

ARTICLE V. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 122-241. - Zoning districts.

For the purpose of this chapter in regulating the use of land, structures, height, bulk, population density and open spaces, the city is hereby divided into the following zoning districts, using the indicated symbols:

(1) *Residential districts.*

R-1, R-1A and R-1AA, single-family residential.

R-2, two-family residential.

R-3, multiple-family residential.

RO, residential office.

RZL, residential zero lot line.

RBH, residential business historic.

MH, mobile home park or subdivision.

(2) *Agricultural districts.*

A-1, agricultural.

(3) *Institutional districts.*

G-U, governmental use.

INST, institutional.

(4) *Office districts.*

O-1, office.

OP, office park.

OH, office historic.

(5) *Business districts.*

B-1, neighborhood business.

B-1A, limited neighborhood business.

B-2, community business.

B-2A, limited community business.

B-3C, community redevelopment area mixed use 2.

B-4, general business.

B-5, wholesale business.

(6) *Industrial districts.*

M-1, light industrial.

M-2, medium industrial.

M-3, heavy industrial.

(7) *Planned development districts.*

PD, planned development.

(8) *Planned shopping center districts.*

SC, shopping center.

(9) *Form-based code districts.*

FBC, form-based code.

(Code 1961, § 22-10; Code 1985, § 7-691; Ord. No. 1832, § 2, 4-15-86; Ord. No. 1903, § 1, 2-3-87; Ord. No. 2075, § 2, 11-7-89; Ord. No. 2275, § 9, 5-5-92; Ord. No. 2631, § 1, 7-23-96; Ord. No. 2751, § 7, 8-19-97; Ord. No. 2018-42, § 23, 9-25-18; Ord. No. 2019-28, § 17, 3-19-19)

Sec. 122-242. - Official zoning map.

- (a) The city is hereby divided into zones or districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- (b) The official zoning map shall be identified by the signature of the president of the city council attested by the city clerk, and bear the seal of the city under the following words: "This is to certify that this is the Official Zoning Map of the City of Ocala, Florida," together with the ordinance number and date of adoption.
- (c) If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map within five working days after becoming law. A zoning case number and an ordinance number shall be given to each change and a file of such changes kept by the building official.
- (d) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change, of whatever kind, by any person, shall be considered a violation of this chapter and punishable as provided by this chapter.
- (e) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the city council chambers, shall be the final authority as to the current zoning status of lands, buildings and other structures in the city.
- (f) If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the city council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the

president of the city council and attested by the city clerk, and bear the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced)," together with the date of the resolution adopting the new official zoning map.

(Code 1961, § 22-2; Code 1985, § 7-692; Ord. No. 2275, § 10, 5-5-92)

Sec. 122-243. - Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (7) Where the street or property layout existing on the ground is at variance with that shown on the official zoning map or in other circumstances not covered by subsections (1) through (6) of this section, the board of adjustment shall interpret the district boundaries.

(Code 1961, § 22-4; Code 1985, § 7-693)

Sec. 122-244. - District criteria.

- (a) All land within the city shall be assigned a zoning district designation from the list of districts listed in section 122-241. The zoning districts shall be consistent with this chapter and the other chapters of subpart B of this Code.
- (b) All zoning districts must be consistent with the adopted comprehensive plan, which includes land use classifications. The following chart illustrates zoning districts allowed under each land use classification in the adopted comprehensive plan. The land use classifications are listed on the horizontal axis and the permissible zoning districts are listed below:

ZONING DISTRICTS ALLOWED UNDER EACH LAND USE CLASSIFICATION

Central Core	Medium Intensity	Low Intensity	Neighborhood	Employment Center	Public
R-1	R-1	R-1	R-1		
R-1A	R-1A	R-1A	R-1A		
R-1AA	R-1AA	R-1AA	R-1AA		
R-2	R-2	R-2	R-2		
R-3	R-3	R-3	R-3		

RZL	RZL	RZL	RZL		
RBH-1		RBH-1	RBH-1		
RBH-2		RBH-2	RBH-2		
RBH-3		RBH-3	RBH-3		
OH		OH	OH		
RO	RO	RO	RO		
O-1	O-1	O-1		O-1*	
OP	OP	OP		OP*	
B-1	B-1	B-1	B-1	B-1*	
B-1A	B-1A	B-1A	B-1A	B-1A*	
B-2	B-2	B-2		B-2*	
B-2A	B-2A	B-2A		B-2A*	
B-3C					
	B-4	B-4		B-4*	
		B-5****		B-5*	
SC	SC	SC		SC*	
	M-1	M-1		M-1	
	M-2	M-2		M-2	
				M-3	
G-U	G-U	G-U	G-U	G-U	G-U

INST	INST	INST	INST	INST	
	A-1***	A-1***	A-1 ***	A-1***	
PD	PD	PD	PD	PD	
FBC	FBC	FBC	FBC	FBC	FBC

* Residential units are only allowed as part of a planned development (PD) zoning district.

*** As of June 1, 2014, a rezoning application for A-1 must be associated with an annexation case where a portion of the annexed property is already zoned A-1 in the county.

**** B-5 zoning shall be consistent with the low intensity future land use classification for parcels located within the North Magnolia CRA Subarea boundary.

(c) The following provisions of this chapter refer to land use classifications (low density residential, medium density residential, or high density residential) that were deleted from the comprehensive plan in 2013:

- (1) Section 122-287 Legend: SE23, X30A.
- (2) Subsections 122-423(a)(1)d, (a)(2)e, (a)(3)t, (b)(1).
- (3) Subsections 122-1198(a)(3), (b)(3), (d)(4).
- (4) Subsections 122-1211(a)(1), (b).
- (5) Subsection 122-1213(a)(6).
- (6) Subsection 122-1219(a)(4).

Although such land use classifications no longer exist, any references to them shall still apply but shall be deemed to refer to the land use classification that a parcel had prior to January 1, 2013. Thus, for example, pursuant to subsection 122-423(a)(1)d, a bed and breakfast is a permitted use in a RBH-1 zoning district if the parcel had a medium or high density residential land use classification prior to January 1, 2013 and, pursuant to subsection 122-423(b)(1), a bed and breakfast is permitted by special exception in a RBH zoning classification if the parcel had a low density residential land use classification prior to January 1, 2013.

(Code 1985, § 7-694; Ord. No. 2275, § 11, 5-5-92; Ord. No. 2523, §§ 1—3, 6-6-95; Ord. No. 2631, § 2, 7-23-96; Ord. No. 2751, § 8, 8-19-97; Ord. No. 2013-10, §§ 4, 5, 1-22-13; Ord. No. 2014-32, § 2, 6-3-14; Ord. No. 2015-64, § 1, 8-18-15; Ord. No. 2017-49, § 2, 5-16-17; Ord. No. 2018-17, § 2, 11-21-17; Ord. No. 2018-42, § 24, 9-25-18; Ord. No. 2019-9, § 1, 12-18-18; Ord. No. 2019-10, § 1, 12-18-18; Ord. No. 2019-28, § 18, 3-19-19; Ord. No. 2021-81, § 3, 9-28-21)

Sec. 122-245. - Compliance.

Except as otherwise provided:

- (1) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all of the regulations specified for the district in which it is located.
- (2) No building or other structure shall hereafter be erected or altered to:
 - a. Exceed the height required in this chapter;
 - b. Accommodate or house a greater number of families than required in this chapter;

- c. Occupy a greater percentage of lot area than required in this chapter; or
 - d. Have narrower or smaller rear yards, front yards, side yards or other open spaces than required in this chapter; or in any other manner contrary to the provisions of this chapter.
- (3) No part of a yard or other open space, or off-street parking or loading space, required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (4) No yard or lot existing at the time of passage of the ordinance from which this chapter is derived shall be reduced in size or area below the minimum requirements set forth in this chapter. Yards or lots created after the effective date of the ordinance from which this chapter is derived (July 20, 1965) shall meet at least the minimum requirements established by this chapter.
- (5) Within each district, the regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- (6) Every building or structure hereafter erected shall be located on a plat or tract as defined in this chapter, and in no case shall there be more than one building on one plot, except as provided by this chapter.

(Code 1961, § 22-6(1)—(5), (7); Code 1985, § 7-731)

Sec. 122-246. - Annexed territory.

- (a) All territory which may be annexed to the city after the effective date of the ordinance from which this section is derived (May 8, 1992) shall be considered to be zoned in the zoning classification given it by the county zoning code; provided that if no such classification exists in the zoning ordinance of the city then the property shall be zoned within the city under that classification most closely corresponding to the existing county classification.
- (b) All annexed territory shall, at the earliest available date, be subject to the land use change process in order to bring the land use into compliance with the comprehensive plan. This process may result in a different land use designation and zoning classification.

(Code 1961, § 22-6(6); Code 1985, § 7-732; Ord. No. 2275, § 28, 5-5-92)

Sec. 122-247. - Completion of construction under existing building permits.

Any building or structure for which a lawful zoning permit has been issued, and the construction of which has been started prior to the effective date of the ordinance from which this chapter is derived (July 20, 1965), may be completed and used in accordance with the plans and specifications upon which the zoning permit was granted, provided such construction is completed within one year after the effective date of the ordinance from which this chapter is derived.

(Code 1961, § 22-7(1); Code 1985, § 7-733)

Sec. 122-248. - Uncompleted structures.

No building or structure not completed in substantial conformity with plans and specifications upon which the building permit for its construction was issued shall be maintained, or be permitted to remain unfinished, for more than 12 months after the construction of such building was begun, except under such conditions and for such period as may be determined as reasonable by the building official based on conformity with, and promotion of, the spirit and purpose of this chapter.

(Code 1961, § 22-7(2); Code 1985, § 7-734)

Sec. 122-249. - Existing lots of record.

- (a) In any district where dwellings are permitted, a single-family dwelling may be erected on any plot in existence as of July 20, 1965; and in addition, a commercial structure may be erected on any business or industrially zoned plot in existence as of February 2, 1983, under the following conditions:
- (1) The owner of the plot on the effective dates above did not own any adjoining property.
 - (2) The then-current owner of a plot does not own any adjoining plot.
 - (3) The plot shall abut for at least 40 feet on a street.
 - (4) All required yards shall be provided.
 - (5) The plot shall be a lot of record at the time of the effective dates mentioned in this section. For the purpose of this section, a lot of record is any lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of the circuit court of the county, or a parcel of land, the deed of which was recorded in the office of the clerk of the circuit court, on or before the respective dates cited in this section.
 - (6) The requirements of subsections (a)(1) and (a)(2) of this section shall not apply to:
 - a. Properties located in historic districts created or designated as such under chapter 94 of this Code or by the United States Department of Interior National Park Service.
 - b. A plot with a minimum of 70 feet of frontage with R-I zoning and a minimum of 60 feet of frontage with all other residential and nonresidential zones.
 - c. A plot purchased between the adoption of Ordinance No. 4073 (8/21/01) and Ordinance No. 5676 (7/24/07) that has a minimum of 50 feet of frontage with R-1, R-I A and R-1AA zoning at the time of the purchase.
 - d. A plot where a new single-family dwelling unit is replacing a single-family dwelling unit that existed as of July 20, 1965.
- (b) Commercial structures must comply with the concurrency management provisions set forth in chapter 86 of this Code.
- (c) A commercial lot of record with improvements as defined in section 122-261 shall not be considered a lot of record under this section.

(Code 1961, § 22-7(3); Code 1985, § 7-735; Ord. No. 2275, § 29, 5-5-92; Ord. No. 4073, § 10, 8-21-01; Ord. No. 5676, § 1, 7-24-07; Ord. No. 2015-7, § 1, 1-6-15; Ord. No. 2022-7, § 1, 12-21-21)

Sec. 122-250. - Double frontage lots.

On corner plots and through plots, front yards, when required, shall be provided on both streets, and accessory buildings shall not be located in either front yard.

(Code 1961, § 22-7(4); Code 1985, § 7-736)

Sec. 122-251. - Use of premises without buildings.

Where a plot is to be occupied for a permitted use without buildings, the side and front yard required for such plot shall be provided and maintained unless otherwise stipulated in this chapter, except that side yards shall not be required on plots used for private garden purposes without buildings or structures, or on plots used for public recreation areas.

(Code 1961, § 22-7(5); Code 1985, § 7-737)

Sec. 122-252. - Yard encroachments.

- (a) Every part of every required yard shall be open and unobstructed from the ground to the sky except as otherwise permitted in this chapter.
- (b) Sills or belt courses shall not project over 12 inches into a required yard.
- (c) Movable awnings shall project not over three feet into a required yard, provided that where the yard is less than five feet in width the projection shall not exceed one-half the width of the yard.
- (d) Chimneys, fireplaces or pilasters shall project not over two feet into a required yard.

- (e) Fire escapes, stairways and balconies which are unroofed and unenclosed shall project not over five feet into a required rear yard, or not over three feet eight inches into a required side yard, of a multiple dwelling, hotel or motel.
- (f) Hoods, canopies or marquees may project not over three feet into a required yard, but shall not be closer than one foot to any plot line.
- (g) Fences, walls and hedges shall be permitted in required yards subject to the provisions of [section 122-253](#).
- (h) Accessory uses and structures may be located in required rear yards, and in side yards subject to the provisions of [section 122-254](#).
- (i) Except as provided in [section 122-253](#), nothing in this section shall be so construed as to prevent any type of landscaping or private nonprofit gardening on any plot.
- (j) Accessory parking may be located in a required rear or side yard.
- (k) Flagpoles, clotheslines, bird houses and other yard accessories are permitted in any yard if they do not constitute substantial impediments to vision or free flow of light and air across the yard.

(Code 1961, § 22-7(6); Code 1985, § 7-738; Ord. No. 3008, § 1, 11-23-99)

Sec. 122-253. - Visibility at intersections.

On a corner plot, no fence, wall, hedge or other planting or structure that will obstruct vision between a height of two and one-half feet and ten feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at such corner plots and a straight line joining the right-of-way lines at points which are:

- (1) Fifteen feet distant in industrial and business districts, except properties zoned FBC and fronting a core street as defined in section 122-955, from the intersection of the right-of-way lines and measured each way along the right-of-way lines, except municipal and franchise utility poles, which shall not be governed by the provisions of this section.
- (2) Twenty-five feet distant in residential districts from the intersection of the right-of-way lines and measured along the right-of-way lines.

(Code 1961, § 22-7(7); Code 1985, § 7-739; Ord. No. 2018-42, § 25, 9-25-18)

Cross reference— Traffic and vehicles, [ch. 66](#); visibility standards for street widths and setbacks, [§ 122-1242](#).

Sec. 122-254. - Accessory uses and structures.

In residential districts, accessory uses and structures shall be allowed as follows:

(1) *Side yards.*

- a. Motor vehicles, not associated with a structure as defined in this chapter, may be permitted to park in the side yards.
- b. Garages and carports may be permitted in the side yard subject to the following provisions:
 - 1. The required side yard setback must be provided;
 - 2. The structure may not exceed 18 feet in height.
- c. Sheds, not exceeding ten feet in height, and swimming pools may be permitted in the side yard subject to the following provisions:
 - 1. The required side yard setback must be provided;
 - 2. A screen pool enclosure for a swimming pool may be attached to the main building.

(2) *Rear yards.*

- a. All accessory uses and structures are permitted in the rear yard subject to the following provisions:
 - 1. The use or structure must be located at least three feet from the rear property line, at least five feet from any main building, and meet the required side yard setbacks;
 - 2. The structure may not exceed 18 feet in height;

3. A screen pool enclosure for a swimming pool may be attached to the main building.

(Code 1961, § 22-7(8); Code 1985, § 7-740; Ord. No. 1969, § 2, 11-3-87; Ord. No. 2275, § 30, 5-5-92; Ord. No. 3008, § 2, 11-23-99)

Sec. 122-255. - Exclusions from height limits.

The height limitations contained in this chapter will not apply to spires, belfries, cupolas, water tanks, ventilators, electrical power transmission towers, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. The height of these structures or appurtenances shall not exceed the height limitations prescribed by any airport zoning ordinance adopted by the city.

(Code 1961, § 22-7(9); Code 1985, § 7-741; Ord. No. 2783, § 1, 9-9-97)

Sec. 122-256. - Residential uses in nonresidential districts.

The following regulations, supplementing and modifying other applicable district regulations, shall apply where a lot in a nonresidential district, with the exception of the FBC zone, is utilized for a permitted residential use, the size of the required yards being specified in the district regulations for the particular nonresidential district involved:

- (1) Where a residential use is located on the first or ground floor and there is also a principal nonresidential use on the first or ground floor, such lot shall be provided with a rear yard, and with side yards extending to the rear yard, for the portion of the lot occupied by the residential use.
- (2) Where the residential use is the only principal use on the lot, such lot shall be provided with front, side and rear yards as specified in section 122-286.
- (3) Where the residential use is located above a principal nonresidential use, such lot shall be provided with a rear yard and with side yards on each side, provided the lowest floor is used for residential purposes, and that, for the purpose of this subsection only, open space on a roof may be yard, and provided further that a yard shall not be required on a street side of the lot.

(Code 1961, § 22-7(10); Code 1985, § 7-742; Ord. No. 2275, §§ 31, 32, 5-5-92; Ord. No. 2018-42, § 26, 9-25-18)

Sec. 122-257. - Use of residentially zoned property for access to nonresidential zone.

- (a) No land which is residentially zoned shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned; provided that, after public notice and hearing, the planning and zoning commission, with the approval and consent of the city council, may permit residentially zoned land to be used for such purposes. No land which is residentially zoned shall be used for any purpose not permitted in a residential district, except for ingress and egress to any existing use which does not abut on a street.
- (b) Any property owner desiring to use residentially zoned property for driveway, walkway or access purposes to land which is nonresidentially zoned may make application to the planning and zoning commission. The procedures and fees for such application shall be the same as prescribed in article II, division 6 of this chapter. The city council shall have the right to impose such restrictions, regulations and conditions upon the use of residentially zoned property for driveways, walkways or access purposes as may be required for the safety of the public or for the convenience and protection of owners of residentially zoned property in the area, and may require preliminary engineering and landscape plans prior to approval.

(Code 1961, § 22-7(11); Code 1985, § 7-743; Ord. No. 2275, § 33, 5-5-92)

Sec. 122-258. - Essential services.

Essential services shall be permitted as authorized and regulated by state or national public utility commissions or owned by the city. As used in this section, the term "essential services" specifically includes electric, water and sewer utilities of the city.

(Code 1961, § 22-7(12); Code 1985, § 7-744)

Sec. 122-259. - Public buildings or uses.

- (a) The city council may permit the location of any of the following buildings or uses in any district from which they are prohibited by this chapter: any public buildings erected and used by, or any use of, any department of municipal, county, state or federal government.
- (b) A public notice shall be given and a public hearing shall be held before the planning and zoning commission, and the commission shall make a recommendation to the city council. The approval of such building shall be made by resolution of the council.

(Code 1961, § 22-7(13); Code 1985, § 7-745; Ord. No. 2275, § 34, 5-5-92)

Sec. 122-260. - Buffers.

- (a) *Purpose.* The primary objective of this section is to protect and preserve the appearance, character and value of adjacent land uses and to promote the general welfare by providing for the installation of landscaped buffer areas which will screen lower intensity uses from sight, glare, light and noise intrusion.
- (b) *General requirements.* Wherever a higher intensity property adjoins or abuts a lower intensity land use or zoning district, a landscaped buffer area will be required along the total length of that adjoining or abutting property boundary to provide an attractive land use transition and reduce sight, glare, light and noise intrusion. This landscaped buffer area as set out in this section will be reviewed and approved during the site plan process. The landscaped buffer area can be decreased in depth with a continuous brick, stone or concrete block wall which is located along the full length of the adjoining or abutting property boundary being buffered. A landscaped berm of the same height can be substituted for a wall. The building official and planning director may also approve a solid wood fence and increased landscaping as an alternative to a masonry wall in instances where a parcel was reduced in size by a condemnation of right-of-way. Buffer areas will be continually maintained in good condition by the property owner. These buffer areas can be included in the open space requirements and standards. In no case shall the landscaped buffers be less than the standards and specifications set out in this section.
- (c) *Design standards (excluding CRA).*
 - (1) The exterior boundaries of all sites, including subdivisions, shall have a minimum of four feet of open space around the site, excluding driveways, sidewalks or necessary appurtenances subject to site plan review.
 - (2) All off-street parking areas and drive-in service facilities shall be screened from the bordering streets with a minimum of five feet of landscaped buffer strip between the parking or drive-in area and the bordering street. This five feet shall be free of all construction, including driveways, sidewalks or necessary appurtenances, and shall have a minimum three-foot-high continuous hedge or acceptable alternative as approved by the planning director.
 - (3) A six-foot-high landscaped berm can be substituted for the wall requirement. The berm must be constructed as a 3:1 slope or less. The berms shall be landscaped with a combination of ground cover, sod, shrubs and ornamental trees, as provided for in this section. Shade trees can be substituted for ornamental trees, provided that the shade trees can meet the specifications in [section 118-32](#). The dimensions of the landscaped berm can be increased or decreased if the site plan review committee deems it necessary.
 - (4) Where a business or industrial district is separated by a two-lane street from a residential district, then any plot in such nonresidential district adjacent to the separating street shall be provided with a yard at least 20 feet in depth along such separating street.
 - (5) Where a business or industrial district is separated by a street having a minimum of three lanes from a residential district, then any plot in such nonresidential district adjacent to the separating street shall be provided with a yard at least 20 feet in depth along such separating street. Parking and access drives shall be allowed in the required 20-foot yard when a five-foot landscaped area is provided along the property line adjacent to the residentially zoned plot.
 - (6) A heavy industrial use or district abutting a less intensive industrial or business use or district shall have a 25-foot-deep landscaped buffer area or a ten-foot-deep landscaped buffer area combined with a brick, stone or concrete block wall.
 - (7) A heavy industrial use or district abutting a residential use or district shall have a 40-foot-deep landscaped buffer area or a 25-foot-deep landscaped buffer area combined with a brick, stone or concrete block wall.
 - (8) A light or medium industrial or a retail or wholesale business use or district abutting a less intensive use or district shall have a 25-foot-deep landscaped buffer area or a ten-foot-deep landscaped buffer area combined with a brick, stone or concrete block wall.

- (9) A neighborhood business, institutional or office use or district abutting a less intensive use or district shall have a ten-foot-deep landscaped buffer area or a four-foot-deep landscaped buffer area combined with a stone, brick or concrete block wall.
 - (10) Multifamily and mobile home use abutting a less intensive use or district shall have a ten-foot-deep landscaped buffer area or a four-foot-deep landscaped area combined with a brick, stone or concrete block wall.
 - (11) A shopping center use or district abutting a less intensive use or district shall have a 25-foot landscaped buffer area and a stone, brick or concrete block wall unless the site plan review committee deems a greater setback is necessary. The buffer area shall not be used for a driveway or parking areas; however, sidewalks may be permitted upon review by the site plan review committee. This 25-foot area shall be landscaped in accordance with the specifications contained in this section. A shopping center shall have a landscaped area at least ten feet in depth, exclusive of the sidewalk, along the street frontage. The landscaped area must be located between the curblin and a line parallel to and ten feet inside the property line. The ten-foot area shall be landscaped in accordance with the specifications contained in subsections (e)(1), (2), (3) and (4) of this section.
 - (12) A certificate of occupancy shall not be issued until the required buffer improvements and specifications are completed and approved according to the site plan.
- (d) *Reserved.*
- (e) *Landscaping specifications.*
- (1) *Acceptable plant material; irrigation; landscape plan.* When a landscaped buffer area is required under this section, continuous hedging and small trees will be required. Hedge material shall reach a height of three feet in two years and six feet in four years, and should be accepted as cold hardy in this zone. All open areas in the buffer area shall be sodded. All landscaped areas shall have a properly installed irrigation system to give 100 percent coverage of the landscaped area, or use proper planting, maintenance and water conservation measures such as native or drought-tolerant vegetation to ensure the healthy survival of all sod, ground cover, shrubs and trees. A landscape plan shall be submitted with every site plan showing the irrigation system or the alternate use of native or drought-tolerant vegetation. All landscape materials that die shall be replaced within 30 days with similar landscape materials.
 - (2) *Suggested types of hedge material.* The following are the suggested types of plant material to be utilized for the buffer:

Ligustrum*	Ligustrum japonicum
Redtop*	Photinia fraseri
Florida anise	Illicium floridanum
Pineapple guava*	Feijoa sellowiana
Silver thorn*	Elaeagnus pungens

*Indicates drought-tolerant plant species.

- (3) *Spacing, size and quality of hedge material.* Hedge material to be planted shall be a maximum of three feet on center. Plants shall be 18 inches to 24 inches minimum height at the time they are installed, in three-gallon containers. Plants shall be Florida No. 1.
- (4) *Suggested types of small trees.* The following are the suggested types of small trees to be utilized in the buffer:

Holly	Ilex opaca
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Dogwood	Cornus florida
Drake Elm	Ulmus parvifolia
Wax Myrtle	Myrica cerifera
Crape Myrtle	Lagerstroemia indica
Ligustrum tree	Ligustrum japonicum tree-type

If the designer requests plant material which is unfamiliar to the site plan review committee, it shall be the designer's responsibility to prove that the material meets these specifications.

(5) *Spacing, size and quality of trees.* There shall be an average of one tree for every 25 linear feet of buffer area. Trees shall be a minimum of six feet to eight feet in height when installed. Trees shall be Florida No. 1.

(f) *Walls.* A wall must be made of brick, stone or concrete block in accordance with prevailing building industry standards for appearance, soundness, safety and resistance to weather. General requirements for walls are as follows:

(1) Concrete block panels shall not be more than 16 feet in length without providing for expansion.

(2) A waterproof cap is required on any hollow core wall. This cap shall be installed in such a manner as to prevent moisture from entering the wall.

(3) Foundations and other structural elements must be designed by an architect, landscape architect or engineer in accordance with the applicable building code. These plans must be submitted to the building office and approved before construction on the wall can begin.

(4) Walls shall be a minimum of six feet in height. This six-foot height shall be measured from the highest finished grade of either side of the wall to the top of that wall.

(5) Plain concrete block walls shall be stuccoed or painted.

(6) The height of the wall may be increased or decreased if the site plan review committee deems it necessary.

(g) *Appeals.* Within 15 working days after any decision made by the site plan review committee, an appeal can be made by the owner or developer to the planning and zoning commission by written request to the zoning department. The planning and zoning commission, by majority vote, may affirm, reverse or modify the decision, for reasons given in writing.

(h) *Enforcement.* If the required buffer area and landscaping are not constructed, the certificate of occupancy shall not be issued until compliance is met.

(Code 1985, § 7-746; Ord. No. 1944, § 1, 8-4-87; Ord. No. 2117, § 4, 10-24-89; Ord. No. 2275, § 35, 5-5-92; Ord. No. 5023, § 51, 2-19-02; Ord. No. 2018-42, § 27, 9-25-18)

Sec. 122-261. - Commercial lots of record with improvements.

(a) *Definitions.* As used in this section, the following terms have the following meanings:

(1) *Access easement* means an easement meeting the requirements of this section.

(2) *Original parcel* means a parcel with a commercial zoning classification that was under single ownership at the time improvements were constructed thereon but is divided pursuant to this section to create a front parcel and a rear parcel.

(3) *Front parcel* means a portion of the original parcel that is created following its division pursuant to subsection (c) and that is contiguous to a public street.

(4) *Rear parcel* means a portion of the original parcel that is created following its division pursuant to subsection (c) and that is not contiguous to a public street or does not have the required frontage width on a public street.

- (5) *Improvements* means the construction of a building or structure on a parcel.
- (b) *Purpose and background.* The city has determined as follows:
- (1) Original parcels have been developed with multiple improvements thereon at the time that the original parcels were owned by a single owner.
 - (2) At the time of their development, the improvements on the original parcels complied with all provisions of this Code, including those concerning frontage and access.
 - (3) Owners of original parcels desire to divide the original parcels into a front parcel and a rear parcel, and to convey the front parcel or rear parcel to another person.
 - (4) As a result of such division, the rear parcel may not meet the frontage and access requirements of this Code.
 - (5) The purpose of this Code's frontage and access requirements can be met by appropriate access easements being provided to benefit the rear parcel.
 - (6) Without the provisions of this section, development and redevelopment of property in the city could be unnecessarily hindered.
- (c) A rear parcel that is created as a result of a division of an original parcel by virtue of a conveyance of the front parcel or rear parcel, shall be deemed to be a commercial lot of record, provided that:
- (1) Access is provided to the rear parcel by an access easement; and
 - (2) Access improvements are constructed and maintained within the access easement to provide safe and efficient vehicular and pedestrian access to the rear parcel.
- (d) The access easement shall be evidenced by an instrument recorded in the public records of Marion County, Florida, consistent with the following:
- (1) The rear parcel shall be provided with an access easement of sufficient width to provide safe and efficient vehicular and pedestrian access to the rear parcel.
 - (2) To the extent necessary to provide utilities to the rear parcel, the rear parcel shall be provided with a utility easement permitting the construction, maintenance, repair or replacement of necessary utilities.
 - (3) The owner of the rear parcel shall be permitted to maintain, repair or replace access improvements so that they continue to provide safe and efficient vehicular and pedestrian access to the rear parcel.
 - (4) The easement may not be terminated without the consent of city as evidenced by a resolution or other instrument recorded in the public records of Marion County, Florida.
 - (5) Such other conditions as may be required by city to assure that, notwithstanding that the rear parcel may not meet the frontage and access requirements of this Code, the rear parcel is entitled to the benefits of this section notwithstanding that it may not meet the frontage and access requirements of this Code.
- (e) The form and substance of the access easement under subsection (d), and the sufficiency of the access improvements under subsection (c)(2), shall be determined by the city engineer and city planning director. Upon request of city, the owner of a rear parcel shall submit to city a title search or title insurance policy, acceptable to the city, to confirm that the access easement is effective and is free and clear of all non-subordinated liens and encumbrances.
- (f) A rear parcel considered to be a commercial lot of record under this section:
- (1) Shall be deemed to have sufficient access for purposes of the: construction of additional improvements; repair, replacement or modification of existing improvements; or related purposes.
 - (2) For purpose of determining the lot lines of the rear parcel, and therefore whether the frontage meets the requirements of this Code:
 - a. The "front lot line" shall mean the property line which abuts or intersects with the access easement, notwithstanding any provision of [section 122-2](#) to the contrary; and
 - b. The "front lot line" shall be measured along the entire width of such property line, and not merely the portion which abuts or intersects with the access easement.
- (g) A rear parcel that constitutes a commercial lot of record under this section must meet all other requirements of this Code including those concerning area or dimensions.
- (h) The front and back parcels shall be considered to be a single parcel with multiple uses for purposes of on-site signage under [section 110-152](#) of this Code. All frontage requirements set forth therein shall apply to the front parcel.
- (i) Nothing set forth in this section shall excuse a parcel from complying with:
- (1)

The requirements of chapter 114 of this Code. Therefore, if the original parcel is divided into three or more lots, parcels or other divisions of land, a plat must be recorded pursuant to chapter 114; or

(2) Other provisions of this Code not expressly referred to in this section.

(Ord. No. 2015-7, § 2, 1-6-15)

Secs. 122-262—122-280. - Reserved.

DIVISION 2. - SCHEDULE OF DISTRICT REGULATIONS

Sec. 122-281. - Applicability.

No land, structure or building shall be erected, constructed, reconstructed, altered, enlarged or used unless in full conformity with all applicable zoning regulations.

(Code 1961, ch. 22; Code 1985, § 7-1116(a); Ord. No. 1885, § 2, 12-2-86; Ord. No. 2275, § 80, 5-5-92; Ord. No. 2419, § 10, 11-2-93; Ord. No. 2428, § 4, 12-7-93; Ord. No. 2453, § 3, 5-10-94; Ord. No. 2547, § 5, 8-15-95; Ord. No. 2630, § 5, 7-23-96; Ord. No. 2608, §§ 7, 8, 6-11-96; Ord. No. 2649, § 3, 9-27-96; Ord. No. 2718, § 1, 4-15-97)

Sec. 122-282. - Outdoor sales and storage.

(a) Several types of uses allowed by right or special exception within the city typically and traditionally involve outdoor sales or storage. It is necessary that uses involving outdoor sales or storage be sufficiently controlled to ensure that they do not become nuisances or aesthetic problems. Uses involving outdoor sales or storage must be regulated to mitigate the potential negative impacts of the visual appearance of the site.

(b) Any use which consists in whole or in part of sales, services, storage, preparation or repair, or displaying of merchandise must be in a completely enclosed building, except as follows:

(1) *Temporary uses.* The following uses may display or sell merchandise outdoors subject to the following limitations:

Temporary uses	Maximum time limit per site and other required conditions (all are cumulative and not alternatives)	Permitted districts
Temporary outdoor sales as accessory use (including some used merchandise as defined in subsection <u>122-283(a)(3)</u>)	During the hours of operation of the business, up to a maximum of 12 hours	B-4, B-5, SC and M-2
Mobile vendors displaying and selling Christmas trees, pumpkins and fireworks	No limit	FBC, B-2, SC, B-4, B-5, M-1 and M-2
Mobile vendors displaying and selling food or beverages	No limit	B-4, B-5, M-1, M-2, GU, SC, and FBC
Mobile vendors displaying and selling any merchandise other than the above	No limit	B-5

Automobile, boat and RV shows	No limit	GU and FBC
Carnivals, circuses and other public exhibitions, where a carnival company is providing rides and amusements	4 nights and 5 days	Special exception in A-1, B-4, B-5 and INST
Carnivals, bazaars, cookouts and other fundraising events sponsored by a nonprofit organization, where there is no carnival company involved	No limit	B-2, B-2A, SC, B-4, B-5, M-1 and M-2, and on church and school grounds
Farmer's market	No limit	FBC
Art	During hours of business operation	FBC, in conjunction with retail store with a primary business of the sale of art
Religious revivals or assemblies	Two weeks	B-4 and B-5, and on church grounds
Donation boxes	See section 122-1223	B-2, B-4 and B-5 (See section 122-1223)

(2) *Other outdoor sale uses.*

- a. Automobile sales, new or used, automobile rental, and automobile specialty sales, new or used are permitted uses in the B-3C, B-4, and B-5 zoning districts and as a special exception in the B-3A zoning district.
- b. Truck rentals and sales are a permitted use in the B-5 and M-2 zoning districts and as a special exception in the B-4 and M-1 zoning districts.
- c. Outdoor sales of swimming pools, spas and hot tubs are a special exception in the B-4 zoning district and subject to the criteria outlined in [section 122-1206](#).
- d. Boat sales, new and limited to 26 feet in length are a special exception in the B-4 zoning district; boat sales, used and limited to 26 feet in length, are permitted in the B-4 zoning district only in conjunction with new boat sales and subject to the criteria outlined in [section 122-1205](#).
- e. Outdoor sales of home garden/hobby farm equipment in the B-4 zoning district subject to the requirements of [section 122-1220](#).
- f. Outdoor sales and display for garden and nursery sales are subject to the requirements of [section 122-1212](#).
- g. Construction/farm equipment sales are a special exception in the M-1 district and subject to the criteria of [section 122-1205](#).

(3) *Outdoor sales in B-5 district.* The following uses are allowed outdoor sales in the B-5 zoning district, subject to the criteria outlined in [section 122-1205](#): boat sales, building materials sales, construction/farm equipment sales, farmers' market, flea market, manufactured/mobile home sales, recreational vehicle sales, satellite dish and antenna sales, and swimming pool, spa and hot tub sales.

(4) *Outdoor storage in B-5 district.* Outdoor storage is a permitted accessory use in the B-5 zoning district, subject to the following criteria:

- a. Outdoor storage shall be set back a minimum of 25 feet from the right-of-way and ten feet from abutting properties.
- b. The outdoor storage area shall not be located in a required buffer as outlined in [section 122-260](#).
- c. The outdoor storage shall be located in the side or rear yard. Corner lots shall locate the outdoor storage area in the rear yard (see definitions of side and rear yards in [section 122-2](#)).
- d. The outdoor storage area shall not be part of the required off-street parking area or open space requirements of the site plan.

- e. Reserved.
 - f. All outdoor storage visible from public view shall be screened by a wall or berm. The wall (see subsection 122-260(f)) shall be six feet in height in combination with a ten-foot minimum landscaped area on the outer side of the wall. The berm shall be six feet in height and have 3:1 side slopes (25 linear feet in depth) in combination with landscaping on the outer side of the berm. Landscaping shall include hedges and small trees as specified in subsections 122-260(e)(3), (4) and (5). In lieu of a wall or berm, the applicant can petition the building official and planning director to approve a six-foot privacy fence (wood/100 percent opacity) in combination with a 25-foot minimum landscaped buffer area on the outer side of the fence. In addition to the hedges and small trees specified in subsections 122-260(c)(3), (4) and (5), the landscaped buffer area shall include a second row of small trees, offset from the first row, every 25 linear feet. The landscaping must be 100 percent irrigated and maintained.
 - g. Outdoor storage shall not exceed 15 feet in height above the ground surface; however, the building official may approve additional height if the applicant submits a plan showing how it will be screened from public view.
 - h. The B-5 outdoor storage criteria shall apply to all new uses with outdoor storage, any change of use when the new use is one that has outdoor storage, expansion of an existing use to include outdoor storage, and expansion of an existing area used for outdoor storage.
 - i. The outdoor storage area shall be located and its proposed use identified on the site plan for approval by the city's building official.
- (5) *Outdoor storage in B-4 district.* Outdoor storage may be allowed as an accessory use in the B-4 district subject to design criteria identified in this section. The process to obtain outdoor storage requires a public hearing with the planning and zoning commission, except that the board of adjustment may allow accessory outdoor storage when reviewed in relation to a special exception use. The planning and zoning commission or board of adjustment shall approve or deny the outdoor storage, subject to the criteria identified in this section and any conditions and safeguards deemed appropriate.
- a. The applicant shall submit a site plan showing the location, size and proposed use of the outdoor storage area. The site plan shall also conform to the following criteria:
 - 1. The outdoor storage area shall not exceed 20 percent of a site with a maximum of 10,000 square feet.
 - 2. The outdoor storage area shall be set back a minimum of 25 feet from the right-of-way and ten feet from abutting properties.
 - 3. The outdoor storage area shall not be located in a required buffer as outlined in section 122-260.
 - 4. The outdoor storage area shall be located in the rear yard.
 - 5. The outdoor storage area shall not be part of the required off-street parking area or open space requirements of the site plan.
 - 6. All outdoor storage visible from public view shall be screened by a wall or cementitious material fence. The wall or fence (see subsection 122-260(f)) shall be six feet in height in combination with a ten-foot minimum landscaped area on the outer side of the wall or fence. Landscaping shall include hedges and small trees as specified in subsections 122-260(e)(3), (4) and (5).
 - 7. The outdoor storage shall not exceed ten feet in height above the ground surface; however, during the public hearing process additional height can be approved if the applicant submits a plan showing how it will be screened from public view.
 - b. The B-4 outdoor storage requirements shall apply to all new uses with outdoor storage, any change of use when the new use is one that has outdoor storage, expansion of an existing use to include outdoor storage, and expansion of an existing area used for outdoor storage.
 - c. Outdoor storage shall only be allowed on individual business (single tenant) properties.
 - d. Outdoor storage on properties approved as shopping centers pursuant to article V, division 29 of this chapter shall be controlled by that section.

(Code 1961, ch. 22; Code 1985, § 7-1116(b), (c); Ord. No. 1885, § 2, 12-2-86; Ord. No. 2275, § 80, 5-5-92; Ord. No. 2419, § 10, 11-2-93; Ord. No. 2428, § 4, 12-7-93; Ord. No. 2453, § 3, 5-10-94; Ord. No. 2547, § 5, 8-15-95; Ord. No. 2630, § 5, 7-23-96; Ord. No. 2608, §§ 7, 8, 6-11-96; Ord. No. 2649, § 3, 9-27-96; Ord. No. 2718, § 1, 4-15-97; Ord. No. 2872, § 2, 8-11-98; Ord. No. 2887, § 1, 9-22-98; Ord. No. 4073, § 11, 8-21-01; Ord. No. 5125, § 3, 1-20-03; Ord. No. 5179, § 3, 7-8-03; Ord. No. 5182, § 1, 8-5-03; Ord. No. 2010-29, § 2, 2-16-10; Ord. No. 2014-45, § 2, 8-19-14; Ord. No. 2015-15, § 1, 3-17-15; Ord. No. 2017-31, § 1, 2-21-17; Ord. No. 2018-42, § 28, 9-25-18; Ord. No. 2021-34, § 1, 3-16-21)

Sec. 122-283. - Sale of used merchandise.

Sale of used merchandise shall be subject to the following:

- (1) The sale of antiques shall be permitted as accessory use to the sale of new items in B-1, B-1A, O-1 and OP zoning districts in a completely enclosed building at all times. No used merchandise items for sale shall be permitted in the B-1, B-1 A, O-1 and OP zoning districts.
- (2) The sale of used merchandise shall be permitted in the B-2, B-2A and M-1 zoning districts in a completely enclosed building at all times.
- (3) The sale of used merchandise (including temporary outdoor sales for some items) shall be permitted in the B-4, B-5, SC and M-2 zoning districts. The temporary outdoor sales shall include items such as clothing, shoes, handbags, coins, books, stationary and jewelry, but not furniture, yard equipment, office equipment, household appliances, sporting goods, food, swimming pool related items and adult use establishment items. The outside display items must be on a rack or shelf with wheels that are not interfering with the pedestrian sidewalk/walkway as well as meeting ADA requirements. An applicant will be required to get a one-time no fee permit from the city's growth management department identifying the type of items on display and the location of items. Temporary outdoor sales shall be located near a building and not in the required parking, open space, setbacks or buffers. Any temporary outdoor sales shall occur during the hours of operation of the business, up to a maximum of 12 hours.

(Code 1961, ch. 22; Code 1985, § 7-1116(d); Ord. No. 1885, § 2, 12-2-86; Ord. No. 2275, § 80, 5-5-92; Ord. No. 2419, § 10, 11-2-93; Ord. No. 2428, § 4, 12-7-93; Ord. No. 2453, § 3, 5-10-94; Ord. No. 2547, § 5, 8-15-95; Ord. No. 2630, § 5, 7-23-96; Ord. No. 2608, §§ 7, 8, 6-11-96; Ord. No. 2649, § 3, 9-27-96; Ord. No. 2718, § 1, 4-15-97; Ord. No. 2015-15, § 2, 3-17-15)

Sec. 122-284. - Reserved.

Editor's note— Ord. No. 2021-81, § 4, adopted Sept. 28, 2021, repealed § 122-284 entitled "Drive-through facilities," which derived from: Code 1961, ch. 22; Code 1985, § 7-1116(e); Ord. No. 1885, § 2, adopted Dec. 2, 1986; Ord. No. 2275, § 80, adopted May 5, 1992; Ord. No. 2419, § 10, adopted Nov. 2, 1993; Ord. No. 2428, § 4, adopted Dec. 7, 1993; Ord. No. 2453, § 3, adopted May 10, 1994; Ord. No. 2547, § 5, adopted Aug. 15, 1995; Ord. No. 2630, § 5, adopted July 23, 1996; Ord. No. 2608, §§ 7, 8, adopted June 11, 1996; Ord. No. 2649, § 3, adopted Sept. 27, 1996; Ord. No. 2718, § 1, adopted Apr. 15, 1997; and Ord. No. 2018-42, § 29, adopted Sept. 25, 2018.

Sec. 122-285. - Site plan review.

All multifamily, commercial and industrial uses allowed in any zoning district are subject to the applicable site plan review process in article IV of this chapter.

(Code 1961, ch. 22; Code 1985, § 7-1116(f); Ord. No. 1885, § 2, 12-2-86; Ord. No. 2275, § 80, 5-5-92; Ord. No. 2419, § 10, 11-2-93; Ord. No. 2428, § 4, 12-7-93; Ord. No. 2453, § 3, 5-10-94; Ord. No. 2547, § 5, 8-15-95; Ord. No. 2630, § 5, 7-23-96; Ord. No. 2608, §§ 7, 8, 6-11-96; Ord. No. 2649, § 3, 9-27-96; Ord. No. 2718, § 1, 4-15-97)

Sec. 122-286. - Lot requirements.

	A-1	R-1	R-1A	R-1AA	R-2	R-3	RZL	RBH	OH	RO	O-1	OP	B-1	B-1A	B-2	B-2A	FBC(8)	SC(9)	PD(10)	B-3C	B-4	B-5	M-1
FRONT YARD (Minimum feet):																							
Single-family dwelling unit	25	25	20	20	20	20	20	20	20	25	25		25	25	25	25				25	20	20	

Other residential dwelling units					20	20		20		25			25	25	25	25				25	25		
Nonresidential uses	25	25	20	20	20	20		20	20	25	25	25 (1)	0 (5)	0 (3)	0	0				0	0	0	0
INTERIOR SIDE YARD:																							
Single-family dwelling unit	8	10	8	8	8	8	10(6)	8	8	10	4		10	10	8	8				4	8	8	
Other residential dwelling units					8	8		8		10			10	10	8	8				4	8		
Nonresidential uses	20	20	8	8	8	8		8	8	10	4	4 (1)	0 (5)	0 (7)	0	0				0	0	0	0
STREET SIDE YARD:																							
Single-family dwelling unit	25	25	20	20	20	20	15	20	20	25	25		25	25	25	25				25	20	20	
Other residential dwelling units					20	20		20		25			25	25	25	25				25	25		
Nonresidential uses	25	25	20	20	20	20		20	20	25	25	25 (1)	0 (5)	0 (7)	0	0				0	0	0	0
INTERIOR REAR YARD:																							

Single-family dwelling unit	25	25	15	15	15	25	25(12)	25	25	25	20		25	25	25	25				10	15	15	
Other residential dwelling units					15	25		25		25			25	25	25	25				10	25		
Nonresidential uses	25	25	15	15	15	25		25	25	25	20	2 (1)	0 (2)	0 (2)	0	0				0	0	0	0
STREET REAR YARD:																							
Single-family dwelling unit	25	25	20	20	20	20	20	20	20	25	25		25	25	25	25				25	20	20	
Other residential dwelling units					20	20		20		25			25	25	25	25				25	25		
Nonresidential uses	25	25	20	20	20	20		20	20	25	25	25(1)	(2)	(2)	0	0				0	0	0	0
LOT WIDTH (Minimum feet):																							
Single-family dwelling unit	150	100(11)	80(11)	60(11)	70	75	45	0	100	100	100	100	75	100	75	75				100	70	70	
Other residential dwelling units					100	100		0		100		100	100	100	100	100				100	100		
Nonresidential uses	150	200	160	120	100	100		0	100	100	100	100	100	100	100	100				0	100	100	100

LOT AREA (Minimum-1,000's square feet):																							
Single-family dwelling unit	217.8	13.5	8	6	7	7.5	5	0		12.5	12.5	0	7.5	10	7.5	7.5				0	7	7	
Other residential dwelling units					10	10		0		12.5		0	10	10	10	7.5				0	10		
Nonresidential uses	44	27	20	12	10	10		0	30(3)	12.5	12.5	0	10	10	10	10				0	0	0	10
BUILDING COVERAGE (%)/FAR:																							
Single-family dwelling unit	25	35	40	40	40	35	50	N/A	35	30	35	40	35	35	35	35				0.5	40	40	
Other residential dwelling units					40	35		N/A		30	35	40	35	35	35	35				0.5	35		
Nonresidential uses	25	35	40	40	40	35		N/A	30	30	35	40	35	35	N/A	N/A				0.5	N/A	N/A	N/A
BUILDING HEIGHT (Maximum feet):	150	35	35	35	35	50	35(4)	35	35	35	35	60	35	35	50	50				35	60	60	60

Additional height may be allowed by special exception, per section 122-1182	
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Blank—Not permitted	N/A—Not applicable	(1) See section 122-545	(2) See subsection 122-585(4)	(3) See subsection 122-606(5)
0—No requirements	(4) Maximum two-story	(5) See subsection 122-585(5)	(6) See subsection 122-398(2)	(7) See subsection 122-606(4)
(8) See sections 122-961 and 122-962	(9) See chapter 122 , article V, division 29	(10) See chapter 122 , article V, division 30	(11) See subsection 122-314(1)	(12) See section 122-398
(13) See section 122-505				

(Code 1961, ch. 22; Code 1985, § 7-1118; Ord. No. 1832, § 16, 4-15-86; Ord. No. 1854, § 5, 6-17-86; Ord. No. 1903, §§ 9, 10, 2-3-87; Ord. No. 1970, § 4, 11-3-87; Ord. No. 2075, § 5, 11-7-89; Ord. No. 2275, § 82, 5-5-92; Ord. No. 2292, § 1, 9-1-92; Ord. No. 2631, § 4, 7-23-96; Ord. No. 4073, § 12, 8-21-01; Ord. No. 4086, § 1, 9-18-01; Ord. No. 5026, § 1, 2-19-02; Ord. No. 5041, § 1, 4-2-02; Ord. No. 5540, § 2, 6-27-06; Ord. No. 5872, § 2, 7-22-08; Ord. No. 2013-15, § 1(Exh. A), 1-22-13; Ord. No. 2016-37, § 2(Exh. A), 6-21-16; Ord. No. 2018-42, § 30, 9-25-18)

Sec. 122-287. - Table of permitted uses.

The following table identifies what uses are permitted without exception, permitted with conditions, and permitted by special exception in the various zoning districts. The uses are listed on the vertical axis and the zoning districts are listed on the horizontal axis. Any section number associated with a use refers to a location in this chapter that contains the conditions associated with the permitted use or special exception.

Symbols within cells have the following meaning:																			
Blank cell = Prohibited X = Permitted SE = Special Exception																			
X# = Permitted use with conditions SE# = Special exception with conditions																			
Use Category	Use Type	A-1	R-1	R-2	R-3	RZL	RBH	OH	MH	RO	O-1	OP	B-1	B-1A	B-2	B-2A	B-3C	B-4	B-5

RESIDENTIAL USES																				
Residential Operation	Bed and breakfast				X30		SE23/X30A	X30						X	X	X				
	Community residential home	X11C	X11A	X11B	X11C								X11C	X11C	X11D	X11D	X11C	X11D		
	Downtown residence, commercial																X			
	Fraternity or sorority house				SE51										X51	X51		X51		
	Home occupation	X18	X18	X18	X18	X18	X9 X18		X18											
	Residence-gallery	X		SE	SE	SE		X		X	X32	X3B	X	X	X	X		SE	SE	
	Residence-office	X		SE	SE	SE		X		X	X32	X3B	X	X	X	X		SE	SE	
	Rooming/boarding house				SE13										X	X	X	SE		
Residential Type	Mobile home								X											
	Multifamily dwellings				X1A		X1B					X1C X3B	SE1B	SE1A	SE1C	SE1C	X1D	SE1D	SE1D	
	Single-family dwelling	X	X	X	X	X	X		X	X	X	X	X3B	X	X	X	X	X	X21	X21
	Single-family (attached) dwelling unit				X48										X44	X44				
	Two-family dwelling			X	X		X				X			X	X	X	X	X	X	
RETAIL USES																				

General Retail	Auto supply store													X	X23	X	X	X	
	Bakery store										X	X	X	X	X	X	X	X	
	Building material sales																X	X31	
	Department store													X	X	X	X	X	
	Drugstore													X	X	X	X	X	
	Electronic cigarette/vaporizer store																X	X	
	Electronics store													X	X	X	X	X	
	Farmers' market	X															SE	X31	
	Flea market																		X31
	Furniture store													X	X	X	X	X	
	Garden and nursery sales	X35										SE22	SE22	X35	X35	X	X35	X35	
	Grocery store													X	X	X	X	X	
	Hardware store										X	X	X	X	X	X	X	X	
	Home decorating store										X	X	X	X	X	X	X	X	
	Home garden/hobby farm equipment sales																	SE52	X52
Manufactured mobile homes sales																		X31	
Model manufactured home center																	SE3		

Pawn shop																	X	X
Pharmacy									X3A X32 X40	X3B X40	X40		X40	X40	X40	X40	X40	X40
Playground equipment sales, outdoor																	X28	X28
RBH retail and services uses						X2												
Roadside fruit and vegetable sales	X										X15		X15				X15	X15
Specialty retail stores									X3A X32	X3B	X	X25	X	X	X	X	X	X
Swimming pool sales (enclosed)													X				X	X
Swimming pool sales (outdoor sales)																	SE20	X31
Used merchandise store													X39	X39	X39	X39	X39	X39
Videotape store											X	X	X	X	X	X	X	X

Vehicular Sales	Automobile rental sales																X	X	X	
	Automobile sales, new or used																	X	X	X
	Automotive specialty sales																	X	X	X
	Boat store																		SE9	X31
	Construction/farm equipment sales																			X31
	Recreational vehicle sales																			X31
	Truck rental and sales																		SE	X

SERVICE USES

Agricultural Use	Farm	X																	
	Farm, horse	X																	
	Horse racing facility	X																	
	Indoor greenhouse																		
	Indoor hemp facility																		
	Nursery farm	X																	
	Stable	X																	

	A-1	R-1	R-2	R-3	RZL	RBH	OH	MH	RO	0-1	OP	B-1	B-1A	B-2	B-2A	B-3C	B-4	B-5
Business Service Advertising service (on-site/off-site signs)																	SE	X
Construction service establishment																	X38	X
Day labor service establishment																SE46	SE46	X46
Equipment rental and leasing														X	X	X	X	X
General business service														X	X	X	X	X
Maintenance and cleaning service																X	X	X
Parking garage (or structure)										SE21	X			X	X	X	X	X
Parking lot	SE	SE	SE	SE		SE				SE21	X	X	X	X	X	X	X	X
Pest control service																X	X	X
Radio/TV broadcasting facility	X5A										X3B X5B			X	X	X5B	X	X
Security systems service														X		X	X	X

Eating or Drinking Establishment	Alcoholic beverage establishment (off-premises consumption)												X	X	X	X	X	X	X
	Alcoholic beverage establishment (on-premises consumption)									X3A X16 X32	X3B X16	X16 X16	X	X	X	X	X	X	
	Drive-in or drive-through restaurant													SE			X	X	
	Fast-food restaurant													X	X		X	X	
	Restaurant (enclosed)									X3A X32	X3B	X/ SE28	X/ SE28	X25	X25	X25	X25	X25	
Hospitality and Tourism	Antique gallery/art gallery/museum				SE					X3A X32	X3B	X	X	X	X	X	X	X	
	Conference center				X36									X	X	X	X		
	Hotel/convention center										X			X	X	X	X	X	
	Motel													X	X	X	X		

Office Use	Commercial photography (art and graphic design service)										X3B			X	X	X	X	X
	Computer maintenance and repair													X		X	X	X
	Financial institution									X32	X	SE	SE27	X	X	X	X	X
	Photocopying and duplicating services									X3A X32	X3B	X	X	X	X	X	X	X
	Photofinishing laboratory										X3B			X	X	X	X	X
	Prepackaged software services										X3B			X	X	X	X	X
	Print shop													X	X	X	X	X
	Professional and business office				SE		X8	X		X	X32	X	X	X	X	X	X	X

Personal Service	Bail bonds agency																	X	X	
	Check cashing establishment													X				X	X	
	Coin-operated laundry and dry cleaning										X	X	X	X	X	X	X	X	X	
	Emergency shelter													X	X	SE	X	X	X	
	Funeral home and/or crematory													X		X	X	X	X	
	Hairstyling shop									X53	X3A	X3B	X	X	X	X	X	X	X	X
	Kennel	SE																SE	X	
	Laundry and dry cleaning pickup establishment													X	X	X	X	X	X	
	Laundry and dry cleaning service													X	X	X	X	X	X	
	Major household repair establishment													X	X	X	X	X	X	
	Mini-warehouse (self-service storage facility)													X37				X37	X37	
	Minor household repair establishment											X	X	X	X	X	X	X	X	
	Recreational vehicle park													X45				X45		
Recycling collection point													X				X	X		

		A-1	R-1	R-2	R-3	RZL	RBH	OH	MH	RO	0-1	OP	B-1	B-1A	B-2	B-2A	B-3C	B-4	B-5
	Tattoo or body piercing establishment														X	X		X	X
Vehicular Service	Auto repair, minor														X	X		X	X
	Automobile cleaning/detailing services														X	X		X	X
	Drive-through facility (non-restaurant)										SE21	X3B	SE	SE	X25	X25	X25	X25	X25
	Full-service station												SE19		X17			X17	X17
	Repair garage																	SE	X
	Self-service station/convenience store													SE15	SE15	X22			X22

EDUCATION/RECREATION/SOCIAL USES

Adult Use Establishment	Adult use establishment																		X24
Community Service	Church/place of worship	SE5	SE5	SE5	SE5				SE5				X	X	X	X	SE5	X	
	Day care facility	SE18	SE18	SE18	SE18						SE18 SE21	X19	X19	X19	X19	X19	X19	X19	
	Library				SE				SE				X	X	X	X	X	X	
	Open pavilion engagement center																	SE26	SE26
	Private club				SE						SE21				X	X	X	X	X

Educational Use	Colleges/universities														X	X	X	X	
	Community education center														X	X	X	X	X
	Life skills center																		
	School, private elementary and secondary														X	X		X	
	School, public elementary and secondary																		
	Speech and language center/school										X32	X	X	X	X	X	X	X	
	Vocational professional school														X	X	X	X	X

Recreational Use	Bowling center														X	X		X	X	
	Commercial outdoor baseball batting facility														SE8			SE8	X	
	Commercial recreation, indoor														X	X	X	X	X	
	Commercial recreation, outdoor														SE16			SE16	X27	
	Dance/art/music studio											X	X	X	X	X	X	X	X	
	Drive-in theater																	X	X	
	Driving range														SE16			SE16	X27	
	Golf course	SE																SE	SE	
	Miniature golf														SE16			SE16	X27	
	Motion picture theaters (except drive-in)														X	X	X	X	X	
	Multipurpose facility																	X	X	X
	Physical fitness center										X3A X32	X3B	X	X	X	X	X	X	X	X
	Recreation facility, indoor	SE			SE										X	X	X	X	X	X
	Shooting range, indoor																		SE	SE
Temporary commercial amusement	SE11																	SE11	SE11	

PUBLIC USES

Public Use	Airport	SE																	
	Cemetery	SE																	
	Park/open space area	SE	SE	SE	SE	SE			SE		SE21	SE	SE	SE	SE	SE	SE	SE	SE
	Post office (federal)	SE									X3A X32	X3B	X	X	X	X	X	X	X
	Public transportation terminal	SE													SE		X	X	X

HEALTH CARE USES

Health Care Use	Assisted living facility			SE17	X20					X20 X32	X20			X20	X20	X20	X20		
	Community work release facility																	SE47	
	Hospital										SE								
	Medical and dental laboratory									X32	X			X	X	X	X	X	
	Medical and dental office on major and minor arterials								X	X32	X	X	X	X	X	X	X	X	
	Medical and dental office on local and collector streets								SE	X32	X	X	X	X	X	X	X	X	
	Neighborhood wellness center				SE24														
	Satellite Hospital Emergency Room																	X	X
	Transitional/recovery facility				SE17										X20	X20		X20	
	Transitional treatment facility														X43	X43		X43	
	Veterinarian office	X									X32	SE	X7	X7	X	X	X	X	X

INDUSTRIAL USES

High-Impact Industrial Use	Automobile wrecking yard																		
	Construction and demolition landfill																		
	CRA industrial uses (off-site expansion)																SE		
	Hazardous waste, bulk storage																		
	Industrial dry cleaning plant																		
	Manufacturing, heavy																		
	Materials recovery facility																		
	Outdoor manufacturing																		
	Recycling plant																		

X		<i>Permitted use.</i>
X1A		Subject to requirements of subsection <u>122-216(t)</u> .
X1B		Maximum of eight dwelling units per acre.
X1C		Maximum of 12 dwelling units per acre. Subject to requirements of subsection <u>122-216(t)</u> .
X1D		Maximum of 50 dwelling units per acre.
X2		RBH-3 retail and service uses in subsection <u>122-423(a)(3)</u> .
X3A		Accessory uses in the office (O-1) district shall be limited to ten percent of the square footage of a permitted office building.
X3B		Accessory uses in the office park (OP) district shall be limited to 20 percent of the square footage of a principal use or the site.
X4		Furniture store with a minimum of 10,000 square feet of warehouse space.
X5A		Radio and TV broadcasting facility, transmitters only.
X5B		Radio and TV broadcasting facility, without transmitters.
X6	<u>122-763</u> & <u>122-783</u>	Accessory use in M-1 and M-2 zoning districts meeting specified criteria.
X7		Veterinarian office, no overnight boarding.
X8		Professional and business office is not permitted in the RBH-1 district.
X9		Home occupation, RBH-1 only.
X10		No outdoor sales or storage.
X11A		Maximum of six unrelated residents per single-family residential dwelling.
X11B		Maximum of eight unrelated residents per single-family residential dwelling.
X11C		Maximum of 12 unrelated residents per single-family residential dwelling.

X11D		Maximum of 14 unrelated residents per single-family residential dwelling.
X12		Limited to six vehicles and in an enclosed building, excluding the common area.
X14		Single-family dwelling is permitted only as part of a church or school.
X15	122-1184	Produce shipping, packing and selling.
X16	122-1185	Alcoholic beverages.
X17	Art. IX, div. 3	Service stations.
X18	Art. IX, div. 4	Home occupations.
X19	Art. IX, div. 5	Day care facilities.
X20	122-1198	Assisted living facilities and transitional recovery facilities.
X21	122-1194	Single-family residences in general business (B-4) and wholesale business (B-5) districts.
X22	122-1196	Self-service gasoline stations.
X23	122-1197	New automobile parts and accessories.
X24	122-1200	Adult use establishments.
X25		A drive-through facility may be permitted as an accessory use.
X26	122-922	Criteria for drive-in or drive-through restaurants in a shopping center (SC).
X27	122-1208	Criteria for a driving range, miniature golf, pitch and putt facility, and commercial recreation, outdoor.
X28	122-1209	Criteria for playground equipment sales, outdoor.

X29	<u>122-918(a)(3)</u>	Criteria for a hotel/convention center in the SC zoning district.
X30	<u>122-1211</u>	Criteria for bed and breakfast.
X30A	<u>122-1211</u>	Bed and breakfast as a permitted use in the RBH zoning district with a medium or high density residential land use classification.
X31	<u>122-1205</u>	Outdoor sales criteria.
X32	<u>122-526(2)</u>	Architectural review.
X33	<u>122-763(6)</u>	Restaurant as a permitted accessory use only.
X34	<u>122-783(3)</u>	Restaurant as a permitted accessory use only.
X35	<u>122-1212</u>	Garden and nursery sales.
X36	<u>122-1213</u>	Conference center.
X37	<u>122-1214</u>	Mini-warehouse (self-service storage facility/neighborhood storage center).
X38	<u>122-722</u>	Limitations on uses in the B-4 zoning district.
X39	<u>122-283</u>	Sale of used merchandise.
X40	<u>122-1227</u>	Pharmacy requirements.
X41	<u>122-1228</u>	Indoor greenhouse criteria.
X42	<u>122-1229</u>	Indoor hemp facility.
X43	<u>122-1207</u>	Transitional treatment facility.
X44	<u>122-631</u>	Single-family residential (attached).

X45	122-1218	Recreational vehicle park criteria.
X46	122-1215	Day labor service establishment criteria.
X48	122-357	Single-family (attached) dwelling unit criteria.
X50	122-1224	Construction and demolition landfill criteria.
X51	122-1219	Fraternity or sorority house.
X52	122-1220	Home garden/hobby farm equipment sales.
X53	122-373	Hairstyling shop (limited to three stations).
X54	122-910	Multi-family dwellings in a SC zoning district.
X55	122-1225	Materials recovery facility criteria.
<i>SE</i>		
<i>Special exception</i>		
SE1A		Maximum of ten dwelling units per acre. Subject to requirements of subsection 122-216(t) .
SE1B		Maximum of 12 dwelling units per acre. Subject to requirements of subsection 122-216(t) .
SE1C		Maximum of 20 dwelling units per acre. Subject to requirements of subsection 122-216(t) .
SE1D		Maximum of 30 dwelling units per acre. Subject to requirements of subsection 122-216(t) .
SE2		Funeral home without a crematory.
SE3	122-1183	Model manufactured home centers.
SE4		
SE5	122-1195	Church/place of worship.
SE6		

SE7	122-1190	Assembly of electronic components.
SE8	122-1202	Commercial outdoor baseball batting facility.
SE9	122-1205	Outdoor sales criteria.
SE10	122-1204	Recycling plant criteria.
SE11	122-1201	Temporary commercial amusement.
SE12		
SE13	122-1210	Criteria for a rooming/boarding house.
SE15	122-1196	Self-service gasoline stations.
SE16	122-1208	Criteria for a driving range, miniature golf, pitch and putt facility, and commercial recreation, outdoor.
SE17	122-1198	Assisted living facilities and transitional recovery facilities.
SE18	Art. IX, div. 5	Day care facilities.
SE19	Art. IX, div. 3	Service stations.
SE20	122-1206	Outdoor sales of swimming pools, spas and hot tubs in B-4 district.
SE21	122-526(2)	Architectural review.
SE22	122-1212	Garden and nursery sales.
SE23	122-1211	Bed and breakfast as a special exception in the residential business historic (RBH) zoning district with a low density residential land use classification.
SE24	122-1222	Neighborhood wellness center criteria in the R-3 district.
SE25	122-1189	Low impact manufacturing.

SE26	122-1226	Open pavilion engagement center criteria.
SE27	122-606	Subject to B-1A limitations on uses.
SE28	122-584 & 122-605	A drive-through window may be permitted as an accessory to a restaurant (enclosed).
SE31	122-1205	Outdoor sales criteria.
SE46	122-1215	Day labor service establishment criteria.
SE47	122-1216	Community work release facility.
SE51	122-1219	Fraternity or sorority house.
SE52	122-1220	Home garden/hobby farm equipment sales.

(Code 1961, ch. 22; Ord. No. 1589, § 1, 8-2-83; Ord. No. 1602, § 1, 10-12-83; Ord. No. 1616, § 2, 12-13-83; Ord. No. 1639, § 1, 3-20-84; Ord. No. 1648, § 1, 4-17-84; Ord. No. 1663, § 1, 5-15-84; Ord. No. 1718, § 1, 12-4-84; Code 1985, § 7-1119; Ord. No. 1804, § 1, 11-19-85; Ord. No. 1827, § 1, 2-4-86; Ord. No. 1832, §§ 17, 18, 4-15-86; Ord. No. 1854, § 6, 6-17-86; Ord. No. 1870, § 3, 9-2-86; Ord. No. 1880, §§ 2—4, 11-4-86; Ord. No. 1881, § 1, 11-4-86; Ord. No. 1903, §§ 11, 12, 2-3-87; Ord. No. 1947, § 5, 8-18-87; Ord. No. 1970, § 5, 11-3-87; Ord. No. 2042, §§ 2—14, 11-15-88; Ord. No. 2081, § 1, 5-16-89; Ord. No. 2075, § 6, 11-7-89; Ord. No. 2154, § 7, 5-8-90; Ord. No. 2206, §§ 2—4, 3-5-91; Ord. No. 2216, § 2, 6-4-91; Ord. No. 2226, § 1, 8-6-91; Ord. No. 2261, § 2, 2-4-92; Ord. No. 2275, § 84, 5-5-92; Ord. No. 2309, § 4, 10-6-92; Ord. No. 2317, § 4, 11-17-92; Ord. No. 2344, § 5, 1-5-93; Ord. No. 2401, § 7, 9-7-93; Ord. No. 2513, § 5, 3-21-95; Ord. No. 2522, § 4, 6-6-95; Ord. No. 2533, § 1, 7-11-95; Ord. No. 2547, §§ 7, 8, 8-15-95; Ord. No. 2631, §§ 5, 6, 7-23-96; Ord. No. 2608, §§ 10—12, 6-11-96; Ord. No. 2659, § 5, 10-22-96; Ord. No. 2730, §§ 14, 15, 6-3-97; Ord. No. 2751, §§ 43—45, 8-19-97; Ord. No. 2753, §§ 31, 32, 8-19-97; Ord. No. 2801, §§ 10, 11, 12-9-97; Ord. No. 2817, § 2, 2-10-98; Ord. No. 2849, §§ 3, 4, 6-9-98; Ord. No. 2872, § 3, 8-11-98; Ord. No. 2887, §§ 2, 3, 9-22-98; Ord. No. 2911, §§ 3—5, 12-9-98; Ord. No. 2959, § 2, 6-15-99; Ord. No. 2960, §§ 3—5, 6-15-99; Ord. No. 3025, §§ 1, 2, 2-8-00; Ord. No. 3048, §§ 2, 3, 4-18-00; Ord. No. 4051, §§ 1, 2, 6-12-01; Ord. No. 4053, § 1, 6-5-01; Ord. No. 4066, § 2, 3, 7-24-01; Ord. No. 4067, §§ 1, 2, 7-24-01; Ord. No. 4073, §§ 13, 14, 8-21-01; Ord. No. 5003, § 2, 11-27-01; Ord. No. 5009, §§ 1, 2, 12-11-01; Ord. No. 5043, §§ 5—8, 4-9-02; Ord. No. 5125, § 4, 1-20-03; Ord. No. 5179, §§ 4, 5, 7-8-03; Ord. No. 5182, §§ 2, 3, 8-5-03; Ord. No. 5217, §§ 2, 3, 2-17-04; Ord. No. 5299, §§ 2, 3, 6-8-04; Ord. No. 5406, § 5(Exh. A), 7-12-05; Ord. No. 5419, §§ 3, 4, 8-3-05; Ord. No. 5540, §§ 3, 4, 6-27-06; Ord. No. 5550, §§ 3, 4, 8-8-06; Ord. No. 5846, §§ 2, 3, 4-25-08; Ord. No. 5870, §§ 2, 3, 7-22-08; Ord. No. 5871, §§ 2, 3, 7-22-08; Ord. No. 5872, §§ 3, 4, 7-22-08; Ord. No. 5975, §§ 1, 2, 4-21-09; Ord. No. 5974, § 1, 12-23-09; Ord. No. 2010-22, §§ 1, 2, 12-23-09; Ord. No. 2011-73, § 2, 8-16-11; Ord. No. 2012-19, § 1, 2-21-12; Ord. No. 2012-27, § 1, 5-15-12; Ord. No. 2012-43, § 3, 8-21-12; Ord. No. 2013-9, §§ 2, 3, 1-22-13; Ord. No. 2013-10, §§ 6, 7, 1-22-13; Ord. No. 2014-32, § 3, 6-3-14; Ord. No. 2014-51, §§ 1, 2, 9-16-14; Ord. No. 2015-1, § 1, 10-21-14; Ord. No. 2015-15, §§ 3, 4, 3-17-15; Ord. No. 2015-36, § 1, 6-2-15; Ord. No. 2015-37, §§ 1, 2, 6-2-15; Ord. No. 2015-51, §§ 2, 3, 7-21-15; Ord. No. 2016-18, §§ 2, 3, 2-16-16; Ord. No. 2017-33, §§ 2, 3, 3-7-17; Ord. No. 2018-1, §§ 2, 3, 10-17-17; Ord. No. 2018-2, §§ 1, 2, 10-17-17; Ord. No. 2018-16, § 2, 11-21-17; Ord. No. 2018-42, § 31, 9-25-18; [Ord. No. 2020-9](#), § 2, 12-17-19; [Ord. No. 2020-10](#), §§ 3, 4, 12-17-19; [Ord. No. 2020-20](#), §§ 2, 3, 2-18-20; [Ord. No. 2020-21](#), § 1, 2-18-20; [Ord. No. 2020-56](#), §§ 1, 2, 9-15-20; [Ord. No. 2021-7](#), §§ 4, 5, 1-19-21; Ord. No. [2021-33](#), §§ 2—4, 3-16-21; Ord. No. [2021-50](#), §§ 4, 5, 5-18-21; Ord. No. [2021-65](#), §§ 3, 4, 8-17-21; Ord. No. [2021-81](#), § 5, 9-28-21; Ord. No. [2022-31](#), §§ 1, 2, 4-19-22; Ord. No. [2022-32](#), § 3, 4-19-22; Ord. No. [2022-72](#), §§ 4, 5, 8-16-22)

Editor's note— Ord. No. 2018-42, § 32, adopted September 25, 2018, repealed § 122-288, which pertained to CRA table of permitted uses and derived from the 1985 Code; Ord. No. 2275, adopted May 5, 1992; Ord. No. 2401, adopted September 7, 1993; Ord. No. 2402, adopted September 7, 1993; Ord. No. 2403, adopted September 7, 1993; Ord. No. 2419, adopted November 2, 1993; Ord. No. 2428, adopted December 7, 1993; Ord. No. 2533, adopted July 11, 1995; Ord. No. 2730, adopted June 3, 1997; Ord. No. 2753, adopted August 19, 1997; Ord. No. 2801, adopted December 9, 1997; Ord. No. 2959, adopted June 15, 1999; Ord. No. 5003, adopted November 27, 2001; Ord. No. 5043, adopted April 9, 2002; Ord. No. 5389, adopted May 10, 2005; Ord. No. 5419, adopted August 3, 2005; Ord. No. 5952, adopted March 3, 2009; Ord. No. 2017-33, adopted March 7, 2017; and Ord. No. 2018-2, adopted October 17, 2017.

Sec. 122-289. - Presence of dogs in outdoor portions of public food establishments.

- (a) *State and Local Regulations.* Unless otherwise provided for in this chapter, in this code, or in any specific ordinance, the regulation of all public food service establishments shall be by state law, rule, or regulation. No ordinance of the city is intended to be in conflict with any state statute, rule, or regulation.
- (b) Public food service establishments desiring to allow patrons' dogs to sit next to such patrons in the outdoor portion of such eating establishments may apply to, and receive a permit, from the planning director.
- (c) Applicants shall provide, on a form developed by the building department, such information as is deemed reasonably necessary to enforce the provisions of this section, but which shall require, at a minimum, the following information:
 - (1) The name, location, and mailing address of the public food service establishment.
 - (2) The name, mailing address, and telephone contact information of the permit applicant.
 - (3) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
 - (4) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
- (d) All public food service establishments receiving a permit under this section shall meet the following requirements, in addition to those requirements otherwise provided by law:
 - (1) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
 - (2) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
 - (3) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
 - (4) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
 - (5) Dogs shall not be allowed on chairs, tables, or other furnishings.
 - (6) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
 - (7) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
 - (8) A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.
 - (9) A sign or signs reminding patrons of the applicable rules shall be posted on-premises in a manner and place as determined by the local permitting authority.

- (10) A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.
- (11) Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.
- (e) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service or eating establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.
- (f) Allowing a dog in any outdoor portion of a public food service establishment, except when otherwise authorized by law or this chapter, or the failure to comply with any portion of this chapter, is a violation of this section and shall be referred to the code enforcement board or the special magistrate.

(Ord. No. 2010-68, § 1, 9-21-10; Ord. No. 2012-34, § 1, 6-19-12; Ord. No. 2022-5, § 1, 11-16-21)

Secs. 122-290—122-310. - Reserved.

DIVISION 3. - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Footnotes:

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Editor's note— Ord. No. 5406, § 6, adopted July 12, 2005, repealed and reenacted art. V, div. 3, in its entirety to read as herein set out. Formerly, said division pertained to the R-1, R-1A and R-1AA districts as enacted by Code 1961, § 22-11(1); as amended. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 122-311. - Intent and purpose.

The single-family residential (R-1, R-1A, R-1AA) districts are intended to preserve established single-family neighborhoods and to provide for new areas of low and moderate density single-family development.

(Ord. No. 5406, § 6, 7-12-05)

Sec. 122-312. - Permitted uses.

The following uses are permitted in the single-family residential (R-1, R-1A, R-1AA) districts:

(1) *Residential uses:*

a. *Residential operation:*

1. Community residential home, maximum of six unrelated residents per single-family residential dwelling.
2. Home occupation (reference article IX, division 4 of this chapter).

b. *Residential type:* Single-family dwelling.

(2) *Retail uses:* None permitted.

(3) *Service uses:* None permitted.

(4) *Education/recreation/social uses:* None permitted.

(5)

Public uses: None permitted.

(6) *Health care uses:* None permitted.

(7) *Industrial uses:* None permitted.

(Ord. No. 5406, § 6, 7-12-05; Ord. No. 2021-81, § 6, 9-28-21)

Sec. 122-313. - Special exceptions.

The following uses are permitted by special exception in the R-1, R-1A, R-1AA districts:

(1) *Residential uses:* None permitted.

(2) *Retail uses:* None permitted.

(3) *Service uses:* Parking lot.

(4) *Education/recreation/social uses:*

a. *Adult use establishment:* None permitted.

b. *Community service:*

1. Church/place of worship (reference section 122-1195).

2. Day care facility (reference article IX, division 5 of this chapter).

c. *Educational use:* None permitted.

d. *Recreational use:* None permitted.

(5) *Public uses:* Park/open space area.

(6) *Health care uses:* None permitted.

(7) *Industrial uses:* None permitted.

(Ord. No. 5406, § 6, 7-12-05; Ord. No. 2021-81, § 7, 9-28-21)

Sec. 122-314. - Lot and buffer requirements.

(1) *Lot requirements.* Each plot shall conform to the requirements of section 122-286, except that the building official may approve one single-family home based on either of the following:

a. A plot existing as of January 1, 2012 that has at least 50 feet of frontage and the required amount of lot area for the applicable zoning district, or

b. A plot existing as of January 1, 2012 in a locally designated historic district that has at least 25 feet of frontage and the required amount of lot area for the applicable zoning district.

(2) *Buffers.* Property abutting less intensive uses shall be landscaped as set forth in section 122-260 and approved in the site plan review process to reduce site and noise intrusion.

(3) *Drainage retention areas.* No drainage retention area exceeding 2½ feet in depth at a 3:1 slope shall be permitted in the front yard.

(Ord. No. 5406, § 6, 7-12-05; Ord. No. 2013-15, § 2, 1-22-13)

Sec. 122-315. - Parking requirements.

Off-street parking requirements for the single-family residential (R-1) district shall be governed by article VI of this chapter.

(Ord. No. 5406, § 6, 7-12-05)

Secs. 122-316—122-330. - Reserved.

DIVISION 4. - R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Footnotes:

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Editor's note— Ord. No. 5406, § 7, adopted July 12, 2005, repealed and reenacted art. V, div. 4, in its entirety to read as herein set out. Formerly, said division pertained to the R-2 district as enacted by Code 1961, § 22-11(2); as amended. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 122-331. - Intent and purpose.

The two-family residential (R-2) district is intended to be of similar residential character to the single-family districts, but also permits two-family dwellings and two dwellings on one lot.

(Ord. No. 5406, § 7, 7-12-05)

Sec. 122-332. - Permitted uses.

The following uses are permitted in the two-family residential (R-2) district.

(1) *Residential uses:*

a. *Residential operation:*

1. Community residential home, maximum of eight unrelated residents per single-family residential dwelling.
2. Home occupation (reference article IX, division 4 of this chapter).

b. *Residential type:*

1. Single-family dwelling.
2. Two-family dwelling.

(2) *Retail uses:* None permitted.

(3) *Service uses:* None permitted.

(4) *Education/recreation/social uses:* None permitted.

(5) *Public uses:* None permitted.

(6) *Health care uses:* None permitted.

(7) *Industrial uses:* None permitted.

(Ord. No. 5406, § 7, 7-12-05; Ord. No. 2021-81, § 8, 9-28-21)

Sec. 122-333. - Special exceptions.

The following uses are permitted by special exception in the two-family residential (R-2) district.

(1) *Residential uses:*

a. *Residential operation:*

1. Residence—Gallery.
2. Residence—Office.
- b. *Residential type*: None Permitted.
- (2) *Retail uses*: None permitted.
- (3) *Service uses*: Parking lot.
- (4) *Education/recreation/social uses*:
 - a. *Adult use establishment*: None permitted.
 - b. *Community service*:
 1. Church/place of worship (reference [section 122-1195](#)).
 2. Day care facility (reference article IX, division 5 of this chapter).
 - c. *Educational use*: None permitted.
 - d. *Recreational use*: None permitted.
- (5) *Public uses*: Park/open space area.
- (6) *Health care uses*: Assisted living facility (reference [section 122-1198](#)).
- (7) *Industrial uses*: None permitted.

(Ord. No. 5406, § 7, 7-12-05; Ord. No. [2021-81](#), § 9, 9-28-21)

Sec. 122-334. - Lot and buffer requirements.

- (1) *Lot requirements*. Each plot shall conform to the requirements of [section 122-286](#).
- (2) *Buffers*. Property abutting less intensive uses shall be landscaped as set forth in [section 122-260](#) and approved in the site plan review process to reduce site and noise intrusion.
- (3) *Drainage retention areas*. No drainage retention area exceeding 2½ feet in depth or with a 3:1 slope shall be permitted in the front yard.

(Ord. No. 5406, § 7, 7-12-05)

Sec. 122-335. - Parking requirements.

Off-street parking requirements for the two-family residential (R-2) district shall be governed by article VI of this chapter.

(Ord. No. 5406, § 7, 7-12-05)

Secs. 122-336—122-350. - Reserved.

DIVISION 5. - R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

Footnotes:

--- (6) ---

Editor's note— Ord. No. 5406, § 8, adopted July 12, 2005, repealed and reenacted art. V, div. 5, in its entirety to read as herein set out. Formerly, said division pertained to the R-3 multifamily residential district as enacted by Code 1961, § 22-11(3); as amended. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 122-351. - Intent and purpose.

The multi-family residential (R-3) district is intended to be a multi-family area, including higher residential densities in accordance with the comprehensive plan. This district shall allow single-family, two-family and multi-family dwellings, residence-offices and residence-galleries. Professional and business offices that are of compatible scale and intensity may be allowed as special exceptions by the board of adjustment.

(Ord. No. 5406, § 8, 7-12-05)

Sec. 122-352. - Permitted uses.

The following uses are permitted in the multi-family residential (R-3) district.

(1) *Residential uses:*a. *Residential operation:*

1. Bed and breakfast (reference section 122-1211).
2. Community residential home, maximum of twelve unrelated residents per single-family residential dwelling.
3. Home occupation (reference article IX, division 4 of this chapter).

b. *Residential type:*

1. Multi-family dwelling (subject to architectural review requirements in subsection 122-216(t)).
2. Single-family dwelling.
3. Single-family (attached) dwelling unit (reference section 122-357).
4. Two-family dwelling.

(2) *Retail uses:* None permitted.(3) *Service uses:* Conference center (reference section 122-1213).(4) *Education/recreation/social uses:* None permitted.(5) *Public uses:* None permitted.(6) *Health care uses:* Assisted living facility (reference section 122-1198).(7) *Industrial uses:* None permitted.

(Ord. No. 5406, § 8, 7-12-05; Ord. No. 5540, § 5, 6-27-06; Ord. No. 5846, § 4, 4-25-08; Ord. No. 5872, § 5, 7-22-08; Ord. No. 2021-81, § 10, 9-28-21)

Sec. 122-353. - Special exceptions.

The following uses are permitted by special exception in the multi-family residential (R-3) district.

(1) *Residential uses:*a. *Residential operation:*

1. Fraternity or sorority house (reference section 122-1219).
2. Residence—Gallery.

- 3. Residence—Office.
- 4. Rooming/boarding house (reference [section 122-1210](#)).
- b. *Residential type*: None permitted
- (2) *Retail uses*: None permitted.
- (3) *Service uses*:
 - a. *Agricultural use*: None permitted.
 - b. *Business service*: Parking lot.
 - c. *Eating and drinking establishment*: None permitted.
 - d. *Hospitality and tourism*: Antique gallery/art gallery/museum.
 - e. *Office use*: Professional and business office.
 - f. *Personal service*: None permitted.
 - g. *Vehicular service*: None permitted.
- (4) *Education/recreation/social uses*:
 - a. *Adult use establishment*: None permitted.
 - b. *Community service*:
 - 1. Church/place of worship (reference [section 122-1195](#)).
 - 2. Day care facility (reference article IX, division 5 of this chapter).
 - 3. Private club.
 - c. *Educational use*: None permitted.
 - d. *Recreational use*: Recreation facility, indoor.
- (5) *Public uses*: Park/open space area.
- (6) *Health care uses*:
 - a. *Health care use*:
 - 1. Neighborhood Wellness Center (reference [section 122-1222](#)).
 - 2. Transitional recovery facility (reference [section 122-1198](#)).

(7) *Industrial uses*: None permitted.

(Ord. No. 5406, § 8, 7-12-05; Ord. No. 5846, § 5, 4-25-08; Ord. No. 2013-9, § 4, 1-22-13; Ord. No. [2021-81](#), § 11, 9-28-21)

Sec. 122-354. - Lot and buffer requirements.

- (1) *Lot requirements*. Each plot shall conform to the requirements of [section 122-286](#) or [section 122-357](#) regarding single-family (attached) development.
- (2) *Buffers*. Property abutting less intensive uses shall be landscaped as set forth in [section 122-260](#) and approved in the site plan review process to reduce site and noise intrusion.
- (3) *Drainage retention areas*. No drainage retention area exceeding 2½ feet in depth or with a 3:1 slope shall be permitted in the front yard.

(Ord. No. 5406, § 8, 7-12-05; Ord. No. 5872, § 6, 7-22-08)

Sec. 122-355. - Parking requirements.

Off-street parking requirements for the multi-family residential (R-3) district shall be governed by article VI of this chapter.

(Ord. No. 5406, § 8, 7-12-05)

Sec. 122-356. - Site plan.

Site plans shall be required for development in the multi-family residential (R-3) district as per article IV of this chapter.

(Ord. No. 5406, § 8, 7-12-05)

Sec. 122-357. - Single-family (attached) dwelling unit criteria.

- (a) The single-family (attached) dwelling unit in the R-3 zoning district is intended to promote homeownership on smaller infill lots with city services. All development will be required to submit a site plan with a developer's agreement. All development must be compatible in terms of design, scale and size with the surrounding residential neighborhood.
- (b) A single-family (attached) dwelling development shall be a permitted use in the R-3 zoning district subject to the following:
 - (1) A development under this section must be less than ten acres.
 - (2) A development under this section must comply with size requirements for rezoning per subsection 122-133(b).
 - (3) A development must have access to city water and sewer.
 - (4) As part of the process, a site plan with a developer's agreement will be required to address site and off-site conditions. The site plan shall follow the process and requirements as identified in chapter 122, article IV. The site plan and developer's agreement shall be approved at the same time as the rezoning to R-3, if rezoning is needed.
 - (5) The site plan, with the developer's agreement, shall be submitted for a recommendation from the planning and zoning commission in a public hearing, and to city council for approval. The notice requirements for the public hearing process shall be consistent with section 122-132. Prior to the public hearings with the planning and zoning commission and city council, the applicant at their cost, will be required to hold a neighborhood meeting.
 - (6) All lots and common areas must be either a fee simple plat or condominium plat.
 - (7) A fee simple plat shall follow the subdivision process and requirements identified in chapter 114 of the Code of Ordinances.
 - (8) The developer's agreement shall include, but not be limited to the following: lot sizes, setbacks, buffers, landscaping, open space, tree preservation, signage, drainage, access, traffic, services/utilities, type/size/height/design of units, price range, legal description, boundary survey, maintenance agreement, statement of unified control, ownership and deed requirements, parking, density, and timeframes/phasing.
 - (9) All projects must be developed under unified control and remain as single-family dwelling units as stated in the required ownership and deed restrictions. The deed restrictions will be required as an exhibit to the recorded developer's agreement and approved by the city attorney.
 - (10) All agreements, restrictions and improvements related to the development shall run with the land and be binding upon the developer and all successors.
 - (11) Architectural approval by the city shall be included in the developer's agreement to ensure that the proposed development is consistent with the design, scale and size of the surrounding residential units.
 - (12) As part of any development, at least two of the units must be attached on one side by a common wall separating units or units to yards, and may include detached single-family units that are accessory to the number of attached units. All detached single-family units must be compatible with the size, scale and design of the attached units.
 - (13) Lot sizes, setbacks, yards, frontage requirements and density shall be established as part of the site plan and developer's agreement. All units must be a minimum of eight feet from any adjoining property. The maximum number of units per development shall be based on multi-family density as defined in the comprehensive plan.
 - (14) The height requirements must comply with section 122-286 concerning the R-I zoning district.

- (15) A tree survey of all trees, eight inches or more in diameter at a designated breast height (DBH), shall be provided. The site plan shall identify the trees to be saved and removed. The applicant will be required to save as many indigenous and viable trees as possible especially along property lines adjacent to residential uses.
 - (16) A master landscape plan shall be required to address common areas and new trees being planted. The number, type and size of the new trees will be determined during the site plan process.
 - (17) All utilities inside the development will be required to be underground.
 - (18) Parking requirements: one and one-half spaces per unit. Additional spaces may be required for amenities.
 - (19) Signage may be allowed up to one freestanding sign structure per development not exceeding 12 square feet. The sign shall be approved as part of the developer's agreement and shall not include any internal illumination or animation.
 - (20) Any substantial changes to the approved site plan and developer's agreement will require a new public hearing before the planning and zoning commission and city council.
- (c) A single-family (attached) dwelling development shall be a permitted use in the R-3 zoning district in a local historic district subject to the following:
- (1) A development under this section must be less than five acres.
 - (2) A development under this section must comply with size requirements for rezoning per subsection 122-133(e).
 - (3) A development must have access to city water and sewer.
 - (4) As part of the process, a developer's agreement and a site plan will be required to address site and off-site conditions. The site plan shall follow the process and requirements as identified in chapter 122, article IV.
 - (5) A site plan shall be submitted for a recommendation from the Ocala Historic Preservation Advisory Board.
 - (6) All lots and common areas must be either a fee simple plat or condominium plat.
 - (7) A fee simple plat shall follow the subdivision process and requirements identified in chapter 114 of the Code of Ordinances.
 - (8) A site plan shall include, but not be limited to the following: lot sizes, setbacks, buffers, landscaping, open space, tree preservation, signage, drainage, access, traffic, services/utilities, type/size/height/design of units, price range, legal description, boundary survey, maintenance agreement, statement of unified control, ownership and deed requirements, parking, density, and timeframes/phasing.
 - (9) All projects must be developed under unified control and remain as single-family dwelling units as stated in the required ownership and deed restrictions. The deed restrictions will be required as an exhibit to the recorded developer's agreement and approved by the city attorney.
 - (10) All agreements, restrictions and improvements related to the development shall run with the land and be binding upon the developer and all successors.
 - (11) Architectural approval by the city shall be included as part of the site plan to ensure that the proposed development is consistent with the design, scale and size of the surrounding residential units.
 - (12) As part of any development, at least two of the units must be attached on one side by a common wall separating units or units to yards, and may include detached single-family units that are accessory to the number of attached units. All detached single-family units must be compatible with the size, scale and design of the attached units.
 - (13) Lot sizes, setbacks, yards, frontage requirements and density shall be established as part of the site plan and/or the developer's agreement. All units must be a minimum of eight feet from any adjoining property. The maximum number of units per development shall be based on multi-family density as defined in the comprehensive plan.
 - (14) Height requirements must comply with section 122-286 concerning the R-I zoning district.
 - (15) A master landscape plan shall be required to address common areas and new trees being planted. The number, type and size of the new trees will be determined during the site plan process.
 - (16) All utilities inside the development will be required to be underground.
 - (17) Parking requirements: one and one-half spaces per unit. Additional spaces may be required for amenities.

(18) Signage may be allowed up to one freestanding sign structure per development not exceeding 12 square feet. The sign shall be approved as part of the developer's agreement and shall not include any internal illumination or animation.

(19) Any substantial changes to the approved site plan will require approval by OHPAB.

(Ord. No. 5872, § 7, 7-22-08; Ord. No. 2013-10, § 8, 1-22-13; Ord. No. 2015-23, § 1, 4-21-15; Ord. No. 2018-26, § 2, 5-1-18)

Secs. 122-358—122-370. - Reserved.

DIVISION 6. - RO RESIDENTIAL-OFFICE DISTRICT

Sec. 122-371. - Intent and purpose.

The residential-office (RO) district is intended primarily for professional and business office uses that are not incompatible with adjacent residential zones. This district shall allow one- and two-family dwellings and professional and business offices. Development shall be subject to the limitations of section 122-375; however, overnight parking of business vehicles shall be restricted to automobiles and trucks of three-fourths ton or less.

(Code 1961, § 22-11(4); Code 1985, § 7-709; Ord. No. 1832, § 3, 4-15-86)

Sec. 122-372. - General provisions.

The residential office (RO) district is intended primarily for professional and business offices that are not incompatible with single-family development. The office uses in this district shall have relatively low-volume traffic. This district is not to be deemed a commercial district.

(Code 1961, § 22-8C(a); Code 1985, § 7-831; Ord. No. 1832, § 6, 4-15-86)

Sec. 122-373. - Permitted principal uses.

The following uses are permitted without exception in the residential office (RO) district:

(1) *Residential uses:*

a. *Residential operation:*

1. Residence—Gallery.
2. Residence—Office.

b. *Residential type:*

1. Single-family dwelling.
2. Two-family dwelling.

(2) *Retail uses:* None permitted.

(3) *Service uses:*

- a. *Agricultural use:* None permitted.
- b. *Business service:* None permitted.
- c. *Eating or drinking establishment:* None permitted.

- d. *Hospitality and tourism*: None permitted.
- e. *Office Use*: Professional and business offices.
- f. *Personal service*: Hairstyling shop (limited to three stations).
- g. *Vehicular service*: None permitted.

- (4) *Education/recreation/social uses*: None permitted.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*: Medical and dental offices on minor and major arterials.
- (7) *Industrial uses*: None permitted.

(Code 1961, § 22-8C(b); Code 1985, § 7-832(a); Ord. No. 1832, § 7, 4-15-86; Ord. No. 2275, § 37, 5-5-92; Ord. No. 5406, § 9, 7-12-05; Ord. No. 2010-22, § 3, 12-23-09; Ord. No. 2021-81, § 12, 9-28-21)

Sec. 122-374. - Special exceptions.

The following uses are permitted by special exception in the RO district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: None permitted.
- (3) *Service uses*: None permitted.
- (4) *Education/recreation/social uses*: None permitted.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*: Medical and dental offices on local and collector streets.
- (7) *Industrial uses*: None permitted.

(Code 1961, § 22-8C(b); Code 1985, § 7-832(b); Ord. No. 1832, § 7, 4-15-86; Ord. No. 2275, § 37, 5-5-92; Ord. No. 2021-81, § 13, 9-28-21)

Sec. 122-375. - Limitations on uses.

All permitted uses in the residential office (RO) district shall be limited by the following:

- (1) No retail sales, display or storage of merchandise shall be permitted, unless it is clearly customary and incidental to the main use.
- (2) No vehicles other than passenger automobiles or trucks of not more than three-fourths-ton capacity shall be used.
- (3) No manufacture, repair or work of a mechanical nature of any kind shall be permitted, and no machinery shall be used other than normal office equipment such as typewriters, calculators, computers and bookkeeping machines (unless otherwise permitted).
- (4) No parking shall be permitted in the front yard, except as provided in section 122-1241(c).
- (5) All development is subject to architectural review requirements in section 122-216(t)(2).

(Code 1985, § 7-833; Ord. No. 1832, § 8, 4-15-86; Ord. No. 5406, § 10, 7-12-05)

Sec. 122-376. - Lot and buffer requirements; building height.

The following lot requirements shall apply to the residential office (RO) district:

- (1) *Lot requirements*. Each plot shall conform to the requirements of section 122-286.

(2) *Buffers*. Property abutting other residential uses shall be landscaped as set forth in section 122-260 and approved in the site plan review process to reduce site and noise intrusion.

(3) *Drainage retention areas*. No drainage retention area exceeding 2½ feet in depth at a 3:1 slope shall be permitted in the front yard.

(Code 1985, § 7-834; Ord. No. 1832, § 9, 4-15-86; Ord. No. 1944, § 4, 8-4-87; Ord. No. 2275, § 38, 5-5-92; Ord. No. 5406, § 11, 7-12-05)

Sec. 122-377. - Parking requirements.

Off-street parking in the RO district shall be governed by article VI of this chapter and not be allowed within ten feet from any property zoned R-1, R-1A, R-1AA, R-2 or RO, except where a masonry wall has been approved (as per section 122-376(9)), in which case parking shall be no closer than four feet to any such masonry wall. One side yard setback may be used for a driveway as long as a minimum of a five-foot landscaped strip is maintained along that side of the property line; except in cases where adaptive reuse of existing structures is planned, then a two-foot landscaped strip will be required along that side of the property line.

(Code 1985, § 7-835; Ord. No. 1832, § 10, 4-15-86)

Sec. 122-378. - Site plan.

Site plans shall be required for development in the RO district, and all plans shall be approved by the site plan review committee. All projects shall adhere to article IV of this chapter.

(Code 1985, § 7-837; Ord. No. 1832, § 12, 4-15-86; Ord. No. 2275, § 40, 5-5-92)

Secs. 122-379—122-390. - Reserved.

DIVISION 7. - RZL RESIDENTIAL ZERO LOT LINE DISTRICT

Sec. 122-391. - Intent and purpose.

The residential zero lot line zone (RZL) is intended to encourage infill within the city and to enhance the economic feasibility of developing small tracts into detached single-family residential units under zero lot line construction. The district's density shall be in accordance with standards in the comprehensive plan and compatible with the scale and intensity of adjacent uses. The number of units per acre shall be set at the time of rezoning.

(Code 1985, § 7-711.1; Ord. No. 2075, § 3, 11-7-89; Ord. No. 5026, § 2, 2-19-02; Ord. No. 2013-10, § 9, 1-22-13)

Sec. 122-392. - General provisions.

Zoning district classifications to be designated as residential zero lot line zones (RZL) are hereby established. The residential zero lot line zones (RZL) are established to provide for zero lot line developments to encourage infill within transitional areas of the city and to enhance the economic feasibility of developing small tracts into detached single-family residential units. Zero lot line construction permits the location of a single-family structure on one side property line to promote maximum use of the lot.

(Code 1985, § 7-843(a); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-393. - Nomenclature and density.

Within all residential zero lot line zones, zero lot line developments shall have their densities set at the time of rezoning in an approved conceptual plan. The boundaries of land rezoned to the RZL classification shall be indicated on the official zoning map by the symbol "RZL," together with the density rating assigned at the time of rezoning.

(Code 1985, § 7-843(b); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-394. - Location requirements.

In reaching recommendations and decisions as to rezoning land to RZL classifications and the density rating of such classification, the planning and zoning commission and the city council shall apply the following locational standards, in addition to the requirements of this chapter applicable to the rezoning of land generally:

- (1) RZL zones shall be located in transitional areas or zones where office developments are deemed as too intensive. The residential zero lot line zone will act as a buffer by the addition of increased densities between low density, single-family areas and higher intensity uses or major highways.
- (2) RZL zones shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in forms generally permitted under existing zoning in the area. However, the rezoning to RZL may be approved if applicants will:
 - a. Provide private facilities, utilities or services approved by appropriate public agencies as substituting on an equivalent basis, and ensure their satisfactory continuing operation permanently, or until similar public utilities, facilities or services are available and used; or
 - b. Make provisions acceptable to the city for offsetting any added net public cost or early commitment of public funds made necessary by such development.
- (3) The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, from probability of flooding, erosion, traffic hazards, or other dangers, annoyances or inconveniences. Condition of soil, groundwater level, drainage and topography shall all be appropriate to both kind and pattern of use intended.

(Code 1985, § 7-843(c); Ord. No. 2075, § 4, 11-7-89; Ord. No. 5026, § 3, 2-19-02; Ord. No. 2013-10, § 10, 1-22-13)

Sec. 122-395. - Unified control.

- (a) All land to be developed within an RZL district shall be under the unified control of the applicant, whether that applicant be an individual, partnership or corporation. At the time the applicant applies for rezoning, the applicant shall present clear evidence of the unified control of the entire area in the proposed residential zero lot line development as may reasonably be required by the city attorney. Unified control is defined to be fee ownership, leasehold interest in recordable form for a term of not less than ten years, option to purchase for fee ownership, option for leasehold interest as defined in this subsection, contract for sale or purchase of real property or contract for deed in recordable form. The unified control shall be maintained until such time as the final plat and the developer's agreement are executed and recorded. In addition, since the development must be constructed in proper sequence, a mechanism must be provided to require that the units be built according to plan regardless of the ownership. This mechanism shall include a design scheme and sequence of development which are explained in sections [122-396](#) and [122-397](#). Failure to maintain unified control as required in this section shall abrogate any conceptual, preliminary or final approvals and agreements, requiring the developer to repeat all steps of the public hearing process, except that the zero lot line zoning classification shall be retained.
- (b) The applicant and owner shall state agreement to the following:
 - (1) The applicant and owner shall proceed with proposed development according to the provisions of this chapter and such conditions as may be attached to the rezoning of the land to RZL.
 - (2) The applicant and owner shall maintain the architectural design and guidelines agreed to at the time of rezoning to RZL.
 - (3) No grading or clearing of the property shall be done until the preliminary plan is approved.
 - (4) The applicant and owner shall bind their successors in title to any commitments made under subsections (b)(1), (2) and (3) of this section.
- (c) Evidence of unified control shall be examined by the city attorney, and no rezoning of land to the RZL classification shall be adopted without a certification by the city attorney that such evidence of unified control meets the requirements of this chapter.

(Code 1985, § 7-843(d); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-396. - Construction sequence.

Each development constructed under residential zero lot line zoning shall define a sequence of development for each block to prevent encroachment onto a built lot. This sequence shall be approved at the final plat approval by both the planning and zoning commission and the city council. This plan cannot be altered without resubmittal and approval by these boards. The units must be built according to the plan and lots cannot be skipped; the units must be constructed in order that the zero lot line always adjoins a vacant lot. The plan must be resubmitted to the planning and zoning commission to change the sequence of development.

(Code 1985, § 7-843(e); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-397. - Binding commitments and design scheme.

Each development constructed under residential zero lot line zoning must be constructed in sequence according to the approved plan, regardless of the ownership of individual lots. Because each unit is built on one lot line, the design and construction must follow a unified pattern. The design scheme and construction sequence must be committed to for the entire period of construction and shall spell out the sequence of development and the building design. These items cannot be changed without approval by the planning and zoning commission and city council.

(Code 1985, § 7-843(f); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-398. - Design criteria.

Design criteria for developments constructed under residential zero lot line zoning are as follows:

- (1) *Lot size.* The minimum lot size within the tract shall be 5,000 square feet.
- (2) *Dwelling unit setbacks.*
 - a. Side yards. One side yard will be required to maintain a setback of a minimum of ten feet; the other side yard will be zero feet.
 - b. Front yard. A minimum of 20 feet.
 - c. Interior rear yard. A minimum of 25 feet or the planning and zoning commission and city council may reduce the yard requirement to a minimum of 15 feet based on the following criteria: Type, scale and design of the units, surrounding residential uses, buffers and accessory uses
 - d. Street rear yard. A minimum of 20 feet.
 - e. Corner lots. Any side yard adjacent to a public or private street must have a minimum 15-foot yard for adequate sight distance.
 - f. Lot width. The minimum lot width will be 45 feet.
 - g. Frontage. No individual zero lot line will be allowed frontage or direct access to minor or major collectors or minor or major arterials.
- (3) *Lot coverage and open space.* To ensure adequate open space, the building and driveways shall occupy no more than 50 percent of the lot.
- (4) *Building height.* Individual buildings shall be a maximum of two stories, at a maximum of 35 feet at the highest peak of the roof.
- (5) *Tract size.* The minimum acreage for a zero lot line tract shall be one acre, with a ten-acre maximum.
- (6) *Unit design.* The wall of the dwelling unit located on the zero lot line side shall have no windows, doors, air conditioning units or other types of openings. Atriums or courts may be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit, and a solid wall of at least eight feet in height is provided on the zero lot line. The walls of the atrium or court shall be of the same material as the exterior wall of the unit.
- (7) *Optional designs.* Zero lot line developments need not all be designed exactly the same. Anyone developing a tract for zero lot line construction is encouraged to use innovative designs.
- (8) *Open space and recreation requirements.* Common open space is not required on the site. However, if common open space is provided, the necessary provisions shall be made to ensure that the nonpublic areas and facilities for the common use of the occupants of the development shall be maintained in a satisfactory manner without expense to the general taxpayer of the city. Appropriate documentation may include a homeowners' association for title and maintenance. The instrument for providing ownership and maintenance shall be approved by

the city attorney, as to form and legal sufficiency, prior to submittal to the city council. This instrument will also set out any allowable accessory uses and their placement on the site. The documents shall be recorded in the public records of the county.

(9) *Landscaping.*

- a. Landscaping is required on zero lot line developments for buffering of the use, for privacy and for aesthetics. A master landscape plan shall be provided and approved at the preliminary site plan stage, prior to the initiation of development. The landscape plan shall be prepared and submitted by a qualified landscaping professional.
- b. A tree location and identification survey shall be provided at the conceptual site plan and rezoning phase. The developer and designer shall preserve, to the maximum extent possible, all trees four inches DBH (diameter at breast height) and greater, on the site. In addition, any existing trees and vegetation within the required rear yard shall be retained to the maximum extent feasible. These trees shall be designated for preservation on the plan; the plan shall also indicate trees for removal. In cases where the existing vegetation is very heavy, providing 75 to 100 percent opacity, no other landscaping in the rear yard may be required unless it is deemed appropriate to clear the undergrowth in the first five to ten feet. Any trees that are removed from the tract shall require approval by the planning director or his representative. Some trees may be designated for removal during conceptual plan review based on design criteria.
- c. Existing trees on each lot will be saved to the maximum extent possible and the site design shall take trees of four inches DBH or greater into account. In no case shall any individual lot have less than three shade trees of at least three inches DBH. If trees do not exist on the site or cannot be retained in sufficient numbers, the necessary shade trees will be planted by the developer. Trees shall be Florida No. 1 in quality and meet the shade tree specifications in chapter 118, article II. In addition, landscaping of the entrance and any patio areas shall be a minimum requirement. The planning and zoning commission may require additional landscaping. Other landscaping in the rear yard will be needed to buffer less intensive uses as per section 122-260.
- d. However, if the landscaping and trees described in subsections (9)a through c of this section are considered insufficient, or if no trees exist on the site, the city may choose, during the conceptual design phase, to require buffering within the rear yard as per section 122-260. A block, brick or masonry wall six feet high may be required, if deemed necessary by the planning and zoning commission or city council, along the perimeter of the property. A solid wood fence, six feet high, may be used based on an agreement for perpetual maintenance. A combination of small trees, hedging, other landscaping materials and grass shall be placed within the area to screen the wall and provide additional privacy for the residents.
- e. No parking, dumpsters, driveways, cable TV, patio areas, water, sewer or electrical lines shall be permitted within the rear yard.

(10) *Underground utilities.* Zero lot line developments shall provide underground utilities. These utilities shall be located in the front of the lot adjacent to the street or sidewalk.

(11) *Wall specifications.*

- a. The wall shall be constructed of brick, stone or concrete block in accordance with prevailing building industry standards for appearance, soundness, safety and resistance to weather.
- b. Concrete block panels shall not be more than 16 feet in length without providing for expansion.
- c. A waterproof cap is required on any hollow core wall. This cap shall be installed in such a manner as to prevent moisture from entering the wall.
- d. Foundations and other structural elements must be designed by an architect, landscape architect or engineer in accordance with the applicable building code. These plans must be submitted to the building office and approved before construction on the wall can begin.
- e. Walls shall be a minimum of six feet in height. This six-foot height shall be measured from the highest finished grade of either side of the wall to the top of that wall.
- f. Plain concrete block walls shall be stuccoed or painted on both sides.
- g. The height of the wall may be increased or decreased if the site plan review committee deems it necessary.

(12) *Parking requirements.* Two off-street parking spaces shall be provided for each unit. No parking will be allowed on the street or right-of-way.

(13) *Wall maintenance and drainage easement.* A perpetual five-foot wall maintenance easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the easement on the adjacent

lot a maximum of 12 inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area.

- (14) *Sidewalks.* Sidewalks shall be constructed along one side of the streets within the subdivision. These sidewalks should be contoured around any trees eight inches or greater in DBH that are within the right-of-way.
- (15) *Street frontage.* Where side or rear property lines are adjacent to a street, a six-foot masonry wall shall be constructed between the right-of-way or easement and the lots that are adjacent to the street. This wall shall meet the specifications identified in subsection (11) of this section.

(Code 1985, § 7-843(g); Ord. No. 2075, § 4, 11-7-89; Ord. No. 5023, § 52, 2-19-02; Ord. No. 5026, § 4, 2-19-02)

Sec. 122-399. - Rezoning procedures.

Rezoning procedures for the RZL classification are as follows:

- (1) *Generally.* The procedure for rezoning of land to the RZL classification is as provided in article II, division 6 of this chapter in regard to the rezoning of land generally. However, the provisions of this division shall apply to applications for rezoning to RZL classifications in addition to the general requirements. The density of the development will be set at the rezoning hearing. The proposed density must be in conformance with the adopted comprehensive plan. On application for rezoning of land to the RZL classification, the planning and zoning commission and city council shall proceed in general as for other applications for rezoning of land, including adoption by ordinance, except that the specific density of the property will be set at the time of rezoning. Consideration shall be given to any recommendations and comments from the pre-hearing conference that are submitted as part of the record.
- (2) *Pre-hearing conference for conceptual plan review.* The building official, planning director, and representatives of such other city departments as may be pertinent shall meet with the applicant or his agent to review the original application, including all maps, plans and documents submitted by the applicant prior to the rezoning application. The purpose of such pre-hearing conferences shall be to assist in bringing the overall petition, as nearly as possible, into conformity with this chapter or other regulations applying generally to the property involved. The information required in the conceptual site development plan is the same as required for the rezoning and will be submitted at this meeting. In the course of such pre-hearing conferences, any recommendations for change shall be recorded in writing and shall become part of the record in this case. All such recommendations shall be supported by the stated reasons for the proposal for change. The applicant shall state in writing his agreement to such recommendations, or his disagreement. If there is disagreement, the applicant shall state in writing his reasons for disagreement. Such responses by the applicant shall be included in the record. At such time as further conferences appear unnecessary, public notice shall be given and the hearing before the planning and zoning commission shall be held as for other applications for rezoning.
- (3) *Public hearing; recommendation by planning and zoning commission.* After a public hearing, the planning and zoning commission may recommend to the city council that the RZL rezoning be granted, be granted subject to stated stipulations and conditions, or be disapproved. In making its recommendation, the planning and zoning commission shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements of these recommendations applicable to rezoning generally, and in addition that:
- a. The locational standards set out in section 122-394 have been met;
 - b. The tract for the proposed RZL zoning is suitable in terms of its relationship to the area surrounding the proposed RZL zoning and that the surrounding area can continue to be developed in coordination and substantial compatibility with the RZL zoning proposed; and
 - c. The modifications of the zoning or subdivision regulations as applied to the particular case are justified by the benefits derived due to the quality of the project design and its amenities.
- (4) *Conditions, safeguards and stipulations.*
- a. In recommending the rezoning of land to the RZL classification, the planning and zoning commission may recommend and the city council may attach suitable conditions, safeguards and stipulations, where such actions are in accord with the public purposes of and the standards set out in subpart B of this Code.
 - b. It is hereby declared that, because of the nature of and the public purposes served by residential zero lot line zones, such conditions, safeguards and stipulations are not to be viewed as conditional zoning under law but are to be deemed as necessary action, where validly imposed, to accomplish the public purpose served by subpart B of this Code.
 - c.

All terms, conditions, safeguards and stipulations, including density, made at the time of rezoning by ordinance to RZL shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any term, requirement, condition or safeguard shall constitute a violation of this Code, and shall nullify the approved plan on the undeveloped portions of the property and require another set of public hearings before the planning and zoning commission and city council.

(5) *Supplementary materials and data.* In addition to information required for application for rezoning, the applicant shall submit the following materials or data:

- a. A statement as to the density rating sought for the RZL development and such supporting evidence or documentation as the applicant may feel is pertinent to enable the planning and zoning commission and the city council to determine whether or not the density rating requested is reasonable and proper.
- b. A conceptual site development plan containing:
 1. The title of the project and the names of the professional project planner and developer.
 2. Scale, date, north arrow, and the general location map.
 3. Boundaries of the property involved, all existing streets, buildings, watercourses, easements, section lines, and other existing important physical features in and adjoining the project.
 4. Conceptual master plan showing general locations of the residences proposed, open space designations, if any, and off-street parking.
 5. Tree location and identification survey.
 6. Model unit designs (elevation). An architectural review by the planning and zoning commission will be conducted to analyze the following items:
 - i. Scale of units and compatibility with surrounding area.
 - ii. Relationship of building to site.
 - iii. Building design.
 - iv. Landscape and site treatment.
 - v. Lighting, if any.
 - vi. Use of exterior color.
- c. General subdivision information, which shall describe or outline the existing conditions of the site, including general information on drainage, topography and the proposed development as necessary to supplement the drawings required under this subsection. This information may include, but is not necessarily limited to, data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as the number of residential lots, typical lot width and depth, and proposed utilities and street improvements, including any proposed private streets.

This conceptual plan shall provide sufficient information to define the scope of the development. The amount of detail contained in the conceptual plan shall be related to the size and scope of the project. The planning and zoning commission may require additional reasonable information to assist it in determining the impact of the proposed project on the neighborhood.

(Code 1985, § 7-843(h); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-400. - Preliminary and final development plans.

- (a) Plans for the development of land rezoned to RZL shall be platted generally in accord with procedures established in chapter 114. The same information and data, except as set out in this division, shall be furnished at each stage of development plan approval as is required for standard subdivision development. The preliminary plan required and submitted shall be in substantial compliance with the site development plan and data submitted as a part of the application for rezoning to RZL. The final plan shall be in accordance with the requirements of this division. Streets, retention areas and other utilities or improvements may be constructed and maintained as private facilities.
- (b) In addition to other requirements of chapter 114 in regard to preliminary plan approval for standard subdivisions, the following information shall be provided by the developer of land zoned RZL:

- (1) Building locations and architectural definitions of all structures proposed which are a part of the project shall be depicted on the preliminary plan or plat and the supplementary materials required.
- (2) A master landscaping plan, depicting existing and proposed vegetation and locations thereof on the site, shall be provided.
- (3) Fence, wall and planting screens location, heights and materials shall be identified.
- (4) The plans shall show drainage calculations and provide for any additional runoff, whether pre-development and post-development, or shall show that the previously platted subdivision, if any, would have insufficient drainage capacity to handle additional density on the infilled site.
- (5) Elevations of proposed dwelling units, for instance, four or five model unit designs, shall be provided. An architectural review by the planning and zoning commission will be conducted to analyze the following items:
 - a. Scale of units and compatibility with surrounding area.
 - b. Relationship of building to site.
 - c. Building design.
 - d. Landscape and site treatment.
 - e. Lighting, if any.
 - f. Use of exterior color.
- (6) The plans shall show proposed permanent signage, with dimensions and placement. This shall be reviewed and approved or denied by staff and the planning and zoning commission.
- (c) Agreements made in the pre-hearing conference or preliminary stage shall be examined by the city attorney, and no plan approval shall be granted without a certification by the city attorney that such agreements meet the requirements of the RZL zoning regulations.

(Code 1985, § 7-843(i); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-401. - Changes to approved site plan.

- (a) Substantial changes in the plan for RZL development after final site plan approval may be permitted by the planning and zoning commission upon application by the developer or his successors in interest, but only upon a finding that any such changes are in accord with all regulations in effect when the changes are requested and that they are in accord with the intent and purpose of the comprehensive plan in effect at the time of the proposed notice. Such changes shall require an additional fee equal to the amount of the initial filing of the application.
- (b) Changes in land uses and changes in density greater than five percent, as outlined in this subsection, shall be considered as a new application for rezoning, including payment of the fees. Substantial changes are defined as a change in land use greater than five percent, change in project access, change in land use arrangement, and any other changes deemed substantial by the building official.

(Code 1985, § 7-843(j); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-402. - Building permits, certificates of zoning compliance and certificates of occupancy.

No building permit or certificate of zoning compliance, or certificate of occupancy, shall be issued for development in an RZL zone except in conformity with the provisions of the RZL classification and requested plans approved under this Code. The building official may issue building permits after construction plans are approved by the city council, thereby permitting building construction as necessary improvements are installed. No certificate of occupancy shall be issued until all improvements have been completed and the final plat of record or approved phase of the project has been recorded in the public records of the county. If no plat is to be recorded, a statement from the city attorney is required certifying that the requirements of F.S. ch. 177 have been met, as well as any ordinances pertaining to the transferring of land in subdivisions.

(Code 1985, § 7-843(k); Ord. No. 2075, § 4, 11-7-89)

Sec. 122-403. - Time limits; reversion to original zoning classification; density revocation.

- (a) *Time limit for submission of final plat.* Subdivision regulations for RZL developments shall comply with the provisions of chapter 114 that require the final plat to be submitted within 12 months of preliminary plat approval.
- (b) *Reversion to original zoning classification; time limit for completing construction; density revocation.*
 - (1) Failure of the developer of an RZL development to file a final development plan, plat or developer's agreement within two years of the approval of the conceptual plan and rezoning classification shall cause the site to revert to its original zoning classification. Each designated and approved phase shall be completed at no longer than two-year intervals; the total RZL must be completed within ten years of final plan or plat approval.
 - (2) Ten years after final plan approval, any uncompleted RZL development or portion thereof will revert to an RZL classification with no density attached, so that the property cannot be developed without approval of a new conceptual, preliminary and final plan. Any further work will be accomplished only after submittal of all required documents necessary to comply with any new regulations passed by the city since the original RZL development was approved.
 - (3) For any uncompleted RZL development, or portion thereof, a one-time extension of six months may be granted upon application and approval by the planning and zoning commission.
 - (4) When the RZL density is deauthorized, a notice of the RZL density revocation, containing a legal description of the site, shall be recorded in the office of the clerk of the circuit court for the county.

(Code 1985, § 7-843(l), (m); Ord. No. 2075, § 4, 11-7-89)

Secs. 122-404—122-420. - Reserved.

DIVISION 8. - RBH RESIDENTIAL BUSINESS HISTORIC DISTRICT

Sec. 122-421. - Intent and purpose.

The residential business historic (RBH) district is intended to encourage the economic revitalization of older housing stock while preserving the essential neighborhood character of the city's historic areas. In many instances, such neighborhoods have been and continue to be residential in character. It is the purpose of the RBH district to allow modest, unobtrusive, selective infusion of services and retailing in combination with continued residence. This zone is to encourage the renovation of deteriorating structures in a manner that will conserve the historic value of the building, enhance the neighborhood quality, and allow for some flexibility in use. Such mixed uses shall be low traffic generators, shall be of a scale that will not conflict with the tranquility of nearby residences, and shall be limited to those portions of the historic district which are evidencing deterioration.

(Code 1985, § 7-721, 7-838(a); Ord. No. 1832, § 13, 4-15-86; Ord. No. 1944, § 5, 8-4-87; Ord. No. 2154, §§ 1—5, 5-8-90; Ord. No. 2171, § 1, 7-3-90; Ord. No. 2268, §§ 1—4, 4-7-92; Ord. No. 2275, § 41, 5-5-92)

Sec. 122-422. - Rezoning procedures and requirements.

- (a) RBH zoning shall be allowed only in locally designated historic districts.
- (b) All requests for this zoning shall be reviewed and acted upon by the historic preservation advisory board prior to the application being processed by the city planning and zoning commission.
- (c) RBH zoning will be allowed in locally designated historic districts within 500 feet of a business district. The distance requirements between an RBH zone and a business district shall be measured from property line to property line.

(Code 1985, § 7-838(b); Ord. No. 1832, § 13, 4-15-86; Ord. No. 1944, § 5, 8-4-87; Ord. No. 2154, §§ 1—5, 5-8-90; Ord. No. 2171, § 1, 7-3-90; Ord. No. 2268, §§ 1—4, 4-7-92; Ord. No. 2275, § 41, 5-5-92; Ord. No. 4076, § 2, 8-21-01)

Sec. 122-423. - Permitted principal uses; special exceptions.

(a) Uses permitted in the residential business historic district are subdivided into three use groups, RBH-1, RBH-2 and RBH-3, according to function and intensity. Permitted uses are as follows:

(1) *RBH-1.*

- a. Bed and breakfast in the medium and high-density residential land use classification (reference section 122-1211).
- b. Multi-family dwellings limited to a maximum of eight units per gross acre.
- c. Single-family dwelling.
- d. Two-family dwellings.

(2) *RBH-2.*

- a. Bed and breakfast in the medium and high-density residential land use classification (reference section 122-1211).
- b. Multi-family dwellings limited to a maximum of eight units per gross acre.
- c. Professional offices.
- d. Single-family dwelling.
- e. Two-family dwellings.

(3) *RBH-3.*

- a. Antique gallery/shop.
- b. Art gallery/shop.
- c. Barbershop (limited to three stations).
- d. Bed and breakfast in the medium and high-density residential land use classification (reference section 122-1211).
- e. Beauty shop (limited to three stations).
- f. Books and stationery.
- g. Bridal shop.
- h. Dressmaker.
- i. Gift shop.
- j. Handcrafted items shop.
- k. Interior decorator.
- l. Multi-family dwellings limited to a maximum of eight units per gross acre.
- m. Photography studio.
- n. Professional offices.
- o. Shoeshine and shoe repair shop.
- p. Single-family dwelling.
- q. Soap and candle shop.

r. Tailor.

s. Two-family dwellings.

(b) The following uses are permitted by special exception in the residential business historic (RBH) district:

- (1) Bed and breakfast in the low density residential land use classification (reference section 122-1211).
- (2) Parking lot (free of charge).

(c) Property zoned residential business historic (RBH) before the effective date of Ordinance No. 2154 shall be considered RBH-3.

(Code 1985, § 7-838(c); Ord. No. 1832, § 13, 4-15-86; Ord. No. 1944, § 5, 8-4-87; Ord. No. 2154, §§ 1—5, 5-8-90; Ord. No. 2171, § 1, 7-3-90; Ord. No. 2268, §§ 1—4, 4-7-92; Ord. No. 2275, § 41, 5-5-92; Ord. No. 5043, § 10, 4-9-02; Ord. No. 5870, §§ 4, 5, 7-22-08; Ord. No. 2021-81, § 14, 9-28-21)

Sec. 122-424. - Limitations on uses.

The following limitations shall apply in RBH districts:

- (1) The owner of the property must be an owner of the business on that property, and an owner must reside on that property.
- (2) Employees shall be limited to the property owner and family, employees residing on the property and two nonresiding employees or subcontractors.
- (3) A minimum of 50 percent of the principal structure must be designed, provided and intended for residential use. The property and business owner must reside in the residential portion of the structure.
- (4) No parking shall be permitted in the front yard, except as provided in subsection 122-1241(c).
- (5) No drainage retention area exceeding 2½ feet in depth or having a slope steeper than 3:1 shall be permitted in the front yard.
- (6) An applicant may request a waiver of all or part of the above requirements (1), (2) and (3) through a developer's agreement. The waiver of the requirement(s) in the developer's agreement shall consider the impact on the historic district, the property in question and the surrounding uses.
 - a. The criteria to determine the impact shall include the following: location of the use, size of the property/use, type of business, surrounding uses, parking, design of the building/use, access, site layout, utilities, buffering, open space, ownership, economics and hours of operation.
 - b. As part of the developer's agreement, the applicant may need to provide a site plan or minor site plan.
 - c. The process for the developer's agreement shall include the following:
 1. Staff will review the request and make a recommendation in the form of a written report to OHPAB, the planning and zoning commission and city council.
 2. The request shall be reviewed by OHPAB and the planning and zoning commission for a recommendation to city council. City council shall approve, approve with changes or deny the request at a public hearing.
 3. If approved by city council, the developer's agreement shall be recorded in the Marion County Clerk of the Courts Public Records.
 4. The developer's agreement will require public hearings before OHPAB, planning and zoning commission and city council, and the city shall follow the notice requirements per section 122-132.
 5. City council shall adopt by resolution all fees associated with the developer's agreement and public hearings.

(Code 1985, § 7-838(d); Ord. No. 1832, § 13, 4-15-86; Ord. No. 1944, § 5, 8-4-87; Ord. No. 2154, §§ 1—5, 5-8-90; Ord. No. 2171, § 1, 7-3-90; Ord. No. 2268, §§ 1—4, 4-7-92; Ord. No. 2275, § 41, 5-5-92; Ord. No. 5882, § 1, 7-22-08)

Sec. 122-425. - Lot and buffer requirements; building height.

Lot and structure requirements in the RBH district are as follows:

- (1) *Front yard.* The front yard setback shall be a minimum of 20 feet.
- (2) *Side yard.* The side yard setback shall be a minimum of eight feet.
- (3) *Rear yard.* The rear yard setback shall be a minimum of 25 feet.
- (4) *Height limit.* Any new structures will have a maximum height of 35 feet.
- (5) *Buffers.* Property abutting other residential uses shall be landscaped as set out in [section 122-260](#) and approved in the site plan review process to reduce sign and noise intrusion. A continuous six-foot-high masonry wall, as referred to in [section 122-260](#), may be substituted for the landscaped hedge unless otherwise specified by the historic preservation advisory board.
- (6) *Drainage retention areas.* All drainage retention areas shall be landscaped when located in the front yard.
- (7) *Tree preservation.* Existing trees of four inches DBH (diameter at breast height) or greater shall not be removed except as provided for in [chapter 118](#).

(Code 1985, § 7-838(e); Ord. No. 1832, § 13, 4-15-86; Ord. No. 1944, § 5, 8-4-87; Ord. No. 2154, §§ 1—5, 5-8-90; Ord. No. 2171, § 1, 7-3-90; Ord. No. 2268, §§ 1—4, 4-7-92; Ord. No. 2275, § 41, 5-5-92)

Sec. 122-426. - Parking requirements.

For development in the RBH district, up to one-half of the required parking (as provided for in [section 122-1001](#)) may be provided off-site if determined in the site plan review to be reasonably accessible and available to the property. Side yard setbacks can be used for ingress and egress to the rear parking area provided that the driving lane is a minimum of eight feet wide.

(Code 1985, § 7-838(f); Ord. No. 1832, § 13, 4-15-86; Ord. No. 1944, § 5, 8-4-87; Ord. No. 2154, §§ 1—5, 5-8-90; Ord. No. 2171, § 1, 7-3-90; Ord. No. 2268, §§ 1—4, 4-7-92; Ord. No. 2275, § 41, 5-5-92)

Sec. 122-427. - Site plan.

Site plans shall be required for development in the RBH district and all plans shall be approved by the historic preservation advisory board and the site plan review committee. All projects shall adhere to article IV of this chapter.

(Code 1985, § 7-838(g); Ord. No. 1832, § 13, 4-15-86; Ord. No. 1944, § 5, 8-4-87; Ord. No. 2154, §§ 1—5, 5-8-90; Ord. No. 2171, § 1, 7-3-90; Ord. No. 2268, §§ 1—4, 4-7-92; Ord. No. 2275, § 41, 5-5-92)

Secs. 122-428—122-440. - Reserved.

DIVISION 9. - MH MOBILE HOME PARK DISTRICT

Footnotes:

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Cross reference— *Mobile homes and mobile home parks, ch. 98.*

Sec. 122-441. - Intent and purpose.

The mobile home park (MH) district is intended for mobile home parks and subdivisions, developed as provided in [chapter 98](#).

(Code 1961, § 22-11(6); Code 1985, § 7-711; Ord. No. 2275, § 17, 5-5-92)

Secs. 122-442—122-460. - Reserved.

DIVISION 10. - A-1 AGRICULTURAL DISTRICT

Footnotes:

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Editor's note— Ord. No. 5406, § 12, adopted July 12, 2005, repealed and reenacted art. V, div. 10, in its entirety to read as herein set out. Formerly, said division pertained to the A-1 agricultural district as enacted by Code 1961, § 22-11(14); as amended. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 122-461. - Intent and purpose.

The agricultural (A-1) district is intended to apply to properties where the present use is primarily agricultural, and where future development or a more intensive rezoning is uncertain/premature. The district regulations are intended to allow for a reasonable use of property while preventing the creation of conditions that may affect future use of nearby properties. As of June 1, 2014, a rezoning application for A-1 must be associated with an annexation case where a portion of the annexed property is already zoned A-1 in the county.

(Ord. No. 5406, § 12, 7-12-05; Ord. No. 2014-32, § 4, 6-3-14)

Sec. 122-462. - Permitted uses.

The following uses are permitted in the agricultural (A-1) district:

(1) *Residential uses:*a. *Residential operation:*

1. Community residential home, maximum of 12 unrelated residents per single-family residential dwelling.
2. Home occupation (reference article IX, division 4 of this chapter).
3. Residence—Gallery.
4. Residence—Office.

b. *Residential type:* Single-family dwelling.(2) *Retail uses:*a. *General retail:*

1. Farmers market.
2. Garden and nursery sales (reference [section 122-1212](#)).
3. Roadside fruit and vegetable sales.

b. *Vehicular sales:* None permitted.(3) *Service uses:*a. *Agricultural use:*

1. Farm.
2. Horse farm.
3. Horse racing facility.
4. Nursery farm.

- 5. Radio/TV broadcasting facility, transmitters only.
- 6. Stable.
- b. *Business service*: None permitted.
- c. *Eating or drinking establishment*: None permitted.
- d. *Hospitality and tourism*: None permitted.
- e. *Office use*: None permitted.
- f. *Personal service*: None permitted.
- g. *Vehicular service*: None permitted.
- (4) *Education/recreation/social uses*: None permitted.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*: Veterinarian office.
- (7) *Industrial uses*: None permitted.

(Ord. No. 5406, § 12, 7-12-05; Ord. No. 2013-10, § 11, 1-22-13; Ord. No. 2020-9, § 3, 12-17-19; Ord. No. 2021-81, § 15, 9-28-21)

Sec. 122-463. - Special exceptions.

The following uses are permitted as special exceptions in the agricultural (A-1) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: None permitted.
- (3) *Services uses*:
 - a. *Agricultural service*: None permitted.
 - b. *Business service*: Parking lot.
 - c. *Eating or drinking establishment*: None permitted.
 - d. *Hospitality and tourism*: None permitted.
 - e. *Office use*: None permitted.
 - f. *Personal service*: Kennel.
 - g. *Vehicular service*: None permitted.
- (4) *Education/recreation/social uses*:
 - a. *Adult use establishment*: None permitted.
 - b. *Community service*:
 - 1. Church/place of worship (reference section 122-1195).
 - 2. Day care facility (reference article IX, division 5 of this chapter).
 - c. *Educational use*: None permitted.
 - d. *Recreational use*:
 - 1. Golf course.

- 2. Recreation facility, indoor.
- 3. Temporary commercial amusement (reference section 122-1201).

(5) *Public uses:*

a. *Public:*

- 1. Airport.
- 2. Cemetery.
- 3. Park/open space area.
- 4. Post office.
- 5. Public transportation terminal.

(6) *Health care uses:* None permitted.

(7) *Industrial uses:* None permitted.

(Ord. No. 5406, § 12, 7-12-05; Ord. No. 2013-10, § 12, 1-22-13; Ord. No. 2021-81, § 16, 9-28-21)

Sec. 122-464. - Lot and buffer requirements.

- (1) *Lot requirements.* Each plot shall conform to the requirements of section 122-286.
- (2) *Buffers.* Property abutting less intensive uses shall be landscaped pursuant to section 122-260 and approved in the site plan review process to reduce site and noise intrusion.
- (3) *Drainage retention areas.* No drainage retention area exceeding 2½ feet in depth or with a 3:1 slope shall be permitted in the front yard.

(Ord. No. 5406, § 12, 7-12-05)

Sec. 122-465. - Parking requirements.

Off-street parking requirements for the agricultural (A-1) district shall be governed by article VI of this chapter.

(Ord. No. 5406, § 12, 7-12-05)

Sec. 122-466. - Site plan.

Site plans shall be required for development in the agricultural (A-1) district pursuant to article IV of this chapter.

(Ord. No. 5406, § 12, 7-12-05)

Secs. 122-467—122-480. - Reserved.

DIVISION 11. - G-U GOVERNMENTAL USE DISTRICT

Sec. 122-481. - Intent and purpose.

The government (G-U) district is intended to apply to those areas where the uses conducted are those primarily of national, state, county or city governments. Areas classified G-U are shown on the official zoning map, but no column for G-U use restrictions is shown in division 2 of this article, since any lawful government use or related use, including commercial and industrial development at the Ocala International Airport, can be carried on in a G-U district. However, any governmental use or related use shall be compatible with surrounding uses.

(Code 1961, § 22-11(15); Code 1985, § 7-720; Ord. No. 1947, § 2, 8-18-87; Ord. No. 2740, § 1, 6-10-97; Ord. No. 5709, § 1, 9-4-07)

Sec. 122-482. - Carnivals, circuses and other public exhibitions.

Carnivals, circuses, rodeos or other public exhibitions may be permitted in a G-U zone if deemed appropriate by the city council. Regulations in chapter 10, article II must be followed.

(Code 1961, § 22-11(15); Code 1985, § 7-720; Ord. No. 1947, § 2, 8-18-87; Ord. No. 2740, § 1, 6-10-97)

Sec. 122-483. - Parking requirements.

(a) *Generally.* Off-street parking requirements for the governmental use district shall be governed by section 122-1010.

(b) *Modification of requirements.* The parking requirements for the governmental use district may be modified by the building official upon proof through a bona fide parking study that demonstrates that the parking requirements required by this section are more burdensome than that required by the actual usage or are insufficient for the actual usage of the governmental facility. This modification shall be temporary in nature and may be revoked by city if the actual parking requirements exceed the parking requirements called for in the parking study. The city may require additional parking studies to be completed by the governmental entity on a regular basis to determine if the actual off-street parking continues to be adequate.

Should the off-street parking become inadequate, then the city may require the governmental entity to provide additional parking spaces as required by actual usage.

(Code 1961, § 22-11(15); Code 1985, § 7-720(1), (2); Ord. No. 1947, § 2, 8-18-87; Ord. No. 2740, § 1, 6-10-97)

Sec. 122-484. - Yard requirements.

In the governmental use (G-U) classification, yards shall meet the minimum requirements established for nonresidential uses in the R-1 district.

(Code 1961, § 22-8(15); Code 1985, § 7-1012; Ord. No. 2275, § 70, 5-5-92)

Secs. 122-485—122-500. - Reserved.

DIVISION 12. - INST INSTITUTIONAL DISTRICT

Sec. 122-501. - Intent and purpose.

The purpose of this district is to ensure that institutional uses such as churches, schools, and hospitals meet the following criteria: minimum of one acre; designed and located to make efficient use of the land and infrastructure (roads, water, sewer stormwater and recreation); and minimal impact on adjacent and nearby uses.

(Code 1985, § 7-720.1(a); Ord. No. 2275, § 27, 5-5-92; Ord. No. 2730, § 7, 6-3-97; Ord. No. 2959, § 4, 6-15-99)

Sec. 122-502. - Permitted principal uses.

The following uses are permitted without exception in the institutional (INST) district:

- (1) *Residential uses*: Community residential home (maximum of 12 unrelated residents per single-family residential dwelling).
- (2) *Retail uses*: None permitted.
- (3) *Service uses*: Recycling collection point.
- (4) *Education/recreation/social uses*:
 - a. *Adult use establishment*: None permitted.
 - b. *Community service*:
 1. Church/place of worship.
 2. Day care facilities (reference article IX, division 5 of this chapter).
 - c. *Educational use*:
 1. Life Skills Center.
 2. Schools, public and private.
 3. Speech and language center/school.
 4. Vocational/professional school.
 - d. *Recreational use*: Recreation facility, indoor.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*:
 - a. Hospital.
 - b. Satellite hospital emergency room.
- (7) *Industrial uses*: None permitted.

(Code 1985, § 7-720.1(b); Ord. No. 2275, § 27, 5-5-92; Ord. No. 2730, § 7, 6-3-97; Ord. No. 2959, § 5, 6, 6-15-99; Ord. No. 5406, § 13, 7-12-05; Ord. No. 2018-16, § 3, 11-21-17; Ord. No. 2021-81, § 17, 9-28-21; Ord. No. 2022-32, § 4, 4-19-22)

Sec. 122-503. - Permitted accessory uses.

The following are permitted accessory uses in the institutional (INST) district:

- (1) Single-family dwelling as part of a church/place of worship or school site.
- (2) Outdoor recreation uses as part of a church/place of worship, school or indoor recreation facility.
- (3) Bingo (per F.S. § 849.0931, requirements) as part of a church/place of worship, school or indoor recreation facility.

(Code 1985, § 7-720.1(c); Ord. No. 2275, § 27, 5-5-92; Ord. No. 2730, § 7, 6-3-97; Ord. No. 2959, § 7, 6-15-99; Ord. No. 2012-43, § 4, 8-21-12)

Sec. 122-504. - Special exceptions.

The following uses are permitted by special exception in the institutional (INST) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: None permitted.
- (3) *Service uses*: None permitted.

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* None permitted.
- b. *Community service:*
 - 1. Library.
 - 2. Private club.
- c. *Educational use:* None permitted.
- d. *Recreational use:* Temporary commercial amusement (reference [section 122-1201](#)).

(5) *Public uses:*

- a. *Cemetery.*
- b. *Parks/open space.*

(6) *Health care uses:* None permitted.(7) *Industrial uses:* None permitted.

(Code 1985, § 7-720.1(d); Ord. No. 2275, § 27, 5-5-92; Ord. No. 2730, § 7, 6-3-97; Ord. No. 2959, § 8, 6-15-99; Ord. No. 5406, § 14, 7-12-05; Ord. No. [2021-81](#), § 18, 9-28-21)

Sec. 122-505. - Lot requirements; building height.

The following lot requirements shall apply to the institutional (INST) district:

- (1) *Lot width.* The minimum lot width shall be 100 feet.
- (2) *Lot size.* The minimum lot size shall be 43,560 square feet.
- (3) *Height limit.* The maximum height shall not exceed 50 feet except for the following:
 - a. A church tower or steeple may exceed this limit (see [section 122-255](#)).
 - b. A hospital in the high intensity/central core land use classification shall not exceed height of 100 feet.
- (4) *Front yard.* The minimum front yard shall be 25 feet.
- (5) *Side yard.* The minimum side yard shall be ten feet.
- (6) *Rear yard.* The minimum rear yard shall be 20 feet.
- (7) The front, side and rear yards requirement for a hospital in the high intensity/central core land use classification may be reduced to zero by the building official as part of the site plan review process.

(Code 1985, § 7-720.1(e); Ord. No. 2275, § 27, 5-5-92; Ord. No. 2730, § 7, 6-3-97; Ord. No. 2016-37, § 3, 6-21-16)

Sec. 122-506. - Parking requirements.

Off-street parking requirements for the institutional (INST) district shall be governed by article VI of this chapter.

(Code 1985, § 7-720.1(f); Ord. No. 2275, § 27, 5-5-92; Ord. No. 2730, § 7, 6-3-97)

Sec. 122-507. - Site plan.

Site plans shall be required for development in the institutional district as per article IV of this chapter.

(Code 1985, § 7-720.1(g); Ord. No. 2275, § 27, 5-5-92; Ord. No. 2730, § 7, 6-3-97)

Secs. 122-508—122-520. - Reserved.

DIVISION 13. - O-1 OFFICE DISTRICT

Footnotes:

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Cross reference— *Businesses, ch. 22.*

Sec. 122-521. - Intent and purpose.

The intent of the office (O-1) district is to provide an area adjacent to arterial and major collector streets for the development of office uses and limited business services. This district is intended to be separate from the more intensive commercial and industrial areas, as well as ensure adequate design in order to maintain the character of the surrounding areas. Compatible commercial uses shall be permitted as accessory uses, but limited to a total of ten percent of the square footage of a permitted office building.

(Code 1961, § 22-11(5); Code 1985, § 7-710(a); Ord. No. 1970, § 1, 11-3-87; Ord. No. 2275, § 15, 5-5-92; Ord. No. 2730, § 2, 6-3-97)

Sec. 122-522. - Permitted principal uses.

The following uses are permitted without exception in the office (O-1) district:

(1) *Residential uses:*

a. *Residential operation:*

1. Residence—Gallery.
2. Residence—Office.

b. *Residential type:* Single-family dwelling.

(2) *Retail uses:*

a. *General retail:* Pharmacy (reference [section 122-1227](#)).

b. *Vehicular sales:* None permitted.

(3) *Service uses:*

a. *Agricultural use:* None permitted.

b. *Business service:* None permitted.

c. *Eating or drinking establishment:* None permitted.

d. *Hospitality and tourism:* None permitted.

e. *Office use:*

1. Financial institution.
2. Professional and business offices.

f. *Personal service:* None permitted

g. *Vehicular service*: None permitted.

(4) *Education/recreation/social uses*:

a. *Adult use establishment*: None permitted.

b. *Community service*: None permitted.

c. *Educational use*: Speech and language center/school.

d. *Recreational use*: None permitted.

(5) *Public uses*: None permitted.

(6) *Health care uses*:

a. *Health care use*:

1. Assisted living facility (reference [section 122-1198](#)).

2. Medical and dental laboratories.

3. Medical and dental offices.

4. Veterinarian office (reference [section 122-526](#)).

(7) *Industrial uses*: None permitted.

(Code 1961, § 22-11(5); Code 1985, § 7-710(b); Ord. No. 1970, § 1, 11-3-87; Ord. No. 2275, § 15, 5-5-92; Ord. No. 2730, § 2, 6-3-97; Ord. No. 2959, § 9, 6-15-99; Ord. No. 5406, § 15, 7-12-05; Ord. No. 2018-2, § 4, 10-17-17; [Ord. No. 2020-21](#), § 2, 2-18-20; Ord. No. [2021-81](#), § 19, 9-28-21)

Sec. 122-523. - Permitted accessory uses.

Accessory uses in the office (O-1) district shall be limited to a total of ten percent of the square footage of a permitted office building. Permitted accessory uses include the following:

(1) Alcoholic beverage establishment (on-premises consumption) (reference [section 122-1185](#)).

(2) Antique gallery/art gallery/museum.

(3) Hairstyling shop.

(4) Pharmacy (reference [section 122-1227](#)).

(5) Photocopying and duplicating service.

(6) Physical fitness center.

(7) Post office.

(8) Restaurant (enclosed).

(9) Specialty retail stores.

(Code 1961, § 22-11(5); Code 1985, § 7-710(c); Ord. No. 1970, § 1, 11-3-87; Ord. No. 2275, § 15, 5-5-92; Ord. No. 2730, § 2, 6-3-97; Ord. No. 5406, § 16, 7-12-05; Ord. No. 2018-2, § 5, 10-17-17; Ord. No. [2021-81](#), § 20, 9-28-21)

Sec. 122-524. - Special exceptions.

The following uses are permitted by special exception in the office (O-1) district:

(1) *Residential uses*: None permitted.

(2) *Retail uses:* None permitted.

(3) *Service uses:*

- a. *Agricultural use:* None permitted.
- b. *Business service:* Parking lot/garage.
- c. *Eating or drinking establishment:* None permitted.
- d. *Personal service:* Funeral home without a crematory.
- e. *Office use:* None permitted.
- f. *Personal service:* None permitted.
- g. *Vehicular service:* Drive-through facility, non-restaurant.

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* None permitted.
- b. *Community service:*
 - 1. Day care facility (reference article IX, division 5 of this chapter).
 - 2. Private club.
- c. *Educational use:* None permitted.
- d. *Recreational use:* None permitted.

(5) *Public uses:* Parks/open space areas.

(6) *Health care uses:* None permitted.

(7) *Industrial uses:* None permitted.

(Code 1961, § 22-11(5); Code 1985, § 7-710(d); Ord. No. 1970, § 1, 11-3-87; Ord. No. 2275, § 15, 5-5-92; Ord. No. 2730, § 2, 6-3-97; Ord. No. 2817, § 1, 2-10-98; Ord. No. 2020-21, § 3, 2-18-20; Ord. No. 2021-81, § 21, 9-28-21)

Sec. 122-525. - Lot and buffer requirements.

The following lot requirements shall apply to the office (O-1) district:

- (1) *Lot requirements.* Each plot shall conform to the requirements of section 122-286.
- (2) *Buffers.* Property abutting other residential uses shall be landscaped as set forth in section 122-260 and approved in the site plan review process to reduce site and noise intrusion.
- (3) *Drainage retention areas.* No drainage retention area exceeding 2½ feet in depth at a 3:1 slope shall be permitted in the front yard.

(Code 1961, § 22-11(5); Code 1985, § 7-710(e); Ord. No. 1970, § 1, 11-3-87; Ord. No. 2275, § 15, 5-5-92; Ord. No. 2730, § 2, 6-3-97; Ord. No. 5406, § 17, 7-12-05)

Sec. 122-526. - Limitations on uses.

All permitted uses in the office (O-1) district shall be limited by the following:

- (1) No parking shall be permitted in the front yard, except as provided in section 122-1241(c).
- (2) All development is subject to architectural review requirements as set forth in section 122-216(t).

(Code 1961, § 22-11(5); Code 1985, § 7-710(f); Ord. No. 1970, § 1, 11-3-87; Ord. No. 2275, § 15, 5-5-92; Ord. No. 2730, § 2, 6-3-97; Ord. No. 5406, § 18, 7-12-05; Ord. No. 2021-81, § 22, 9-28-21)

Sec. 122-527. - Parking requirements.

Off-street parking requirements for the office (O-1) district shall be governed by article VI of this chapter.

(Code 1961, § 22-11(5); Code 1985, § 7-710(g); Ord. No. 1970, § 1, 11-3-87; Ord. No. 2275, § 15, 5-5-92; Ord. No. 2730, § 2, 6-3-97)

Sec. 122-528. - Site plan.

Site plans shall be required for development in the O-1 district as per article IV of this chapter.

(Code 1961, § 22-11(5); Code 1985, § 7-710(h); Ord. No. 1970, § 1, 11-3-87; Ord. No. 2275, § 15, 5-5-92; Ord. No. 2730, § 2, 6-3-97)

Secs. 122-529—122-540. - Reserved.

DIVISION 14. - OP OFFICE PARK DISTRICT

Sec. 122-541. - Intent and purpose.

The intent of the office park (OP) district is to promote the consolidation of land that is five acres or more for the development of offices and business services. Compatible commercial and residential uses that are secondary to the principal uses shall be permitted as accessory uses, but limited to 20 percent of the total square footage of the principal use or of the site.

(Code 1985, § 7-710.1(a); Ord. No. 2275, § 16, 5-5-92; Ord. No. 2730, § 3, 6-3-97)

Cross reference— Businesses, ch. 22.

Sec. 122-542. - Permitted principal uses.

The following uses are permitted without exception in the office park (OP) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: None permitted.
- (3) *Service uses*:
 - a. *Agricultural use*: None permitted.
 - b. *Business service*: Parking lot/garage.
 - c. *Eating or drinking establishment*: None permitted.
 - d. *Hospitality and tourism*: Hotel/convention center.
 - e. *Office use*:
 1. Financial institution.
 2. Professional and business offices.
 - f. *Personal service*: None permitted.

g. *Vehicular service*: None permitted.

(4) *Education/recreation/social uses*:

a. *Adult use establishment*: None permitted.

b. *Community service*: Day care facility (reference article IX, division 5 of this chapter).

c. *Educational use*: Speech and language center/school.

d. *Recreational use*: None permitted.

(5) *Public uses*: None permitted.

(6) *Health care uses*:

a. *Health care use*:

1. Assisted living facility (reference [section 122-1198](#)).

2. Medical and dental laboratories.

3. Medical and dental offices.

(7) *Industrial uses*: None permitted.

(Code 1985, § 7-710.1(b); Ord. No. 2275, § 16, 5-5-92; Ord. No. 2730, § 3, 6-3-97; Ord. No. 2959, § 10, 6-15-99; Ord. No. 5406, § 19, 7-12-05; Ord. No. 2015-36, § 2, 6-2-15; Ord. No. [2021-81](#), § 23, 9-28-21)

Sec. 122-543. - Permitted accessory uses.

Accessory uses in the office park (OP) district shall be limited to a total of 20 percent of the square footage of a principal use or of the site. Permitted accessory uses include the following:

- (1) Alcoholic beverage establishment (on-premises consumption) (reference [section 122-1185](#)).
- (2) Antique gallery/art gallery/museum.
- (3) Commercial photography (art and graphic design service).
- (4) Drive-through facility, non-restaurant.
- (5) Hairstyling shop.
- (6) Multifamily dwelling unit (maximum 12 units per acre).
- (7) Pharmacy (reference [section 122-1227](#)).
- (8) Photocopying and duplicating service.
- (9) Photofinishing laboratory.
- (10) Physical fitness center.
- (11) Prepackaged software services.
- (12) Radio and TV broadcasting facilities, with no transmitters.
- (13) Residence—Gallery.
- (14) Residence—Office.
- (15) Restaurant (enclosed), with a drive-through window.
- (16) Post office.
- (17) Single-family dwelling unit.

(18) Specialty retail stores.

(Code 1985, § 7-710.1(c); Ord. No. 2275, § 16, 5-5-92; Ord. No. 2730, § 3, 6-3-97; Ord. No. 5406, § 20, 7-12-05; Ord. No. 2015-36, § 3, 6-2-15; Ord. No. 2018-2, § 6, 10-17-17; Ord. No. 2021-81, § 24, 9-28-21)

Sec. 122-544. - Special exceptions.

The following uses are permitted as principal uses by special exception in the office park (OP) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: None permitted.
- (3) *Service uses*: None permitted.
- (4) *Education/recreation/social uses*: None permitted.
- (5) *Public uses*: Parks/open space areas.
- (6) *Health care use*:
 - a. *Health care uses*:
 1. Hospital.
 2. Veterinarian office.
- (7) *Industrial uses*: None permitted.

(Code 1985, § 7-710.1(d); Ord. No. 2275, § 16, 5-5-92; Ord. No. 2730, § 3, 6-3-97; Ord. No. 2021-81, § 25, 9-28-21)

Sec. 122-545. - Lot requirements; building height.

The following lot requirements shall apply to the office park (OP) district:

- (1) *Peripheral lot requirements*.
 - a. *Lot coverage*. The maximum lot coverage by all buildings shall be 40 percent. A parking garage shall not be considered as part of the 40 percent lot coverage.
 - b. *Height limit*. The maximum height of any structure shall be 60 feet.
 - c. *Front yard*. The minimum front yard shall be 25 feet.
 - d. *Side yard*. The minimum side yard shall be four feet.
 - e. *Rear yard*. The minimum rear yard shall be 20 feet.
- (2) *Interior lot requirements*.
 - a. *Yards*. The minimum front, side and rear yards for each separate building site shall be zero feet.
 - b. *Separation of buildings*. The minimum distance between buildings shall be 25 feet.

(Code 1985, § 7-710.1(e); Ord. No. 2275, § 16, 5-5-92; Ord. No. 2730, § 3, 6-3-97)

Sec. 122-546. - Limitations on uses.

All permitted uses in the office park (OP) district shall be limited by the following:

- (1) Office park sites must be five acres or more, with a minimum width of 100 feet.

(2) All accessory uses must be located in the interior of the site.

(3) All parking must be located in the interior of the site.

(Code 1985, § 7-710.1(f); Ord. No. 2275, § 16, 5-5-92; Ord. No. 2730, § 3, 6-3-97; Ord. No. 5406, § 21, 7-12-05)

Sec. 122-547. - Parking requirements.

Off-street parking requirements for the office park (OP) district shall be governed by article VI of this chapter.

(Code 1985, § 7-710.1(g); Ord. No. 2275, § 16, 5-5-92; Ord. No. 2730, § 3, 6-3-97)

Sec. 122-548. - Site plan.

Site plans shall be required for development in the OP district as per article IV of this chapter.

(Code 1985, § 7-710.1(h); Ord. No. 2275, § 16, 5-5-92; Ord. No. 2730, § 3, 6-3-97)

Secs. 122-549—122-560. - Reserved.

DIVISION 15. - OH OFFICE-HISTORIC DISTRICT

Footnotes:

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Cross reference— *Businesses, ch. 22; historic preservation, ch. 94.*

Sec. 122-561. - Intent and purpose.

The office-historic (OH) district is intended (1) to allow low intensive office uses in existing buildings in local historic districts as designated in the city's historic preservation code (chapter 94), and (2) to allow infill construction of new office buildings, compatible with the residential character of the historic district, on parcels in local historic districts that are vacant as of the effective date of the ordinance creating the OH district. Parcels to be rezoned office-historic (OH) must be of sufficient size to accommodate development techniques that will protect the residential character of nearby properties and the historic character of the area. These include but are not limited to controlled motor vehicle access and unobtrusive parking, shallow drainage retention areas, landscaped buffers, open space and tree preservation.

(Code 1985, § 7-710.2(a); Ord. No. 2631, § 3, 7-23-96)

Sec. 122-562. - Permitted principal uses.

The following uses are permitted without exception in the office historic (OH) zoning district:

(1) *Residential uses:*

a. *Residential operation:*

1. Bed and breakfast (reference section 122-1211).
2. Residence—Gallery.

3. Residence—Office.

b. *Residential type:*

1. Single-family dwelling.

(2) *Retail uses:* None permitted.(3) *Service uses:* Professional and business office.(4) *Education/recreation/social uses:* None permitted.(5) *Public use:* None permitted.(6) *Health care uses:* None permitted.(7) *Industrial uses:* None permitted.(Code 1985, § 7-710.2(b); Ord. No. 2631, § 3, 7-23-96; Ord. No. 5043, § 11, 4-9-02; Ord. No. 2021-81, § 26, 9-28-21)

Sec. 122-563. - Location and site requirements.

(a) The office-historic (OH) zoning district shall only be allowed in local historic districts as designated in the city historic preservation code (chapter 94).

(b) In addition to being within a locally designated historic district, property to be rezoned office-historic (OH) must meet the following criteria:

(1) The property must be within 500 feet of a business zoned district. The distance requirements between an OH zone and a business district shall be measured from property line to property line;

(2) Have a minimum lot area that complies with one of the following:

a. A parcel or no more than two parcels that are a minimum of 30,000 square feet of area not separated by a right-of-way for a street, a street, or a drainage retention area; or

b. A parcel that is a minimum of 15,000 square feet of area that adjoins (not separated by a right-of-way for a street, a street, or a drainage retention area) an institutional, GU or RBH zoning district; or

c. A parcel that is a minimum of 12,000 square feet of area with an existing RBH zone as of November 6, 2007, and not eligible to rezone to any other zoning district based on the criteria section 122-133 of the Code of Ordinances.

(3) Each parcel must have a minimum of 100 feet of street frontage; and

(4) On the effective date of the ordinance creating the office-historic (OH) zoning district, the property to be rezoned must have an existing building that will be used for the permitted activity, or the parcel must be vacant (not have a building on it).

(Code 1985, § 7-710.2(c); Ord. No. 2631, § 3, 7-23-96; Ord. No. 5041, § 3, 4-2-02; Ord. No. 5747, § 2, 11-6-07)

Sec. 122-564. - Rezoning requirements.

(a) In addition to having to follow and meet the applicable requirements of article II, division 6 of this chapter, pertaining to amendments, all requests for rezoning property to office-historic (OH) shall be reviewed by the historic preservation advisory board prior to the petition being transmitted to the planning and zoning commission. The historic preservation advisory board shall transmit its recommendation either in support of or against the rezoning request, together with the reasons for its recommendation, to the planning and zoning commission and the recommendation from historic preservation advisory board shall be made a part of the record for the rezoning case.

(b) Property cannot be rezoned to office-historic (OH) within five years following the demolition or moving of the principal building on the property if the building was 50 years old or older at the time of the demolition or moving.

(c)

If a principal building on a parcel zoned office-historic (OH) or a site zoned office-historic (OH) is altered without or in violation of a certificate of appropriateness, the city council may, in addition to all other remedies available to the city, initiate action to change the land use, if needed, and rezone the property to the zoning district it was prior to being rezoned office-historic (OH), or other suitable zoning district.

(Code 1985, § 7-710.2(d); Ord. No. 2631, § 3, 7-23-96; Ord. No. 2015-64, § 2, 8-18-15)

Sec. 122-565. - Limitation on number of employees.

- (a) The number of employees in professional or business offices in the office-historic (OH) zoning district shall be limited to one employee per 400 square feet of building area. The owner of the business, or one of the owners of the business when there is more than one owner, is exempt from the limitation of one employee per 400 square feet of building area. The maximum number of workers who may occupy the building is eight.
- (b) Employees who are in positions that have job sharing shall count as one employee. A substitute worker and the regular employee the substitute is temporarily replacing shall be considered one employee. A fraction greater than one-half shall be considered as one employee.

(Code 1985, § 7-710.2(e); Ord. No. 2631, § 3, 7-23-96)

Sec. 122-566. - Motor vehicle access and parking requirements.

Motor vehicle access and parking requirements for the OH district are as follows:

- (1) *Driveways.* Generally, driveways must be one-way pairs or one-way circular only. A single-lane, two-way driveway may be allowed if approved by the city traffic engineer. The maximum driveway lane width is 14 feet. Two-way driveways are not permitted.
- (2) *Location of parking areas.* All parking must be in the rear yard, but may not be in a landscaped buffer required by [section 122-260](#).
- (3) *Paving.* Parking shall be paved in materials other than asphalt or concrete, unless other materials are not technically or economically feasible.

(Code 1985, § 7-710.2(f); Ord. No. 2631, § 3, 7-23-96)

Sec. 122-567. - Site development review.

- (a) All exterior alterations to a building or site in the OH district, including review of required landscaping, must be reviewed by the historic preservation advisory board and a certificate of appropriateness, as defined in the historic preservation code (chapter [94](#)), issued prior to a building permit.
- (b) Shade trees, when required to be added, must be of a species compatible with the historic district.
- (c) New construction, including but not limited to construction of a new building or exterior alteration of an existing building, must be issued a certificate of appropriateness from historic preservation advisory board prior to a building permit.
- (d) Site plans must be submitted to the city's site plan review committee when required by the city land development regulations. Site plans must receive a certificate of appropriateness from the historic preservation advisory board prior to a building permit.

(Code 1985, § 7-710.2(g); Ord. No. 2631, § 3, 7-23-96)

Sec. 122-568. - Lot and buffer requirements; building height.

The following lot and structure requirements shall apply in the OH district:

- (1) *Lot requirements; building height.* Lot requirements, including yards, lot width, lot area, building coverage and building height, are given in [section 122-286](#).
- (2) *Buffers.* Property abutting a residential use shall meet the requirements of [section 122-260](#), pertaining to buffers.

(3) *Drainage retention areas.* To be located in a front yard, a drainage retention area must not exceed 1½ feet in depth or have side slopes steeper than 4:1. No drainage retention area may be located in a buffer.

(4) *Open space.* A minimum of 25 percent of the site must be open space.

(Code 1985, § 7-710.2(h); Ord. No. 2631, § 3, 7-23-96)

Sec. 122-569. - Signs.

Requirements for signage for the office-historic (OH) zoning district are in section 110-160, pertaining to signs in locally designated historic districts.

(Code 1985, § 7-710.2(i); Ord. No. 2631, § 3, 7-23-96)

Secs. 122-570—122-580. - Reserved.

DIVISION 16. - B-1 NEIGHBORHOOD BUSINESS DISTRICT

Footnotes:

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Cross reference— *Businesses, ch. 22.*

Sec. 122-581. - Intent and purpose.

The neighborhood business (B-1) district is intended for neighborhood convenience goods and services involving basic, regular household purchases. In order to keep building scale and intensity compatible with surrounding residential development, there is a maximum allowable square footage, and an architectural review is necessary for more intense uses. Multifamily development in the B-1 district shall be no greater than 12 dwelling units per acre.

(Code 1961, § 22-11(7); Code 1985, § 7-712; Ord. No. 1854, § 1, 6-17-86; Ord. No. 1903, § 2, 2-3-87; Ord. No. 2275, § 18, 5-5-92)

Sec. 122-582. - General provisions.

The neighborhood business (B-1) district is intended for neighborhood convenience goods and services involving basic, regular household purchases. Building scale and intensity should be compatible with surrounding residential development. Multifamily development shall be no greater than 12 dwelling units per gross acre. Governmental, recreational, religious and educational facilities of compatible scale may be allowed as special exceptions by the board of adjustment.

(Code 1985, § 7-839(a); Ord. No. 1854, § 3, 6-17-86; Ord. No. 1903, § 3, 2-3-87; Ord. No. 1944, § 6, 8-4-87; Ord. No. 2261, § 1, 2-4-92; Ord. No. 2275, § 42, 5-5-92; Ord. No. 2730, § 8, 6-3-97)

Sec. 122-583. - Permitted principal uses.

The following uses are permitted without exception in the neighborhood business (B-1) district:

(1) *Residential uses:*

a. *Residential operation:*

1. Community residential home (maximum of 12 unrelated residents per single-family residential dwelling).
2. Residence—Gallery.

3. Residence—Office.

b. *Residential type:*

1. Single-family dwelling.
2. Two-family dwelling.

(2) *Retail uses:*

a. *General Retail:*

1. Bakery store.
2. Hardware store.
3. Home decorating store.
4. Pharmacy (reference [section 122-1227](#)).
5. Roadside fruit and vegetable sales (reference [section 122-1184](#)).
6. Specialty retail stores.
7. Videotape store.

b. *Vehicular sales:* None permitted.

(3) *Service uses:*

a. *Agricultural use:* None permitted.

b. *Business service:* Parking lot.

c. *Eating or drinking establishment:*

1. Alcoholic beverage establishment (off-premises consumption).
2. Alcoholic beverage establishment (on-premises consumption) (reference [section 122-1185](#)).
3. Restaurant (enclosed).

d. *Hospitality and tourism:* Antique gallery/art gallery/museum.

e. *Office use:*

1. Photocopying and duplicating service.
2. Professional and business office.

f. *Personal service:*

1. Coin-operated laundry and dry cleaning.
2. Hairstyling shop.
3. Minor household repair establishment.

g. *Vehicular service:* None permitted.

(4) *Education/recreation/social uses:*

a. *Adult use establishment:* None permitted.

b. *Community service:*

1. Church/place of worship.

- 2. Day care facility (reference article IX, division 5 of this chapter).
- 3. Library.
- c. *Educational use*: Speech and language center/school.
- d. *Recreational use*:
 - 1. Dance/art/music studios.
 - 2. Physical fitness center.
- (5) *Public uses*: Post office.
- (6) *Health care facilities*:
 - a. *Health care use*:
 - 1. Medical and dental office.
 - 2. Veterinarian office (no overnight boarding).
- (7) *Industrial uses*: Microbrewery/microdistillery.

(Code 1985, § 7-839(b); Ord. No. 1854, § 3, 6-17-86; Ord. No. 1903, § 3, 2-3-87; Ord. No. 1944, § 6, 8-4-87; Ord. No. 2261, § 1, 2-4-92; Ord. No. 2275, § 42, 5-5-92; Ord. No. 2730, § 8, 6-3-97; Ord. No. 2959, § 11, 6-15-99; Ord. No. 5299, § 4, 6-8-04; Ord. No. 5406, § 22, 7-12-05; Ord. No. 5974, § 2, 12-23-09; Ord. No. 2017-33, § 11, 3-7-17; Ord. No. 2018-2, § 7, 10-17-17; Ord. No. 2021-33, § 5, 3-16-21; Ord. No. 2021-81, § 27, 9-28-21)

Sec. 122-584. - Special exceptions.

The following uses are permitted by special exception in the neighborhood business (B-1) district:

- (1) *Residential uses*: Multi-family dwelling, (maximum of 12 units per acre) subject to the architectural review requirements in subsection 122-216(t).
- (2) *Retail uses*: Garden and nursery sales (reference section 122-1212).
- (3) *Service uses*:
 - a. *Agricultural use*: None permitted.
 - b. *Business service*: None permitted.
 - c. *Eating or drinking establishment*: Restaurant (enclosed), with drive-through window.
 - d. *Hospitality and tourism*: None permitted.
 - e. *Office use*: Financial institution.
 - f. *Personal service*: None permitted.
 - g. *Vehicular service*:
 - 1. Drive-through facility (non-restaurant).
 - 2. Full-service station (reference article IX, division 3 of this chapter).
 - 3. Self-service station/convenience store (reference section 122-1196).
- (4) *Education/recreation/social uses*: None permitted.
- (5) *Public use*: Parks/open space areas.
- (6) *Health care uses*: None permitted.

(7) *Industrial uses*: None permitted.

(Code 1985, § 7-839(c); Ord. No. 1854, § 3, 6-17-86; Ord. No. 1903, § 3, 2-3-87; Ord. No. 1944, § 6, 8-4-87; Ord. No. 2261, § 1, 2-4-92; Ord. No. 2275, § 42, 5-5-92; Ord. No. 2730, § 8, 6-3-97; Ord. No. 5406, § 23, 7-12-05; Ord. No. 5974, § 3, 12-23-09; Ord. No. 2021-33, § 6, 3-16-21; Ord. No. 2021-81, § 28, 9-28-21)

Sec. 122-585. - Limitations on uses.

All permitted uses in the neighborhood business (B-1) district shall be limited by the following:

- (1) Multifamily development shall be limited to 12 dwelling units per gross acre.
- (2) No parking shall be permitted in the front yard if there is residentially zoned property across the street, except as provided in subsection 122-1241(c).
- (3) No exposed drainage retention area exceeding 2½ feet in depth at a 3:1 slope shall be permitted in a required front yard.
- (4) Property abutting other residential uses shall conform to the requirements of section 122-260 and be approved in the site plan review process to reduce sign and noise intrusion.
- (5) Property with residential uses abutting on either side of it shall maintain the same front yard setback requirements as the abutting residential property.

(Code 1985, § 7-839(d); Ord. No. 1854, § 3, 6-17-86; Ord. No. 1903, § 3, 2-3-87; Ord. No. 1944, § 6, 8-4-87; Ord. No. 2261, § 1, 2-4-92; Ord. No. 2275, § 42, 5-5-92; Ord. No. 2730, § 8, 6-3-97)

Sec. 122-586. - Lot requirements; building height.

The following lot requirements shall apply to the neighborhood business (B-1) district:

- (1) *Lot size*. The minimum lot size shall be no less than 7,500 square feet for a single-family residence, and 10,000 square feet for other residential uses and for permitted nonresidential uses.
- (2) *Lot width*. The minimum lot width shall be 75 feet for a single-family residence and 100 feet for other residential or permitted nonresidential uses.
- (3) *Lot depth*. The minimum lot depth shall be 100 feet for any residential and permitted nonresidential uses.
- (4) *Front yard*. The minimum front yard shall be 25 feet for any residential use and zero feet for permitted nonresidential uses, except as outlined in subsection 122-585(5).
- (5) *Side yard*. The minimum side yard shall be ten feet for any residential use and zero feet for permitted nonresidential uses, except as outlined in subsection 122-585(4).
- (6) *Rear yard*. The minimum rear yard shall be 25 feet for any residential use and zero feet for permitted nonresidential uses, except as outlined in subsection 122-585(4).
- (7) *Lot coverage*. The maximum lot coverage for all buildings shall be 35 percent.
- (8) *Height limit*. The maximum height of any structure shall be 35 feet.

(Code 1985, § 7-839(e); Ord. No. 1854, § 3, 6-17-86; Ord. No. 1903, § 3, 2-3-87; Ord. No. 1944, § 6, 8-4-87; Ord. No. 2261, § 1, 2-4-92; Ord. No. 2275, § 42, 5-5-92; Ord. No. 2730, § 8, 6-3-97)

Sec. 122-587. - Parking requirements.

Off-street parking requirements for the neighborhood business (B-1) district shall be governed by article VI of this chapter.

(Code 1985, § 7-839(f); Ord. No. 1854, § 3, 6-17-86; Ord. No. 1903, § 3, 2-3-87; Ord. No. 1944, § 6, 8-4-87; Ord. No. 2261, § 1, 2-4-92; Ord. No. 2275, § 42, 5-5-92; Ord. No. 2730, § 8, 6-3-97)

Sec. 122-588. - Site plan.

Site plans shall be required for development in the B-1 district as per article IV of this chapter.

(Code 1985, § 7-839(g); Ord. No. 1854, § 3, 6-17-86; Ord. No. 1903, § 3, 2-3-87; Ord. No. 1944, § 6, 8-4-87; Ord. No. 2261, § 1, 2-4-92; Ord. No. 2275, § 42, 5-5-92; Ord. No. 2730, § 8, 6-3-97)

Secs. 122-589—122-600. - Reserved.

DIVISION 17. - B-1A LIMITED NEIGHBORHOOD BUSINESS DISTRICT

Footnotes:

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Cross reference— *Businesses, ch. 22.*

Sec. 122-601. - Intent and purpose.

The limited neighborhood business (B-1A) district is intended for neighborhood convenience goods and services involving basic, regular household purchases. In order to keep building scale and intensity compatible with surrounding residential development, there is a maximum allowable square footage, and an architectural review is necessary for more intense uses. Multifamily development in the B-1A district shall be no greater than ten dwelling units per gross acre.

(Code 1961, § 22-11(7); Code 1985, § 7-712; Ord. No. 1854, § 1, 6-17-86; Ord. No. 1903, § 2, 2-3-87; Ord. No. 2275, § 18, 5-5-92)

Sec. 122-602. - General provisions.

The limited neighborhood business (B-1A) district is intended for neighborhood convenience goods and services involving basic, regular household purchases. Building character, scale and intensity shall be compatible with surrounding residential development. Multifamily development shall be limited to ten or less dwelling units per gross acre. In order to keep building scale and intensity compatible with surrounding residential development, there is a maximum allowable square footage, and an architectural review is necessary for more intense uses.

(Code 1985, § 7-840(a); Ord. No. 1903, § 5, 2-3-87; Ord. No. 1944, § 7, 8-4-87; Ord. No. 2275, § 43, 5-5-92; Ord. No. 2730, § 9, 6-3-97; Ord. No. 2021-33, § 7, 3-16-21)

Sec. 122-603. - Permitted principal uses.

The following uses are permitted in the B-1A district, with a maximum of 6,000 square feet.

(1) *Residential uses:*

a. *Residential operation:*

1. Community residential home (maximum of 12 unrelated residents per single-family residential dwelling).
2. Residence—Gallery.
3. Residence—Office.

b. *Residential type:*

1. Single-family dwelling unit.
2. Two-family dwelling unit.

(2) *Retail uses:*

a. *General Retail:*

1. Bakery store.
2. Hardware store.

3. Home decorating store.
4. Specialty retail stores.
5. Videotape store.

b. *Vehicular sales*: None Permitted.

(3) *Service uses*:

a. *Agricultural use*: None permitted.

b. *Business service*: Parking lot.

c. *Eating or drinking establishment*:

1. Alcoholic beverage establishment (off-premises consumption).
2. Alcoholic beverage establishment (on-premises consumption) (reference [section 122-1185](#)).
3. Restaurant (enclosed).

d. *Hospitality and tourism*: Antique gallery/art gallery/museum.

e. *Office use*:

1. Photocopying and duplicating service.
2. Professional and business office.

f. *Personal service*:

1. Coin-operated laundry and dry cleaning.
2. Hairstyling shop.
3. Minor household repair establishment.

g. *Vehicular service*: None permitted.

(4) *Education/recreation/social uses*:

a. *Adult use establishment*: None permitted.

b. *Community service*:

1. Church/place of worship.
2. Day care facility (reference article IX, division 5 of this chapter).
3. Library.

c. *Educational use*: Speech and language center/school.

d. *Recreational use*:

1. Dance/art/music studios.
2. Physical fitness center.

(5) *Public uses*: Post office.

(6) *Health care uses*:

a. *Health care use*:

1. Medical and dental office.

2. Veterinarian office (no overnight boarding).

(7) *Industrial uses*: Microbrewery/microdistillery.

(Code 1985, § 7-840(b); Ord. No. 1903, § 5, 2-3-87; Ord. No. 1944, § 7, 8-4-87; Ord. No. 2275, § 43, 5-5-92; Ord. No. 2730, § 9, 6-3-97; Ord. No. 2959, § 12, 6-15-99; Ord. No. 5299, § 5, 6-8-04; Ord. No. 5406, § 24, 7-12-05; Ord. No. 5974, § 4, 12-23-09; Ord. No. 2018-2, § 8, 10-17-17; Ord. No. 2021-33, § 8, 3-16-21; Ord. No. 2021-81, § 29, 9-28-21)

Sec. 122-604. - Reserved.

Editor's note— Ord. No. 2021-33, § 9, adopted Mar. 16, 2021, repealed § 122-604 entitled "Uses permitted after architectural review," which derived from: Code 1985, § 7-840(c); Ord. No. 1903, § 5, adopted Feb. 3, 1987; Ord. No. 1944, § 7, adopted Aug. 4, 1987; Ord. No. 2275, § 43, adopted May 5, 1992; and Ord. No. 2730, § 9, adopted June 3, 1997.

Sec. 122-605. - Special exceptions.

The following uses are permitted by special exception in the limited neighborhood business (B-1A) district:

(1) *Residential uses*: Multi-family dwelling, (a maximum of ten units per acre) subject to the architectural review requirements in subsection 122-216(t).

(2) *Retail uses*: Garden and nursery sales (reference section 122-1212).

(3) *Service uses*:

a. *Agricultural use*: None permitted.

b. *Business service*: None permitted.

c. *Eating or drinking establishment*: Restaurant (enclosed), with drive-through window.

d. *Hospitality and tourism*: None permitted.

e. *Office use*: Financial institution.

f. *Personal service*: None permitted.

g. *Vehicular service*:

1. Drive-through facility, non-restaurant.

2. Self-service station/convenience store (reference section 122-1196).

(4) *Education/recreation/social uses*: None permitted.

(5) *Public uses*: Parks/open space areas.

(6) *Health care uses*: None permitted.

(7) *Industrial uses*: None permitted.

(Code 1985, § 7-840(d); Ord. No. 1903, § 5, 2-3-87; Ord. No. 1944, § 7, 8-4-87; Ord. No. 2275, § 43, 5-5-92; Ord. No. 2730, § 9, 6-3-97; Ord. No. 5406, § 25, 7-12-05; Ord. No. 5974, § 5, 12-23-09; Ord. No. 2021-33, § 10, 3-16-21; Ord. No. 2021-81, § 30, 9-28-21)

Sec. 122-606. - Limitations on uses.

All permitted and special exception uses in the limited neighborhood business (B-1A) district shall be limited by the following:

(1) Multifamily development shall be limited to ten dwelling units per gross acre.

(2) No parking shall be permitted in the front yard, except as provided in subsection 122-1241(c).

- (3) No exposed drainage retention area exceeding 2½ feet in depth at a 3:1 slope shall be permitted in a required front yard.
- (4) Property abutting other residential uses shall conform to the requirements of section 122-260 and approved in the site plan review process to reduce sign and noise intrusion.
- (5) Property with residential uses abutting on either side of it shall maintain the same front yard setback requirements as the abutting residential property.
- (6) Maximum hours of operation shall be from 7:00 a.m. to 11:00 p.m.
- (7) All special exceptions are subject to architectural review in subsections 122-216(t)(2) and (3).
- (8) Any use with a drive through or drive-in service shall require a minimum lot size of one acre.
- (9) The size and scale of the building shall be compatible with existing structures and uses on adjacent lots or parcels.
- (10) The following criteria shall be considered during the special exception hearing for a self-service station/convenience store, in addition to the requirements of section 122-73:
 - a. Gas islands shall be obscured from the view of surrounding residential properties.
 - b. Lighting shall be installed in such a manner as to ensure that it does not intrude into residential properties. This will include fascia lighting as well as site lighting.
 - c. The position and location of the fuel unloading area and tanker truck shall minimize the danger to adjacent residential properties.
 - d. Canopy color and design is to be harmonious with the exterior treatment of the building.

(Code 1985, § 7-840(e); Ord. No. 1903, § 5, 2-3-87; Ord. No. 1944, § 7, 8-4-87; Ord. No. 2275, § 43, 5-5-92; Ord. No. 2730, § 9, 6-3-97; Ord. No. 2021-33, § 11, 3-16-21)

Sec. 122-607. - Lot requirements; building height.

The following lot requirements shall apply to the limited neighborhood business (B-1A) district:

- (1) *Lot size*. The minimum lot size shall be no less than 10,000 square feet, except as outlined in subsection 122-606(8).
- (2) *Lot width*. The minimum lot width shall be 100 feet.
- (3) *Lot depth*. The minimum lot depth shall be 100 feet.
- (4) *Front yard*. The minimum front yard shall be 25 feet for any residential use and zero feet for permitted nonresidential uses, except as outlined in subsection 122-606(5).
- (5) *Side yard*. The minimum side yard shall be ten feet for any residential use and zero feet for permitted nonresidential uses, except as outlined in subsection 122-606(4).
- (6) *Rear yard*. The minimum rear yard shall be 25 feet for any residential use and zero feet for permitted nonresidential uses, except as outlined in subsection 122-606(4).
- (7) *Lot coverage*. The maximum lot coverage by all buildings shall be 35 percent.
- (8) *Height limit*. The maximum height of any principal structure shall be 35 feet. The maximum height of an accessory structure shall be 18 feet.

(Code 1985, § 7-840(f); Ord. No. 1903, § 5, 2-3-87; Ord. No. 1944, § 7, 8-4-87; Ord. No. 2275, § 43, 5-5-92; Ord. No. 2730, § 9, 6-3-97; Ord. No. 2021-33, § 12, 3-16-21)

Sec. 122-608. - Parking requirements.

Off-street parking requirements for the limited neighborhood business (B-1A) district shall be governed by article VI of this chapter.

(Code 1985, § 7-840(g); Ord. No. 1903, § 5, 2-3-87; Ord. No. 1944, § 7, 8-4-87; Ord. No. 2275, § 43, 5-5-92; Ord. No. 2730, § 9, 6-3-97)

Sec. 122-609. - Site plan.

Site plans shall be required for development in the B-1A district as per article IV of this chapter.

(Code 1985, § 7-840(h); Ord. No. 1903, § 5, 2-3-87; Ord. No. 1944, § 7, 8-4-87; Ord. No. 2275, § 43, 5-5-92; Ord. No. 2730, § 9, 6-3-97)

Secs. 122-610—122-620. - Reserved.

DIVISION 18. - B-2, B-2A COMMUNITY BUSINESS DISTRICTS

Footnotes:

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Editor's note— Ord. No. 5406, § 26, adopted July 12, 2005, repealed and reenacted Art. V, Div. 18, in its entirety to read as herein set out. Formerly, said division pertained to similar subject matter as enacted by Code 1961, § 22-11(9); as amended. See the Code Comparative Table for a detailed analysis of inclusion.

Cross reference— Businesses, ch. 22.

Sec. 122-621. - Intent and purpose.

The community business and limited community business (B-2 and B-2A) districts are intended for community businesses, including retail sales, personal and business services, and all office uses. No incidental use involving manufacturing processes shall be allowed in the B-2A zone. Businesses shall be based on walk-in trade, rather than delivery of supplies and large commodities.

(Ord. No. 5406, § 26, 7-12-05)

Sec. 122-622. - Permitted principal uses.

The following uses are permitted without exception in the community business (B-2) district.

(1) *Residential uses:*

a. *Residential operation:*

1. Bed and breakfast.
2. Community residential home, maximum of 14 unrelated residents per single-family residential dwelling.
3. Fraternity or sorority house (reference [section 122-1219](#)).
4. Residence—Gallery.
5. Residence—Office.
6. Rooming/boarding house.

b. *Residential type:*

1. Single-family dwelling.
2. Single-family dwellings (attached).
3. Two-family dwelling.

(2) *Retail uses:*

a. *General retail:*

1. Auto supply store.
2. Bakery store.
3. Department store.

4. Drugstore.
5. Electronics store.
6. Furniture store.
7. Garden and nursery sales (reference section 122-1212).
8. Grocery store.
9. Hardware store.
10. Home decorating store.
11. Pharmacy (reference section 122-1227).
12. Roadside fruit and vegetable sales (reference section 122-1184).
13. Specialty retail store.
14. Swimming pool sales (enclosed).
15. Used merchandise store (reference section 122-283).
16. Videotape store.

b. *Vehicular sales*: None permitted.

(3) *Services uses*:

a. *Agricultural use*: None permitted.

b. *Business service*:

1. Equipment rental and leasing.
2. General business service.
3. Parking garage.
4. Parking lot.
5. Radio/TV broadcasting facility.
6. Security systems service.

c. *Eating or drinking establishment*:

1. Alcoholic beverage establishment (off-premises consumption).
2. Alcoholic beverage establishment (on-premises consumption).
3. Fast food restaurant.
4. Restaurant (enclosed), (drive-through window permitted as an accessory use).

d. *Hospitality and tourism*:

1. Antique gallery/art gallery/museum.
2. Conference center.
3. Hotel/convention center.
4. Motel.

e. *Office use*:

1. Commercial photography (art and graphic design service).
2. Computer maintenance and repair.
3. Financial institution.
4. Photocopying and duplicating service.
5. Photofinishing laboratory.
6. Prepackaged software services.
7. Print shop.
8. Professional and business office.

f. *Personal service:*

1. Check cashing establishment.
2. Coin-operated laundry.
3. Emergency shelter.
4. Funeral home/crematory.
5. Hairstyling shop.
6. Laundry and dry-cleaning pickup.
7. Laundry and dry-cleaning service.
8. Major household repair establishment.
9. Mini-warehouse (reference [section 122-1214](#)).
10. Minor household repair establishment.
11. Recreational vehicle park (reference [section 122-1218](#)).
12. Recycling collection point.
13. Tattoo or body piercing establishment.

g. *Vehicular service:*

1. Auto repair, minor.
2. Automobile cleaning, detailing service.
3. Drive-through facility (non-restaurant), accessory use only.
4. Full-service station (reference article IX, division 3).
5. Self-service station/convenience store (reference [section 122-1196](#)).

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* None permitted.
- b. *Community service:*
 1. Church/place of worship.
 2. Day care facility (reference article IX, division 5 of this chapter).
 3. Library.

4. Private club.

c. *Educational use:*

1. College/university.
2. Community education center.
3. School, private elementary and secondary.
4. Speech and language center/school.
5. Vocational/professional school.

d. *Recreational use:*

1. Bowling center.
2. Commercial recreation, indoor.
3. Dance/art/music studio.
4. Motion picture theatres, except drive-in.
5. Physical fitness center.
6. Recreation facility, indoor.

(5) *Public uses:* Post office.

(6) *Health care:*

a. *Health care use:*

1. Assisted living facility (reference section 122-1198).
2. Medical and dental laboratory.
3. Medical and dental office.
4. Transitional recovery facility (reference section 122-1198).
5. Transitional treatment facility (reference section 122-1207).
6. Veterinarian office.

(7) *Industrial uses:* Microbrewery/microdistillery.

(Ord. No. 5406, § 26, 7-12-05; Ord. No. 5846, § 6, 4-25-08; Ord. No. 5974, § 6, 12-23-09; Ord. No. 2015-15, § 5, 3-17-15; Ord. No. 2015-37, § 3, 6-2-15; Ord. No. 2017-33, § 5, 3-7-17; Ord. No. 2018-2, § 9, 10-17-17; Ord. No. 2020-20, § 4, 2-18-20; Ord. No. 2020-56, § 3, 9-15-20; Ord. No. 2021-7, § 6, 1-19-21; 2021-50, § 6, 5-18-21; Ord. No. 2021-81, § 31, 9-28-21)

Sec. 122-623. - Special exceptions.

The following uses are permitted as special exceptions in the community business (B-2) district.

- (1) *Residential uses:* Multi-family dwelling, (a maximum of 20 units per acre) subject to architectural review requirements in subsection 122-216(t).
- (2) *Retail uses:* None permitted.
- (3) *Service uses:* Drive-in or drive-through restaurant.
- (4) *Education/recreation/social uses:*
 - a. *Recreational use:*

1. Commercial, outdoor baseball batting facility (reference section 122-1202).
2. Commercial recreation, outdoor (reference section 122-1208).
3. Driving range (reference section 122-1208).
4. Miniature golf (reference section 122-1208).

(5) *Public uses:*

- a. *Park/open space area.*
- b. *Public transportation terminal.*

(6) *Health care uses:* None permitted.(7) *Industrial uses:*

- a. *High-impact industrial use:* None permitted.
- b. *Low-impact industrial use:* Assembly of electronic components (reference section 122-1190).

(Ord. No. 5406, § 26, 7-12-05; Ord. No. 5974, § 7, 12-23-09; Ord. No. 2021-81, § 32, 9-28-21)

Sec. 122-624. - Lot and buffer requirements.

(1) *Lot requirements.* Each plot shall conform to the requirements of section 122-286.

(2) *Buffers.* Property abutting less intensive uses shall be landscaped as set forth in section 122-260 and approved in the site plan review process to reduce site and noise intrusion.

(Ord. No. 5406, § 26, 7-12-05)

Sec. 122-625. - Permitted uses.

The following uses are permitted without exception in the limited community business (B-2A) district:

(1) *Residential uses:*a. *Residential operation:*

1. Bed and breakfast.
2. Community residential home, maximum of 14 unrelated residents per single-family residential dwelling.
3. Fraternity or sorority house (reference section 122-1219).
4. Residence—Gallery.
5. Residence—Office.
6. Rooming/boarding house.

b. *Residential type:*

1. Single-family dwelling.
2. Single-family dwellings (attached).
3. Two-family dwelling.

(2) *Retail uses:*a. *General retail:*

1. Auto supply store (reference section 122-1197).
 2. Bakery store.
 3. Department store.
 4. Drugstore.
 5. Electronics store.
 6. Furniture store.
 7. Garden and nursery sales (reference section 122-1212).
 8. Grocery store.
 9. Hardware store.
 10. Home decorating store.
 11. Pharmacy (reference section 122-1227).
 12. Specialty retail store.
 13. Used merchandise store (reference section 122-283).
 14. Videotape store.
- b. *Vehicular sales*: None permitted.

(3) *Services uses*:

- a. *Agricultural use*: None permitted.
- b. *Business service*:
 1. Equipment rental and leasing.
 2. General business service.
 3. Parking garage.
 4. Parking lot.
 5. Radio/TV broadcasting facility.
- c. *Eating or drinking establishment*:
 1. Alcoholic beverage establishment (off-premises consumption).
 2. Alcoholic beverage establishment (on-premises consumption).
 3. Fast food restaurant.
 4. Restaurant (enclosed) (drive-through window permitted as an accessory use).
- d. *Hospitality and tourism*:
 1. Antique gallery/art gallery/museum.
 2. Conference center.
 3. Hotel/convention center.
 4. Motel.
- e. *Office use*:

1. Commercial photography (art and graphic design service).
2. Financial institution.
3. Photocopying and duplicating service.
4. Photofinishing laboratory.
5. Prepackaged software services.
6. Print shop.
7. Professional and business office.

f. *Personal service:*

1. Coin-operated laundry and dry cleaning.
2. Emergency shelter.
3. Hairstyling shop.
4. Laundry and dry-cleaning pickup.
5. Laundry and dry-cleaning service.
6. Major household repair establishment.
7. Minor household repair establishment.
8. Tattoo or body piercing establishment.

g. *Vehicular service:*

1. Auto repair, minor.
2. Automobile cleaning, detailing service.
3. Drive-through facility (non-restaurant), accessory use only.
4. Full-service station (reference article IX, division 3 of this chapter).

(4) *Education/recreation/social uses:*

a. *Adult use establishment:* None permitted

b. *Community service:*

1. Church/place of worship.
2. Day care facility (reference article IX, division 5 of this chapter).
3. Library.
4. Private club.

c. *Educational use:*

1. College/university.
2. Community education center.
3. School, private elementary and secondary.
4. Speech and language center/school.
5. Vocational/professional school.

d. *Recreational use:*

1. Bowling center.
2. Commercial recreation, indoor.
3. Dance/art/music studio.
4. Motion picture theatres, except drive-in.
5. Physical fitness center.
6. Recreation facility, indoor.

(5) *Public uses:* Post office.(6) *Health care:*

- a. Assisted living facility (reference section 122-1198).
- b. Medical and dental laboratory.
- c. Medical and dental office.
- d. Transitional recovery facility (reference section 122-1198).
- e. Transitional treatment facility (reference section 122-1207).
- f. Veterinarian office.

(7) *Industrial uses:* Microbrewery/microdistillery.

(Ord. No. 5406, § 26, 7-12-05; Ord. No. 5846, § 7, 4-25-08; Ord. No. 5974, § 8, 12-23-09; Ord. No. 2012-19, § 2, 2-21-12; Ord. No. 2015-15, § 6, 3-17-15; Ord. No. 2015-37, § 4, 6-2-15; Ord. No. 2018-2, § 10, 10-17-17; Ord. No. 2020-20, § 5, 2-18-20; Ord. No. 2020-56, § 4, 9-15-20; Ord. No. 2021-33, § 13, 3-16-21; Ord. No. 2021-81, § 33, 9-28-21)

Sec. 122-626. - Special exceptions.

The following uses are permitted as special exceptions in the limited community business (B-2A) district.

- (1) *Residential uses:* Multi-family dwelling, (a maximum of 20 units per acre) subject to architectural review requirements in subsection 122-216(t).
- (2) *Retail uses:* None permitted.
- (3) *Service uses:* None permitted.
- (4) *Education/recreation/social uses:* None.
- (5) *Public uses:* Park/open space area.
- (6) *Health care uses:* None permitted.
- (7) *Industrial uses:* None permitted.

(Ord. No. 5406, § 26, 7-12-05; Ord. No. 5974, § 9, 12-23-09; Ord. No. 2021-81, § 34, 9-28-21)

Sec. 122-627. - Lot and buffer requirements.

- (1) *Lot requirements.* Each plot shall conform to the requirements of section 122-286.
- (2) *Buffers.* Property abutting less intensive uses shall be landscaped pursuant to section 122-260 and approved in the site plan review process to reduce site and noise intrusion.

(Ord. No. 5406, § 26, 7-12-05)

Sec. 122-628. - Limitations on uses.

No incidental use involving manufacturing processes shall be allowed in the B2-A zone.

(Ord. No. 5406, § 26, 7-12-05)

Sec. 122-629. - Parking requirements.

Off-street parking requirements for the community business (B-2, B-2A) districts shall be governed by article VI of this chapter.

(Ord. No. 5406, § 26, 7-12-05)

Sec. 122-630. - Site plan.

Site plans shall be required for development in the community business (B-2, B-2A) districts pursuant to article IV of this chapter.

(Ord. No. 5406, § 26, 7-12-05)

Sec. 122-631. - Single-family dwellings (attached) criteria.

- (a) Single-family dwellings (attached) in the B-2 and B-2A zoning districts is intended to promote homeownership on smaller infill lots with city services. All development will be required to submit a site plan with a developer's agreement. All development must be compatible in terms of design, scale and size with the surrounding residential neighborhood.
- (b) Single-family dwellings (attached) development shall be a permitted use in the B-2 and B-2A zoning districts subject to the following:
 - (1) A development under this section must be less than ten acres.
 - (2) A development under this section must comply with size requirements for rezoning per subsection 122-133(b).
 - (3) A development must have access to city water and sewer.
 - (4) As part of the process, a site plan with a developer's agreement will be required to address site and off-site conditions. The site plan shall follow the process and requirements as identified in chapter 122, article IV. The site plan and developer's agreement shall be approved at the same time as the rezoning to B-2 or B-2A, if a rezoning is needed.
 - (5) The site plan, with the developer's agreement, shall be submitted for a recommendation from the planning and zoning commission in a public hearing, and to city council for approval. The notice requirements for the public hearing process shall be consistent with section 122-132. Prior to public hearings with the planning and zoning commission and city council, the applicant at their cost, shall be required to hold a neighborhood meeting. Any application in the local historic district will require review and a recommendation from the Ocala Historic Preservation Advisory Board.
 - (6) All lots and common areas must be either a fee simple plat or condominium plat.
 - (7) A fee simple plat shall follow the subdivision process and requirements identified in chapter 114 of the Code of Ordinances.
 - (8) The developer's agreement shall include, but not be limited to the following: lot sizes, setbacks, buffers, landscaping, open space, tree preservation, signage, drainage, access, traffic, services/utilities, type/size/height/design of units, price range, legal description, boundary survey, maintenance agreement, statement of unified control, ownership and deed requirements, parking, density, and timeframes/phasing.
 - (9) All projects must be developed under unified control and remain as single-family dwelling units as stated in the required ownership and deed restrictions. The deed restrictions will be required as an exhibit to the recorded developer's agreement and approved by the city attorney.
 - (10)

All agreements, restrictions and improvements related to the development shall run with the land and be binding upon the developer and all successors.

- (11) Architectural approval by the city shall be included in the developer's agreement to ensure that the proposed development is consistent with the design, scale and size of surrounding residential units.
- (12) As part of any development, at least two of the units must be attached on one side by a common wall separating units or units to yards and may include detached single-family dwelling units that are accessory to the number of attached units. All detached single-family dwelling units must be compatible with the size, scale and design of the attached units.
- (13) Lot sizes, setbacks, yards, frontage requirements and density shall be established as part of the site plan and developer's agreement. All units must be a minimum of four feet from any adjoining property. The maximum number of units per development shall be based on the density as defined in the comprehensive plan.
- (14) The height requirements must comply with section 122-286 concerning the R-I zoning district.
- (15) A tree survey of all trees, eight inches or more in diameter at a designated breast height (DBH), shall be provided. The site plan shall identify the trees to be saved and removed. The applicant will be required to save as many indigenous and viable trees as possible especially along property lines adjacent to residential uses.
- (16) A master landscape plan shall be required to address common areas and new trees being planted. The number, type and size of the new trees will be determined during the site plan process.
- (17) All utilities inside the development will be required to be underground.
- (18) Parking requirements: 1½ spaces per unit. Additional spaces may be required for amenities.
- (19) Signage may be allowed up to one freestanding sign structure per development not exceeding 12 square feet. The sign shall be approved as part of the developer's agreement and shall not include any internal illumination or animation.
- (20) Any substantial changes to the approved site plan and developer's agreement will require a new public hearing before the planning and zoning commission and city council.

(Ord. No. 2020-56, § 5, 9-15-20)

Secs. 122-632—122-640. - Reserved.

DIVISION 19. - RESERVED

Footnotes:

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Editor's note— Ord. No. 2018-42, § 33, adopted Sept. 25, 2018, repealed Div. 19, §§ 122-641—122-650, which pertained to B-3 central business district and derived from the 1961 Code; the 1985 Code; Ord. No. 2275, adopted May 5, 1992; Ord. No. 2419, adopted Nov. 2, 1993; Ord. No. 2801, adopted Dec. 9, 1997; Ord. No. 2959, adopted June 15, 1999; Ord. No. 2010-29, adopted Feb. 16, 2010; Ord. No. 2018-2, adopted Oct. 17, 2017; and Ord. No. 2018-17, adopted Nov. 21, 2017.

Secs. 122-641—122-660. - Reserved.

DIVISION 20. - RESERVED

Footnotes:

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Editor's note— Ord. No. 2018-42, § 34, adopted Sept. 25, 2018, repealed Div. 20, §§ 122-661—122-669, which pertained to B-3A community redevelopment area commercial corridor district and derived from the 1985 Code; Ord. No. 2275, adopted May 5, 1992; Ord. No. 2401, adopted Sept. 7, 1993; Ord. No. 2419, adopted Nov. 2, 1993; Ord. No. 2730, adopted June 3, 1997; Ord. No. 2801, adopted Dec. 9, 1997; Ord. No. 2959, adopted June 15, 1999; Ord. No. 5043, adopted Apr. 9, 2002; Ord. No. 5389, adopted May 10, 2005; Ord. No. 5419, adopted Aug. 3, 2005; Ord. No. 5952, adopted Mar. 3, 2009; and Ord. No. 2018-2, adopted Oct. 17, 2017.

Secs. 122-661—122-680. - Reserved.

DIVISION 21. - RESERVED

Footnotes:

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Editor's note— Ord. No. 2018-42, § 35, adopted September 25, 2018, repealed Div. 21, §§ 122-681—122-689, which pertained to B-3B community redevelopment area mixed use 1 district and derived from the 1985 Code; Ord. No. 2275, adopted May 5, 1992; Ord. No. 2419, adopted Nov. 2, 1993; Ord. No. 2730, adopted June 3, 1997; Ord. No. 2801, adopted Dec. 9, 1997; Ord. No. 2959, adopted June 15, 1999; Ord. No. 5043, adopted Apr. 9, 2002; Ord. No. 5419, adopted Aug. 3, 2005; and Ord. No. 2018-2, adopted Oct. 17, 2017.

Secs. 122-681—122-700. - Reserved.

DIVISION 22. - B-3C COMMUNITY REDEVELOPMENT AREA MIXED USE 2 DISTRICT

Footnotes:

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Cross reference— *Businesses, ch. 22.*

Sec. 122-701. - Intent and purpose.

The B-3C district has some of the same characteristics as the mixed use 1 district (B-3B), but allows for more intensive development or redevelopment and the existing industrial uses. This district shall permit a maximum of 50 dwelling units per acre for multifamily development.

(Code 1985, § 7-714.3(a); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97)

Sec. 122-702. - Permitted principal uses.

The following uses are permitted without exception in the community redevelopment area mixed use 2 (B-3C) district:

(1) *Residential uses:*

a. *Residential operation:*

1. Bed and breakfast.
2. Community residential home, maximum of 12 unrelated residents per single-family residential dwelling.
3. Downtown residence, commercial.
4. Rooming/boarding house.

b. *Residential type:*

1. Multifamily dwelling unit (maximum 50 units per acre).
2. Single-family dwelling unit.

3. Two-family dwelling unit.

(2) *Retail uses:*

a. *General retail:*

1. Auto supply store.
2. Bakery store.
3. Department store.
4. Drugstore.
5. Electronics store.
6. Furniture store.
7. Garden and nursery sales (reference section 122-1212).
8. Grocery store.
9. Hardware store.
10. Home decorating store.
11. Pharmacy (reference section 122-1227).
12. Specialty retail stores.
13. Used merchandise store (enclosed).
14. Videotape store.

b. *Vehicular sales:*

1. Automobile rental sales.
2. Automobile sales, new or used.
3. Automobile specialty sales, new or used.

(3) *Service uses:*

a. *Agricultural use:* None permitted.

b. *Business service:*

1. Equipment rental and leasing.
2. General business services.
3. Maintenance and cleaning service.
4. Parking garage.
5. Parking lot.
6. Pest control service.
7. Radio and TV broadcasting facility with no transmitters.
8. Security systems service.

c. *Eating or drinking establishment:*

1. Alcoholic beverage establishment (off-premises consumption).

2. Alcoholic beverage establishment (on-premises consumption).
3. Restaurant (enclosed) (drive-through window as accessory use).

d. *Hospitality and tourism:*

1. Antique gallery/art gallery/museum.
2. Conference center.
3. Hotel/convention center.
4. Motel.

e. *Office use:*

1. Commercial photography (art and graphic design service).
2. Computer maintenance and repair.
3. Financial institution.
4. Photocopying and duplicating service.
5. Photofinishing laboratory.
6. Prepackaged software services.
7. Print shop.
8. Professional and business offices.

f. *Personal service:*

1. Coin-operated laundry and dry-cleaning service.
2. Funeral home/crematory.
3. Hairstyling shop.
4. Laundry and dry cleaning, pick-up.
5. Laundry and dry cleaning, service.
6. Major household repair establishment.
7. Minor household repair establishment.

g. *Vehicular service:* None permitted.

(4) *Education/recreation/social uses:*

a. *Adult use establishment:* None permitted.

b. *Community service:*

1. Day care facility (reference article IX, division 5 of this chapter).
2. Library.
3. Private club.

c. *Educational use:*

1. College/university.
2. Community education center.

3. Speech and language center/school.

4. Vocational/professional school.

d. *Recreational use:*

1. Commercial recreation, indoor.

2. Dance/art/music store.

3. Motion picture theater, no drive-in.

4. Multipurpose facility.

5. Physical fitness center.

6. Recreation facility, indoor.

(5) *Public uses:*

a. *Public use:*

1. Post office.

2. Public transportation terminal.

(6) *Health care uses:*

a. *Health care use:*

1. Assisted living facility (reference section 122-1198).

2. Medical and dental laboratories.

3. Medical and dental office.

4. Veterinarian office.

(7) *Industrial uses:*

a. *High-impact industrial use:* None permitted.

b. *Low-impact industrial use:*

1. CRA existing industrial uses (on-site expansion).

2. Microbrewery/microdistillery.

(Code 1985, § 7-714.3(b); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97; Ord. No. 2801, § 5, 12-9-97; Ord. No. 2959, § 16, 6-15-99; Ord. No. 5043, § 14, 4-9-02; Ord. No. 2018-2, § 17, 10-17-17; Ord. No. 2021-81, § 35, 9-28-21)

Sec. 122-703. - Accessory uses.

The following uses are permitted as accessory uses in the community redevelopment area mixed use 2 (B-3C) district:

(1) Drive-through facility (non-restaurant).

(2) Outdoor sales and display of art.

(3) Restaurant (enclosed), with a drive-through window.

(4) Pharmacy (reference section 122-1227).

(Code 1985, § 7-714.3(c); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97; Ord. No. 2018-2, § 18, 10-17-17; Ord. No. 2021-81, § 36, 9-28-21)

Sec. 122-704. - Special exceptions.

The following uses are permitted by special exception in the community redevelopment area mixed use 2 (B-3C) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: Farmers' market.
- (3) *Service uses*:
 - a. Day labor service establishment (reference section 122-1215).
 - b. Emergency shelter.
- (4) *Education/recreation/social uses*:
 - a. Church/place of worship (reference section 122-1195).
- (5) *Public uses*: Parks/open space areas.
- (6) *Health care uses*: None permitted.
- (7) *Industrial uses*:
 - a. CRA existing industrial uses (off-site expansion).
 - b. Low impact manufacturing (reference section 122-1189).

(Code 1985, § 7-714.3(d); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97; Ord. No. 5419, § 9, 8-3-05; Ord. No. 2021-81, § 37, 9-28-21)

Sec. 122-705. - Lot requirements; building height.

The following lot requirements shall apply to the community redevelopment area mixed use 2 (B-3C) district:

- (1) *Floor area ratio*. The maximum floor area ratio for all uses shall be 0.5.
- (2) *Height limit*. The maximum height shall be 35 feet, or 150 feet with a special exception.
- (3) *Lot width for single-family dwellings*. The minimum lot width for a single-family dwelling unit shall be 100 feet.
- (4) *Front yard*. The minimum front yard for a single-family dwelling unit and other residential uses shall be 25 feet. The minimum front yard for nonresidential uses shall be zero feet.
- (5) *Side yard*. The minimum side yard for a single-family dwelling unit and other residential uses shall be four feet. The minimum side yard for nonresidential uses shall be zero feet.
- (6) *Rear yard*. The minimum rear yard for a single-family dwelling unit and other residential uses shall be 20 feet. The minimum rear yard for nonresidential uses shall be zero feet.

(Code 1985, § 7-714.3(e); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97)

Sec. 122-706. - Limitations on uses.

All permitted uses in the community redevelopment area mixed use 2 (B-3C) district shall be limited by the following:

- (1) No outdoor sales, display or storage of merchandise shall be permitted. However, the following uses shall be allowed to have outdoor sales and display without exception:
 - a. Automobile rental sales.

- b. Automobile sales, new or used.
- c. Automobile specialty sales, new or used.
- d. Retail store with a primary use of art sales and collection.

(2) In addition, the following uses shall be allowed to have outdoor sales and display with a special exception: farmers' market.

(Code 1985, § 7-714.3(f); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97)

Sec. 122-707. - Open space and landscaping.

The minimum landscaped open space for an individual parcel or development in the B-3C district shall be as follows: ten percent for sites less than 25,000 square feet, 12 percent for sites 25,000 square feet up to one acre, and 15 percent for sites one acre or larger. Any streetscape improvements in the right-of-way of the proposed development shall be considered as part of the required open space for that particular site. All landscaped areas shall have a properly installed irrigation system to give 100 percent coverage of the landscaped area, or use proper planting, maintenance and water conservation measures such as native or drought-tolerant vegetation to ensure the healthy survival of all sod, ground cover, shrubs and trees. A landscape plan shall be submitted with every site plan showing the irrigation system or the alternate use of native or drought-tolerant vegetation.

(Code 1985, § 7-714.3(g); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97)

Sec. 122-708. - Parking requirements.

Off-street parking requirements for the community redevelopment area mixed use 2 (B-3C) district shall be governed by article VI of this chapter.

(Code 1985, § 7-714.3(h); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97)

Sec. 122-709. - Site plan.

Site plans shall be required for development in the B-3C district as per article IV of this chapter.

(Code 1985, § 7-714.3(i); Ord. No. 2275, § 22, 5-5-92; Ord. No. 2402, § 2, 9-7-93; Ord. No. 2403, §§ 2—4, 9-7-93; Ord. No. 2419, §§ 8, 9, 11-2-93; Ord. No. 2428, §§ 2, 3, 12-7-93; Ord. No. 2730, § 6, 6-3-97)

Secs. 122-710—122-720. - Reserved.

DIVISION 23. - B-4 GENERAL BUSINESS DISTRICT

Footnotes:

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Editor's note— Ord. No. 5406, § 27, adopted July 12, 2005, repealed and re-enacted art. V, div. 23, in its entirety to read as herein set out. Formerly, said division pertained to similar subject matter as enacted by Code 1961, § 22-11(10); as amended. See the Code Comparative Table for a detailed analysis of inclusion.

Cross reference— Businesses, ch. 22.

Sec. 122-721. - Intent and purpose.

The general business (B-4) district is intended for larger retail establishments, businesses catering to highway trade and motorists' needs, and businesses that receive a large number of delivery trucks.

(Ord. No. 5406, § 27, 7-12-05)

Sec. 122-722. - Limitations on uses.

- (a) *Outdoor sales.* Except as provided in subsections 122-282(b)(1) and (2), subsection 122-283(3), subsection 122-722(b), section 122-1205, section 122-1206, section 122-1212, and section 122-1220, any use in the B-4 district which consists in whole or in part of sales, services, preparation or repair or displaying of merchandise must be in a completely enclosed building.
- (b) *Outdoor storage.* Outdoor storage shall be subject to a public hearing with the planning and zoning commission or the board of adjustment per subsection 122-282(b)(5).
- (c) *Outdoor storage of equipment as part of a construction service establishment* shall be permitted in the B-4 district, subject to the requirements of 122-282(b)(5) unless the following requirements are met:
- (1) A construction service establishment in the B-4 zoning district can only have outdoor storage if within 300 feet of a property zoned B-5, M-1 or M-2. The distance requirement shall be measured from property line to property line.
 - (2) The outdoor storage area shall not exceed 20 percent of a site with a maximum of 50,000 square feet.
 - (3) The outdoor storage area must be identified on a site plan.
 - (4) The outdoor storage area must be contained and screened from public view. All screening materials (wall, fence, berm or landscaping) shall be approved as part of the site plan review process.
 - (5) The outdoor storage area must be located in the side yards or rear yard. Corner lots must locate the outdoor storage area in the rear yard.
 - (6) The outdoor storage area cannot be located in a required buffer.
 - (7) The outdoor storage area cannot be located in required off-street parking or open space areas.
 - (8) The outdoor storage of equipment shall not exceed 15 feet in height above the ground surface; however, during the site plan review process an additional height of five feet can be approved if the applicant submits a plan showing how it will be screened from public view.
- (d) *Repair services.* Repair services that do not involve outdoor storage of materials or damaged equipment or vehicles are permitted, subject to limitations in the land development regulations.
- (e) *Design standards.* Facilities shall include parking, landscaping, signage and facade treatment typical of professional offices and retail establishments.
- (f) *Single retail store developments.* Single retail store developments as defined in section 122-3 are permitted in the general business (B-4) zoning district.
- (1) Single retail store developments must meet the requirements and follow the procedures of the shopping center ordinance (article V, division 29 of this chapter), except that the property cannot be rezoned to shopping center (SC).
 - (2) Such single retail store developments are allowed outparcels subject to the limitations of the shopping center ordinance (article V, division 29 of this chapter).
 - (3) Outdoor sales and storage are controlled by the shopping center ordinance (article V, division 29 of this chapter).

(Ord. No. 5406, § 27, 7-12-05; Ord. No. 2014-51, § 3, 9-16-14; Ord. No. 2017-31, § 2, 2-21-17; Ord. No. 2021-34, § 2, 3-16-21)

Sec. 122-723. - Permitted uses.

The following uses are permitted without exception in the general business (B-4) district:

- (1) *Residential uses:*
 - a. *Residential operation:*
 1. Community residential home, maximum of 14 unrelated residents per single-family residential dwelling.
 2. Fraternity or sorority house (reference section 122-1219).
 - b. *Residential type:*

1. Single-family dwelling (reference section 122-1194).
2. Two-family dwelling.

(2) *Retail uses:*

a. *General retail:*

1. Auto supply store.
2. Bakery store.
3. Building material sales.
4. Department store.
5. Drug store.
6. Electronic cigarette/vaporizer store.
7. Electronics store.
8. Furniture store.
9. Garden and nursery sales (reference section 122-1212).
10. Grocery store.
11. Hardware store.
12. Home decorating store.
13. Pawn shop.
14. Pharmacy (reference section 122-1227).
15. Playground equipment sales, outdoor (reference section 122-1209).
16. Roadside fruit and vegetable sales (reference section 122-1184).
17. Specialty retail store.
18. Swimming pool sales (enclosed).
19. Used merchandise store (reference section 122-283).
20. Videotape store.

b. *Vehicular sales:*

1. Automobile rental sales.
2. Automobile sales, new or used.
3. Automobile specialty sales, new or used.

(3) *Service uses:*

a. *Agricultural use:* None permitted.

b. *Business service:*

1. Construction service establishment (reference section 122-722).
2. Equipment rental and leasing.
3. General business service.

4. Maintenance and cleaning service.
 5. Parking garage.
 6. Parking lot.
 7. Pest control service.
 8. Radio/TV broadcasting facility.
 9. Security systems service.
- c. *Eating or drinking establishment:*
1. Alcoholic beverage establishment (off-premises consumption).
 2. Alcoholic beverage establishment (on-premises consumption).
 3. Drive-in or drive-through restaurant.
 4. Fast-food restaurant.
 5. Restaurant (enclosed), (drive-through window permitted as an accessory use).
- d. *Hospitality and tourism:*
1. Antique gallery/art gallery/museum.
 2. Conference center.
 3. Hotel/convention center.
 4. Motel.
- e. *Office use:*
1. Commercial photography (art and graphic design service).
 2. Computer maintenance and repair.
 3. Financial institution.
 4. Photocopying and duplicating service.
 5. Photofinishing laboratory.
 6. Prepackaged software services.
 7. Print shop.
 8. Professional and business office.
- f. *Personal service:*
1. Bail bonds agency.
 2. Check cashing establishment.
 3. Coin-operated laundry.
 4. Emergency shelter.
 5. Funeral home/crematory.
 6. Hairstyling shop.
 7. Laundry and dry cleaning pickup establishment.

8. Laundry and dry cleaning service.
9. Major household repair establishment.
10. Mini-warehouse (reference [section 122-1214](#)).
11. Minor household repair establishment.
12. Recreational vehicle park (reference [section 122-1218](#)).
13. Recycling collection point.
14. Tattoo or body piercing establishment.

g. *Vehicular service:*

1. Auto repair, minor.
2. Automobile cleaning, detailing service.
3. Drive-through facility (non-restaurant), accessory use only.
4. Full-service station (reference article IX, division 3 of this chapter).
5. Self-service station/convenience store (reference [section 122-1196](#)).

(4) *Education/recreation/social uses:*

a. *Adult use establishment:* None permitted.

b. *Community service:*

1. Church/place of worship.
2. Day care facility (reference article IX, division 5 of this chapter).
3. Library.
4. Private club.

c. *Educational use:*

1. College/university.
2. Community education center.
3. School, private elementary and secondary.
4. Speech and language center/school.
5. Vocational/professional school.

d. *Recreational use:*

1. Bowling center.
2. Commercial recreation, indoor.
3. Dance/art/music studio.
4. Drive-in theatre.
5. Motion picture theatres, except drive-in.
6. Multipurpose facility.
7. Physical fitness center.

8. Recreation facility, indoor.

(5) *Public uses:*

a. *Public use:*

1. Post office.
2. Public transportation terminal.

(6) *Health care uses:*

a. *Health care use:*

1. Assisted living facility, subject to the requirements of section 122-1198.
2. Medical and dental laboratory.
3. Medical and dental office on major and minor arterials.
4. Medical and dental office on local and collector streets.
5. Transitional recovery facility, subject to the requirements of section 122-1198.
6. Transitional treatment facility, subject to the requirements of section 122-1207.
7. Veterinarian office.
8. Satellite hospital emergency room.

(7) *Industrial uses:*

- a. High-impact industrial use: None permitted.
- b. Low-impact industrial use: Microbrewery/microdistillery.

(Ord. No. 5406, § 27, 7-12-05; Ord. No. 5540, § 6, 6-27-06; Ord. No. 5846, § 8, 4-25-08; Ord. No. 5974, § 10, 12-23-09; Ord. No. 2014-51, § 4, 9-16-14; Ord. No. 2015-15, § 7, 3-17-15; Ord. No. 2015-37, § 5, 6-2-15; Ord. No. 2017-33, § 6, 3-7-17; Ord. No. 2018-2, § 19, 10-17-17; Ord. No. 2020-20, § 6, 2-18-20; Ord. No. 2021-7, § 7, 1-19-21; Ord. No. 2021-50, § 7, 5-18-21; Ord. No. 2021-81, § 38, 9-28-21; Ord. No. 2022-32, § 5, 4-19-22)

Sec. 122-724. - Special exceptions.

The following uses are permitted in the general business (B-4) district by special exception:

(1) *Residential uses:*

a. *Residential operation:*

1. Residence—Gallery.
2. Residence—Office.
3. Rooming/boarding house.

b. *Residential type:* Multifamily dwelling (a maximum of 30 units per acre) subject to architectural review requirements in subsection 122-216(t).

(2) *Retail uses:*

a. *General retail:*

1. Home garden/hobby farm equipment sales (reference section 122-1220).
2. Model manufactured home centers (reference section 122-1183).

3. Swimming pool sales (outdoor sales), (reference section 122-1206).
- b. *Vehicular sales*:
 1. Boat store (reference section 122-1205).
 2. Truck rental and sales.
- (3) *Service uses*:
 - a. *Agricultural use*: None permitted.
 - b. *Business service*:
 1. Advertising services (on-site, off-site signs).
 2. Day labor service establishment (reference section 122-1215).
 - c. *Eating or drinking establishment*: None permitted.
 - d. *Hospitality and tourism*: None permitted.
 - e. *Office use*: None permitted.
 - f. *Personal service*: Kennel.
 - g. *Vehicular service*: Repair garage.
- (4) *Education/recreation/social uses*:
 - a. *Adult use establishment*: None permitted.
 - b. *Community service*: Open pavilion engagement center (reference section 122-1226).
 - c. *Educational use*: None permitted.
 - d. *Recreational use*:
 1. Commercial outdoor baseball batting facility (reference section 122-1202).
 2. Commercial recreation, outdoor (reference section 122-1208).
 3. Driving range (reference section 122-1208).
 4. Golf course.
 5. Miniature golf (reference section 122-1208).
 6. Shooting ranges, indoor.
 7. Temporary commercial amusement (reference section 122-1201).
- (5) *Public uses*: Park/open space area.
- (6) *Health care uses*: None permitted.
- (7) *Industrial uses*:
 - a. *High-impact industrial use*: None Permitted.
 - b. *Low-impact industrial use*: Assembly of electronic components (reference section 122-1190).

(Ord. No. 5406, § 27, 7-12-05; Ord. No. 5540, § 7, 6-27-06; Ord. No. 5871, § 4, 7-22-08; Ord. No. 5974, § 11, 12-23-09; Ord. No. 2018-1, § 4, 10-17-17; Ord. No. 2021-81, § 39, 9-28-21)

Sec. 122-725. - Lot and buffer requirements.

(1) *Lot requirements.* Each plot shall conform to the requirements of section 122-286.

(2) *Buffers.* Property abutting less intensive uses shall be landscaped pursuant to section 122-260 and approved in the site plan review process to reduce site and noise intrusion.

(Ord. No. 5406, § 27, 7-12-05)

Sec. 122-726. - Parking requirements.

Off-street parking requirements for the general business (B-4) district shall be governed by article VI of this chapter.

(Ord. No. 5406, § 27, 7-12-05)

Sec. 122-727. - Site plan.

Site plans shall be required for development in the general business district as per article IV of this chapter.

(Ord. No. 5406, § 27, 7-12-05)

Secs. 122-728—122-740. - Reserved.

DIVISION 24. - B-5 WHOLESALE BUSINESS DISTRICT

Footnotes:

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Editor's note— Ord. No. 5406, § 28, adopted July 12, 2005, repealed and re-enacted art. V, div. 24, in its entirety to read as herein set out. Formerly, said division pertained to similar subject matter as enacted by Code 1961, § 22-11(11); as amended. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 122-741. - Intent and purpose.

The wholesale business (B-5) district is intended primarily for retail sales, wholesale trade and warehouse storage requiring a large site or structure. Outdoor sales with some B-5 uses are permitted, with criteria as set forth in section 122-1205. Outdoor storage is a permitted accessory use with criteria as defined in section 122-282.

(Ord. No. 5406, § 28, 7-12-05)

Sec. 122-742. - Single retail store developments.

Single retail store developments as defined in section 122-3 are permitted in the wholesale business (B-5) zoning district.

(1) Single retail store developments must meet the requirements and follow the procedures of the shopping center ordinance (article V, division 29 of this chapter), except that the property cannot be rezoned shopping center (SC).

(2) Such single retail store developments are allowed outparcels subject to the limitations of article V, division 29 of this chapter.

(3) Outdoor sales and storage are permitted, subject to the limitations of the land development regulations.

(Ord. No. 5406, § 1, 7-12-05)

Sec. 122-743. - Permitted uses.

The following uses are permitted in the wholesale business (B-5) district:

(1) *Residential uses:*

- a. *Residential operation:* None Permitted.
- b. *Residential type:* Single-family dwelling (reference [section 122-1194](#)).

(2) *Retail uses:*

a. *General retail:*

1. Auto supply store.
2. Bakery store.
3. Building material sales (reference [section 122-1205](#)).
4. Department store.
5. Drugstore.
6. Electronic cigarette/vaporizer store.
7. Electronics store.
8. Farmer's market (reference [section 122-1205](#)).
9. Flea market (reference [section 122-1205](#)).
10. Furniture store.
11. Garden and nursery sales (reference [section 122-1212](#)).
12. Grocery store.
13. Hardware store.
14. Home decorating store.
15. Home garden/hobby farm equipment sales (reference [section 122-1220](#)).
16. Manufactured/mobile home sales (reference [section 122-1205](#)).
17. Pawn shop.
18. Pharmacy (reference [section 122-1227](#)).
19. Playground equipment sales, outdoor (reference [section 122-1209](#)).
20. Roadside fruit and vegetable sales (reference [section 122-1184](#)).
21. Specialty retail stores.
22. Swimming pool sales (enclosed).
23. Swimming pool sales (outdoor sales) (reference [section 122-1205](#)).
24. Used merchandise store (reference [section 122-283](#)).
25. Videotape store.

b. *Vehicular sales:*

1. Automobile rental sales.
2. Automobile sales, new or used.
3. Automobile specialty sales, new or used.
4. Boat store (reference section 122-1205).
5. Construction/farm equipment sales (reference section 122-1205).
6. Recreational vehicle sales (reference section 122-1205).
7. Truck rental and sales.

(3) *Service uses:*

a. *Agricultural use:* None permitted.

b. *Business service:*

1. Advertising service (on-site/off-site signs).
2. Construction service establishment.
3. Day labor service establishment (reference section 122-1215).
4. Equipment rental and leasing.
5. General business service.
6. Maintenance and cleaning service.
7. Parking garage (or structure).
8. Parking lot.
9. Pest control service.
10. Radio/TV broadcasting facility.
11. Security systems service.

c. *Eating or drinking establishment:*

1. Alcoholic beverage establishment (off-premises consumption).
2. Alcoholic beverage establishment (on-premises consumption).
3. Drive-in or drive-through restaurant.
4. Fast-food restaurant.
5. Restaurant (enclosed), (drive-through window permitted as an accessory use).

d. *Hospitality and tourism:*

1. Antique gallery/art gallery/museum.
2. Hotel/convention center.

e. *Office use:*

1. Commercial photography (art and graphic design service).
2. Computer maintenance and repair.
3. Financial institution.

4. Photocopying and duplicating service.
5. Photofinishing laboratory.
6. Prepackaged software services.
7. Print shop.
8. Professional and business office.

f. *Personal service:*

1. Bail bonds agency.
2. Check cashing establishment.
3. Coin-operated laundry and dry cleaning.
4. Emergency shelter.
5. Funeral home and/or crematory.
6. Hairstyling shop.
7. Kennel.
8. Laundry and dry cleaning pickup establishment.
9. Laundry and dry cleaning service.
10. Major household repair establishment.
11. Mini-warehouse (reference [section 122-1214](#)).
12. Minor household repair establishment.
13. Recycling collection point.
14. Tattoo or body piercing establishment.

g. *Vehicular service:*

1. Auto repair, minor.
2. Automobile cleaning/detailing service.
3. Drive-through facility (non-restaurant), accessory use only.
4. Full-service station (reference article IX, division 3 of this chapter).
5. Repair garage.
6. Self-service station/convenience store (reference [section 122-1196](#)).

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* Adult use establishment (reference [section 122-1200](#)).
- b. *Community service:* Private club.
- c. *Educational use:*
 1. Community education center.
 2. Vocational, professional school.
- d. *Recreational use:*

1. Bowling center.
2. Commercial outdoor baseball/batting facility.
3. Commercial recreation, indoor.
4. Commercial recreation, outdoor (reference section 122-1208).
5. Dance/art/music studio.
6. Drive-in theatre.
7. Driving range (reference section 122-1208).
8. Miniature golf (reference section 122-1208).
9. Motion picture theatre, except drive-in.
10. Multi-purpose facility.
11. Physical fitness center.
12. Recreation facility, indoor.

(5) *Public uses:*

a. *Public use:*

1. Post office.
2. Public transportation terminal.

(6) *Health care uses:*

a. *Health care use:*

1. Medical and dental laboratory.
2. Medical and dental office on major and minor arterials.
3. Medical and dental office on local and collector streets.
4. Veterinarian office.
5. Satellite hospital emergency room.

(7) *Industrial uses:*

a. *High-impact industrial use:* None permitted.

b. *Low-impact industrial use:*

1. Carpet and upholstery cleaning.
2. Microbrewery/microdistillery.
3. Newspaper printing facility.
4. Packing and crating.
5. Recycling center.
6. Research and testing laboratory.
7. Truck/freight terminal.
8. Warehouse.

9. Wholesale and distribution.

(Ord. No. 5406, § 28, 7-12-05; Ord. No. 5540, § 8, 6-27-06; Ord. No. 5871, § 5, 7-22-08; Ord. No. 2015-15, § 8, 3-17-15; Ord. No. 2017-33, § 7, 3-7-17; Ord. No. 2018-2, § 20, 10-17-17; Ord. No. 2021-7, § 8, 1-19-21; Ord. No. 2021-81, § 40, 9-28-21; Ord. No. 2022-32, § 6, 4-19-22)

Sec. 122-744. - Special exceptions.

The following uses are permitted by special exception in the wholesale business (B-5) district:

(1) *Residential uses:*a. *Residential operation:*

1. Residence—Gallery.
2. Residence—Office.

b. *Residential type:* Multi-family dwelling, (a maximum of 30 units per acre) subject to architectural review requirements in subsection 122-216(t).(2) *Retail uses:* None permitted.(3) *Service uses:*

- a. *Agricultural use:* None permitted.
- b. *Business service:* None permitted.
- c. *Eating or drinking establishment:* None permitted.
- d. *Hospitality and tourism:* None permitted.
- e. *Office use:* None permitted.
- f. *Personal service:* None permitted.
- g. *Vehicular service:* None permitted.

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* None permitted.
- b. *Community service:* Open pavilion engagement center (reference section 122-1226).
- c. *Educational use:* None permitted.
- d. *Recreational use:*
 1. Golf course.
 2. Shooting ranges, indoor.
 3. Temporary commercial amusement (reference section 122-1201).

(5) *Public uses:* Park/open space area.(6) *Health care uses:* Community work release facility (reference section 122-1216).(7) *Industrial uses:*

- a. *High-impact industrial use:* None permitted.
- b. *Low-impact industrial use:* Assembly of electronic components (reference section 122-1190).

(Ord. No. 5406, § 28, 7-12-05; Ord. No. 5550, § 5, 8-8-06; Ord. No. 2018-1, § 5, 10-17-17; Ord. No. 2021-81, § 41, 9-28-21)

Sec. 122-745. - Lot and buffer requirements.

(a) *Lot requirements.* Each plot shall conform to the requirements of section 122-286.

(b) *Buffers.* Property abutting less intensive uses shall be landscaped pursuant to section 122-260 and approved in the site plan review process to reduce site and noise intrusion.

(Ord. No. 5406, § 28, 7-12-05)

Sec. 122-746. - Parking requirements.

Off-site parking requirements for the general business (B-5) district shall be governed by article VI of this chapter.

(Ord. No. 5406, § 28, 7-12-05)

Sec. 122-747. - Site plan.

Site plans shall be required for development in the wholesale business district as per article IV of this chapter.

(Ord. No. 5406, § 28, 7-12-05)

Sec. 122-748. - Reserved.

Editor's note— Ord. No. 2019-9, § 2, adopted December 18, 2018, repealed § 122-748, which pertained to consistency with high intensity/central core and low intensity land use and derived from Ord. No. 2017-49, adopted May 16, 2017.

Secs. 122-749—122-760. - Reserved.

DIVISION 25. - M-1 LIGHT INDUSTRIAL DISTRICT

Footnotes:

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Cross reference— *Businesses, ch. 22.*

Sec. 122-761. - Intent and purpose.

The light industrial (M-1) district is intended primarily for wholesale distribution, warehouse storage, research and development, showroom sales, and light manufacturing of finished or semi-finished products. The light industrial uses shall be compatible with the surrounding uses. Outdoor manufacturing is not allowed in the M-1 district. Outdoor storage is allowed as a permitted accessory use, if it complies with design criteria in section 12-763. Additional outdoor storage, subject to design criteria (see section 122-767) can be requested as part of the public hearing process before the planning and zoning commission and city council. Service establishments serving the industrial uses or the district shall be permitted. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.

(Code 1961, § 22-11(12); Code 1985, § 7-717(a); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96; Ord. No. 2012-27, § 2, 5-15-12)

Sec. 122-762. - Permitted principal uses.

The following uses are permitted without exception in the light industrial (M-1) district:

- (1) *Residential uses:* None permitted.
- (2) *Retail uses:*
 - a. *General retail:*
 1. Furniture store, with a minimum of 10,000 square feet of warehouse space.
 2. Home garden/hobby farm equipment sales (reference section 122-1220).
 3. Used merchandise store (reference section 122-283).
 - b. *Vehicular sales:* None permitted.
- (3) *Service uses:*
 - a. *Agricultural use:*
 1. Indoor greenhouse (reference section 122-1228).
 2. Indoor hemp facility (reference section 122-1229).
 - b. *Business service:*
 1. Advertising services (on-site/off-site signs).
 2. Construction service establishment.
 3. Equipment rental and leasing.
 4. General business service.
 5. Maintenance and cleaning service.
 6. Parking garage (or structure).
 7. Parking lot.
 8. Pest control service.
 9. Radio/TV broadcasting facilities.
 10. Security systems service.
 - c. *Eating or drinking establishment:*
 1. Alcoholic beverage establishment (off-premises consumption).
 2. Restaurant (enclosed) (reference section 122-763(6)).
 - d. *Hospitality and tourism:* None permitted.
 - e. *Office use:*
 1. Commercial photography (art and graphic design service).
 2. Computer maintenance and repair.

3. Photofinishing laboratory.
4. Prepackaged software services.
5. Print shop.
6. Professional and business office.

f. *Personal service:*

1. Bail bonds agency.
2. Kennel.
3. Laundry and dry-cleaning service.
4. Major household repair establishment.
5. Mini-warehouse (reference [section 122-1214](#)).
6. Minor household repair establishment.
7. Recycling collection point.

g. *Vehicular service:*

1. Auto repair, minor.
2. Repair garage.
3. Self-service/convenience store (reference [section 122-1196](#)).

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* None permitted.
- b. *Community service:* None permitted.
- c. *Educational use:*
 1. Community education center.
 2. Vocational/professional school.
- d. *Recreational use:* None permitted.

(5) *Public uses:* None permitted.

(6) *Health care uses:*

- a. *Health care use:*
 1. Medical and dental laboratory.
 2. Veterinarian office.

(7) *Industrial uses:*

- a. *High-impact industrial use:* None permitted.
- b. *Low-impact industrial use:*
 1. Assembly of electronics components.
 2. Carpet and upholstery cleaning.
 3. Manufacturing, light.

4. Microbrewery/microdistillery.
5. Newspaper printing facilities.
6. Packing and crating.
7. Recycling center.
8. Research and testing laboratory.
9. Truck/freight terminal.
10. Warehouse.
11. Wholesale and distribution.

(Code 1961, § 22-11(12); Code 1985, § 7-717(b); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96; Ord. No. 4073, § 15, 8-21-01; Ord. No. 5540, § 9, 6-27-06; Ord. No. 5871, § 6, 7-22-08; Ord. No. 5975, §§ 3, 4, 4-21-09; Ord. No. 2012-27, § 3, 5-15-12; Ord. No. 2015-15, § 9, 3-17-15; Ord. No. 2017-33, § 8, 3-7-17; Ord. No. 2020-10, § 5, 12-17-19; Ord. No. 2021-7, § 9, 1-19-21; Ord. No. 2021-81, § 42, 9-28-21)

Sec. 122-763. - Permitted accessory uses.

The following are permitted accessory uses in the light industrial (M-1) district:

- (1) An accessory building or structure used for storage.
- (2) An office associated with a permitted use.
- (3) Outdoor storage for finished or semi-finished products that are utilized in the permitted principal use.
 - a. The outdoor storage area must be contained and screened from public view with a design and materials (wall, fence, berm or landscaping) approved as part of the site plan review process.
 - b. The outdoor storage must be located in the side yards or rear yard. Corner lots must locate the outdoor storage area in the rear yard.
 - c. The outdoor storage area cannot be located in a required buffer.
 - d. The outdoor storage area must be located and its proposed use identified on the site plan for approval by the city's site plan review committee.
 - e. The outdoor storage area cannot be part of the required off-street parking area or open space requirements of the site plan.
 - f. The outdoor storage area can be 30 percent of the gross floor area of main building or structure, up to a maximum of 10,000 square feet.
 - g. The site plan cannot be approved until all the requirements of subsections (3)a through f of this section are satisfied.
 - h. An applicant can request additional outdoor storage, subject to design criteria (see section 122-767), as part of the public hearing process before the planning and zoning commission and city council.
- (4) Showroom sales of products manufactured or assembled on-site.
- (5) Showroom sales of products generally sold and shipped to retailers, contractors or tradesmen. The showroom shall not exceed 15 percent of the gross floor area of the main building or structure, up to a maximum of 10,000 square feet.
- (6) A restaurant is permitted as part of a convenience store/gas station subject to the requirements of subsection 122-1196(g).
- (7) Shooting ranges, indoor subject to the following criteria:
 - a. Permitted as accessory to a manufacturing use.
 - b. Subject to approval by city council at a public hearing. City council shall be guided by the following factors:
 1. The proximity of the location to schools, churches, day care centers, public recreation areas, public buildings and areas of public assembly.

2. The proximity of the location to established residential areas.
3. Notice of public hearing shall be given in the manner prescribed in section 122-113 and subsection 122-113(2).
- c. The range shall comply with The Range Source Book (National Rifle Association of America; Fairfax, Virginia, 2004) with regard to design and operation. In addition, the range shall comply with all applicable federal, state and local ordinances, rules and regulations.
- d. The building shall be constructed to provide acoustical treatment for sound attenuation to prevent sound from traveling beyond the property lines of the subject property.

(Code 1961, § 22-11(12); Code 1985, § 7-717(c); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96; Ord. No. 5406, § 29, 7-12-05; Ord. No. 5954, § 1, 2-17-09; Ord. No. 2010-33, § 1, 4-20-10)

Sec. 122-764. - Special exceptions.

The following uses are permitted by special exception in the light industrial (M-1) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*:
 - a. *General retail*: None permitted.
 - b. *Vehicular sales*:
 1. Construction/farm equipment sales (reference section 122-1205).
 2. Truck rental and sales.
- (3) *Service uses*:
 - a. *Agricultural use*: None permitted.
 - b. *Business service*: Day labor service establishment (reference section 122-1215).
 - c. *Eating or drinking establishment*: None permitted.
 - d. *Hospitality and tourism*: None permitted.
 - e. *Office use*: None permitted.
 - f. *Personal service*: None permitted.
 - g. *Vehicular service*: None permitted.
- (4) *Education/recreation/social uses*:
 - a. *Adult use establishment*: None permitted.
 - b. *Community service*: Day care facilities (reference article IX, division 5 of this chapter).
 - c. *Educational use*: None permitted.
 - d. *Recreational use*: Recreation facility, indoor.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*: None permitted.
- (7) *Industrial uses*: None permitted.

(Code 1961, § 22-11(12); Code 1985, § 7-717(d); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96; Ord. No. 2872, § 4, 8-11-98; Ord. No. 5419, § 10, 8-3-05; Ord. No. 2011-73, § 3, 8-16-11; Ord. No. 2012-27, § 4, 5-15-12; Ord. No. 2021-81, § 43, 9-28-21)

Sec. 122-765. - Lot and buffer requirements.

The following lot requirements shall apply to the light industrial (M-1) district:

(1) *Lot requirements.* Each plot shall conform to the requirements of section 122-286.

(2) *Buffers.* Property abutting less intensive uses shall be landscaped as set forth in section 122-260 and approved in the site plan review process to reduce site and noise intrusion.

(Code 1961, § 22-11(12); Code 1985, § 7-717(e); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96; Ord. No. 5406, § 30, 7-12-05)

Sec. 122-766. - Parking requirements.

Off-street parking requirements for the light industrial (M-1) district shall be governed by article VI of this chapter.

(Code 1961, § 22-11(12); Code 1985, § 7-717(f); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96)

Sec. 122-767. - Approval of additional outdoor storage.

In lieu of the outdoor storage permitted as an accessory use in the M-1 district as defined in section 122-763, an applicant can apply for additional outdoor storage, subject to design criteria identified in this section. The process to obtain the additional outdoor storage requires two public hearings, one with the planning and zoning commission and the other with the city council. The planning and zoning commission is the recommending body and the city council has final authority. The planning and zoning commission will recommend for or against and the city council will approve or deny the additional outdoor storage, subject to the criteria identified in this section and any conditions and safeguards deemed appropriate.

(1) The applicant must submit a site plan (ten copies) showing the location, size and proposed use of the outdoor storage area. The site plan must also conform to the following criteria:

a. The outdoor storage area shall not exceed 20 percent of a site.

b. The outdoor storage area must be set back a minimum of 25 feet from the right-of-way and ten feet from abutting properties.

c. The outdoor storage area cannot be located in a required buffer as outlined in section 122-260.

d. The outdoor storage area must be located in the side or rear yard. Corner lots must locate the outdoor storage area in the rear yard (see definitions of side and rear yards in section 122-2).

e. The outdoor storage area cannot be part of the required off-street parking area or open space requirements of the site plan.

f. An outdoor storage area must be contained and screened from public view with a design and materials (wall, fence, berm or landscaping) approved as part of the public hearing process.

g. The outdoor storage shall not exceed 15 feet in height above the ground surface; however, during the public hearing process additional height can be approved if the applicant submits a plan showing how it will be screened from public view.

(2) The M-1 outdoor storage requirements include: all new uses with outdoor storage; any change of use, when the new use is one that has outdoor storage; expansion of an existing use to include outdoor storage; and expansion of an existing area used for outdoor storage.

(Code 1961, § 22-11(12); Code 1985, § 7-717(g); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96; Ord. No. 5954, § 2, 2-17-09)

Sec. 122-768. - Site plan.

Site plans shall be required for development in the M-1 district as per article IV of this chapter.

(Code 1961, § 22-11(12); Code 1985, § 7-717(h); Ord. No. 2275, § 24, 5-5-92; Ord. No. 2317, § 2, 11-17-92; Ord. No. 2453, §§ 1, 2, 5-10-94; Ord. No. 2532, § 1, 7-11-95; Ord. No. 2630, §§ 1—4, 7-23-96)

Sec. 122-769. - Reserved.

Editor's note— Ord. No. 2019-9, § 3, adopted December 18, 2018, repealed § 122-769, which pertained to consistency with high intensity/central core land use and derived from Ord. No. 2017-49, adopted May 16, 2017.

Secs. 122-770—122-780. - Reserved.

DIVISION 26. - M-2 MEDIUM INDUSTRIAL DISTRICT

Footnotes:

--- (21) ---

Cross reference— *Businesses, ch. 22.*

Sec. 122-781. - Intent and purpose.

The medium industrial (M-2) district is intended primarily for the wholesale distribution, warehouse storage, outdoor storage and sales, research and development and light manufacturing of finished or semi-finished products in multiple-use facilities or structures. Outdoor manufacturing activities associated with permitted uses may be allowed in the M-2 district as a special exception. Service establishments serving the industrial uses or district shall be permitted. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.

(Code 1985, § 7-717.1; Ord. No. 2275, § 25, 5-5-92; Ord. No. 2317, § 3, 11-17-92)

Sec. 122-782. - Permitted principal uses.

The following uses are permitted without exception in the medium industrial (M-2) district:

- (1) *Residential uses:* None permitted.
- (2) *Retail uses:*
 - a. *General retail:*
 1. Furniture store, with a minimum of 10,000 square feet of warehouse space.
 2. Home garden/hobby farm equipment sales (reference section 122-1220).
 3. Used merchandise store (reference section 122-283).
 - b. *Vehicular sales:* Truck rental and sales.
- (3) *Service uses:*
 - a. *Agricultural use:*
 1. Indoor greenhouse (reference section 122-1228).
 2. Indoor hemp facility (reference section 122-1229).
 - b. *Business service:*
 1. Advertising service (on-site/off-site signs).

2. Construction service establishment.
 3. Day labor service establishment (reference section 122-1215).
 4. Equipment rental and leasing.
 5. General business service.
 6. Maintenance and cleaning service.
 7. Parking garage (or structure).
 8. Parking lot.
 9. Pest control service.
 10. Radio/TV broadcasting facility.
 11. Security systems service.
 - c. *Eating or drinking establishment:*
 1. Alcoholic beverage establishment (off-premises consumption).
 2. Restaurant (enclosed).
 - d. *Hospitality and tourism:* None permitted.
 - e. *Office use:*
 1. Commercial photography (art and graphic design service).
 2. Computer maintenance and repair.
 3. Photofinishing laboratory.
 4. Prepackaged software services.
 5. Print shop.
 6. Professional and business office.
 - f. *Personal service:*
 1. Bail bonds agency.
 2. Kennel.
 3. Major household repair establishment.
 4. Mini-warehouse (reference section 122-1214).
 5. Minor household repair establishment.
 6. Recycling collection point.
 - g. *Vehicular service:*
 1. Repair garage.
 2. Self-service/convenience store (reference section 122-1196).
- (4) *Education/recreation/social uses:*
- a. *Adult use establishment:* None permitted.
 - b. *Community Service:* None permitted.

c. *Educational Use:*

1. Community education center.
2. Vocational/professional school.

d. *Recreational use:* None permitted.(5) *Public uses:* Airport.(6) *Health care uses:*a. *Health care use:*

1. Medical and dental laboratory.
2. Veterinarian office.

(7) *Industrial uses:*a. *High-impact industrial use:*

1. Construction and demolition landfill (referencing [Section 122-1224](#)).
2. Materials recovery facility (referencing [Section 122-1225](#)).

b. *Low-impact industrial use:*

1. Assembly of electronics components.
2. Carpet and upholstery cleaning.
3. Manufacturing, light.
4. Newspaper printing facilities.
5. Packing and crating.
6. Recycling center.
7. Research and testing laboratory.
8. Truck/freight terminal.
9. Warehouse.
10. Wholesale and distribution.

(Code 1985, § 7-717.1(b); Ord. No. 2275, § 25, 5-5-92; Ord. No. 2317, § 3, 11-17-92; Ord. No. 5406, § 31, 7-12-05; Ord. No. 5419, § 11, 8-3-05; Ord. No. 5871, § 7, 7-22-08; Ord. No. 5975, §§ 5, 6, 4-21-09; Ord. No. 2012-27, § 5, 5-15-12; Ord. No. 2015-15, § 10, 3-17-15; Ord. No. 2017-33, § 9, 3-7-17; [Ord. No. 2020-10](#), § 6, 12-17-19; [Ord. No. 2021-7](#), § 10, 1-19-21; Ord. No. [2021-65](#), § 5, 8-17-21; Ord. No. [2021-81](#), § 44, 9-28-21; Ord. No. [2022-72](#), § 6, 8-16-22)

Sec. 122-783. - Permitted accessory uses.

The following are permitted accessory uses in the medium industrial (M-2) district:

- (1) An office associated with a permitted use.
- (2) Outdoor storage.
- (3) Restaurant is permitted as part of a convenience store/gas station subject to the requirements of subsection [122-1196](#).
- (4) Showroom and outdoor sales of products manufactured or assembled on-site.

- (5) Showroom sales of products generally sold and shipped to retailers, contractors or tradesmen. The showroom shall not exceed 15 percent of the gross floor area of the main building or structure, up to a maximum of 10,000 square feet.
- (6) Shooting ranges, indoor subject to the following criteria:
- a. Permitted as accessory to a manufacturing use.
 - b. Subject to approval by city council at a public hearing. City council shall be guided by the following factors:
 1. The proximity of the location to schools, churches, day care centers, public recreation areas, public buildings and areas of public assembly.
 2. The proximity of the location to established residential areas.
 3. Notice of public hearing shall be given in the manner prescribed in section 122-113 and subsection 122-113(2).
 - c. The range shall comply with The Range Source Book (National Rifle Association of America; Fairfax, Virginia, 2004) with regard to design and operation. In addition, the range shall comply with all applicable federal, state and local ordinances, rules and regulations.
 - d. The building shall be constructed to provide acoustical treatment for sound attenuation to prevent sound from traveling beyond the property lines of the subject property.

(Code 1985, § 7-717.1(c); Ord. No. 2275, § 25, 5-5-92; Ord. No. 2317, § 3, 11-17-92; Ord. No. 5406, § 32, 7-12-05; Ord. No. 2010-33, § 2, 4-20-10; Ord. No. 2021-81, § 45, 9-28-21)

Sec. 122-784. - Special exceptions.

The following uses are permitted by special exception in the medium industrial (M-2) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: None permitted.
- (3) *Service uses*: None permitted.
- (4) *Education/recreation/social uses*:
 - a. *Adult use establishment*: None permitted.
 - b. *Community service*: Day care facilities (reference article IX, division 5 of this chapter).
 - c. *Educational use*: None permitted.
 - d. *Recreational use*: Recreation facility, indoor.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*: None permitted.
- (7) *Industrial uses*:
 - a. *High-impact industrial use*:
 1. Industrial dry cleaning plant.
 2. Outdoor manufacturing.
 - b. *Low-impact industrial use*: None permitted.

(Code 1985, § 7-717.1(d); Ord. No. 2275, § 25, 5-5-92; Ord. No. 2317, § 3, 11-17-92; Ord. No. 5406, § 33, 7-12-05; Ord. No. 2011-73, § 4, 8-16-11; Ord. No. 2015-51, § 4, 7-21-15; Ord. No. 2016-18, § 4, 2-16-16; Ord. No. 2021-81, § 46, 9-28-21)

Sec. 122-785. - Lot and buffer requirements.

The following lot requirements shall apply to the medium industrial (M-2) district:

(1) *Lot requirements.* Each plot shall conform to the requirements of section 122-286.

(2) *Buffers.* Property abutting less intensive uses shall be landscaped as set forth in section 122-260 and approved in the site plan review process to reduce site and noise intrusion.

(Code 1985, § 7-717.1(e); Ord. No. 2275, § 25, 5-5-92; Ord. No. 2317, § 3, 11-17-92; Ord. No. 4086, § 2, 9-18-01; Ord. No. 5406, § 34, 7-12-05)

Sec. 122-786. - Parking requirements.

Off-street parking requirements for the medium industrial (M-2) district shall be governed by article VI of this chapter.

(Code 1985, § 7-717.1(f); Ord. No. 2275, § 25, 5-5-92; Ord. No. 2317, § 3, 11-17-92)

Sec. 122-787. - Site plan.

Site plans shall be required for development in the M-2 district as per article IV of this chapter.

(Code 1985, § 7-717.1(g); Ord. No. 2275, § 25, 5-5-92; Ord. No. 2317, § 3, 11-17-92)

Sec. 122-788. - Reserved.

Editor's note— Ord. No. 2019-9, § 4, adopted December 18, 2018, repealed § 122-788, which pertained to consistency with high intensity/central core land use and derived from Ord. No. 2017-49, adopted May 16, 2017.

Secs. 122-789—122-800. - Reserved.

DIVISION 27. - M-3 HEAVY INDUSTRIAL DISTRICT

Footnotes:

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Cross reference— *Businesses, ch. 22.*

Sec. 122-801. - Intent and purpose.

The heavy industrial (M-3) district is intended primarily for those heavy manufacturing and processing activities which create undesirable effects which are not properly associated with residential or commercial areas. Outdoor manufacturing activities and storage associated with permitted uses may be allowed in the M-3 district. Service and commercial establishments as well as showroom and outdoor sales are not permitted in this district. Specific uses shall be controlled by the standards for industrial performance in article VIII of this chapter.

(Code 1961, § 22-11(13); Code 1985, § 7-718(a); Ord. No. 2275, § 26, 5-5-92; Ord. No. 2659, §§ 2, 3, 10-22-96)

Sec. 122-802. - Permitted principal uses.

The following uses are permitted without exception in the heavy industrial (M-3) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: None permitted.
- (3) *Service uses*:
 - a. *Agricultural use*: None permitted.
 - b. *Business service*:
 - 1. Construction service establishment.
 - 2. Parking lot.
 - c. *Eating or drinking establishment*: None permitted.
 - d. *Hospitality and tourism*: None permitted.
 - e. *Office use*: Professional and business office.
 - f. *Personal service*: None permitted.
 - g. *Vehicular service*: None permitted.
- (4) *Education/recreation/social uses*: None permitted.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*: None permitted.
- (7) *Industrial uses*:
 - a. *High-impact industrial use*:
 - 1. Construction and demolition landfill (referencing [Section 122-1224](#)).
 - 2. Materials recovery facility (referencing [Section 122-1225](#)).
 - b. *Low-impact industrial use*:
 - 1. Assembly of electronic components.
 - 2. Manufacturing, light.
 - 3. Recycling center.
 - 4. Research and testing laboratory.
 - 5. Warehouse.
 - 6. Wholesale and distribution.

(Code 1961, § 22-11(13); Code 1985, § 7-718(b); Ord. No. 2275, § 26, 5-5-92; Ord. No. 2659, §§ 2, 3, 10-22-96; Ord. No. 5406, § 35, 7-12-05; Ord. No. 2015-1, § 2, 10-21-14; Ord. No. [2021-65](#), § 6, 8-17-21; Ord. No. [2021-81](#), § 47, 9-28-21; Ord. No. [2022-72](#), § 7, 8-16-22)

Sec. 122-803. - Permitted accessory uses.

The following are permitted accessory uses in the heavy industrial (M-3) district:

- (1) Outdoor storage.

(Code 1961, § 22-11(13); Code 1985, § 7-718(c); Ord. No. 2275, § 26, 5-5-92; Ord. No. 2659, §§ 2, 3, 10-22-96; Ord. No. 5406, § 36, 7-12-05; Ord. No. 2015-1, § 3, 10-21-14)

Sec. 122-804. - Special exceptions.

The following uses are permitted by special exception in the heavy industrial (M-3) district:

- (1) *Residential uses*: None permitted.
- (2) *Retail uses*: None permitted.
- (3) *Service uses*: None permitted.
- (4) *Education/recreation/social uses*: None permitted.
- (5) *Public uses*: None permitted.
- (6) *Health care uses*: None permitted.
- (7) *Industrial uses*:
 - a. *High-impact industrial use*:
 1. Automobile wrecking yard.
 2. Hazardous waste, bulk storage.
 3. Industrial dry cleaning plant.
 4. Manufacturing, heavy.
 5. Outdoor manufacturing.
 6. Recycling plant (reference [section 122-1204](#)).
 - b. *Low-impact industrial use*: None permitted.

(Code 1961, § 22-11(13); Code 1985, § 7-718(d); Ord. No. 2275, § 26, 5-5-92; Ord. No. 2659, §§ 2, 3, 10-22-96; Ord. No. 5406, § 37, 7-12-05; Ord. No. 2015-1, § 4, 10-21-14; Ord. No. 2015-51, § 5, 7-21-15; Ord. No. 2016-18, § 5, 2-16-16; Ord. No. [2021-81](#), § 48, 9-28-21)

Sec. 122-805. - Lot and buffer requirements.

The following lot requirements shall apply to the heavy industrial (M-3) district:

- (1) *Lot requirements*. Each plot shall conform to the requirements of [section 122-286](#).
- (2) *Buffers*. Property abutting less intensive uses shall be landscaped as set forth in [section 122-260](#) and approved in the site plan review process to reduce site and noise intrusion.

(Code 1961, § 22-11(13); Code 1985, § 7-718(e); Ord. No. 2275, § 26, 5-5-92; Ord. No. 2659, §§ 2, 3, 10-22-96; Ord. No. 5406, § 38, 7-12-05)

Sec. 122-806. - Parking requirements.

Off-street parking requirements for the heavy industrial (M-3) district shall be governed by article VI of this chapter.

(Code 1961, § 22-11(13); Code 1985, § 7-718(f); Ord. No. 2275, § 26, 5-5-92; Ord. No. 2659, §§ 2, 3, 10-22-96)

Sec. 122-807. - Site plan.

Site plans shall be required for development in the M-3 district as per article IV of this chapter.

(Code 1961, § 22-11(13); Code 1985, § 7-718(g); Ord. No. 2275, § 26, 5-5-92; Ord. No. 2659, §§ 2, 3, 10-22-96)

Secs. 122-808—122-820. - Reserved.

DIVISION 28. - RESERVED

Footnotes:

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Editor's note— Ord. No. 2019-28, § 19, adopted Mar. 19, 2019, repealed div. 28, §§ 122-821—122-884, which pertained to planned unit development districts and derived from: 1985 Code; Ord. No. 2007, adopted June 28, 1988; Ord. No. 2753, adopted Aug. 19, 1997; Ord. No. 5406, adopted July 12, 2005; Ord. No. 5551, adopted Aug. 8, 2006; Ord. No. 5793, adopted Jan. 22, 2008; Ord. No. 2010-40, adopted Apr. 20, 2010; Ord. No. 2012-46, adopted Aug. 21, 2012; and Ord. No. 2013-10, adopted Jan. 22, 2013.

Secs. 122-821—122-900. - Reserved.

DIVISION 29. - SHOPPING CENTERS AND SINGLE RETAIL STORE DEVELOPMENTS

Footnotes:

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Cross reference— *Businesses, ch. 22.*

Sec. 122-901. - Title of division.

This division shall be known as the Shopping Center Ordinance.

(Ord. No. 2751, § 12, 8-19-97)

Sec. 122-902. - Purpose and intent of division; general standards.

- (a) The purpose of this division is to ensure that shopping centers and single retail store developments are designed and located to make efficient use of the land and minimize the impacts on infrastructure, adjacent and nearby properties, and the environment.
- (b) A shopping center shall have signage of uniform design and unified landscaping. On-site parking must be provided based on the types and sizes of stores, restaurants and other uses. A shopping center shall have a unified stormwater drainage plan which incorporates any natural flow of water onto the property. Safe and direct pedestrian access to all businesses within the shopping center, including outparcels, must be provided. Bicycle access is to be provided where practical.
- (c) The advantages of a unified and compact shopping center over sprawling, strip development can be easily lost if driveway access points are not carefully controlled to maximize safety and minimize traffic congestion. The design of a shopping center shall emphasize a minimum number of driveways between the center and public roads, which will be shared by the businesses located in the center. An excessive number of driveways, or driveways improperly located or designed, for either a shopping center development or a single retail store development, will produce traffic hazards and unnecessarily increase the impact on the public road network. The primary concept to be followed in driveway access for a shopping center or a single retail store development is that the number of connections between the shopping center or single retail store development and the adjacent public roads be kept to a practical minimum, thereby

providing fewer locations where conflicts can occur. Left turn exits will be controlled to promote safety and to lessen the shopping center's or single retail store development's impact on public roads. Access to roads shall be planned so as to reduce traffic hazards and potential accidents, prevent or delay functional obsolescence of the public roads, thereby prolonging service life, and protect the value of abutting properties.

(Ord. No. 2751, § 13, 8-19-97; Ord. No. 5553, § 1, 8-8-06; Ord. No. 2019-36, § 2, 4-16-19)

Sec. 122-903. - Definitions.

The terms used in this division are defined in sections [122-2](#) and [122-3](#).

(Ord. No. 2751, § 14, 8-19-97)

Cross reference— Definitions generally, [§ 1-2](#).

Sec. 122-904. - Shopping centers generally.

- (a) A shopping center is any multiuse, primarily retail, facility developed on four or more acres, provided that the facility will have, at a minimum, an in-line building that will have a minimum gross leasable area of 25,000 square feet.
- (b) Property to be developed or redeveloped as a shopping center must be zoned shopping center (SC), unless development meeting the definition of a shopping center or single retail store development is included within a planned development (PD).

(Ord. No. 2751, § 15, 8-19-97; Ord. No. 2019-36, § 3, 4-16-19)

Sec. 122-905. - Minimum acreage and frontage.

- (a) *Minimum acreage for shopping center.* Land to be rezoned or developed as a shopping center shall be a minimum of four acres.
- (b) *Minimum acreage for single retail store development.* Land to be developed with a single retail store development must be a minimum of five acres.
- (c) *Minimum frontage.* Land to be rezoned or developed as a shopping center or a single retail store development must have a minimum uninterrupted road frontage on a public road of 260 linear feet. If the land to be developed or redeveloped has frontage on more than one public road, at least one of the frontages must be a minimum of 260 feet; in other words, the minimum 260-foot linear frontage cannot be met by adding the frontages of all the separate frontages.
- (d) *Existing shopping centers.* Properties developed as a shopping center prior to the effective date of the ordinance from which this division is derived (August 20, 1997) that do not conform to the acreage and frontage requirements shall not be considered nonconforming with respect to the acreage and frontage requirements.

(Ord. No. 2751, § 16, 8-19-97)

Sec. 122-906. - Location requirements.

- (a) Property to be rezoned or developed as a shopping center or single retail store development must be within 300 feet of the intersection of the road right-of-way lines at a signalized intersection unless exempted by [section 122-722\(e\)\(4\)](#), [section 122-742\(4\)](#), [section 122-904\(c\)](#), or subsection (b) of this section.
 - (1) The 300-foot distance shall be measured by considering the junction point of the road right-of-way lines to be the center point of a circle. From the center point, any property within or contacted by a circle with a 300-foot radius shall be eligible for rezoning or development, subject to the other limitations in this division and the land development regulations.
 - (2) Property reached by the 300-foot radius may be designated as an outparcel of the shopping center, subject to the other limitations in this division and the land development regulations.
 - (3) Property reached by the 300-foot radius may contain a driveway provided that the driveway is not within 300 feet of the intersection, subject to other limitations in this division and the land development regulations.

- (4) Property reached by the 300-foot radius may contain an ingress/egress point for a service road when a service road is provided, subject to the other limitations in this division and the land development regulations.
- (b) To promote infill, a shopping center or single retail store development may be allowed on property with frontage on an arterial road, or service road associated with an arterial road.
- (c) Property outside the 300-foot radius that abuts a shopping center or single retail store development may be developed provided all motor vehicle access is from the abutting development. The construction of a service road, or extension of an existing service road, is allowed provided one end of the service road is within the 300-foot radius, or provides access to property that is within the 300-foot radius, provided there are no more than two connections between the service road and each public road frontage, subject to the other limitations in this division and the land development regulations.
- (d) Existing developments that are shopping centers according to the definition in this division, or are zoned SC-1, SC-2 or SC-3 on the effective date of the ordinance from which this division is derived (August 20, 1997), that do not conform to the locational requirements of this section shall not be considered nonconforming with respect to the locational requirements.
- (e) Existing developments that are shopping centers according to the definition in this division that were constructed outside the city limits and annexed into the city that do not conform to the locational requirements of this section shall not be considered nonconforming with respect to the locational requirements.

(Ord. No. 2751, § 17, 8-19-97; Ord. No. 2013-10, § 15, 1-22-13)

Sec. 122-907. - Fees.

- (a) Fees for shopping center rezoning, site plan review for a new shopping center or single retail store development, developer's agreements and development agreements are provided for in subsections 122-154(a) and (b).

(Ord. No. 2751, § 18, 8-19-97; Ord. No. 5202, § 4, 9-8-03; Ord. No. 5553, § 2, 8-8-06)

Sec. 122-908. - Pre-application meeting.

Prior to submitting an application to rezone property to SC and prior to submitting a site plan application for an existing shopping center or on property zoned SC, the applicant shall schedule a mandatory pre-application meeting through the planning department. The applicant is required to bring architectural elevations or photos illustrating the proposed architectural design and a sketch of the proposed shopping center demonstrating proposed layout, circulation, access, and buffers. In the case of a rezoning application for a new shopping center, the pre-application materials will be submitted to city council as part of the public record to demonstrate how zoning requirements could be met on the property.

(Ord. No. 2019-36, § 4, 4-16-19)

Editor's note— Ord. No. 2019-36, § 4, adopted April 16, 2019, repealed the former § 122-908 and enacted a new § 122-908 as set out herein. The former pertained to site plan approval and derived from Ord. No. 2751, adopted August 19, 1997; Ord. No. 5406, adopted July 12, 2005; and Ord. No. 5553, adopted August 8, 2006.

Sec. 122-909. - Changes to approved site plan.

- (a) *Minor changes.* Minor changes to an approved site plan for a shopping center or single retail store development shall meet the requirements of section 122-213 to be classified as a minor site plan.
- (b) *Substantial changes.* Substantial changes, which are those deemed not to be minor, must be reviewed by the site plan review committee as part of the site plan review process. Substantial changes are those that are determined by the planning director to have a material impact on the development of the shopping center or single retail store development, to impact circulation within the project, or to impact the surrounding transportation system including, without limitation, the following:
 - (1) Any change in parking areas resulting in an increase or reduction of ten percent or more in the number of spaces approved.
 - (2) Any change in the location of the open space resulting in there being more of the open space concealed from public view by the buildings than in the approved site plan.
 - (3) Any change which would increase traffic generated or attracted by the project by more than ten percent from the amount predicted based on the approved site plan.

- (4) Any change in the number of outparcels from the number on the approved site plan.
- (5) Any change in a condition required by the city council as part of the final approval.
- (6) Changes to project access, circulation plan, land use arrangement or buffers.

(Ord. No. 2751, § 20, 8-19-97; Ord. No. 2019-36, § 5, 4-16-19)

Sec. 122-910. - Multi-family dwelling criteria in the SC zoning district.

- (a) Multi-family dwellings must be consistent with all the requirements in Division 29—Shopping Centers/Single Retail Establishments.
- (b) Multi-family dwellings shall not be allowed as part of a single retail establishment.
- (c) Outparcels or inline retail parcels that do not include multi-family dwellings shall not be calculated to determine density allowed by the land use classification.

(Ord. No. 2022-31, § 3, 4-19-22)

Sec. 122-911. - Reserved.

Editor's note— Ord. No. 2019-36, § 7, adopted April 16, 2019, repealed the former § 122-911, which pertained to traffic study and derived from Ord. No. 2751, adopted August 19, 1997.

Sec. 122-912. - Reserved.

Editor's note— Ord. No. 2019-36, § 8, adopted April 16, 2019, repealed the former § 122-912, which pertained to off-site traffic improvements and auxiliary traffic lanes and derived from Ord. No. 2751, adopted August 19, 1997.

Sec. 122-913. - Roadway access and driveway criteria.

- (a) Driveways for ingress and egress for shopping centers and single retail store developments shall be located and designed to provide safety and maximum accessibility with minimum interference to adjacent road traffic.
- (b) As required by F.S. § 316.0747 (as nongovernmental businesses where the public is invited), shopping centers or single retail store developments must conform to the state's uniform system of traffic control devices.
- (c) Driveways providing motor vehicle access to a new shopping center or single retail store development from a public road must be designed and built according to city standards.
- (d) Any driveway providing access to a shopping center or single retail store development shall not be located within 300 feet of any intersection of public roads unless:
 - (1) The city engineer and planning director determine that special engineering design considerations exist for a driveway to be located closer than 300 feet to an intersection of public roads.
 - (2) The special engineering design considerations are due to conditions peculiar to the property and not the result of the design proposals of the developer.
- (e) No more than one access point shall be provided between the proposed development and a fronting public road except in conjunction with a service road, unless additional access points are warranted based on the data from the traffic study or traffic model.
- (f) Where a service road is provided, two connections, one for each end of the service road, may be allowed provided there is a minimum of 1,320 feet between the center points of the two connections.
 - (1) All driveway access along arterial roads with existing or planned service roads shall be restricted to the service road.
 - (2) Service roads must be designed, constructed and maintained according to city standards.
- (g) The driveways must be located directly across from existing driveways or roads.
 - (1) An exception may be recommended if, in the determination of the city engineer, opposing driveways would create a dangerous crossing conflict situation.

- (2) When an exception is granted, there must be a minimum spacing distance of 300 feet between the centerlines of the offsetting driveways. In order for a driveway to be offset less than 300 feet, the applicant must demonstrate to the satisfaction of the city engineer that extraordinary circumstances exist.
- (h) In the case of right-turn-only exits from the shopping center or single retail store development, the owner/developer may be required to construct barriers to left turns into the development from the adjacent public roads.
- (i) On property being platted, rezoned, developed or redeveloped as a shopping center or a single retail store development, nonconforming curb cuts or driveways shall be eliminated to the greatest extent possible. Types of nonconforming driveways include, but are not limited to, more than one driveway per public road frontage, driveway location, driveway width, driveway radius, and presence of left turn exits on driveways that do not have traffic signals.
 - (1) If property to be platted, rezoned, developed or redeveloped as a shopping center or single retail store development has existing nonconforming driveways or curb cuts, the nonconforming curb cuts or driveways must be brought into conformance unless a waiver is granted by the city council.
 - (2) If an existing shopping center or single retail store development that has nonconforming driveways or curb cuts seeks to expand, the nonconforming driveways or curb cuts must be brought into conformance unless a waiver is granted by the city council.
 - (3) Driveways must be designed and built according to city standards.
- (j) Decisions or recommendations from the city engineer and planning director regarding subsection (b), (c), (d) or (e) of this section may be appealed by the owner/developer to the city council.
- (k) The following shall apply to service roads:
 - (1) Service roads may be required for new shopping center developments under the following conditions:
 - a. The size of the property for the shopping center is 40 acres or more; or
 - b. The gross leasable area of the shopping center will be 400,000 square feet or more.
 - (2) All driveway access along arterial roads with existing or planned service roads shall be restricted to the service road.
 - (3) Service roads must be designed, constructed and maintained according to city standards.

(Ord. No. 2751, § 24, 8-19-97; Ord. No. 5553, § 4, 8-8-06; Ord. No. 2019-36, § 9, 4-16-19)

Sec. 122-914. - Cross easements for motor vehicle access.

Cross easements for motor vehicle access between a shopping center or single retail store development and adjacent properties shall be provided as follows:

- (1) A shopping center or single retail store development must provide actual or potential driveway connection points between its internal driveways or parking areas and abutting properties.
- (2) When a shopping center or single retail store development abuts vacant or underdeveloped property, at least one potential cross driveway or parking area connection point between the development and each abutting property must be shown on the plat (when the property is being platted) and final site plans.
- (3) Easements not shown on a plat must be recorded for each indicated cross driveway or parking area connection point, giving permission for developments on abutting properties to use these connection points.
- (4) Existing shopping centers or single retail store developments that seek modifications that require a site plan must provide cross driveway or parking area connection points.
- (5) The number and locations of proposed cross driveway or parking area connection points will be reviewed by site plan review committee as part of the site plan review process. If platting is required, proposed cross driveway or vehicular use area connection points will be reviewed during the subdivision review process.

(Ord. No. 2751, § 25, 8-19-97; Ord. No. 2019-36, § 10, 4-16-19)

Sec. 122-915. - Internal motor vehicle access and parking requirements.

Internal motor vehicle access and parking areas and off-street parking requirements for shopping centers and single retail store developments shall adhere to article VI of this chapter and the following requirements:

- (1) Traffic lanes, driveways and traffic patterns within a proposed development shall provide for the safe movement of motor vehicle traffic. The internal motor vehicle circulation system must be designed to safely accommodate bicycle traffic as provided for in subsections 122-917(3) and (4).
 - a. The minimum distance from the intersection of a public road right-of-way line and an ingress or egress driveway to any interior service drive shall be 100 feet.
 - b. A straight or nearly straight driveway between two public roads will not be permitted.
- (2) All requirements regarding emergency services accessibility shall be reviewed for compliance with the current edition of the fire prevention code by the fire marshal.
- (3) The minimum distance from the road right-of-way line on any ingress or egress driveway to any parking space having direct access to such driveway shall be 100 feet.

(Ord. No. 2751, § 26, 8-19-97; Ord. No. 2016-16, § 1, 1-5-16; Ord. No. 2019-36, § 11, 4-16-19)

Sec. 122-916. - Left turn driveway exits.

Left turn driveway exits from shopping centers or single retail store developments shall be subject to the following:

- (1) On an arterial road or a collector road, driveway exits that do not have traffic signals shall be limited to right turns out only, unless a left turn driveway exit is specifically approved based on subsections (2) and (3) of this section.
- (2) The burden of proof to justify left turn driveway exits without traffic signals shall be with the owner/developer.
- (3) If the city engineer and planning director agree with the owner/developer that a left turn driveway exit is warranted based on the information provided by the developer, or if the city engineer and planning director otherwise make a determination that alternatives to the left turn would cause unacceptable traffic operation and safety problems on the road network impacted by the development, a left turn driveway exit will be recommended for approval. When the city engineer and planning director are in agreement that a left turn at an unsignalized driveway exit is warranted, the reasons supporting this conclusion will be stated in writing and will be made a part of the city's permanent file on the development.

(Ord. No. 2751, § 27, 8-19-97; Ord. No. 2019-36, § 12, 4-16-19)

Sec. 122-917. - Sidewalks and bicycle access.

Sidewalks and bicycle access for shopping centers or single retail store developments shall be provided as follows:

- (1) New developments must have a sidewalk system.
 - a. The sidewalks must be safe and follow as direct a route as possible between connections.
 - b. All sidewalks must be handicap accessible.
 - c. The sidewalks must form an internal system that connects the core of the development with the outparcels, and outparcels with one another.
 - d. The internal sidewalk system must connect with the sidewalks that exist or are required on all public road frontages of the proposed development.
- (2) If an existing shopping center or single retail store development that does not have a sidewalk system expands in a manner that necessitates the preparation of a site plan, the sidewalk system described in subsection (1) of this section must be added.
- (3) An internal bicycle path system must be provided for new developments adjacent to an existing bicycle path.
- (4) An internal bicycle path system must be added to an existing development adjacent to an existing bicycle path if the development is expanded in a manner requiring a site plan.
- (5) Bicycle parking must be provided at a rate of five percent of the total required parking calculations for the site.
- (6)

A bus stop shall be provided that meets the requirements of the Ocala-Marion County Transportation Planning Organization.

(Ord. No. 2751, § 28, 8-19-97; Ord. No. 5406, § 41, 7-12-05; Ord. No. 2019-36, § 13, 4-16-19)

Sec. 122-918. - Permitted uses and special exceptions for shopping centers.

(a) *Permitted uses.* The following uses are allowed, allowed with conditions, or not allowed:

(1) *Residential uses:* Multi-family dwellings (referencing Section 122-910).

(2) *Retail uses:*

a. *General retail:*

1. Auto supply store.
2. Bakery store.
3. Building materials sales, no outdoor sales or storage.
4. Department store.
5. Drugstore.
6. Electronics store. Accessory installation work must be done in an enclosed building.
7. Furniture store.
8. Grocery store.
9. Hardware store, no outdoor sales or storage.
10. Home decorating store.
11. Specialty retail store.
12. Swimming pool sales (enclosed).
13. Used merchandise (reference section 122-283).
14. Videotape store, which includes selling or renting video cassettes, laser discs, video game cartridges and accessories.

b. *Vehicular sales:* Automobile sales, new or used; limited to six vehicles and in an enclosed building, excluding the common area.

(3) *Service uses:*

a. *Agricultural use:* None permitted.

b. *Business service:* General business service.

c. *Eating or drinking establishment:*

1. Alcoholic beverage establishment, off-premises consumption.
2. Alcoholic beverage establishment with on-premises consumption as an incidental use to a restaurant serving food (reference section 122-1185).
3. Restaurant, drive-in or drive-through.
4. Restaurant (enclosed). Outdoor seating is allowed, and on-premises consumption of alcoholic beverages outside an enclosed building is allowed, subject to the requirements of subsection 6-35(d).
5. Restaurant, fast-food.

d. *Hospitality and tourism:*

1. Antique gallery/art gallery/museum.
2. Conference center.
3. Hotel/convention center:
 - i. A shopping center must be a minimum of 30 acres or 300,000 square feet of gross leasable area.
 - ii. A hotel/convention center shall not exceed 25 percent of the total acreage of a shopping center.

e. *Office use:*

1. Commercial photography (art and graphic design service).
2. Computer maintenance and repair.
3. Financial institution.
4. Photocopying and duplicating service.
5. Photofinishing laboratory.
6. Prepackaged software services.
7. Professional and business office.
 - i. The gross leasable area shall not exceed 20 percent of the gross leasable area of the shopping center.
 - ii. The term "office use," as used in this subsection, does not include the area within the permitted uses that is clerical or administrative office space for the permitted use.

f. *Personal service:*

1. Check cashing establishment.
2. Laundry, coin-operated and dry cleaning.
3. Hairstyling shop.
4. Laundry and dry cleaning pickup.
5. Laundry and dry cleaning service.
6. Minor household repair establishment.
7. Recycling collection point.

g. *Vehicular service:*

1. Drive-through facility, non-restaurant.
2. Self-service station/convenience store (reference [section 122-1196](#)).

(4) *Education/recreation/social uses:*

- a. *Adult use establishment:* None permitted.
- b. *Community service:*
 1. Church/place of worship.
 2. Day care facilities (reference article IX, division 5).
- c. *Educational use:*
 1. Speech and language center/school.
 2. Vocational/professional school.

- d. *Recreational use:*
 - 1. Commercial recreation, indoor.
 - 2. Dance/art/music studio.
 - 3. Movie theaters (motion picture theaters), except drive-in.
 - 4. Physical fitness center.
 - (5) *Public uses:* Post office.
 - (6) *Health care uses:*
 - a. *Health care uses:*
 - 1. Medical and dental laboratory.
 - 2. Medical and dental office.
 - 3. Veterinarian office.
 - 4. Satellite hospital emergency room.
 - (7) *Industrial uses:*
 - a. *High-impact industrial use:* None permitted.
 - b. *Low-impact industrial use:* Microbrewery/microdistillery.
- (b) *Special exceptions.* The following uses are permitted by special exception in the shopping center district and a shopping center development:
- (1) *Residential uses:* None permitted.
 - (2) *Retail sales:* None permitted.
 - (3) *Service uses:* None permitted.
 - (4) *Education/recreation/social uses:*
 - a. *Adult use establishment:* None permitted.
 - b. *Community service:* None permitted.
 - c. *Educational use:*
 - 1. College or university.
 - 2. Community education center.
 - d. *Recreational use:* None permitted.
 - (5) *Public uses:* None permitted.
 - (6) *Health care uses:* None permitted.
 - (7) *Industrial uses:*
 - a. *High-impact industrial use:* None permitted.
 - b. *Low-impact industrial use:* Assembly of electronic components (reference [section 122-1190](#)).

(Ord. No. 2751, § 29, 8-19-97; Ord. No. 2959, § 17, 6-15-99; Ord. No. 3025, § 3, 2-8-00; Ord. No. 4051, § 3, 6-12-01; Ord. No. 4066, § 4, 7-24-01; Ord. No. 5406, § 42, 7-12-05; Ord. No. 5974, §§ 12, 13, 12-23-09; Ord. No. 2012-43, § 5, 8-21-12; Ord. No. 2015-5, § 1, 11-18-14; Ord. No. 2015-15, § 11, 3-17-15; Ord. No. 2017-33, § 10, 3-7-17; Ord. No. 2018-2, § 21, 10-17-17; Ord. No. [2021-81](#), § 49, 9-28-21; Ord. No. [2022-31](#), § 4, 4-19-22; Ord. No. [2022-32](#), § 7, 4-19-22)

Sec. 122-919. - Permitted uses for single retail store developments.

The permitted uses for a single retail store development are those permitted in the zoning district for the single retail store development.

(Ord. No. 2751, § 30, 8-19-97)

Sec. 122-920. - Outside sales or storage in shopping center.

(a) No material or goods stored in connection with the operation of a shopping center or single retail store development shall be stored or displayed outside of a building regardless of the zoning.

(b) Except for special promotions, as provided in section 122-921, no outside sales are allowed.

(Ord. No. 2751, § 31, 8-19-97; Ord. No. 5553, § 5, 8-8-06)

Sec. 122-921. - Special promotions and outdoor events.

(a) Seasonal sales of fireworks, pumpkins and Christmas trees are allowed in shopping centers or single retail stores, subject to approval from the planning director.

(b) Notwithstanding anything to the contrary in section 122-282, any operating shopping center which: (1) has access from at least one signalized intersection; and (2) has a minimum of 2,000 parking spaces, shall be permitted to hold one special outdoor event each month. Special outdoor events include antique or custom vehicle shows, arts and crafts shows, festivals, outdoor entertainment, concerts or recitals, and similar events, but exclude carnivals, circuses, vehicle sales, boat sales, recreational vehicle sales, sidewalk sales and the outdoor display and sale of merchandise by vendors located inside such shopping center, subject to the following conditions:

(1) Any issue as to whether a proposed event qualifies as a special outdoor event shall be determined by the building official pursuant to section 122-6.

(2) Such special events shall occupy no more than 20 percent of a qualifying shopping center's total parking area, and the exact location of the proposed special event in the parking area shall be approved by the planning director taking into account the public's health and safety, steps taken to prevent conflicts between pedestrians and vehicles, the availability of electricity or other utilities, and the location of fire hydrants.

(3) No such special event shall be permitted in a location that would interfere with the operation of a regularly scheduled public transportation route.

(4) Such special events shall be limited to a maximum of three consecutive days in duration. The hours of a special event shall be governed by section 10-36.

(5) The use of temporary lighting and sound amplification, if permitted, shall be in accordance with all applicable provisions of this Code.

(6) No person may conduct a special event without a special event permit issued pursuant to this section.

(7) In order to obtain a permit for a special event, the shopping center owner, or the owner's designated agent, shall file an application with the planning director, which application shall include the following:

a. The owner's name, address, telephone number and emergency (off-hours) contact information.

b. The name, address and telephone number of the operator of the proposed special event.

c. A description of the proposed event including a good faith estimate of the number of expected attendees, any proposed temporary structures, temporary lighting, and use of sound amplification equipment, as well as a description of the electrical power source for each.

d. The starting date and time and the ending date and time for the special event.

e. Sketch of property showing the proposed location (including dimensions) for the special event.

f. Description of toilet, trash, and other sanitary facilities which shall be provided for use during the special event. Such facilities may be provided within the shopping center if the planning director determines that such inside facilities would be adequate and are located within a reasonable distance of the special event.

- g. A statement of how any existing landscaped area within the proposed special event area shall be protected and acknowledging that the operator of the special event shall replace or repair any damaged landscape area.
 - h. Security plans.
 - i. Such reasonable application fee as may, from time to time, be prescribed by resolution of the city council.
 - j. A deposit, in an amount established by resolution of city council, to ensure the adequate provision of city services and to ensure adherence to the terms of the permit when issued.
 - k. Proof of insurance in the following amounts: \$500,000.00 for injury to any one person, \$1,000,000.00 for injury to two or more persons in one accident, \$100,000.00 for loss or damage to property, or a combined single limit of \$1,000,000.00 and showing the "City of Ocala" as an additional named insured.
 - l. Proof of payment of any applicable occupational license tax pursuant to [section 62-81](#).
- (8) The planning director shall be responsible for issuing special event permits and may impose reasonable restrictions on such permits, including limitations on the hours of operation of the special event, the use of sound amplification equipment, the use of temporary lighting, the provision of sanitary and refuse facilities, and other such similar restrictions, as are necessary to ensure the health, safety and welfare of those attending such special events and surrounding property owners.
- (9) Prior to the issuance of a special event permit, the planning director shall review the application and confirm that adequate parking is available and the additional traffic on the area roadway system will not conflict with other planned events. Furthermore, should the planning director determine that off-site parking is necessary to accommodate the event, no permit shall be issued until the property owner or event sponsor has provided the city evidence of a written agreement for such off-site parking, as is necessary.
- (10) The planning director may decline to approve, or may rescind approval, of the special event permit for any special event when:
- a. The traffic volume generated by such special event, when combined with the volume of traffic generated by the non-special event use of the shopping center property, would exceed the city-approved trip generation for the shopping center property; or
 - b. Prior special events at the host property have exceeded its city-approved trip generation rate three or more days in the preceding 90-day period.
- (11) A special event permit may be revoked by the planning director, after due notice and hearing, upon any or all of the following grounds:
- a. Fraud, misrepresentation or false statement contained in the application for a permit.
 - b. Fraud, misrepresentation or false statement made in the course of carrying on the business for which the permit was issued.
 - c. Any violation of this section.
 - d. Conduct by a permit holder on the premises constituting a breach of the peace or a menace to the peace, health, safety and welfare of the public or the good order of the city.
 - e. Maintaining a nuisance on the premises.
- (12) No special event permit shall be issued to any applicant that has had a special event permit revoked by the city within the 12-month period preceding the date of application.
- (13) The provisions of this section are in addition to those in article II of [chapter 10](#) of the Code. To the extent of any inconsistency, the provisions of this section shall govern.
- (c) Special events held within an amphitheater or commons area specifically designed and approved to accommodate outdoor events shall be permitted and exempted from the requirements of this section so long as no activities occur within the shopping center parking lot.

(Ord. No. 2751, § 32, 8-19-97; Ord. No. 6005, § 1, 7-23-09)

Sec. 122-922. - Drive-in or drive-through restaurants.

Drive-in or drive-through restaurants in shopping centers or single retail store developments shall be subject to the following:

- (1) In order to minimize traffic conflict points on, and congestion to, public roads adjacent to the main buildings and a proposed drive-in or drive-through restaurant, a drive-in or drive-through restaurant site will not be allowed a driveway connecting it with a through public road. Motor vehicle access to the drive-in or drive-through restaurant site must come from within the development.

- (2) At a minimum, there must be a motor vehicle storage area for eight motor vehicles for each service lane. Motor vehicles in the storage area must not interfere with ingress/egress to the other areas of the development. Refer to section 122-983, pertaining to drive-in facility storage areas, for additional requirements for motor vehicle storage areas.
- (3) The motor vehicle traffic to and from a drive-in or drive-through restaurant must be controlled for the safety of pedestrians and bicycles within the development. Pedestrian crosswalks, "Pedestrian Crossing" signs or similar signs, speed bumps, bicycle paths or signalization as needed shall be installed to provide safety for pedestrians and bicyclists.

(Ord. No. 2751, § 33, 8-19-97)

Sec. 122-923. - Design, landscaping, buffering and open space.

- (a) *Design generally.* The location, size and architectural features of buildings, service areas, trash collection areas, loading zones, mechanical systems, lighting, traffic circulation and parking in a shopping center or single retail store development shall be designed so as to not have a negative impact on adjacent properties. Minimum standards to achieve this include but are not limited to the standards set out in this section.
- (b) *Building height.* The maximum building height is 50 feet, unless a greater height is allowed by the city council.
- (c) *Setback from residential property.* If a shopping center on 40 acres or more or with 400,000 or more square feet of gross leasable area abuts property that has a residential dwelling on it, all buildings of the shopping center, trash collection receptacles, trash collection devices and trash collection areas, and rear yards, alleys, service courts and loading zones of the shopping center must be located at least 150 feet away from common property line.
- (d) *Screening of rear service areas.* There shall be a service area of not less than 30 feet in width at the rear of the buildings of the in-line portion of a shopping center and a single retail store development and all rear service and trash collection areas must be completely screened from public view by a landscaped buffer, a minimum eight-foot-high wall/fence or a minimum eight-foot-high berm, or combination thereof.
- (1) Landscaping materials installed to screen such areas must be in accordance with the specifications in section 122-260(e).
- (2) Walls installed to screen such areas must be in accordance with the specifications in section 122-260(f), except that the minimum height is eight feet.
- (3) Berms installed to screen such areas must be in accordance with the specifications in section 122-260(c)(3), except that the minimum height is eight feet.
- (4) Screening around trash collection areas must be reviewed and approved by the public works department to ensure that the screening will not interfere with trash pickup.
- (e) *Screening of service areas of outparcels.* Rear service and trash collection areas of outparcels that can be seen from public roads or private service roads used by the public as a major access point to the development must be completely screened from public view by a landscaped buffer, a minimum eight-foot-high wall or fence, or a combination thereof.
- (1) Landscaping materials installed to screen such areas must be in accordance with the specifications in section 122-260(e).
- (2) Walls installed to screen such areas must be in accordance with the specifications in section 122-260(f), except that the minimum height is eight feet.
- (3) Fences proposed to screen such areas must be approved by city staff during the site plan review process.
- (4) Screening around trash collection areas must be reviewed and approved by the public works department to ensure that the screening will not interfere with trash pickup.
- (f) *Underground utilities.* All utilities in a shopping center or a single retail store development must be underground.
- (g) *Open space.* A shopping center or single retail store development must have a minimum of 20 percent landscaped open space as defined in section 122-2.

The open space shall include common areas that encourage interaction outside of a building or structure. A typical design shall include water features, plazas, clock towers and outdoor play areas among others. Developments shall also include landscaping adjacent to the buildings or along the walkways in front of the buildings.

- (h) *Landscape materials.* All landscape materials must be Florida Grade No. 1 quality or better.
- (i) *Buffer area.* A landscaped buffer must be provided when abutting a less intense use.
- (1) For developments on less than 40 acres or with a gross leasable area of less than 400,000 square feet, the buffer area must be a minimum of 25 feet in width. A wider buffer area may be required by the city's site plan review committee.

- (2) For shopping centers on 40 acres or more or with 400,000 or more square feet of gross leasable area, the buffer area must be a minimum of 40 feet in width. A wider buffer area may be required by the city's site plan review committee.
 - (3) At a minimum, buffer areas must be landscaped in accordance with the specifications in [section 122-260\(e\)](#).
 - (4) All required buffers must include a wall constructed according to the specifications in [section 122-260\(f\)](#), except that the minimum height is eight feet.
 - a. The wall must be designed and constructed in a manner that will cause as little damage as possible to existing trees.
 - b. Walls made of materials other than those listed in [section 122-260\(f\)](#) can be used, subject to approval by city staff.
 - c. A landscaped berm may be used instead of a wall provided that the berm will not cause more trees to be removed than the construction of the wall would. A berm must be built according to the specifications in [section 122-260\(c\)\(3\)](#), except that the minimum height is eight feet.
 - (5) The buffer area may not be used for a driveway, parking area, loading zone, alley, service court, trash collection area or drainage retention area, or for the location of any structure except the required wall.
- (j) *Landscaped area along public road frontages.* A shopping center or single retail store development shall have a landscaped area at least 30 feet in depth along all public road frontages, exclusive of the sidewalk. The landscaped area must be located between the curblineline and a line parallel to and 30 feet inside the property line. As part of the site plan review process, the city may request additional feet based on the location, size or design of the buildings, or site conditions. The city may also reduce the minimum 30-foot landscape area along a public road frontage if the requirements for "reduced-width landscape areas" set forth below are met; however, the city will require extensive landscaping in these areas. Typical features shall include but are not limited to the following: clusters of shade and ornamental trees, hedging, ground covering, berms, and decorative hardscape features. Additionally, the city may require the development to maintain the existing trees and landscaping along the roadway. At a minimum, the area must be landscaped in accordance with the specifications contained in subsection [122-260\(e\)](#) and reduced-width landscape areas must meet the requirements below:
- (1) Landscape areas at least 20 feet, but less than 30 feet in depth shall meet the following requirements:
 - a. Two shade trees per 100 linear feet of frontage;
 - b. Three ornamental trees per 100 linear feet of frontage;
 - c. Twenty-five percent of the total area shall be landscaped with plantings other than grass and mulch;
 - d. Twenty-five percent of the plantings shall be native species;
 - e. Thirty percent of the building frontage shall be landscaped.
 - (2) Landscape areas at least ten feet, but less than 20 feet in depth shall meet the following requirements:
 - a. Two shade trees per 100 linear feet of frontage;
 - b. Three ornamental trees per 100 linear feet of frontage;
 - c. Fifty percent of the total area shall be landscaped with planting other than grass and mulch;
 - d. Twenty-five percent of the plantings shall be native species;
 - e. Sixty percent of the building frontage shall be landscaped.
- (k) *Landscaped areas within parking areas.* Landscaping shall adhere to the requirements of sections [122-1004](#) and [118-135](#).
- (l) *Architectural features of shopping centers and single retail store developments.*
- (1) All buildings including outparcels should have architectural features and patterns that provide visual interests at pedestrian scale, reduce massive aesthetic effects, and recognize local character. These features should be integral parts of the building fabric, and not applied trim, graphics, or paint.
 - a. Wall expanses over 100 feet in length shall incorporate both horizontal and vertical projections or recesses with a minimum two-foot depth and a minimum of 20 contiguous feet within each 100 feet of length.

- b. Connecting shopping centers and single retail store developments should be constructed of similar building materials, color schemes, and opening patterns; and should architecturally differentiate tenant units on primary facades by incorporating modifications to parapets, cornices, roof lines, overhangs, columns, and structural systems among others.
 - c. Each anchor unit of a shopping center shall have clearly defined, highly visible customer entrances/exits featuring no less than three of the following: canopies or porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patio, display windows, architectural details such as tile work and moldings which are integrated into the building structure, and/or planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - d. Large buildings should feature multiple entrances thereby reducing walking distances from cars, facilitating pedestrian and bicycle access from public sidewalks, and providing convenient access to other buildings. Multiple entrances also mitigate the effect of uninterrupted wall expanses on adjacent uses.
- (2) Exterior building materials and color palettes should be aesthetically pleasing and compatible with materials and colors used by surrounding properties. Predominant exterior building materials shall include, without limitations: brick, wood, sandstone, other types of stone and textured concrete masonry units.
- (3) Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors shall be prohibited unless determined by the site plan review committee to be consistent with surrounding development and the intent of this division. Building trim and accent areas may feature brighter colors, including primary colors.
- (4) Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing. Division of large expanses of glass by muntins and mullions is encouraged.
- (5) Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should complement the character of adjacent uses. Roof lines shall vary with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the conceptual site plan review.
- (m) *Building orientation.*
- (1) Buildings shall be oriented to enhance the appearance of the city's streetscape. The requirements shall include the following:
 - a. Buildings shall be designed and oriented so the entrance is visible from the public road from which driveway access is provided.
 - b. The primary facade of a building shall face parallel to the public road from which driveway access is provided, or each facade, which is clearly visible from a public right-of-way, or public area of adjacent properties shall be designed with full architectural treatment.
 - c. Building orientation shall be such that service areas are placed out of view from public rights-of-way, parking areas and adjacent properties.
 - d. Utilitarian functions mounted on the roof shall be screened by a parapet wall or similar design treatment to screen from public view.

(n) *Lighting.*

- (1) All exterior building and parking area lighting shall be compatible with the architecture of the development.
- (2) Recessed lighting fixtures shall be required in order to conceal the actual source of the light to reduce glare and direct the light to specific areas while shielding other areas.
- (3) *Parking areas.* Parking lot lighting shall be designed per the requirements of [section 122-216\(g\)\(8\)](#) and the maximum height of the light pole shall be 20 feet, including the base.
- (4) *Backlighting.* Backlit awnings/canopies are not permitted.

(Ord. No. 2751, § 34, 8-19-97; Ord. No. 5553, § 6, 8-8-06; Ord. No. 2017-38, §§ 1, 2, 3-21-17; Ord. No. 2019-36, § 14, 4-16-19)

Sec. 122-924. - Signs.

The following shall apply to signage for shopping centers or single retail store developments:

- (1) Requirements for signage for shopping centers and single retail store developments, including outparcels, are given in [chapter 110](#).

(2) The proposed signage must be submitted for review at the time of site plan review.

(Ord. No. 2751, § 35, 8-19-97; Ord. No. 2019-36, § 15, 4-16-19)

Sec. 122-925. - Outparcels.

The following shall apply to outparcels for shopping centers and single retail store developments:

- (1) Outparcels shall be zoned shopping center (SC) or planned development (PD).
- (2) Outparcels shall be integrated with the proposed development through the motor vehicle circulation system, nonmotorized transportation system (sidewalks and bikepaths when required), landscaping, stormwater drainage and signage.
- (3) Motor vehicle access to each outparcel must be from within the development or from a service road. Access shall be guaranteed by recorded or platted easement.
- (4) No frontage on a public through road is required for outparcels.
- (5) No minimum lot area is required for outparcels provided that all applicable Code requirements can be met on the outparcel.
 - a. The minimum open space requirements must be met on the outparcel.
 - b. Approval must be obtained from the city council when Code requirements for development of an outparcel will be met, in whole or in part, within the development as a whole.
- (6) Up to 100 percent of the required parking for the outparcel use may be located in the general parking area of the development as a whole provided that the development has an excess of parking spaces based on the requirements of section 122-1010. The parking spaces must be full size spaces.

(Ord. No. 2751, § 36, 8-19-97; Ord. No. 2019-36, § 16, 4-16-19)

Sec. 122-926. - Zoning of existing shopping centers.

- (a) Developments may exist within the city limits that were not considered shopping centers at the time of their construction but which would be defined as such today, and would therefore have to satisfy the requirements of this division. Any such existing developments will not have to be rezoned to shopping center (SC) upon the effective date of the ordinance from which this division is derived (August 20, 1997).
- (b) Before modifications that must be approved through the city's site plan review process can be made to developments described in subsection (a) of this section, these developments must be rezoned to shopping center (SC) or planned development (PD).

(Ord. No. 2751, § 37, 8-19-97; Ord. No. 2019-36, § 17, 4-16-19)

Sec. 122-927. - Changes to existing shopping centers and single retail store developments.

If any modifications requiring a site plan are to be made to an existing development, the entire development will be reviewed for conformity with this division and modifications needed to make the development conform to this division will be required, unless waived by the city council. If the modifications described in this subsection are made to a distinct lot, tract or parcel of an existing development which is owned, on the effective date of the ordinance from which this division is derived (August 20, 1997), by a person other than the owner of the rest of the development, the rest of the development shall not be subject to subsection. For purposes of this subsection, persons related by blood, marriage, or common (in whole or in part) ownership, control or management shall not be considered to be separate persons.

(Ord. No. 2751, § 38, 8-19-97; Ord. No. 2019-36, § 18, 4-16-19)

Sec. 122-928. - Annexations of property with existing shopping centers or single retail store developments.

- (a) Annexations of land containing developments that conform to the definition of shopping center shall be rezoned to shopping center (SC) as soon as possible following the annexation.

(b) If any modifications requiring a site plan are to be made to an annexed shopping center or single retail store development, the entire development will be reviewed for conformity with this division and modifications needed to make the development conform to this division will be required, unless waived by the city council.

(Ord. No. 2751, § 39, 8-19-97)

Sec. 122-929. - Reserved.

Editor's note— Ord. No. 2019-36, § 19, adopted April 16, 2019, repealed the former § 122-929, which pertained to rezoning of property to shopping center district and derived from Ord. No. 2751, adopted August 19, 1997.

Secs. 122-930—122-939. - Reserved.

DIVISION 30. - PLANNED DEVELOPMENT

Sec. 122-940. - Intent and purpose.

(a) A planned development (PD) zoning district is intended to provide a process for the evaluation of unique, individually planned developments, which may not be otherwise permitted in zoning districts established by this chapter. Standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining the absolute authority of city council to establish such conditions, stipulations, limitations and restrictions as it deems necessary to protect the public health, safety and general welfare. In so doing, the PD district is designed to:

- (1) Be consistent with the city's adopted 2035 vision plan principals and the comprehensive plan;
- (2) Promote more efficient and economic uses of land;
- (3) Encourage development that is more compatible with contiguous lands;
- (4) Provide flexibility to meet changing needs, market trends, technologies, economics, and consumer preferences;
- (5) Encourage a mix of land uses which can reduce roadway transportation impacts;
- (6) Preserve to the greatest extent possible and utilize existing landscape features and amenities;
- (7) Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under conventional land development procedures;
- (8) Reduce development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities;
- (9) Permit a more desirable built environment than would be possible through the strict application of minimum requirements of the city's other zoning and subdivision regulations;
- (10) Allow for flexibility in the combining and coordinating of architectural styles, building forms, and building relationships; and
- (11) Permit modifications to specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the proposed development of the subject site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.

(b) A PD district is designed to allow an applicant to submit a proposal for consideration, for any use or any mixture of uses. For the purpose of this division, permitted general uses shall only include residential, office, retail, service, institutional, existing or new temporary (as set forth below) agricultural uses (including replacement of any existing uses), and light industrial/manufacturing uses, but shall not include heavy industrial/manufacturing uses or new agricultural uses, except that new agricultural uses may be permitted on a temporary basis for a maximum of ten years if the PD plan permits such uses and provides the permitted duration of such uses. However, all specific uses shall be consistent with section 122-3 and article V of this chapter and shall require approval in the PD plan by city council.

(Ord. No. 2014-4, § 1, 11-19-13; Ord. No. 2014-32, § 5, 6-3-14; Ord. No. 2019-28, § 20, 3-19-19)

Sec. 122-941. - Rezoning.

- (a) *Rezoning procedure.* A rezoning application to a PD district shall require a conceptual site development plan containing information defined in section 122-943. The rezoning and the corresponding conceptual site development plan will require public hearings before the planning and zoning commission and city council. A rezoning shall be adopted by ordinance and a conceptual site development plan by resolution. Prior to submitting a rezoning/conceptual plan the applicant shall contact staff to schedule a pre-conceptual plan meeting to review the required materials and proposed scope of the project.

A conceptual site development plan can be submitted for approval without a rezoning if the future land use is in place and the property is governed by a chapter 163 development agreement that addresses development issues. A rezoning application to PD must be adopted prior to a final development plan being approved.

- (b) A rezoning to PD with a PD plan shall meet the following minimum requirements:

- (1) One-acre minimum site;
- (2) A five-acre or more site shall include at least two uses with any one use not less than ten percent (acreage or square footage) of the total site, except in the case of residential developments, which are permitted to be single-use;
- (3) Must be located on a public roadway with at least 100 feet of frontage.

- (c) *Conditions, stipulations, limitations and restrictions.* The planning and zoning commission may recommend to city council that the PD rezoning/conceptual site development plan be approved, be approved subject to stated conditions, stipulations, limitations and restrictions, or denied. All conditions, stipulations, limitations and restrictions shall be included as part of a resolution approving any conceptual site development plan.

Because of the nature of the public purposes provided by planned developments, such conditions, stipulations, limitations and restrictions are viewed as permissible conditional zoning under law and deemed necessary to accomplish the public purpose served by the Code of Ordinances. All terms, conditions, stipulations, limitations and restrictions, including density/intensity, made at the time of rezoning by ordinance to PD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any term, requirement, condition or stipulation shall constitute a violation of this Code and shall nullify the approved plan on the undeveloped portions of the property and require another set of public hearings before the planning and zoning commission and city council.

(Ord. No. 2014-4, § 1, 11-19-13; Ord. No. 2019-28, § 21, 3-19-19)

Sec. 122-942. - Standards.

- (a) In reaching recommendations and decisions as to rezoning land to a PD district and approving a conceptual site development plan, the planning and zoning commission and city council shall apply the following standards, in addition to the requirements of this chapter applicable to the rezoning of land generally:

- (1) *Access.* Every permitted use in a PD shall have access to a public street directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use, or common element guaranteeing access.
- (2) *Buffers.* When a PD abuts a less intensive use, it will be required to adhere to section 122-260, pertaining to buffer specifications, at a minimum. City council may require additional buffering based on individual circumstances.
- (3) *Underground utilities.* Within a PD, all utilities, including telephone, television cable and electrical systems, shall be installed underground in accordance with current city policies and standards. Appurtenances to these systems which require above ground installation must be effectively screened, and thereby may be excluded from this requirement.
- (4) *Open space.* Open space requirements for a PD are as follows:

- a.

Open space shall include active and passive recreation areas such as courtyards, streetscapes/sidewalks, playgrounds, golf courses, waterways, landscaped yards and patios, lagoons, floodplains, nature trails, roof areas, and other similar open spaces. Water retention areas that are designed as aesthetic lakes or ponds for passive or active recreational use may also be counted as open space, as long as these areas are designed to retain a minimum of three feet of water at all times.

- b. Fenced water retention areas, open water areas beyond the perimeter of the site, street right-of-way, driveways, off-street parking areas and off-street loading areas shall not be counted in determining open space. Side yards less than six feet wide shall not be counted as open space.
 - c. Open space shall be clustered into larger tracts/areas. Buildings and structures should be clustered so that the open space is usable to the occupants/residents rather than merely providing spacing between buildings or structures. Zero lot line and clustered design is encouraged. Front, side and rear yards in single-family residential areas shall not be counted as aggregate open space.
 - d. There shall be a minimum open space requirement of 25 percent of the total gross acreage for all development in any PD project. For single-use residential PD projects, the minimum open space requirement shall be 40 percent. At least ten percent of the total required open space shall be in usable aggregate form. Aggregate open space is defined as common open space areas that are designed and intended for use by all occupants/residents of a PD.
- (5) *Unified control.* The applicant shall furnish the city with sufficient evidence to the satisfaction of the city attorney that the applicant is in the complete, unified and otherwise-unencumbered control of the entire area of the proposed planned development, whether the applicant be an individual, partnership, corporation, other entity, group or agency. The applicant shall provide the city all necessary documents and information that may be required by the city attorney to assure the city that the development project may be lawfully completed according to the plans sought to be approved.
- (6) *Phasing.* City council may allow or require phasing of the proposed development. All phasing must be related to previous development, surrounding properties, and available public facilities and services, where a failure to proceed with subsequent phases of development will have no adverse impact on the completed phase(s) or surrounding properties.
- (7) *Platting.* All uses/parcels meeting the definition of a subdivision shall meet chapter 114 (subdivisions) requirements.
- (8) *Site plan review.* Development requiring site plan review shall comply with Chapter 122, Article IV. A final site plan shall be consistent with a final development plan.
- (9) *Development.* A development meeting the criteria for a shopping center shall comply with all regulations as set forth in division 29 of chapter 122 (shopping centers) except for: subsections 122-908(7),(8) and (9) and 122-918(a)(l).
- (10) *Access to utility systems and public services.* A PD shall be located in relation to sanitary sewer lines, water lines, storm/surface drainage systems, and other utility systems.

(Ord. No. 2014-4, § 1, 11-19-13; Ord. No. 2019-28, § 22, 3-19-19)

Sec. 122-943. - PD plan application/materials.

- (a) A PD plan shall meet the intent of the planned development (PD) zoning district as defined in section 122-940, and shall include the following information:
- (1) A title opinion;
 - (2) A statement as to the intensity/density of the proposed uses and such supporting evidence or documentation as the applicant deems relevant;
 - (3) A statement of variations from Code of Ordinances shall be included;
 - (4) The title of the project and the names of the design professionals/developer, legal description, boundary survey, scale, date, north arrow and general location map;
 - (5) Boundaries of the property involved, all existing streets, buildings, watercourses, easements, section lines, and other existing important features in and contiguous to the project;
 - (6) A plan showing general locations of the permitted uses and examples of proposed building elevations/roadway types;
 - (7) A chart or table identifying (acres or square footage) the proposed uses, open space, recreational facilities, and off-street parking/loading;
 - (8) Circulation plan showing access from existing streets and the proposed ingress and egress for the development. The plan shall show the general pattern of internal vehicular and pedestrian flow, the interrelationship of vehicular flow between the land uses and between different phases, and how vehicular traffic will be separated from pedestrian and other types of traffic through sidewalks and jogging or walking paths;

- (9) General information shall be included describing or outlining existing conditions of the site, including information on drainage and topography;
 - (10) General information on any architectural features, building orientation, covenants, land characteristics and available utilities;
 - (11) Proposed phases;
 - (12) Master landscape and tree preservation, signage, and streetscape plans; and
 - (13) Landscape, streetscape, signage, architectural standards, and use restrictions specific to the proposed development shall be required and included in a separate set of documents (a "PD standards book") to be reviewed for conformance with this division.
 - (14) Evidence that a required neighborhood meeting, as described in section 122-949, was conducted prior to submitting the PD plan for review. Evidence shall include a copy of the advertisement published in the newspaper, a copy of the mailed notice, a copy of the address labels used, and a written summary of the issues related to the development proposal discussed.
- (b) A PD plan shall provide sufficient information to define the general character of the development. The amount of detail contained in the PD plan may vary based on the size and scope of the project. The planning and zoning commission and city council may require additional reasonable information to assist it in determining the impact of the proposed project on surrounding uses. A developer's agreement between the city and developer may be submitted as part of the PD plan approval process.
 - (c) Within the urban infill/redevelopment area designated by the comprehensive plan, requirements of subsection 122-942(a)(2) through and including subsection 122-942(a)(5) may be waived at the planning director's discretion for the purpose of developing affordable housing, as defined in section 106-102.

(Ord. No. 2014-4, § 1, 11-19-13; Ord. No. 2019-28, § 23, 3-19-19)

Sec. 122-944. - Site plans or conceptual subdivision plans.

- (a) If a site plan, or a conceptual subdivision plan, for property zoned PD is not in substantial compliance with the PD plan, it shall go back through the public hearing process for PD plan approval.
- (b) The following information shall be required for a site plan or conceptual subdivision plan on property zoned PD:
 - (1) The evidence of unified control of the proposed PD and the agreements required under subsection 122-942(a)(5);
 - (2) Building locations/types/elevations/orientations, architectural features (exterior building materials, facade colors, windows and roof lines) and lighting;
 - (3) A tree survey of all trees four inches or more in diameter at designated breast height (DBH) shall be provided. The PD plan shall show an attempt to retain as many indigenous trees as possible. Trees to be saved and trees to be removed shall be designated on the PD plan. Additional density/intensity may be considered in return for the preservation of trees on-site;
 - (4) All stormwater and utility plans;
 - (5) All fences, walls, berms and planting screens and their location, height and materials; and
 - (6) Tabulations analyzing the number of total gross acres in the project and the percentages thereof proposed to be devoted to various uses, off-street parking/loading, streets, open space and stormwater.
 - (7) Any additional information that is required by this division to be depicted on a PD plan or determined by the planning director to be appropriate for inclusion in the PD plan to assist in the determination of whether the PD plan should be approved.
- (c) If a conceptual site development plan was approved for property that was zoned PUD or PD prior to the effective date of this division, a PD plan shall be heard by the planning and zoning commission and city council at advertised public hearings and adopted by resolution prior to a new site plan or conceptual subdivision plan being approved for the property.

(Ord. No. 2014-4, § 1, 11-19-13; Ord. No. 2019-28, § 24, 3-19-19)

Sec. 122-945. - Reserved.

Editor's note— Ord. No. 2019-28, § 25, adopted March 19, 2019, repealed the former § 122-945, which pertained to development time limits and derived from Ord. No. 2014-4, § 1, November 19, 2013.

Sec. 122-946. - Changes to approved PD plans.

- (a) Substantial changes to a PD plan shall require city council approval, and any revised PD plan approved by city council shall be adopted by resolution prior to approval of a site plan or conceptual subdivision plan that includes substantial changes. A revised PD plan proposing substantial changes shall meet all requirements of this division and shall be heard at public hearings before the planning and zoning commission and city council after due public notice. Changes in land uses and density/intensity greater than five percent shall be considered substantial. For purposes of this subsection, other substantial changes are defined as: changes to project access, circulation plan, land use arrangement, buffers, a change to the approved PD standards book or the elements required to be included therein, and any other changes deemed substantial by the site plan review committee.
- (b) Allowable changes not considered substantial include:
 - (1) Minor changes in right-of-way alignment/access/circulation;
 - (2) Minor changes to buildings (architectural features) or changes in building orientation;
 - (3) Changes in number of units or building square footage of a specific use type less than five percent (e.g., a ten-acre, 80-unit townhouse site could become a 10.5-acre, 84-unit townhouse site); and
 - (4) Minor changes to dumpster locations, parking areas, open space/landscaping/trees, utilities, sidewalks and accessory uses.

Such allowable changes shall be approved by the site plan review committee. Any dispute arising from such changes shall be heard by the planning and zoning commission and its recommendation forwarded to city council for approval or denial.

(Ord. No. 2014-4, § 1, 11-19-13; Ord. No. 2019-28, § 26, 3-19-19)

Sec. 122-947. - Variances.

Because specific development standards of the PD district are contained in an approved development plan for each planned development, and because the development plan normally takes into account those matters which might otherwise be the subject of variance review by the board of adjustment, modifications to an approved development plan by variance or modification of standards shall be prohibited.

(Ord. No. 2014-4, § 1, 11-19-13)

Sec. 122-948. - Previously approved PUD zoning.

Property with PUD zoning: (a) on the effective date of this division that was approved by city council; or (b) at the time of the property's annexation that was approved by the county prior to such annexation and such PUD zoning classification has not been changed as of the effective date of this division, shall be automatically deemed to have a PD zoning classification. Any previously approved site plans or conceptual subdivision plans in conflict with the requirements of this division on such property prior to the adoption of this division, or such annexation, shall not be considered non-conforming.

(Ord. No. 2019-28, § 27, 3-19-19)

Sec. 122-949. - Neighborhood meetings.

- (a) Prior to filing an application with the city for a PD zoning designation, the applicant shall be required to hold a neighborhood meeting. The purpose of the neighborhood meeting is to educate occupants and owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. If the planning director determines a follow-up meeting is necessary to resolve conflicts and outstanding issues that arose in the first neighborhood meeting, the planning director may require a second neighborhood meeting. In cases where there is no residential development on nearby lands, the planning director may waive the neighborhood meeting requirement.
- (1) *Time and place.* The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application. It shall be scheduled after 5:00 p.m. on a weekday. The planning director may grant a waiver from the requirement to hold the neighborhood meeting after 5:00 p.m. on a weekday if the applicant demonstrates, in writing, that a particular hardship or undue burden exists that prevents them from holding the neighborhood meeting after 5:00 p.m. on a weekday.
 - (2) *Notification.* The applicant shall provide notification of the neighborhood meeting a minimum of ten business days in advance of the meeting by placing notice in a newspaper of general circulation and by mailing notice to all owners and occupants within 300 feet of the land subject to the application. The list of owners within 300 feet of the affected property shall be obtained by the applicant from the most recent version of the property owners of record provided by the Marion County Property Appraiser. The city planning department shall be notified of all neighborhood meetings a minimum of ten business days in advance of the meeting. The notification shall state the time and place of the meeting. The city may invite additional people who may have an interest in the development.
 - (3) *Conduct of meetings.* At the neighborhood meeting, the applicant shall explain the development proposal and application, inform attendees of the character and nature of the process for review, and respond to comments and questions neighbors may have about the application and propose ways to resolve conflicts. The applicant shall display materials that they intend to submit for its PD plan to the meeting, including the PD plan and architectural elevations or other design elements to be included in the PD standards book.
 - (4) *Staff attendance.* City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of these LDRs, but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.
 - (5) *Written summary of neighborhood meeting.* The applicant shall provide the city a written summary of the neighborhood meeting. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting shall be included with the application materials, and be made available to the public for inspection.
 - (6) *Response to summary.* Any party in attendance at the neighborhood meeting may submit an additional written summary indicating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the neighborhood meeting. The written summary shall be included with the application materials, and be made available for public inspection.

(Ord. No. 2019-28, § 28, 3-19-19)

Secs. 122-950—122-980. - Reserved.

DIVISION 31. - FBC FORM-BASED CODE

Editor's note—Ordinance No. 2018-41, § 1, adopted September 25, 2018 adopted the Form-Based Code that can be viewed online at:

https://library.municode.com/fl/ocala/codes/form_based_code.