. The developer of the adjoining area shall pay the cost of restoring the street to its original design cross-section and extending the street.



10. *Street names.* Street names shall not be used which will duplicate, be phonetically similar or be confused with the names of existing or other proposed streets, except that new streets which are an extension or in alignment with existing streets shall bear the same name as that borne by such existing streets. All courts and circles shall have one name only. All street names shall be submitted with the preliminary plat to the County of Volusia prior to final plat approval for 911 verification.
11. *Street name signs, pavement markings and regulatory signs.* Required signs shall be in place prior to acceptance by the City. All signing and pavement markings shall be in accordance with “USDOT Manual on Uniform Traffic Control Devices”. All pavement markings shall be thermoplast. Street name signs shall be a minimum of six inches (6”) in height with letters four inches (4”) in height. At cross-section intersections, two (2) street signposts shall be located diagonally across the intersection from each other. Only one street signpost shall be required at T-street intersections. Thirty inch (30”) “STOP” signs shall be required at each street intersection unless otherwise approved or required by the TRC.

c. *Construction*

Basic construction requirements for roads are as follows:

1. Residential roadway pavement shall consist of 1-1/4 inches of compacted Type S-I asphalt over an eight inch (8”) soil cement or limerock base, over an eight inch (8”) compacted subbase. Alternative concrete pavements may be approved.
  2. Commercial roadway pavement shall consist of two inches (2”) of compacted Type S-I or S-III asphalt, over an eight (8”) compacted limerock or six inch (6”) compacted soil cement base over a twelve inch (12”) compacted shellrock stabilized subbase.
  3. All new roads shall have concrete curbs. Miami curbs are required on local streets with vertical curbs for enclosed drainage on major collector and arterial roads.
  4. The remainder of the right-of-way shall be cleared, graded and sodded.
  5. Signs for street identification and traffic control shall be installed by the City at the developer’s expense. Signs shall be based on the requirements of the Federal Highway Administration Manual of Uniform Traffic Control Devices, current edition or other City specifications.
- d. *Alleys.* In single-family residential districts alleys shall be discouraged, but may be required in other than residential districts to provide for proper traffic circulation. When provided in any district, alleys shall have a minimum right-of-way width of thirty feet (30’).
- e. *Easements.* Easements for utilities, including water, wastewater, electric, cable, telephone and gas and drainage easements, shall be provided as follows:
1. *Utilities.* Utility easements centered on side or rear lot lines shall be provided where deemed necessary and shall be at least fifteen feet (15’) in width. Additional width may be required for wastewater and/or drainage easements. Side lot line easements may be decreased to ten feet (10’) in width when serving a

- single electric or telephone utility.
2. *Drainage.* Where a proposed subdivision is transversed (traversed) by or abuts a watercourse, drainage way or stream, a conservation and stormwater easement or drainage way, canal or stream and such further width or construction or both as will be adequate for the purpose shall be provided. Where a drainage way or canal exists or is proposed, a maintenance easement approved by the City shall be provided.
  3. *Access waterways.* Waterways which are constructed or improved for the purpose of providing access by the water to lots within a subdivision shall have a minimum easement or right-of-way width of one hundred feet (100'), except where adequate shoreline protection is provided, the minimum right-of-way may be reduced to sixty feet (60').
- f. *Turn lanes* - A left turn lane shall be provided at each access point with an average daily trip end of 1,000 vehicles and/or more than 25 peak hour left turn movements. A right turn/deceleration lane shall be provided when the posted speed limit equals or exceeds 35 miles per hour or if the proposed development will generate 100 or more peak hour right turn movements. Turn lane requirements shall be provided on all immediately adjacent roadways affected by any development/redevelopment project unless deemed unfeasible/impractical by the TRC.

## **21-52.06 - Public Recreation**

- a. *Requirements.* If a proposed development exceeds the required Level of Service standards for Public Recreation, as set forth in Section 21-46 and 21-135, the developer shall deed said land to the City or Homeowner's Association, pay a fee in lieu thereof or provide a combination of the above at the option of the City Council. This condition shall be met prior to final plan approval.

b. *General Standard*

Recreation impacts of proposed development shall be based on the anticipated population within said development and is calculated by the following formula:

Unit Type	Pop./Unit
Single Family Residential	2.5
Duplex	2.3
Multi-Family Residential	2.0
Mobile/Manufactured Home	2.0

c. *Formula for fees in (lieu of) land conveyance.*

1. If it is determined that the proposed development does not include any land designated by the Edgewater Comprehensive Plan as Recreation, to serve the immediate and future needs of the city residents and the developers are unable to provide Recreation lands outside the proposed development that are so designated and is required by Section 21-135, then the developer shall, in lieu of conveying land, pay a fee to the city equal to the value of land acreage as provided by the

current Volusia County Property Appraiser's assessed value for the nearest park or land deemed open space.

- d. *Use of Fees.* The fees collected hereunder shall be paid to the City of Edgewater. All such fees shall be placed in a reserve account in trust with the general fund and shall be known as the reserve trust for lands for parks and open space. Moneys within the reserve account shall be used and expended solely for the acquisition, improvement, expansion of city parks and open space land and to provide recreational equipment, facilities and land improvements as determined by the City Council. (Ord. No. 84-O-37, FS, 1-7-85).
- e. *Criteria for requiring both conveyance and fee.* In any development of over twenty-five (25) dwelling units, the developer may be required to convey the land and pay a fee in accordance with the following formula:
  - 1. When only a portion of the land which the developer is required to convey for parks is to be conveyed, such portion shall be conveyed for parks or a fee computed pursuant to the provisions set out herein shall be paid to the City for any additional land that the developer would otherwise have been required to convey hereunder.
  - 2. When most of the land designated as parks in the vicinity of the proposed development is needed to complete the site, such remaining portion shall be conveyed by the developer and a fee shall be paid by the developer in lieu of conveying the additional land which the developer would otherwise be required to convey and such fees to be used for the improvements of other city park land in the area serving the development.
- f. *Determination of land or fee.* The City Council shall determine whether to accept land or require payment of the fee in lieu thereof, after consideration of the following:
  - 1. Topography, geology access and location of land in the development available for dedication;
  - 2. Size and shape of the development and land available;
  - 3. The feasibility of conveyance;
  - 4. Availability of previously acquired parks property;
  - 5. Whether the developer owns or controls other land designated in the Edgewater Comprehensive Plan or other lands; and
  - 6. Accessibility.
- g. *Procedure.* In subdivisions requiring plat approval, the developer shall agree in writing to convey land for parks or pay a fee in lieu thereof or a combination of both. The City Council shall consider the request after a recommendation from the Leisure Services Department and the Planning and Zoning Board at the time of approval of the preliminary plat. At the time of approval of the final subdivision plat the developer shall convey the land and pay the fees as previously determined by the City Council, but not later than issuance of a building permit.

## **SECTION 21-53 - STORMWATER MANAGEMENT REQUIREMENTS**

### **21-53.01 - Comprehensive Plan Reference**

The intent of this Section is to provide regulations that ensure post-development stormwater runoff rates/volumes that do not exceed the pre-development rates/volumes and to prevent erosion, sedimentation and flooding to the maximum extent possible, and to prevent illicit discharge and/or illicit connections to the stormwater system. The provisions of Section 21-53-Stormwater Management are consistent with and implement the Comprehensive Plan contained in the Future Land Use Element, Utilities Element, Coastal Element, Conservation Element and the National Pollutant Discharge Elimination System Permit (NPDES).

### **21-53.02 - Permit Authority**

No development activity can occur without obtaining a stormwater permit from the City and any similar permit issued by State or Federal regulating agencies having jurisdiction, to include but not be limited to the following examples: St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Protection (FDEP), United States Environmental Protection Agency (USEPA), United States Army Corps of Engineers (USACOE). In some cases, at the sole discretion of the City Manager, the City may elect to accept alternative criteria as satisfying the requirements and standards necessary to obtain a City-issued stormwater permit. Such alternative criteria shall be at least equal to, or more protective than City standards, and may be equal to the standards promulgated by or recommended by SJRWMD, FDEP, USEPA, or USACOE. Development below thresholds of the SJRWMD shall require a City stormwater permit.

The following activities may potentially alter or disrupt existing stormwater runoff patterns and shall require a permit prior to the initiation of any project:

- a. Clearance and/or draining of land as an adjunct to construction;
- b. Clearance and/or draining of nonagricultural lands for agricultural purposes;
- c. Subdivision of land;
- d. Replatting of recorded subdivisions;
- e. Changing the use of land, or construction of a structure or a change in the size of one or more structures;
- f. Filling of depression areas;
- g. Construction of a driveway that crosses a public swale or ditch.
- h. Altering the shoreline or bank of any surface water body.

### **21-53.03 – Exemptions to Permit Requirements**

The following activities shall be exempt from the formal stormwater permitting procedures of this article unless found by the City to cause or contribute to deficiencies or violations of other portions of this Article:

- a. Maintenance work on utility or transportation systems, if performed on established rights-of-way or easements; provided such maintenance work does not alter the purpose and intent of

the system as constructed.

- b. Maintenance work performed on mosquito control drainage canals.
- c. Any maintenance, alteration, renewal, use or improvement to any existing structure not changing or affecting the rate or volume of runoff or the impervious surface area.
- d. The acceptance of a plat by the City Council in accordance with the subdivision regulations or approval of a site plan, shall be construed to include an approval of the stormwater management system and a separate permit under this Section is not required. Subsequent changes or additions not reflected by the accepted plat, or site plan, however shall be subject to the terms of this Article.
- e. Any maintenance, alteration, renewal, use or improvement to an existing structure that does not increase the rate or volume of stormwater runoff. The City will recognize exemptions given by the SJRWMD, provided the exemption and design standards comply with the City Land Development Code and/or Standard Construction Details.
- f. Construction of any new structure that consumes less than 1,000 square feet of impervious surface per parcel, provided that no fill or excavation is performed which would adversely alter the existing runoff patterns for the subject property or of adjacent properties. The total impervious surface on the subject parcel shall not exceed 1,000 square feet to qualify for this exemption.

#### **21-53.04 - General Design Standards**

- a. In general, the latest revision of the U.S. Department of Agriculture, Soil Conservation Service's Technical Release No. 55 entitled A Urban Hydrology for Small Watersheds shall be used in the stormwater designs described herein. However, the City Engineer may authorize the use of alternative methodology, such as the Green-Ampt model or the Horton infiltration method, where geotechnical factors are notably distinct from those used in the TR-55 method. Examples may include large areas with an abundance of Hydrologic Soils Group "A" soils or large areas with weighted runoff Curve Number less than 40..
- b. One (1) hard-copy and one (1) electronic copy of the stormwater calculations signed and sealed by a licensed professional engineer shall be submitted for all proposed developments exceeding 9,000 sqft total impervious surface. For the purposes of this chapter, impervious surface shall include rooftops, pedestrian walkways, all areas generally devoid of vegetation where vehicular traffic is reasonably expected to occur regardless of surface material type.
- c. Innovative approaches to stormwater management shall be encouraged and the concurrent control of erosion, sedimentation and flooding shall be mandatory. Best Management Practices (BMPs) shall be used in controlling stormwater runoff prior to discharge to the City's MS4 or waters of the United States.
- d. On-site pollution abatement shall be provided for no less than one-half-inch runoff depth over the entire project area. For sites which contribute runoff, whether directly or indirectly,

to receiving waters for which the FDEP has adopted a Basin Management Action Plan (BMAP) or a similar document to remedy an impairment by imposing reductions on the City in the form of Total Maximum Daily Loads (TMDL), or equivalent, for point-source and non-point-source pollutants, the City shall assess the proportionate share of such reductions to be borne by any new development or redevelopment.

- e. Pollution abatement shall be provided through retention where the project soils allow the process to occur. If one hundred percent (100%) of the retention volume is not capable of evacuation within seventy-two (72) hours through percolation and evapo-transpiration, detention with filtration may be used. A minimum factor of safety of 2.0 shall be used for all drawdown calculations.
- f. In general, the design and performance standards as listed in the latest version of the SJRWMD Permit Information Manual Volume II (formerly the Applicant's Handbook) Part B shall be used for stormwater management systems. Alternative and innovative approaches to stormwater management systems may be approved by the City Engineer where the Applicant demonstrates such system provides a higher degree of pollution abatement and water quantity attenuation..
- g. All project areas greater than one quarter (1/4) acre shall calculate the pollution abatement volume based upon one inch (1") multiplied by the entirety of the parcel area landward of the riverine mean high water line. If any undisturbed wetland or required conservation buffers are present onsite, these may be deducted from the area calculation for pollution abatement volume. Other surface waters such as drainage canals or stormwater management ponds shall not be excluded from the area calculations. If the calculated pollution abatement volume does not exceed one half-inch multiplied by the entirety of the parcel area, one-half inch multiplied by the entirety of the parcel area shall be used as the pollution abatement volume.
- h. The use of Low Impact Development (LID) techniques is encouraged. Low Impact Development is an ecologically friendly approach to site development and storm water management that aims to mitigate development impacts to land, water and air by emphasizing the integration of site design and planning techniques that conserve the natural systems and hydrologic functions of a site. All new development and redevelopment projects are encouraged to implement permeable surfaces, bioretention areas, grassed swales, vegetated roof tops and catchment systems for irrigation in the development, when feasible.
- i. All projects that qualify for Environmental Resource Permits and/or Surface Water Management Permits issued through SJRWMD, FDEP, or other State or Federal agencies shall provide copies of the permit application and calculations to the Development Services Department as part of the site review process. Final approval of required State and Federal permits shall be granted and copies of the issued permits provided to the Development Services Department prior to commencing any construction activities.
- j. All projects that qualify for a FDEP - NPDES Permit pursuant to Chapter 62-621, F.A.C. shall provide copies of the Notice of Intent and all attachments to the Development Services Department prior to commencing any construction activities. Two (2) copies of the Erosion



& Sediment Control Plan shall also be submitted.

- k. The post-development discharge peak volumetric flowrate and shall not exceed the pre-development rate for each of the following storm events: Mean Annual/24-hour/4.7-inch, 25-year/24-hour/9.4-inch, and 100 year/24-hour/13.1-inch for systems with positive outfall to a public conveyance. For development within land-locked basins lacking positive outfall to a public conveyance, fully retain onsite the 100-year/72-hour/16.0-inch storm event .
- l. The rainfall depths of the design storm events shall be as published by the National Weather Service using a continually updated statistical epoch, but in no case lower than those depths stated above which were derived from NOAA Atlas 14, Volume 9, Version 2 Point Precipitation Frequency Estimates for Edgewater, Florida. Peak precipitation intensities shall be estimated from the greater of the following sources: NOAA Atlas 14, SJRWMD Type II-Florida Modified hydrograph in the latest version of the Permit Information Manual Volume II (formerly Applicant's Handbook) used with the NRCS TR-55 method, or Florida Department of Transportation (FDOT) Intensity-Duration-Frequency (IDF) curves in the latest version of the Drainage Design Manual for the particular area of the City.
- m. If the development discharges into a public conveyance which serves areas impacted by the 100-year floodplain (as identified by FEMA or wide-area stormwater modeling adopted by the City), the peak discharge rate from a developed or redeveloped site shall not exceed 90% the peak discharge rate prior to development or redevelopment.
- n. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands, reduce the natural retention or filtering capabilities of wetlands.
- o. No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.
- p. All stormwater design shall be consistent with the City's Standard Construction Details.

#### **21-53.05 - Site Attenuation Standards**

- a. Proposed stormwater management facilities must be designed to meet the minimum design performance criteria, for both water quality treatment and attenuation, established by the SJRWMD within Chapters 40C-4, 40C-40, 40C-41 and 40C-42, F.A.C. (or current chapters). Plans and computations shall be signed, sealed and dated with a readable signature.
  - 1. Stormwater management systems shall comply with accepted engineering practices to minimize pollution, remove oils and suspended solids and other objectionable material contained within the stormwater runoff to acceptable limits, as well as employ Best Management Practices.

#### **21-53.06 - Positive Outfall Standards**

- a. A positive drainage outfall system shall be provided to a public conveyance which does not

adversely impact downstream owners or adjacent lands, nor redirect preexisting runoff to previously unaffected lands. A drainage easement shall be required for outfall systems which affect private property.

b. In the case of preexisting flooding downstream, the City Engineer may allow the relocation of the natural outfall if it can be shown that:

1. Redirection of water will help mitigate downstream flooding problems.
2. Land receiving new upstream discharge demonstrates the capability to handle additional upstream discharge.
3. The owner(s) of new receiving land presents an acknowledgment and acceptance of the outfall flows.
4. All stormwater discharge to Class II Waters, principally the Indian River Lagoon, shall meet the requirements of Chapter 62-302, F.A.C.
5. The seasonal high water table shall not be reduced if adverse effects on wetlands or increased flows to the detriment of neighboring lands result.

c. Stormwater Discharges to the MS4 and Waters of the United States

1. Discharges to the City's MS4 shall be controlled to the extent that such discharges will not impair the operation of the MS4 or contribute to the failure of the MS4 to meet any local, state or federal requirements, including but not limited to, NPDES Permit ID No.FLR04E016. Discharges to the waters of the United States shall be controlled to the maximum extent practicable as defined in the NPDES Permit ID NO. FLR04E016.
2. Any person responsible for discharges determined by the City to be contributing to the failure of the City's MS4 or waters within the City shall comply with the provisions and conditions of NPDES Permit ID No. FLR04E016 and shall provide corrective measures within 30 days of notification by the City and shall be subject to payment of fines and damages.

d. Stormwater Discharges from Industrial and Construction Activities

1. Stormwater discharges from industrial activities shall be treated or managed on site, in accordance with appropriate federal, state or local permits and regulations prior to discharge to the City's MS4 or to waters of the United States.
2. Stormwater discharges from construction activities shall be treated or managed on site in accordance with appropriate federal, state or local permits and regulations prior to discharge to the City's MS4 or to waters of the United States. Erosion, sediment and pollution controls for the construction site shall be properly implemented, maintained and operated according to a pollution prevention plan required by an NPDES permit for the discharge of stormwater from construction activities or according to a state permit issued by the Florida Department of Environmental Protection or the St. Johns River Water Management District.
3. The owners or operators of industrial facilities and construction sites which will discharge stormwater to the City's MS4 or to waters of the United States within



the City limits shall provide written notification of the connection or discharge prior to the discharge from the industrial activity or construction activity.

e. Prohibition of Illicit Discharges and Illicit Connections

1. Illicit discharges and illicit connections not exempt under the provisions of this Article are prohibited.
2. Failure to report a connection from industrial activities or construction activities to the City's MS4 or to waters of the United States constitutes an illicit connection.
3. Failure to report a discharge from industrial activities or construction activities to the City's MS4 or to waters of the United States constitutes an illicit discharge.
4. Any discharge to the City's MS4 or to waters of the United States which is in violation of federal, state or local permits or regulations constitutes an illicit discharge.
5. Persons responsible for illicit discharges or illicit connections shall immediately, upon notification or discovery, initiate procedures to cease the illicit discharge or illicit connection, or obtain appropriate federal, state, or local permits for such discharge or connection.

f. Exemptions for Illicit Discharges and Illicit Connections

The following activities shall not be considered either an illicit discharge or illicit connection unless such activities cause, or significantly contribute to, the impairment of the use of the City's MS4 or the violation of the conditions of NPDES Permit No. FLR04E016.

- a. Water line flushing
- b. Flushing of reclaimed water lines
- c. Street cleaning
- d. Construction dust control
- e. Landscape Irrigation
- f. Diverted stream flows
- g. Rising ground waters
- h. Foundation and footing drains
- i. Swimming Pool Discharges
- j. Uncontaminated ground water infiltration
- k. Uncontaminated pumped ground water
- l. Discharges from potable water sources
- m. Air conditioning condensate
- n. Springs
- o. Individual residential car washing
- p. Flows from riparian habitat and wetlands
- q. Discharges or flows from emergency firefighting activities and emergency response activities done in accordance with an adopted spill/response action plan.

### **21-53.07 - Shoreline Protection Standards**

- a. Vertical seawalls and bulkheads are prohibited unless a variance is approved pursuant to the requirements of Section 21-100. Hardening of the estuarian shoreline shall be permitted only when other stabilization methods are not practical and erosion is causing a significant threat to real property. Permits from the appropriate regulatory agency are required.
- b. A 50 foot wide shoreline buffer zone upland from the mean high water mark along the Indian River Lagoon is hereby established. Except as provided in subsection “d” below, the native vegetation shall be maintained and no development shall be permitted.
- c. All portions of the shoreline containing wetlands vegetation are subject to the requirements of Section 21-41.
- d. No more than twenty percent (20%) or twenty-five feet (25’), whichever is greater, of the shoreline within property boundaries may be altered for reasonable access. Reasonable access may include docks, boat ramps, pervious walkways and elevated walkways.

### **21-53.08 - System Maintenance Standards**

- a. Except for systems accepted for City maintenance, property owners and/or occupants shall ensure that all stormwater facilities are maintained in proper working condition.
- b. The property owners of private systems shall execute an access easement to permit the City to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system(s).
- c. Should the owner fail to properly maintain the system(s), the City shall give such owner written notice of the nature of the corrective action necessary.
- d. Should an owner fail to complete corrective action within thirty (30) days of the written notice from the City, the City may enter the parcel, complete the corrective actions and assess the costs of the corrective action to the owner.
- e. All areas and/or structures to be maintained by the City must be dedicated to the City by plat or separate instrument and accepted by the City Council upon a recommendation from the City Engineer and Development Services Director.

### **21-53.09 - Stormwater Permit Application**

- a. A stormwater permit application is required for development activity as described in Section 21-53.02. The application shall include:
  - 1. Non-residential Sites:
    - a. Detailed site plan prepared by a professional engineer or architect registered in the state of Florida.

- b. Topographic maps of the site before and after the proposed alteration, as prepared by a professional engineer or land surveyor registered in the state.
  - c. General vegetation maps of the site before and after the proposed alteration.
  - d. Construction plans, specifications, computations and hydrographs necessary to indicate compliance with the requirements of this Article, as prepared by a professional engineer registered in the State of Florida. Construction plans shall be readable with a minimum scale of one-inch (1") equals thirty feet (30').
2. Residential Sites:
- a. Map of the site as prepared by a professional engineer or land surveyor registered in the state.
  - b. Proposed alterations with all impervious surface areas shown to scale on the survey.
  - c. All proposed pond and/or swale dimensions and depths.
  - d. A statement expressing the intent and scope of the proposed project.

#### **21-53.10 - Plan Adherence**

- a. Upon issuance of a stormwater permit, the applicant shall be required to adhere to the permit as approved. Any change or amendments to the plan must be approved by the City Engineer in accordance with the procedures set forth above.
- b. All stormwater conveyance appurtenances including ponds and swales to rough grade shall be in place prior to construction of any other improvements. Sodding or other erosion control measures may be required during construction in order to control erosion and sediment.
- c. Structural controls and other BMPs used for controlling the discharge of pollutants to the City's MS4 or to waters of the United States shall be operated and maintained so as to function in accordance with permitted design or performance criteria and in compliance with federal, state or local permit conditions and regulations.
- d. After the completion of the project, the applicant or his engineer shall submit as-built plans to the Development Services Department.

#### **21-53.11 - Enforcement**

Whenever the code enforcement officer or City Engineer finds any work being performed in a manner either in violation to the provisions of the code or unsafe or in conflicting with permitted work, the code enforcement officer or City Engineer is authorized to issue a stop work order. The stop work order shall be in writing and posted on the property. Upon posting the stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and conditions under which the cited work will be permitted to resume. Any person who continues work after the property has been posted, except such work as that person is directed to perform to remove or secure a violation or unsafe condition, shall be unlawful and

constitutes a civil penalty as outlined in Chapter 1, of the City of Edgewater Code of Ordinances.

## **SECTION 21-54 - LANDSCAPING REQUIREMENTS**

### **21-54.01 - Comprehensive Plan Reference**

The intent of this Section is to improve the appearance of the City, protect and improve property values and establish an integrated system of landscaping and horizontal corridors that provide visual accessibility to businesses. The provisions of Section 21-54 - Landscaping are consistent with and implement the Comprehensive Plan contained in the Future Land Use Element, Utilities Element and Recreation & Open Space Element

This Section applies to all proposed development and redevelopment. New subdivisions are subject to the requirements of Article XIII. Properties located within the Indian River Boulevard Overlay are subject to the requirements contained in Article XVIII - Indian River Boulevard Corridor Design Regulations. Landscaping plans must be submitted as a component of development approval.

The City of Edgewater encourages innovative water conservation planning, design and techniques, including xeriscape landscaping methods as defined in Article II.

### **21-54.02 - Installation Standards**

- a. The property owner shall be responsible for the installation of required landscaping in conformance with accepted commercial planting procedures.
- b. The property owner shall be responsible to ensure that all required landscaping is maintained in a healthy condition, including but not limited to, sufficient watering and trimming.
- c. All plant materials used in conformance with the requirements of this Section shall be Florida grade #1, as established, and periodically revised by the Florida Department of Agriculture and Consumer Affairs.
- d. Ground cover shall be planted so as to present a finished appearance and complete coverage within twelve (12) months of installation.
- e. Shrubs and hedges shall be non-deciduous species, shall be a minimum of twenty-four inches (24") in height immediately after planting. Plants shall be spaced no more than three feet (3') apart measured center to center. The number of shrubs required shall be determined by the linear length of the lot perimeter divided by three.
- f. Sod shall be used in road right-of-ways, swales, stormwater management areas and other areas subject to erosion. All new development or expansions must sod all disturbed areas of the lot prior to the time the Certificate of Occupancy is issued in accordance with all applicable regulatory agency requirements.
- g. Landscaped areas required by this Section shall not use either the trees listed in Table V-6

nor the plants listed in Table V-2.

**TABLE V- 2  
PROHIBITED PLANTS**

COMMON PLANT NAME	BOTANICAL NAME
Acacia	Acacia spp.
Air Potato Vine	Dioscorea bulbifera
Caster Bean	Ricinus communis
Hydrilla	Hydrilla verticillata
Kudzu Vine	Paeraria lobate
Mimosa	Albizia julibrissin
Paper Mulberry	Broussonetia papyrifera
Rice Paper Plant	Tetrapanax papyriferus
Rosewood	Dalbergia sissoo
Taro	Colocasia esculenta
Water Hyacinth	Eichhornia spp.
Cogongrass	Imperata cylindrical
Tropical Soda Apple	Solanum viarum
Catclaw mimosa	Mimosa pigra
Old World climbing fern	Lygodium microphyllum
Skunk vine	Paederia foetida

### **21-54.03 - Parking Lot Landscaping Requirements**

The requirements of this subsection shall apply to new parking areas, altered or improved parking areas and parking areas that are altered due to a change in use of the primary structure.

- a. A minimum ten foot (10') wide landscaped area shall be provided between vehicular use areas and any adjacent public roadway.
- b. Landscaped areas shall be protected from vehicular encroachment with effective curbs. Wheel stops are permitted only when certain stormwater system conditions warrant their use. Wheel stops are permitted on the perimeter of the parking area only and shall be maintained by the property owner in a manner as to not cause any bodily injury or property damage. Wheel stops shall be avoided in principle areas of pedestrian movement.
- c. Parking areas shall be designed so that in areas other than industrial zoned property no more than ten (10) spaces in a row occur and shall have a minimum ten foot (10') landscaped island in between.
- d. Parking lots shall have a minimum of a ten foot (10') landscape area abutting the stalls unless abutting sidewalks.

## 21-54.04 - Buffer Yard Determination Process

The City shall utilize a matrix to determine buffer requirements.

- a. Landscaped buffer yards shall be required to provide visual relief, eliminate potential impacts such as noise, litter, and glare, and reduce adverse impacts such as noise, odor, and contaminants.
  - b. Determine the proposed use.
  - c. Identify type(s) of adjacent land uses.
  - d. Identify the buffer yard requirement classification from Table V-3
  - e. Refer to table V-4 for required buffer yard specifications.
- ~~a. Determine the type of proposed use.~~
- ~~b. Identify the type(s) of uses adjacent to the proposed site, except the side adjacent to a public roadway.~~
- ~~c. Identify the use intensity classification from Table V 3, i.e., Class I, II, III, IV, V or VI.~~
- ~~d. Determine the buffer yard classification from Table V 4, i.e., A, B, C or D. For example, a Class III land use adjacent to a Class II land use requires a B buffer yard.~~
- ~~e. Select the desired buffer yard components for each perimeter of the site from the B buffer yard options in Table V 5. For example, a project needing a B buffer yard has the following options to meet the buffer yard requirement:~~
- ~~1. Install a 35 foot wide buffer yard with 24 plants per 100 linear feet and one tree for each 1500 sq. ft. of lot area and no wall (e.g. 200 foot wide lot = 48 shrubs/five (5) trees); or~~
  - ~~2. Install a 20 foot wide buffer yard with 32 plants per 100 linear feet and one tree per 1500 sq. ft. of lot area and a 6 foot high masonry wall (e.g. 200 foot wide lot = 64 shrubs/three (3) trees); or~~
  - ~~3. Install a 15 foot wide buffer yard with 40 plants per 100 linear feet and one tree per 1500 sq. ft. of lot area and a 6 foot high masonry wall (e.g. 200 foot wide lot = 80 shrubs/ two (2) trees).~~
- a.f. f. Where walls are selected, they shall be inside the buffer area with plantings on the outside.
- b.g. A project could have different buffer yard requirements for the rear and each side depending upon the adjacent uses.
- (h) h. The buffer yard plan shall be included in the landscaping plan.
- (i) Planting of trees in buffer areas may satisfy the total number to meet the one tree per 1,500 square feet of lot area requirements.

**TABLE V-3  
USE INTENSITY CLASSIFICATION**

<b>—Class I</b>	<b>—Class II</b>	<b>—Class III</b>	<b>—Class IV</b>	<b>—Class V</b>	<b>—Class VI</b>
Single Family	Townhouses	Day Care—Children or Adults	Restaurant	Places of Assembly	
Duplex	Community Residential Homes	Manufactured Home Subdivisions	Bars, Lodges	Outdoor Recreation	Outdoor Storage
Multifamily Dwellings less than 4 units	Multifamily Dwellings	Professional Offices	Schools—Public Private No spec.	Warehouse & Distribution	Body Shops Auto Service/Repair
					Machine Shops
			Automobile Sales	I-1 Uses Not Specified	I-2 Uses Not Specified
	Nursing Homes/ALF's		Retail—Not Specified	BPUD uses not specified	IPUD uses not specified
	Bed & Breakfast	Personal Service Establishments	Indoor Recreation		
	Manufactured/ Mobile Homes	Places of Worship	Hotels & Motels		
		Medical, Dental & Veterinary Clinics	Shopping Centers		
			Theaters		
		Mini-warehouse	B-3 & B-4 Uses Not Specified		
		Marinas/Fish Camps			

**TABLE V-4  
BUFFER YARD CLASSIFICATIONS**

Adjacent (Existing) Use Intensity Class From Table V-3	Proposed Use Intensity Class From Table V-8					
	I	II	III	IV	—V	VI
Class I	N/A	A	B	C	C	D
Class II	A	A	B	C	C	D
Class III	B	B	A	A	A	A
Class IV	C	C	A	N/A	N/A	A
Class V	C	C	A	N/A	N/A	—N/A
Class VI	D	D	A	A	N/A	—N/A

**TABLE V-5  
BUFFER YARD PLANTING OPTIONS**

Table V-4 Buffer Class	Min. Buffer Yard Width Ft.	Plants/ 100 Ft.	Req. Screening	Req. Trees
<b>Class A</b>	20	20	None	(1)
	15	27.5	None	(1)
	10	37.5	None	(1)
<b>Class B</b>	35	24	None	(1)
	20	32	(2)	(1)
	15	40	(2)	(1)
<b>Class C</b>	50	30	None	(1)
	40	40	(2)	(1)
	30	50	(2)	(1)
<b>Class D</b>	70	36	(2)	(1)
	50	48	(2)	(1)
	40	60	(2)	(1)

(1) One tree per 1500 sq. ft. of buffer yard.

(2) 6 foot masonry wall (inside buffer) plus required plantings and trees (outside of wall) unless part of an approved Master Development Plan.



**TABLE V-3  
BUFFER YARD MATRIX**

Adjacent Land Use														
<u>Proposed Land Use</u>	<u>Local Street</u>	<u>Collector Street</u>	<u>Arterial Street</u>	<u>442 Corridor (1)</u>	<u>U.S.1 Corridor (4)</u>	<u>Railroad</u>	<u>SF Residential</u>	<u>MF Residential</u>	<u>Mobile Home</u>	<u>Office</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Public/ Institutional</u>	
<u>SF Residential (2)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>D</u>	<u>D</u>	
<u>MF Residential (5)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>D</u>	<u>D</u>	<u>C</u>	<u>D</u>	<u>C</u>	<u>C</u>	<u>D</u>	<u>D</u>	
<u>MF Residential (Vehicular Use Areas/Loading)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>D</u>	<u>D</u>	<u>C</u>	<u>D</u>	<u>C</u>	<u>C</u>	<u>D</u>	<u>D</u>	
<u>Mobile Homes</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>A</u>	<u>B</u>	
<u>Office</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>B</u>	<u>B(3)</u>	<u>A(3)</u>	<u>A(3)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Office (Vehicular Use Areas/Loading)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>B</u>	<u>B(3)</u>	<u>A(3)</u>	<u>A(3)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Commercial</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>A</u>	<u>B(3)</u>	<u>B(3)</u>	<u>B(3)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Commercial (Vehicular Use Areas/Loading)</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>A</u>	<u>C(3)</u>	<u>C(3)</u>	<u>C(3)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Industrial — Light</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>A</u>	<u>D(3)</u>	<u>D(3)</u>	<u>C(3)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Industrial — Heavy</u>	<u>C</u>	<u>B</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>A</u>	<u>D(3)</u>	<u>D(3)</u>	<u>C(3)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Public/Institutional</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>(1)</u>	<u>(4)</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	

(1) All buffer yards along 442 must abide by the conditions set forth in Article XVIII

(2) Singular Single Family Infill Projects shall be exempt from a buffer yard requirement, but shall still provide the minimum number of trees required in Article V

(3) A six (6) foot high decorative masonry wall or fence consistent with the surrounding neighborhood and subject to approval shall be required between commercial or industrial and residential developments.

(4) All buffer yards along the U.S.1 Corridor must abide by the conditions set forth in Article XX

(5) R-5 Multifamily developments shall follow the conditions in Section 21-54.05(m)

All landscaped buffer yards must meet minimum landscape requirements in Table V-4.

**Table V-4:**  
**BUFFER YARD SPECIFICATIONS**

<b><u>Type</u></b>	<b><u>Description</u></b>
<b><u>A</u></b>	<u>Minimum width of 15 feet.</u> <u>Minimum placement of canopy trees at 3 per 100 linear feet.</u> <u>Minimum placement of understory trees at 7 per 100 linear feet.</u> <u>Minimum placement of shrubs at 50 per 100 linear feet.</u>
<b><u>B</u></b>	<u>Minimum width of 20 feet.</u> <u>Minimum placement of canopy trees at 5 per 100 linear feet.</u> <u>Minimum placement of understory trees at 10 per 100 linear feet.</u> <u>Minimum placement of shrubs at 60 per 100 linear feet.</u>
<b><u>C</u></b>	<u>Minimum width of 25 feet.</u> <u>Minimum placement of canopy trees at 6 per 100 linear feet.</u> <u>Minimum placement of understory trees at 10 per 100 linear feet.</u> <u>Minimum placement of shrubs at 70 per 100 linear feet.</u>
<b><u>D</u></b>	<u>Minimum width of 35 feet.</u> <u>Minimum placement of canopy trees at 7 per 100 linear feet.</u> <u>Minimum placement of understory trees at 10 per 100 linear feet.</u> <u>Minimum placement of shrubs at 70 per 100 linear feet.</u>

**Note: Approved Palm Trees may replace understory trees at a 2:1 ratio.**

#### **21-54.05 - Buffer Yard Installation Standards**

a. Buffer yards shall be located at the perimeter of the property and shall not be located in an existing or proposed public road right-of-way.

b. When additional plants or trees are required in areas with existing natural vegetation, it shall be planted to minimize disturbance of suitable native plants.

c. In the event it is impractical to install landscaping outside of a required wall, fifty percent (50%) of the required buffer yard plantings may be located on either side of a required wall on the same parcel.

#### **Landscape requirements and standards for development**

a. Canopy (shade) trees shall be a minimum of twelve feet in height and 3.0 inches caliper.

b. Understory trees shall be a minimum of six feet in height and 1.5 inches caliper.

c. Palm trees shall have a minimum 6-foot clear trunk at time of planting.

d. Shrubs shall be minimum container size of three gallons, and 18"-24" at time of planting.

- e. Shrubs shall consist of multiple species, with no shrub accounting for more than 75% of planting.
- f. Ornamental grasses may be used for up to 25% of the required shrubs.
- g. All plant materials used in conformance with the requirements of this Section shall be Florida grade #1, as established, and periodically revised by the Florida Department of Agriculture and Consumer Affairs.
- h. Ground cover shall be planted so as to present a finished appearance and complete coverage within twelve (12) months of installation.
- i. Landscaping must consist of a minimum 25% native vegetation, unless otherwise noted.
- j. When required number of trees is less than 10, one or more species of trees shall be provided; less than 20 trees, two or more species shall be provided, more than 20 trees, three or more species shall be provided.
- k. Responsibility for maintenance. The current property owner shall be responsible for maintenance of all landscape areas, irrigation, designated protection zones, protected trees, and hardscape improvements in accordance with the standards of this code and any approved development permit/order exhibits and representations. Maintenance standards shall apply to all properties, whether vacant or developed.
- l. Standards for maintenance. Landscape areas, designated protection zones, and protected trees shall be maintained in healthy condition pursuant to accepted industry practices. Landscape areas shall not become overgrown with weeds, infested by invasive exotic plant species or vermin, or become a source of erosion, stormwater runoff, or pollution. Landscape areas and site improvements shall be kept free from refuse and debris. Irrigation systems shall be fully operational. Hardscape improvements shall be kept in good repair and maintained in their approved location. Mulch shall be kept at the proper coverage and depth. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, mowing, and other standard horticultural practices so as to grow to their normal shape, color, and height, and meet the requirements of this section. Dead trees that may cause imminent personal injury or significant property damage to existing structures and adjoining property shall be removed. All dead plants shall be replaced as required. All damaged plants including lawn grass shall be replaced or restored
- m. R-5, multi-family developments must adhere to the requirements of Table V-4 and shall provide a masonry wall eight (8) feet in height in every landscape buffer excluding landscape buffers along rights-of-way. In addition, multi-family developments must provide two (2) non-road landscape buffers that are fifty (50) feet in width that are natural and undisturbed. Natural and undisturbed landscape buffers mean at the time of site construction, the silt fence shall be placed fifty (50) feet from the property boundary along two (2) property boundaries not to include the roadway

landscape buffer. No clearing, grading, or disturbance shall occur in these two (2) fifty (50) foot natural landscape buffers. -

## SECTION 21-55 - TREE PROTECTION REQUIREMENTS

### 21-55.01 - Comprehensive Plan Reference

The intent of this Section is to protect certain trees to aid in the stabilization of soil by the prevention of erosion and sedimentation, reduce stormwater runoff and assist with the replenishment of groundwater supplies. The provisions of this Section are intended to provide a haven for wildlife, protect and increase property values, provide a noise buffer and enhance the City's physical and aesthetic environment.

Policy statements implementing these intents were adopted in the Comprehensive Plan. The provisions of Section 21-55 - Tree Protection are consistent with and implement the Comprehensive Plan policies contained in the Future Land Use Element and Recreation/Open Space Element.

### 21-55.02 - Tree Removal Permit

- a. **Standard Permits:** A tree removal permit shall be required for trees of six inches (6") DBH (diameter at breast height measured 4 ½ feet from base of tree) or larger on all property within the City limits. Trees shall be defined by Section 21-20.02. Trees to be removed in this category will be required to be replaced if there are an insufficient number of trees left on the lot.
- b. Replacement trees shall be a minimum of 2 ½ inches in diameter measured 6 inches above the soil line or 10 feet in height above the soil line. An application for the permit is available in the Development Services Department. Fifty-percent (50%) of replacement trees shall be specimen trees as identified in Section 21-55-06.
- c. **Historic Tree Permits:** A tree so designated as historic per Section 21-55.05 shall only be removed by special permit granted by the City Council under Section 21-55.03 (b).
- d. Specimen and Historic trees, regardless of location, shall only be removed upon the issuance of a tree removal permit.
- e. Any tree listed in Table V-6 may be removed without a tree permit and shall be prohibited from use in landscaping areas.

**TABLE V-6**

## PROHIBITED TREES

COMMON TREE NAME	BOTANICAL NAME
White Mulberry	Morus rubra
Australian Pine/Beefwood	Casuarina spp.
Brazilian Pepper	Schinus terebinthifolia
Cajeput or Punk Tree/Melaleuca	Melaleuca quinquenervia
Camphor	Cinnamomum camphora
Chinaberry	Melia azedarach
Chinese Tallow	Sapium sebiferum
Ear Tree	Enterolobium cyclocarpum
Eucalyptus	Eucalyptus spp.
Jacaranda	Jacaranda acutifolia
Silk Oak	Grevillea robusta
Woman's Tongue/Mimosa	Albizia lebbek spp.
Norfolk Island Pine	Araucaria heterophylla
Paper Mulberry	Broussonetia papyrifera
Golden Raintree	Koelreuteria paniculata
Orchid Tree	Bauhinia spp.
Carrotwood	Cupaniopsis anacardioides

### 21-55.03 - Tree Removal Permit Standards

- a. Existing trees may be relocated to suitable areas on same site in accordance with sound industry practices, refer to Section 21-311.
- b. All mitigated (replaced or relocated) trees shall be a minimum of 2.5 inches measured six inches (6") above the soil line or 10-feet in height above the soil line. Historic tree removal permits granted by the City Council shall have the following options:
  1. Determine the tree to be removed is in such a condition that it is hazardous to the surrounding area or structure(s) that no replacement is necessary, or
  2. Require the replacement of historic trees at a ratio of one inch (1") diameter to one inch (1") diameter of replacement trees, or
  3. Require the payment of money per Section 21-311 equivalent to the replacement

cost of the replacement trees.

- c. Relocated trees shall be planted in landscape buffer areas or parking island areas provided with irrigation systems.
- d. All tree plantings shall be replaced if they die within two (2) years after installation. The health of a replacement tree shall be maintained for a period of two (2) years from the date of planting. The two (2) year maintenance period shall begin anew whenever a tree is replaced.
- e. Replacement trees shall be sufficiently spaced to allow adequate growth room for the species.

#### **21-55.04 - Exemptions**

Notwithstanding any other provision of this Section to the contrary, any person may cut down, destroy, replace or authorize removal of one or more trees, whose trunks lie wholly within the boundaries of property owned by said person without a tree removal permit if any of the following criteria are met:

- 1. The property is engaged in active silviculture uses; or
- 2. The property contains trees which may have been determined by the Building Department to be deteriorated as a result of age, hurricane, storms, fire, freeze, disease, lightning or other natural acts; or
- 3. The trees are within an existing public or private right-of-way or maintenance easement and requires action to maintain traffic visibility at intersecting public streets or such other trees which may disrupt public utilities, such as powerlines, drainage ways or other public needs.

#### **21-55.05 - Historic Trees**

Historic trees shall only be removed upon approval of a Tree Removal Permit granted by the City Council. Historic trees are those listed in Section 21-55.06 that reach 36-inches DBH with the exception of the Laurel Oak.

## 21-55.06 - Specimen Trees

Specimen trees shall not be removed without a Tree Removal Permit or as part of an approved development plan. The following trees are designated as Specimen Trees.

Common Name	Botanical Name	Inches (DBH)
Elm	Ulmus spp.	12 plus
Hickory	Carya spp.	12 plus
Loblolly Bay	Gordonia lasianthus	12 plus
Magnolia	Magnolia grandiflora	12 plus
Maple	Acer spp.	12 plus
Other Oak Species	Quercus spp.	12 plus
Red Bay	Persea borbonia	12 plus
Red Cedar	Juniperus silicicola	12 plus
Swamp Bay	Persea palustris	12 plus
Sweet Bay	Magnolia virginiana	12 plus
Sweet Gum	Liquidambar styraciflua	12 plus
Sycamore	Platanus occidentalis	12 plus
Turkey Oak	Quercus laevis	12 plus
Cypress	Taxodium spp.	12 Plus
Sugarberry/Hackberry	Celtis laevigata	12 Plus
Slash Pine	Pinus elliottii	18 Plus
Longleaf Pine	Pinus palustris	18 Plus

## 21-55.07 - Historic and Specimen Tree Protection Requirements

- a. All development projects shall provide a plan to protect historic and/or specimen trees after construction has occurred on a site. Such plan may include, but not be limited to conservation easements, common open space, tree protection easements, deed restrictions and homeowner association documents. The minimum protection requirements for historic and specimen trees are as follows:

Number of Trees	Minimum Tree Protection
less than 2.9 per acre	80 percent
3.0 to 5.0 per acre	65 percent
5.1 to 8.0 per acre	50 percent
8.0 plus per acre	4 per acre

- b. All proposed development projects shall be required to include a tree survey by either an ISA licensed ~~Surveyor or~~ Arborist or a Florida Certified Landscape Architect, locating all Specimen and Historic Trees.

- c. Statistical tree survey information may be considered at the direction of the TRC. However, such statistical surveys shall be limited to sites containing an overstory consisting predominantly of trees uniform in age, species and distribution which do not contain specimen or historic trees. Statistical surveys must be conducted in compliance with accepted forestry practices.
- d. All trees to be preserved shall be identified on site by harmlessly marking or banding.
- e. All trees to be preserved shall have their natural soil level maintained. Tree wells and/or planter islands shall be provided if necessary to maintain the natural existing soil levels. All efforts shall be made to maintain the natural drainage of trees in the grading and drainage plan.
- f. Prior to construction, the developer shall erect protective barriers around all trees to be preserved. These barriers shall be sufficient to prevent intrusion on that area within the drip line of the canopy of the tree.
- g. During construction, no signs, attachments or permits may be attached to any protected tree.
- h. No existing or replacement trees shall be removed after a Certificate of Occupancy is issued.

#### **21-55.08 - Area Tree Protection Requirements**

Fifteen percent (15%) of the square footage of any development shall be designated for the protection of trees. The area required to protect historic/specimen trees may be included to satisfy this requirement. This required area may be constituted as one or more sub-areas within the development. Said area may include any landscape buffer or other areas as required by the City on a development. Such designated areas shall contain sufficient land area to comply with minimum tree protection standards to adequately protect the trees contained within the areas. A minimum of fifty percent (50%) of the required minimum number of trees as provided in Section 21-55.07 shall consist of existing trees within said areas. The City may provide for a waiver or modification of this requirement if the development contains an insufficient amount of existing trees to meet this requirement or, if the City determines that modification of this requirement is warranted by specific on-site conditions.

#### **21-55.09 - Installation Requirements**

- a. Single-family and duplex lots shall have a minimum of one (1) tree per 1,500 square feet of lot area.
- b. All development projects requiring site plan approval shall contain a minimum of one (1) tree for every 1,500 square feet of lot area.
- c. If the lot contains an insufficient number of existing trees to meet these requirements, replacement trees shall be provided per Section 21-55.02(b).
- d. In the event it is impractical to install the required number of replacement trees due to lot size, building configuration or other impediments, the Development Services Department may:



1. Allow up to a forty percent (40%) modification in the number required as long as the overall caliper requirements are fulfilled; or
  2. Allow the required trees to be planted on City property.
- e. Existing trees shall meet the definition provided in Article II to be counted in minimum requirements.

### **21-55.10 - Enforcement**

- a. The Development Services Director, Building Official, Code Enforcement Officer or designee shall issue a stop-work order to any person found in the act of cutting down, destroying, damaging or removing trees in violation of this Section.
- b. Historic/specimen trees removed in violation of this Section shall be replaced at a ratio of 2 inches per inch of caliper lost. In lieu of physical replacement, City Council may impose a fee of \$37.00 per cross sectional square inch lost or combination thereof.

## **SECTION 21-56 PARKING AND LOADING REQUIREMENTS**

### **21-56.01 - Comprehensive Plan Reference**

Chapter 163.3202, F.S. requires adoption of land development regulations to include safe and convenient off-street parking and loading provisions. The provisions of Section 21-57 - Parking and Loading Requirements are consistent with and implement the Comprehensive Plan contained in the Future Land Use Element and Utilities Element.

Properties located in the Indian River Boulevard-S.R. 442 Corridor Overlay and Ridgewood Avenue Corridor Overlay are also subject to the regulations contained in Article XVIII and Article XX respectively for parking and loading design layout.

### **21-56.02 - Off-Street Parking Standards**

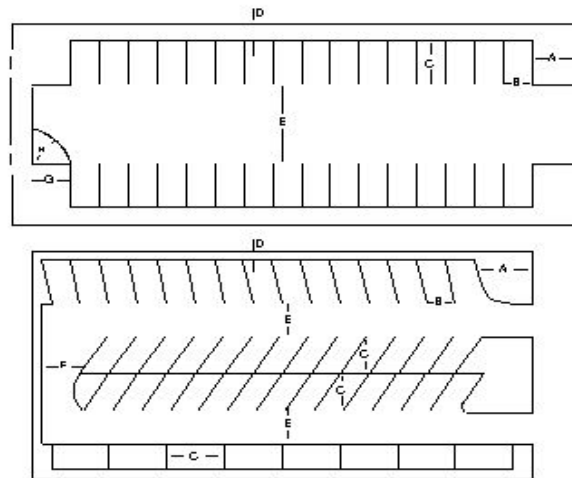
- a. All required off-street parking shall be located a minimum of ten feet (10') behind the right-of-way line of the adjacent street and on the same parcel as the building which they are intended to serve, unless a joint parking area agreement is executed as described in Section 21.56.04.
- b. No building permit, site plan, conditional use, planned unit development or business tax receipt application shall be approved unless the required number of spaces are provided in compliance with the requirements herein unless a variance has been approved.
- c. Any use that becomes non-conforming as to parking requirements upon adoption of this Article shall be required to come into compliance if the use changes or the structure is expanded by more than twenty percent (20%).
- d. The parking lot design standards are depicted in Table V-7 and Figure V-7A.

**TABLE V-7**  
**Parking Lot Design Standards**

<b>Stall Angle / Requirements (ft)</b>	<b>45 Dgres</b>	<b>50 Dgres</b>	<b>55 Dgres</b>	<b>60 Dgres</b>	<b>90 Dgres</b>	<b>180 Dgres</b>
Offset - A	18'	16'	13'	10'	10'	10'
Space Width - B	12'	12'	13'	10'	10'*	10'
Space Depth - C	18'	18'	19'	20'	20'*	22'
Landscape Area - D	10'	10'	10'	10'	10'	10'
Aisle Width - E	13'	15'	16'	18'	24'	15'
Turning Area - F	17'	16'	15'	14'	14'	14'
Maneuver Depth - G					15'	
Maneuver Radius - H					15'	

\*Note 2' overhang is permitted when parking stalls are curbed.

**FIGURE V - 7A**



- e. Maneuvering areas shall be designed to permit vehicles to enter and leave the parking area in a forward direction.
- f. Any vehicle backup areas shall be fifteen feet (15') deep and have a minimum fifteen foot (15') turning radius.
- g. Driveways shall be considered parking spaces on parcels developed for single-family residences. All driveways shall be paved including the aprons and shall be constructed no closer than five feet (5') to any lot line or encroach into any side or rear easement.
- h. When the parking calculations described in Table V-8 result in a fractional parking space, fractions less than  $\frac{1}{2}$  shall be disregarded and fractions greater than  $\frac{1}{2}$  shall require a full space.
- i. Each parking lot shall have direct access to a public street or legal easement as part of an approved development plan.
- j. All parking areas shall be landscaped as provided in Section 21-54.
- k. Parking areas shall be hard-surfaced using material approved by the City.
- l. All site plans shall include FDOT standard traffic control signs and pavement markings necessary to ensure safe traffic and pedestrian flow, including but not limited to, fire lanes.
- m. All customer generated parking areas shall be used for vehicle parking only.
- n. No door or pedestrian entrance at ground level shall open directly upon a driveway or access

aisle unless the doorway of the entrance is at least three feet (3') from said driveway or access aisle or unless improvements are provided to allow for safe doorway access.

- o. All parking spaces shall have lines between each space and shall be maintained by the property owner.
- p. Public rights-of-way shall not be used to satisfy on-site parking or loading requirements.
- q. Development may be required to provide fire lanes in accordance with the Florida Fire Prevention Code

**TABLE V -8**  
**OFF-STREET PARKING REQUIREMENTS**

Land Use Category	Spaces	Unit of Measure
Adult Living Facility	2	Each largest shift employee plus 1/5 beds
Assembly Places With Fixed Seats	1	per 4 seat plus 1 per employee
Assembly Places w/o Fixed Seats	1	40 SFGFA of main assembly area space
Auto Sales *	1	400 SFGFA plus
	1	1 space for each vehicle for sale/lease
Auto Service/Repair	3	Service bay plus
	1	200 SFGFA non bay area
Beauty/Barber Shops	1.5	per chair
Bed & Breakfast	1	per each room rented plus residential requirements
Community Residential Homes	1	Employee plus 5 visitor spaces
Convenience Stores	1	200 SFGFA
Day Care - Children or Adults	1	Employee plus a 5 space drop area plus
	1	per 25 students
Restaurants/Bars/Lodges	1	4 Seats plus
	1	per 2 employees
Financial Institutions	1	250 SFGFA on ground floor plus
	1	200 SFGFA on other floors
Funeral Homes	1	4 Seats in main assembly area plus
	2	business vehicle
Furniture, Appliance and Similar	1	400 SFGFA to 10,000 SFGFA
	1	750 SFGFA over 10,000 SFGFA
Health/Fitness	1	150 SFGFA
Hotel/Motel	1	each bedroom unit plus
	1	per 2 employees
Lab/Research Facilities	1	each employee
Machine Shop/Repair	1	400 SFGFA
Manufacturing - General	1	2 employees on largest shift
Marinas/Fish Camps	1	Boat slip plus
	4	4 boat trailer spaces per boat ramp plus any accessory requirements
Medical/Dental or Veterinary Facilities	1	Each employee plus
	2	Examination rooms
Mini-warehouse	1	Per office
Residential: Single Family, Duplex, and Mobile Home	2	Unit
Residential, Institutional/Multi-Family	2	Unit. Plus 1 guest space for every 3 units <sup>(1)</sup>
Personal Service Not specified	1	300 SFGFA
Pool Hall/Billiards	2	per pool table plus
	1	employee
Professional Offices	1	250 SFGFA
Recreation - Outdoor -Indoor	1	Each employee plus
	1	4 patrons capacity
	1	400 SFGFA
Retail Not Specified	1	250 SFGFA
Schools - Other Than High School - High School & Community College	1	Each employee plus
	1	4 spaces per instructional room
	1	4 students plus
	1	each employee
Single Family, Duplex & Mobile Homes	2	Unit
Shopping Centers	5	1000 SFGFA
Theaters	1	10 Seats
Warehouse, Storage & Similar	1	1000 SFGFA

\*Auto Sales to have display parking requirements of 8' x 16' all other parking 10' x 20'

SFGFA = Square Feet of Gross Floor Area, i.e., the total floor area inside the outside walls of the structure(s).

(1)= A reduction in required parking spaces shall be considered for Live Local Projects within one-half (0.5) miles of a major transit stop.

### **21-56.03 - Handicapped Parking Standards**

- a. Development must meet Florida Accessibility Codes.

### **21-56.04 - Joint Parking Use Agreements**

- a. The Development Services Director may authorize a reduction in the parking requirements for two or more uses jointly providing off-street parking.
- b. A reduction may be authorized in such cases if the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap.
- c. The City shall have the authority to require the creation, use and maintenance of joint-use parking and/or joint-use driveways or other common ingress-egress facilities for multifamily, commercial and/or industrial uses.
- d. A joint-use parking or access agreement shall be recorded in the public records of Volusia County prior to issuance of a building permit and shall at a minimum include:
  - 1. A statement holding the City harmless from any and all claims or potential liability; and
  - 2. Shall run with the land involved and be binding on the parties to the agreement, their successors and/or their assigns.

### **21-56.05 - Loading Berth Standards**

- a. Each required off-street loading space shall have a minimum dimension of fourteen (14') feet by forty (40') feet and a minimum overhead clearance of fourteen (14') feet above the paving grade.
- b. All commercial and industrial uses shall provide the number of off-street loading and unloading spaces described in Table V-10.

**TABLE V-10  
LOADING BERTH STANDARDS**

Use Category	Floor Area (sq.ft.)	Berths Required
Retail and/or Service Uses	5,000 to 24,999 25,000 to 59,999 60,000 to 119,999 120,000 to 199,999 200,000 to 289,999 290,000 plus	One Two Three Four Five One/90,000 sq.ft.
Storage or Wholesale Uses	5,000 to 24,999 25,000 to 59,999 60,000 to 119,999 120,000 to 199,999 200,000 to 289,999 290,000 plus	One Two Three Four Five One/90,000 sq.ft.
Places of Assembly, Hotels, Motels, Office Buildings, Long Term Health Care Facilities	10,000 to 39,999 40,000 plus	One One/60,000 sq.ft.
Automotive, Recreation	2,000 to 14,999 15,000 to 39,999 40,000 plus	One Two One/10,000 sq.ft.
Manufacturing Uses	0 to 14,999 15,000 to 39,999 40,000 to 64,999 65,000 plus	One Two Three One/80,000 sq.ft.

- c. Where a building is used for more than one use or for different uses, the loading space requirement shall be based on the use for which the most spaces are required.
- d. All loading areas shall be paved and clearly marked and delineated.
- e. All loading berths and maneuvering areas shall be separated from required off-street parking facilities and shall include traffic flow directional information.
- f. Delivery truck berths may be located within required parking spaces, provided they are marked as reserved for loading purposes. Access aisles may serve both parking and loading facilities.
- g. All loading and delivery areas shall be designed to prevent backing into streets, pedestrian ways or bikeways.
- h. Off-street loading spaces shall be directly accessible from a street without crossing or entering any other loading space and may not extend into any street.

## **SECTION 21-57- PLANNED UNIT DEVELOPMENT DESIGN CRITERIA**

### **21-57.01 - Comprehensive Plan Reference**

The provisions of Section 21-57- Planned Unit Developments are consistent with and implement the Comprehensive Plan policies contained in the Future Land Use Element, Coastal Element, Conservation Element and Recreation & Open Space Element.

### **21-57.02 - Residential Planned Unit Development (RPUD)**

#### **a. Purpose**

The Residential Planned Unit Development (RPUD) District is intended to provide a flexible approach for unique and innovative land development, which would otherwise not be permitted by this Code. Notwithstanding the specific criteria identified herein, RPUDs should accomplish the following purposes, to the greatest extent possible:

1. Provide a variety of housing types with a broad range of housing costs allowing for the integration of differing age groups and socioeconomic classes;
2. Promote innovative site and building design, including traditional neighborhood developments;
3. Provide efficient location and utilization of infrastructure through orderly and economical development, including a fully integrated network of streets and pedestrian/bicycle facilities;
4. Establish open areas set aside for the preservation of natural resources, significant natural features and listed species habitats;
5. Create usable and suitably located public spaces, recreational facilities, open spaces and scenic areas; and
6. Provide for other limitations, restrictions and requirements as deemed necessary by the City to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

#### **b. Permitted Uses**

All uses in conjunction with Residential Planned Unit Developments are considered conditional and require Planning and Zoning Board and Council approval. Permitted uses are listed in Article III, Table III-3.

#### **c. Density and Intensity**

1. Variable up to 4.0 dwelling units per net acre in areas designated Low Density Residential on the Future Land Use Map.
2. Variable between 4.1 and 8.0 dwelling units per net acre in areas designated Medium Density Residential on the Future Land Use Map.
3. Variable between 8.1 and 12.0 dwelling units per net acre in areas designated High Density Residential on the Future Land Use Map.
4. Proposed residential projects containing over 500 dwelling units shall include internally oriented retail commercial uses with a minimum of 250 sq. ft. of land area per dwelling unit.



5. Medium and high-rise residential projects shall not exceed a Floor Area Ratio of 0.4 nor an Impervious Surface Ratio of 0.3.

d. **Conceptual Development Plan**

A Conceptual Development Plan shall be submitted along with a Development Agreement, see Section 21-101. The Conceptual Development Plan shall contain the following:

1. Minimum dimensional requirements, including proposed lot area and width, setbacks, building heights and minimum floor areas;
2. Landscaping, parking and signage;
3. Project phasing, if applicable;
4. Infrastructure improvements;
5. Common/open space areas and their use, including any resource protection areas as defined in Article IV;
6. Proposed street layout, names and lot numbers; and
7. Overall stormwater/drainage master plan.

e. **Master Plan Approval**

A master plan shall be submitted in conjunction with Article XIII.

**21-57.03 - Business Planned Unit Development (BPUD)**

a. **Purpose**

The Business Planned Unit Development District is intended to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted by this Code. Notwithstanding the specific criteria identified herein, proposals should accomplish the following purposes, to the greatest extent possible:

1. Provide for mixed use commercial, office and residential development such as shopping centers, office parks and multi-family residential developments;
2. Promote innovative site and building design;
3. Provide efficient location and utilization of infrastructure through orderly and economic development;
4. Establish open areas set aside for the preservation of natural resources, significant natural features and listed species habitats;
5. Provide for a visually attractive environment through consistency of architectural styles, landscaping designs and other elements of the built environment; and
6. Provide for requirements to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

b. **Permitted Uses**

All uses in conjunction with Business Planned Unit Developments are considered conditional and require Planning and Zoning Board and Council approval. Permitted uses are listed in Article III, Table III-3. If residential uses are provided, the residential floor area shall be no greater than forty percent (40%) of the gross commercial floor area.

c. **Conceptual Development Plan**

A Conceptual Development Plan shall be submitted along with a Development Agreement, see Section 21-101. The Conceptual Development Plan shall contain the following:

1. Lot layouts for commercial and residential development including lot areas and widths, setbacks, building heights, lot coverage and minimum floor areas;
2. Landscaping, fencing, parking, loading areas, signage and lighting;
3. Project phasing, if applicable;
4. Infrastructure improvements;
5. Common/open space areas and their use including any resource protection areas as defined in Article IV;
6. Proposed street layout, names and lot numbers; and
7. Overall stormwater master plan.

d. **Site Plan Approval**

A site plan shall be submitted in conjunction with Section 21-93.

**21-57.04 - Industrial Planned Unit Development (IPUD)**

a. **Purpose**

The Industrial Planned Unit Development (IPUD) District is intended to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted by this Code. Notwithstanding the specific criteria identified herein, proposals should accomplish the following purposes to the greatest extent possible:

1. Provide for mixed-use industrial development such as industrial office parks, aircraft and marine related uses and limited commercial;
2. Promote innovative site and building design;
3. Provide efficient location and utilization of infrastructure through orderly and economic development;
4. Establish open areas set aside for the preservation of natural resources, significant natural features and listed species habitats;
5. Provide for a coherent and visually attractive physical environment through coordination and consistency of architectural styles, landscaping designs and other elements of the built environment; and
6. Provide for other limitations, restrictions and requirements as deemed necessary by the City to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

b. **Permitted Uses**

All uses in conjunction with Industrial Planned Unit Developments are considered conditional and require Planning and Zoning Board and Council approval. Permitted uses are listed in Article III, Table III-3.

c. **Conceptual Development Plan**

A Conceptual Development Plan shall be submitted prior to site plan approval. The

Conceptual Development Plan shall include the following:

1. The lots areas for industrial and/or commercial development, including lot widths, setbacks, building heights, building footprint and minimum floor areas;
2. Landscaping, fencing, parking, loading areas, signage and lighting;
3. Project phasing, if applicable;
4. Infrastructure improvements, all utility lines shall be installed underground;
5. Common/open space areas and their use including resource protection areas as defined in Article IV; and
6. Overall stormwater master plan.

d. **Site Plan Approval**

A site plan shall be submitted in conjunction with Section 21-93.

**21-57.05 – Mixed-Use Planned Unit Development (MUPUD)**

a. **Purpose**

The Mixed-Use Planned Unit Development (MUPUD) is intended to provide a flexible approach for mixed use and innovative land use techniques, which would otherwise not be permitted by this Code. Notwithstanding the specific criteria identified herein, proposals should accomplish the following purposes, to the greatest extent possible:

1. Provide a variety of land uses including non-residential, residential, public/civic and recreational
2. Provide innovative site and building design, including traditional neighborhood developments;
3. Provide efficient location and utilization of infrastructure through orderly and economical development, including a fully integrated network of streets and pedestrian/bicycle facilities;
4. Establish open areas set aside for the preservation of natural resources, significant natural features and listed species habitats;
5. Create usable and suitably located public spaces, recreational facilities, open spaces and scenic areas; and
6. Provide for other limitations, restrictions and requirements as deemed necessary by the City to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

b. **Permitted Uses**

All permitted uses in conjunction with Mixed-Use Planned Unit Developments are listed in Article III, Table III-3.

c. **Density and Intensity**

The densities and intensities of Mixed-Use Planned Unit Developments vary. Specific requirements are contained in the City's Comprehensive Plan.

d. **Conceptual Development Plan**

A Conceptual Development Plan shall be submitted along with a Development Agreement, see Section 21-101. The Conceptual Development Plan shall contain the following:

1. Minimum dimensional requirements, including proposed lot area and width, setbacks, building heights and minimum floor areas;
2. Landscaping, parking and signage;
3. Project phasing, if applicable;
4. Infrastructure improvements;
5. Common/open space areas and their use, including any resource protection areas as defined in Article IV;
6. Proposed street layout, names and lot numbers; and
7. Overall stormwater/drainage master plan.

e. **Master Plan Approval**

A master plan shall be submitted in conjunction with Article XIII.

**21-57.06 - Sustainable Community Development Planned Unit Development (SCD/PUD)**

a. **Purpose**

The Sustainable Community Development Planned Unit Development (SCD/PUD) is intended to provide a flexible approach for mixed use and innovative land use techniques, which would otherwise not be permitted by this Code. Notwithstanding the specific criteria identified herein, proposals should accomplish the following purposes, to the greatest extent possible:

1. Provide a variety of land uses including residential, office, commercial, public/civic and recreational which complement and serve residential uses while reducing transportation needs and conserving energy and natural resources;
2. Provide a socially and economically diverse community with a wide range of housing types including but not limited to, single-family, multi-family and townhouse homes as well as some residential inventory to be located above retail or commercial uses with various price points;
3. Provide innovative site and building design, including design principles that are consistent with Traditional Neighborhood Design, Transit-Oriented Development and New Urbanism;
4. Provide efficient location and utilization of infrastructure through orderly and economical development, including a fully integrated network of streets arranged and designed to promote a pleasant, pedestrian and bicycle-friendly environment with an emphasis on convenient access to surrounding neighborhoods and community amenities;
5. Conserve large areas of uninterrupted environmentally sensitive areas which shall be managed as part of a system for habitat, wetlands, surface water

protection and to provide scenic areas and recreational opportunities (both active and passive); and

6. Provide for other limitations, restrictions and requirements as deemed necessary by the City to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

b. **Permitted Uses**

All permitted uses in conjunction with Sustainable Community Development Planned Unit Developments are listed in Article III, Table III-3.

c. **Density and Intensity**

The densities and intensities of Sustained Community Development Planned Unit Developments vary. Specific requirements are contained in the City's Comprehensive Plan.

d. **Conceptual Development Plan**

A Conceptual Development Plan shall be submitted along with a Development Agreement, see Section 21-101. The Conceptual Development Plan shall contain, but not be limited to the following:

1. Minimum dimensional requirements, including proposed lot area and width, setbacks, building heights and minimum floor areas;
2. Landscaping, parking and signage;
3. Project phasing, if applicable;
4. Infrastructure improvements;
5. Common/open space areas and their use, including any resource protection areas as defined in Article IV;
6. Proposed street layout, names and lot numbers; and
7. Overall stormwater/drainage master plan.

e. **Master Plan Approval**

A master plan shall be submitted in conjunction with Article XIII.