

CHAPTER 4
CONDITIONS FOR LIMITED SPECIFIC USES AND ACTIVITIES

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Chapter 4. Conditions for Limited Specific Uses and Activities

Section 4.01. Accessory Structures

This section provides specific development standards for swimming pools, fences, walls, sheds, residential garages, generators, clotheslines, seawalls, and docks.

4.01.01. General Provisions for Accessory Structures

A. Location

Accessory structures, other than fences or as otherwise specified in this Code, shall not be located in public drainage or utility easements or within the required building setbacks. In addition, all accessory structures, other than fences and garages, shall be located behind the adjacent front or side street building footprint of the principal structure and include a fence or foundation plants (as required in **Chapter 11**) when facing a right-of-way, golf course, canal, or other similar highly visible area. Arbors, pergolas, and trellises are exempt from this requirement.

B. Construction and Occupancy

Permits for accessory structures shall not be issued until a permit has been issued for the principal structure. Seawalls are not considered accessory structures and building permits for these facilities may be issued in advance of the principal structure in accordance with City regulations.

C. Architecture

Refer to **Chapter 13** for design standards.

4.01.02. Fences and Walls

A. General Requirements

1. Setbacks, Orientation, and Placement

- a. Fences shall be installed with the finished side facing the exterior of the property.
- b. No fence or wall shall interfere with drainage on a site.
- c. Fences and walls may be located within a utility easement; provided, however, that such structures be subject to removal at the property owner's expense by the requesting utility agency.
- d. Fences and walls in front of the front building line of residential dwellings shall only be permitted in the AGR, EST-1, and EST-2 Districts and in neotraditional developments.
- e. Refer to **Chapter 11** for buffer and screening requirements for fences.
- f. Decorative walls are permissible surrounding the perimeter of a development.

2. Height

- a. The maximum height permitted shall be measured from finished grade to the top of the fence or wall. Decorative wall columns may extend twelve (12) inches above the maximum height permitted.
- b. The maximum height of any fence or wall located in side or rear yards behind the front building line shall be six (6) feet, unless otherwise specified in this Code or as approved by the Land Use Administrator for health, safety, or environmental protection purposes.
- c. Within the EST Districts and in neotraditional developments, the maximum height of any fence or wall in front of the front building line or located in a street side yard shall be a maximum four (4) feet .

- d. The maximum height of retaining walls shall be five (5) feet, unless otherwise approved by the Land Use Administrator based upon generally accepted land use planning practices. A minimum of five (5) feet shall separate retaining walls designed to increase site elevation.

3. Design and Materials

- a. Fences shall be constructed utilizing rot resistant material for any part of the fence coming in contact with the ground.
- b. Chain-link, aluminum, or similar fences shall be prohibited along arterial and collector roadways.
- c. Chain-link, aluminum, or similar fences shall be black in color and shall be installed with the pointed ends toward the ground. However, aluminum fences may be bronze in color to match a bronze screen room or enclosure.
- d. Walls shall be made of, or equivalent to, the following materials:
 - (1) Brick, Norwegian brick, or jumbo brick
 - (2) Split-faced block or finished masonry walls where block seams are not visible. Finished masonry walls shall also include a tile, brick, or decorative trim at or near the top of the wall.
 - (3) Wrought iron fence in combination with brick, jumbo brick, or finished masonry columns.
 - (4) Other materials as approved by the Land Use Administrator.
- e. Walls shall have columns spaced as follows:
 - (1) Twenty (20) foot maximum spacing on walls 100 linear feet, or less.
 - (2) Thirty (30) foot maximum spacing on walls 101-200 linear feet.
 - (3) Forty (40) foot maximum spacing on walls over 200 linear feet
- f. No barbed wire, razor wire, or electrically charged fence shall be erected, unless otherwise specified in this section. Broken glass, steel spikes, or other sharp objects intended to restrict access along the top edge of a fence or wall are prohibited.
- g. Chicken wire, field fences, and other similar fence types are prohibited, except in the utilization of bona-fide agricultural purposes in the AGR and EST-2 Districts.

B. Residential Districts

All walls and fences shall be setback a minimum of three (3) feet from the rear property line abutting rights-of-way, golf courses, canals, or other similar highly visible areas in accordance with the requirements of **Chapter 11**.

C. Nonresidential Districts

- 1. Setbacks may be required between fences or walls to property lines in order to provide landscape buffers in accordance with the requirements of **Chapter 11**.
- 2. Within the IND, COM, and PSP Districts, the following shall apply:
 - a. Fences and walls may exceed maximum permitted height by up to two (2) feet if they are part of an approved or required landscape buffer meeting the requirements of **Chapter 11**.

- b. Fences or walls needed to provide extra security provisions may exceed maximum permitted height by up to two (2) feet, with an additional eighteen (18) inches of barbed wire or similar extension upon approval by the Land Use Administrator.

D. Special Provisions for Subdivision Entrance Features

1. Fences and walls used as decorative features at subdivision entrances may exceed maximum permitted heights by up to four (4) feet upon approval by the Land Use Administrator. This measurement shall exclude decorative wall columns, which may extend a maximum of twelve (12) inches beyond the top of the wall or eighteen (18) inches above the height of a wall framing an identification sign. Light fixtures may extend up to forty-two (42) inches above the height of the wall.
2. Entrance walls and landscaping shall be located within a designated easement, tract, or common area.
3. Wall jogs and spanned footer intervals shall be used, where possible, to avoid existing trees. Buffer width requirements may be waived to the extent necessary to protect the specimen trees.
4. The main entrance wall shall be landscaped in accordance with **Chapter 11**.

E. Special Provisions for Fences and Walls in the AGR Districts

Fences used to contain farm animals or to separate crops relative to bona fide agricultural uses are exempt from permitting. The property owner must demonstrate eligibility for this exemption. The height of the fence shall not exceed six (6) feet. However, an eighteen (18) inch barbed wire or similar extension is permissible. Where barbed wire is used as a fence, it shall be limited to a maximum of three (3) strands at two (2) foot intervals. Barbed wire shall not project outward over any public right-of-way or adjacent property.

4.01.03. Garages, Attached and Detached

A. General Requirements

1. Enclosed garages shall be constructed in association with the construction of all detached single-family residential units, duplexes, and townhouses.
2. Garages shall not be converted into any other use, unless another garage is constructed in compliance with this Code.
3. Garage units for multifamily projects shall be provided for a minimum of one-third (1/3) of the proposed multifamily units.
4. Garages shall not exceed the height of the first story of the principal dwelling unit.
5. Carports shall be prohibited in all residential districts except for developments in the MHD District.

B. Attached Garages

1. Shall have a maximum depth of thirty (30) feet.
2. Shall not exceed fifty (50) percent of the total living area of the principal dwelling unit.

C. Detached Garages

1. Detached garages are permitted in all zoning districts; however, in the MHD District special exception approval is required.
2. Detached garages shall have a maximum building footprint of five hundred (500) square feet.

D. Garages In Neotraditional Developments

For garage requirements in a neotraditional development, refer to **Section 4.08**.

4.01.04. Generators, Permanently Installed

The following standards shall apply to all permanently installed generators:

- A.** Generators are prohibited in the required front and street side yard and prohibited in front of the front building line of the principal structure.
- B.** Generators may be operated for testing purposes one (1) time per week, excluding Sundays, for a period not exceeding thirty (30) minutes between the hours of 10:00 a.m. and 6:00 p.m.
- C.** A maximum of one (1) generator is allowed per single-family, duplex, or townhouse residential dwelling unit and one (1) generator is allowed per multiple family building.
- D.** Generators shall be set back a minimum of ten (10) feet from the rear property line in all zoning districts.
- E.** Generators shall be set back a minimum of three (3) feet from the side interior property line(s) in all zoning districts, but shall not be located within an easement.

4.01.05. Residential Docking Facilities along Saltwater and Freshwater Canals (and Intracoastal Waterway, as applicable)

A. Prohibitions

- 1.** Under no circumstances shall a vessel docked or moored off a residential docking facility be used as a live aboard watercraft.
- 2.** Accessory structures and concrete decks are prohibited along a seawall or in the rear easements and setbacks of property along waterbodies.

B. General Standards

1. Drainage Rights-of-Way

- a.** Any groundcovers disturbed in the drainage rights-of-way during construction or maintenance activities shall be promptly replaced and properly maintained by the abutting property owner to prevent erosion.
- b.** Drainage rights-of-way shall not be filled in such a way as to reduce the cross-sectional area used for flow of stormwater.

2. Dredging and Spoil Management in Saltwater Canals

Dredging activities shall be conducted by a qualified contractor and consistent with the applicable best management practices concerning dredging operations and performed only after approval by the Land Use Administrator. Dredging activities shall be accomplished in conformance with existing permits.

3. Safety

- a.** All structures and associated facilities shall be properly constructed and secured to prevent potential hazards from floating into the waterbody.
- b.** To eliminate potential waterbody contamination, all structures shall be constructed with materials that do not result in contamination.
- c.** The City shall require removal of derelict vessels and lifts consistent with City standards.

4. Roofs

- a.** Roofs over docks and lifts shall be a maximum height of thirteen (13) feet above seawall cap for saltwater canals and above the deck for freshwater canals.
- b.** Roofs shall be constructed with the same material and of the same color as the principal structure adjacent to the waterbody.
- c.** All roofs shall be “Hip” style roofs.
- d.** All roofs shall be constructed with a minimum 4½:12 pitch.
- e.** For roofed structures on freshwater canals, the size of a roof shall not be greater than twelve (12) feet by fourteen (14) feet and the roof overhang shall not exceed two (2) feet.
- f.** The maximum length of roofs located over a dock slip, dock lift, or water on saltwater canals shall be twenty-six (26) feet of dock roof for the first sixty (60) feet of property frontage, plus four (4) feet of roof length for every five (5) feet of property frontage thereafter, not to exceed forty-six (46) feet. Roof length for property with a frontage less than sixty (60) feet shall be determined by the Land Use Administrator on a case-by-case basis based on generally accepted planning practices.

C. Saltwater Canal Single-Family Residential Docking Facilities

1. Placement of Docking Facilities

The location of docks, lifts, and boathouses within the navigable waters of the City shall be determined on an individual basis, with visual impact, navigational use, and aesthetic quality of prime concern.

2. Single Pilings

Single pilings or “dolphins” are prohibited, except for installation alongside a seawall or bulkhead.

3. Setbacks and Size

- a.** The minimum setbacks from a projection of the side property line to the structure shall be a minimum of ten (10) feet. Other setbacks may be considered by the Land Use Administrator based upon lot size, location, easements, existing structures, and navigation.
- b.** The length of all docks, inclusive of all components, shall not exceed sixty-five (65) percent of the property frontage along the canal. The size of the vessel and location of adjacent docks shall be considered to ensure that the vessel does not interfere in any manner with the navigation of ingress and egress. Setbacks may be increased or decreased for lots less than sixty (60) feet in width or lots that have a storm drainage easement.
- c.** Vessels shall be docked/moored parallel to the property line/seawall. Docks/moorings perpendicular to the property line/seawall are prohibited.
- d.** Other than cantilevered safety walks, all dock walkways shall be no less than three (3) feet or greater than six (6) feet. The maximum width for docks, including boatlifts, shall be determined based on the width of the waterbody as described in **Table 4-1**. Dock width shall be measured at right angles from the boundary of the waterbody at the proposed structure location.

Table 4 - 1. Maximum Dock Widths for Saltwater Canals

| Waterbody Width | Maximum Dock Width |
|------------------------|---------------------------|
| Less than 100 feet | 12 feet |
| 100 feet or greater | 16 feet |

4. Floating Docks

- a. Floating docks shall not exceed a length of twenty (20) feet as measured parallel to the canal frontage.
- b. Floating docks may be used in conjunction with permanent docking structures but must meet the criteria established herein.

5. Boatlifts Within Canal Areas

- a. All boatlifts, inclusive of all components, shall be mounted or installed within the twelve (12) feet or sixteen (16) feet dimension allowed for structures in the waterbody.
- b. Boatlifts on waterfront lots with dimensions less than sixty (60) feet of water frontage or lots with unusual conditions are not allowed unless granted an administrative waiver by the Land Use Administrator. The location of easements, culvert pipes, and navigability are unusual conditions that may be considered.

6. Cantilever Safety Walk Extensions

Cantilever safety walk extensions may be approved by the Land Use Administrator based upon the following criteria:

- a. The length of a cantilever safety walk extension shall be the minimum necessary to access the watercraft.
- b. Cantilever safety walk extensions shall not extend more than twelve (12) inches beyond a twelve (12) foot boat slip or lift and pilings.

D. Freshwater Canal Residential Docking Facilities

- 1. Docks and decks over the waterbody shall meet the Florida Department of Environmental Protection minimum clearance requirements.
- 2. Structures shall not project into the waterbody more than eight (8) feet from the shoreline at normal water level.
- 3. No permanent source of electrical power, water, telephone, gas, or other items requiring piping or cable shall be extended onto the drainage rights-of-way.
- 4. Floating docks are not permitted.
- 5. Roofed structures shall not contain enclosed sides including, but not limited to, solid material, screening, or clear plastic.

4.01.06. Seawalls and Revetments

A. Permit Required

A building permit shall be obtained prior to commencement of new construction and reconstruction or repair of seawalls and revetments. Seawalls and revetments shall be constructed in accordance with the following requirements:

B. Prevent Soil Erosion, Runoff and Debris

1. Prior to construction of a seawall or revetment on undeveloped property, the following actions shall be taken to prevent soil erosion and protect the waterbody from runoff and debris:
 - a. Only the minimum area necessary for access and construction of the seawall or revetment and backfill shall be cleared.
 - b. A minimum fifteen (15) foot wide buffer of natural vegetation shall be preserved along each side lot line starting at a point ten (10) feet from the waterfront.
 - c. Access to the waterfront shall be limited to an area no wider than fifteen (15) feet located in the interior of the lot.
 - d. A thirty (30) foot wide buffer shall be preserved along all property lines abutting a street right-of-way except for the area cleared for the access point. Tree protecting barricades shall be erected around the perimeter of the buffer areas that are to remain.
2. Prior to construction, reconstruction, or repair of a seawall or revetment, a floating turbidity barrier shall be installed to prevent siltration into the canal until the slopes are stabilized. The ends of returns and the backside of the seawall or revetment shall be sodded or stabilized with other appropriate vegetation a minimum of five (5) feet from the edge of the structure, or stabilized with erosion control devices, to prevent siltration on adjacent properties or into the canal.
3. Prior to the reconstruction or repair of existing seawalls and revetments, backfill shall be deposited behind the seawall in order to establish a swale not less than five (5) feet from the seawall to collect any eroded material before it reaches the canal.
 - a. Construction and vegetative debris on the site shall be continually removed throughout the construction activities and when construction is complete.
 - b. When construction is complete, all cleared areas shall be sodded with native or water-conserving turf grasses. It shall be the responsibility of the lot owner to insure sodded areas are watered until established.

C. Violations

It is prohibited and unlawful:

1. To allow material to be deposited or to erode into any waterbody and fail to remove it.
2. For a contractor to fail to backfill bulkheads within thirty (30) days after construction or repair of the bulkhead.

D. Exceptions to Violations

The following are exceptions to the violations listed above:

1. Temporary waterbodies created to hold runoff water during construction.
2. Special exceptions granted by the City on applications where sufficient reason and safeguards are shown to protect the public interest.

E. Vertical Seawalls

The following establishes criteria for construction, repair, and replacement of vertical seawalls in all saltwater canals in the City.

1. Vertical seawalls shall have reinforced concrete cap, with top of cap to be set at elevation two and a half (2.5) feet, North American Vertical Datum (NAVD 1988), above mean sea level (1929 NAVD) or match abutting existing caps. Cap height exposed face shall be twelve (12) inches.
2. Vertical seawalls shall be located at and along the property line common with the waterbody or approved otherwise by other agencies.
3. The materials for all vertical seawalls shall be reinforced concrete or vinyl.
4. Vertical seawalls shall be grey in color. No painted surfaces are permitted.

F. Landscape

Any groundcover disturbed in the drainage rights-of-way during construction or maintenance activities shall be promptly replaced and properly maintained by the abutting property owner to stabilize the soil and prevent erosion.

G. Safety

All structures and associated facilities shall be properly constructed and secured to prevent potential hazards from floating into the waterbody.

4.01.07. Sheds

A. Permitted Locations and Size

1. Only one (1) shed, not to exceed two hundred (200) square feet, shall be allowed per lot.
2. The shed shall not be located in front of the building line of the principal structure.
3. Sheds shall be set back at least ten (10) feet from the rear property line and shall meet the interior side setback requirements of the district. However, sheds that do not exceed one hundred (100) square feet in size may be located up to five (5) feet from the abutting interior side or rear property line.
4. In no event shall a shed or any part thereof, be permitted within an easement.

B. Height

The maximum building height for any shed shall be twelve (12) feet.

4.01.08. Swimming Pools

A. General

1. Lights used to illuminate any swimming pool shall be arranged and shaded to reflect light away from adjoining properties.
2. All swimming pools, hot tubs, and spas shall be enclosed by a permanent full screen enclosure, or with a permanent wall or fence of at least four (4) feet in height. Any solid roof covering for a swimming pool, hot tub, or spa shall adhere to the setbacks of the principal structure.

B. Setback Requirements

1. Setbacks shall be measured from the outer edge of the pool deck to the closest property line.
2. Aboveground and inground pools shall meet the minimum building setback requirements of the zoning district.
3. Swimming pools are prohibited within the street side setback and in front of the principal structure.

4.01.09 Clotheslines

- A. All clotheslines must be located behind the dwelling unit and shielded as much as practical from view of any street.
- B. Outdoor revolving umbrella style or ‘T’ posts are acceptable.
- C. Attaching clotheslines to trees is prohibited.

Section 4.02. Adult Entertainment and Sexually-Oriented Businesses

4.02.01. Applicability

This section applies to businesses that provide entertainment or offer sexually-oriented material or activities as their primary or dominant theme and whose intended market is persons eighteen (18) years of age or older. Businesses that market sexually-oriented material include, but are not limited to, the following:

- A. Adult book and video stores
- B. Adult motels
- C. Adult performance establishments
- D. Adult theaters

4.02.02. Compliance with City and State Law

Adult entertainment and sexually-oriented businesses shall comply with **Chapter 16, Article III in the City of Palm Coast Code of Ordinances** and **Chapter 847, Florida Statutes**.

4.02.03. Adult Entertainment and Sexually-Oriented Facility Design Standards

Each adult entertainment establishment and sexually-oriented business licensed to operate in the City shall comply with the following standards in addition to the architectural standards set forth in **Chapter 13** and all other applicable provisions of the Land Development Code:

A. Building Design

- 1. The building shall not exceed three thousand (3,000) square feet of gross floor area.
- 2. The maximum building height shall be thirty-five (35) feet.
- 3. There shall be separate entrances for employees and customers, which shall be labeled as such. Both entries shall occur at the rear or back of the building rather than in front whenever practicable, as determined by the Land Use Administrator, based upon generally accepted land use principles and the configuration of the particular parcel.
- 4. Off street parking shall comply with requirements in **Chapter 5**.

B. Signage

Signs shall be subject to the requirements of **Chapter 12**.

C. Existing Buildings

Each adult entertainment establishment and sexually-oriented business desiring to locate in an existing building shall comply with all design standards requirements as set forth in this section.

Section 4.03. Agricultural Uses

4.03.01. Bona Fide Agricultural Uses

A. License Required

All bona fide agricultural uses shall obtain a license from the Department of Agriculture if required by law.

B. Odor; Dust

All agricultural uses shall be operated so no odor or dust producing substance or use, except in connection with cultivation of permitted uses, is conducted within one hundred (100) feet of the property line adjacent to a parcel or lot located within the SFR or MFR Districts.

4.03.02. Equestrian Uses

A. Number of Horses

A maximum of one (1) mature animal and offspring less than one (1) year of age shall be permitted per acre of property.

B. Riding Facilities

1. No structure housing the animals shall be located any closer than fifty (50) feet of the property line adjacent to any residentially zoned parcel. This perimeter setback shall be increased to one hundred (100) feet for riding arena facilities with outdoor lighting and seating.
2. Riding trails may be permitted within any required buffer.

4.03.03. Mining and Soil Extraction

A. General Requirements

1. Appropriate measures must be utilized to prevent fugitive dust from the excavation and haul truck traffic. All roads shall be maintained and free of sand and other related construction debris.
2. If applicable, St. Johns River Water Management District permits are required for dewatering or surface water discharge activities.
3. Perimeter buffering shall be utilized to limit visibility and noise of operation from adjacent land uses as appropriate, which may include fencing, earthen berms, existing vegetation, installed vegetation, or a combination thereof.
4. The City may set hours of operation to minimize adverse impacts to adjacent land uses so as not to produce a public nuisance. Excavation and haul traffic may only occur during daylight hours.
5. Appropriate fencing or security measures shall be provided to safeguard the site from unauthorized entry.
6. Reclamation of excavation sites shall resemble a natural system to the greatest extent feasible in accordance with federal and state requirements.

B. Soil Extraction

For purposes of this section, soil extraction shall mean public or private commercial activities specifically undertaken for the primary purpose of excavating clean fill (i.e. clay, sand) from upland sites to be removed for the purpose of being utilized for an offsite project. This excludes installation of utilities, stormwater facilities, wetlands, and excavating, grading, filling, and moving of earth in conjunction with the installation of infrastructure to serve a subdivision or activities undertaken in conjunction with improvements approved as part of a development order. Soil extraction facilities shall demonstrate compliance with the following minimum setbacks measured from the edge of the excavation pit or area:

1. One hundred (100) feet from the project perimeter and increased to two hundred (200) feet abutting any property zoned SFR, MFR, or MHD.
2. Minimum excavation setback of twenty-five (25) feet, with an average setback width of fifty (50) feet, from optimal wetlands; an average setback width of twenty-five (25) feet, but no less than fifteen (15) feet from moderate and minimal wetlands; and a setback of seventy-five (75) feet from a named wetland system, creek, river, saltwater canal, freshwater canal, or other open drainage feature or other surface water of the City.

C. Mining

For purposes of this section, mining operations shall include facilities that require a permit from the Florida Department of Environmental Protection, Bureau of Mining and Reclamation. Mining operations shall demonstrate compliance with the following requirements:

1. Setback Requirements

Mining facilities shall include the following minimum setbacks measured from the edge of the excavation area:

- a. Two hundred fifty (250) feet from the project perimeter and increased to five hundred (500) feet abutting any property zoned SFR, MFR, or MHD.
- b. Minimum excavation setback of twenty-five (25) feet, with an average setback width of fifty (50) feet, from optimal wetlands; an average setback width of twenty-five (25) feet, but no less than fifteen (15) feet from moderate and minimal wetlands; and a setback of seventy-five (75) feet from a named wetland system, creek, river, saltwater canal, freshwater canal, or other open drainage feature or other surface water of the City.

2. Blasting

No blasting shall be conducted within the City unless it can be demonstrated that said activity is being undertaken in a manner that in no way adversely affects the health, safety, and welfare of the residents and businesses within the City.

4.03.04. Aviaries

An aviary shall comply with all applicable state regulations. The following general requirements apply:

- A. Minimum setback from any residentially zoned property shall be one hundred (100) feet from the property line. Otherwise, the structure shall be located no closer than fifty (50) feet from any property line.
- B. Reasonable precautions shall be taken to prevent an environment suitable for pathogens that cause public health hazards such as psittacosis, cryptococcosis, and histoplasmosis. Occurrence of any of the aforementioned illnesses to the property owner or an occupant of the property shall be reported by the property owner to the Flagler County Health Department.

Section 4.04. Alcoholic Beverage Sales

Refer to **Chapter 7, Article I and Article II in the City of Palm Coast Code of Ordinances.**

Section 4.05. Cemeteries

Within the zoning districts permitting cemeteries, the following regulations shall apply:

- A. No graves or burial lots/sites shall be located closer than forty (40) feet from all rights-of-way and no closer than ten (10) feet from all other boundary lines of the subject property.

- B. Adequate means of ingress and egress for vehicles shall be provided within the site in order to provide an easy flow of traffic while funeral processions are entering or leaving the site.

Section 4.06. Community Residential Homes

Community residential homes shall meet the requirements of **Chapter 419, Florida Statutes**.

Section 4.07. Convenience Stores with Fueling Stations

4.07.01. Special Exception Required

In the COM-1 District, a special exception for the use is required in accordance with the procedure as outlined in **Chapter 2** if subject property is within five hundred (500) feet of any residential property.

4.07.02. Fueling Positions Limitations

- A. Within the COM-1 District, fueling stations are limited to a maximum of eight (8) fueling positions.
- B. Within the COM-2 District, fueling stations are limited to a maximum of twenty-four (24) fueling positions.

4.07.03. Design and Installation Requirements

- A. All pump islands and canopies shall be set back a minimum distance of twenty (20) feet from all perimeter property lines, but increased to fifty (50) feet from property lines abutting areas zoned SFR, EST, MFR, and MHD.
- B. On-site circulation shall be designed to:
 - 1. Minimize conflicts between pedestrians and vehicles and between parked and moving vehicles;
 - 2. Facilitate movement by tanker trucks and the safe unloading of fuels; and
 - 3. When stacking lanes are required for car washes or drive-through facilities, stacking lanes shall be separated from parking areas and drives by using painted lines, pervious islands, landscaped islands, and/or decorative pavement.
- C. All fuel dispensers shall be set back a minimum of twenty-four (24) feet from any other fuel dispenser located on parallel pump islands, as well as located a minimum of twenty (20) feet from any other fuel dispensers located along the same line of vehicular flow. Such distance shall be measured from center of fuel dispenser to center of fuel dispenser.
- D. At least one-half (1/2) of the required parking spaces shall be directly adjacent to the principal building.
- E. All gasoline tanks shall be installed underground. Upon the discontinuance of any gasoline pump island, the fuel storage tanks shall be removed.
- F. The maximum canopy clearance shall be fifteen (15) feet.
- G. The Land Use Administrator may allow a maximum of fifty (50) percent of the fueling position spaces to count toward the number of required parking spaces.
- H. Lighting standards:
 - 1. Exterior lighting shall be the minimum necessary to provide security and safety as determined by the Land Use Administrator. No more than 2.0 foot-candles of light are permitted at any property line.

2. Direct lighting sources shall be shielded or recessed. Light fixtures under a canopy shall be flush mounted. Lights shall not be mounted on the top or sides of the canopy. Drop type fixtures are prohibited.
3. The sides of the canopies shall not be illuminated, unless the illumination is part of a permitted sign.

4.07.04. Accessory Restaurant

- A. A restaurant accessory to a convenience store shall be allowed as long as it does not exceed thirty (30) percent of the gross floor area of the convenience store.
- B. Parking for the restaurant shall be subject to the shared parking facilities requirements contained in **Chapter 5**.
- C. An accessory restaurant with drive-through shall be subject to the drive-through facilities requirements contained in **Section 4.09**.

Section 4.08. Development Options

4.08.01. Cluster Residential Developments

A. Purpose and Intent

The purpose of clustering or grouping residential buildings and associated permitted accessory structures is to encourage the most efficient and cost effective use of land and public facilities. In order for the cluster development option to be approved, the site plan must be shown to:

1. Provide a significant amount of the site for protected open space;
2. Protect environmentally sensitive areas of a development site and permanently preserve open space, historical, cultural, or other significant buildings, and/or land and natural features;
3. Encourage creative and flexible site design that is sensitive to the land’s natural features and adapts to the natural topography;
4. Decrease or minimize nonpoint pollution impacts by reducing the amount of impervious surfaces in site development;
5. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets, and by utilizing the site’s natural drainage patterns; and
6. Provide opportunities for social interaction and walking and bicycling in contiguous open space areas.

B. Applicability and General Provisions

1. A residential cluster development is optional and shall be permitted as of right in any residential zoning district, except in the Agriculture, Multifamily, and Mobile Home Districts.
2. All principal and accessory uses authorized in the applicable residential zoning district(s) shall be allowed in a cluster development.

C. Specific Provisions

The following provisions shall apply to any residential cluster development, regardless of the general requirements of the applicable residential zoning district:

1. Dimensional Requirements

a. Minimum Size

Minimum gross size of a cluster development shall be five (5) acres.

b. Width

The minimum lot width shall conform to the requirements for the SFR-1 District.

c. Setbacks

The minimum setbacks shall conform to the requirements of the SFR-1 District.

d. Height

The height of buildings shall be a maximum thirty-five (35) feet.

e. Impervious Surface Ratio

The maximum impervious surface ratio is 0.75.

2. Perimeter Buffer

A minimum twenty (20) foot buffer shall be located between the cluster development and any existing residential zoning district with the exception of an adjacent residential zoning district having the same density and height.

3. Open Space

- a.** At a minimum, forty (40) percent of gross acreage of the site shall be conveyed as common open space. However, when calculating the open space, the land area devoted to public or private vehicular streets shall not be included.
- b.** Open space areas shall be designated as “cluster open space” and shall indicate whether public or private on the plat.
- c.** The appropriateness of accessory structures will be reviewed by the Land Use Administrator and considered in terms of their enhancement of the cluster open space.
- d.** Accessibility to open space. The usability of cluster open space intended for recreation or public use shall be determined by whether it is contiguous and by the size, shape, topographic, and location requirements of the particular purpose proposed for the open space. Cluster open space shall be easily accessible to trail users including, but not limited to, elderly and handicapped persons, be integrated to form unbroken trail linkages between uses within the subdivision, and take advantage of opportunities to establish off-site linkages to nearby land uses, sidewalks, bikeways, and greenways.
- e.** Preservation of open space. Open space shall be preserved in perpetuity by use of conservation easements, deed restriction, or other means acceptable to the City.

4.08.02. Duplex Residential Developments

Duplex dwelling units under single ownership may be converted so that each unit can be owned separately utilizing one (1) of the following processes:

- A.** Duplex structures may be converted to the condominium form of ownership upon approval by the Land Use Administrator. Condominium association documents shall be provided that include ownership and maintenance of common areas and utility facilities.
- B.** Duplex sites may be subdivided into two (2) separate lots in accordance with **Chapter 2** review procedures as long as the individual lots meet the dimensional standards of the district.

4.08.03. Manufactured/Mobile Home Parks

A. General Requirements

1. Minimum Size of Park; Permitted Location

A manufactured home park shall have a minimum of two and a half (2.5) acres. Manufactured home parks will only be permitted in the MHD District.

2. Plans and Specifications Required

Complete plans and specifications of all manufactured/mobile home parks shall be submitted to the Land Use Administrator.

B. Development Criteria

1. Setbacks

No manufactured/mobile home or attached structure shall be located closer than twenty-five (25) feet to the property lines of the manufactured home park or a public right-of-way. Requirements for each manufactured/mobile home space are as follows:

- a. Front yard required--minimum of twenty (20) feet
- b. Side yard required--minimum of five (5) feet
- c. Rear yard required--minimum of fifteen (15) feet

2. Private Streets

No manufactured/mobile home in a park shall be allowed direct access to a public street. All lots in a manufactured home park must have access from a private street that shall comply with regulations established in **Chapter 5**.

3. Buffering

A manufactured/mobile home park shall comply with Type "A" Buffer Design Standards established in **Chapter 11**.

4. Recreational Area Required

Manufactured home parks with ten (10) or more units shall retain an area of not less than five (5) percent of the gross site area devoted to recreational facilities provided in an area accessible to all property owners.

5. Utilities

Each manufactured home shall be independently served by separate electric, gas, and other utility services.

6. Off-Street Parking

A minimum of one (1) off-street parking space shall be required for each manufactured home.

7. Fences

If the manufactured/mobile home park management allows fences for individual lots, these fences shall comply with regulations established in **Section 4.01**.

8. Storage of Recreational Vehicles

Storage of recreational vehicles, boats, and boat trailers shall be allowed only on sites reserved for such storage within the manufactured/mobile home park.

4.08.04. Multifamily Residential Buildings

The following standards apply to multifamily buildings:

- A. Multifamily buildings shall be setback a minimum distance of five (5) feet from vehicular use area.
- B. There shall be a minimum distance of ten (10) feet between buildings.

4.08.05. Multiuse Buildings

Multiuse buildings allow residential living quarters within the same buildings as offices or retail establishments, are permitted in the OFC-1, OFC-2, COM-1, COM-2, and MPD Districts, and require special exception approval in the COM-3 District. The following standards apply to multiuse buildings:

- A. Nonresidential uses shall be located on the first floor of the building and residential units shall be located above the nonresidential use.
- B. The mixture of nonresidential and residential uses within the multiuse building shall be designed to minimize, to the greatest extent practicable, the potential detrimental influence of nonresidential uses on the residential uses including, but not limited to, the location of entranceways and the use of soundproofing materials to minimize noise intervention between uses.

4.08.06. Neotraditional Development

A. Purpose and Intent

The purpose of a neotraditional development is to provide areas for detached single-family dwellings, duplexes, townhouses, and accessory uses in medium density neighborhoods featuring traditional design concepts and architectural themes. Features may include front porches, reduced setbacks, detached garages, alleyway access, narrower rights-of-ways, and shared parks and open spaces readily accessible to pedestrians and bicyclists. In order for the neotraditional development option to be approved, the site plan must be shown to:

1. Encourage walking and bicycling to reduce the need for local automobile trips by providing trails, bike paths, and other forms of walkable interconnectivity within and to adjacent uses.
2. Establish a specific neighborhood identity that shall consist of an overall architectural theme. Architectural themes may consist of, but not be limited to, the following:
 - a. Florida vernacular
 - b. Cape cod
 - c. Mediterranean
3. Preserve natural features and scenic areas and provide a range of residential and open space land uses within close proximity to one another within the neighborhood.
4. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets.

D. Applicability and General Provisions

A neotraditional development is optional and shall be permitted as a right in any residential zoning district, except in the Estate, Agriculture, and Mobile Home Districts. All principal and accessory uses authorized in the applicable residential zoning district(s) shall be allowed in a neotraditional development.

E. Specific Provisions

1. Dimensional requirements

a. Minimum Size

Minimum gross size of a neotraditional development shall be five (5) acres.

b. Width and Depth

No minimum width or depth of a lot shall apply except where abutting a development with lower density, in which case the widths/depths shall conform as closely as possible to the abutting development.

c. Setbacks

No minimum setbacks shall apply; however, each lot shall conform as closely as possible to the setbacks established for the underlying zoning district and allow for parking and accessory structure requirements.

d. Height

The height of buildings shall be in accordance with that of the underlying zoning district.

e. Impervious Surface Ratio

A higher ISR shall be allowed, if determined appropriate by the Land Use Administrator; however, each lot shall conform as closely as possible to the ISR established for the underlying zoning district.

f. Backyard Area

Each residential dwelling unit shall have a backyard, or courtyard area.

2. Single-Family Residential Unit Requirements

a. Single-family residential units, inclusive of required porches, shall be constructed along the front setback line.

b. Single-family units shall have an attached front porch oriented with a minimum width of twelve (12) feet and a minimum depth of six (6) feet.

3. Garages

a. Garages shall be separated from the main dwelling unit by a minimum distance of twelve (12) feet, with the exception of a connecting breezeway, with a maximum width of four (4) feet. Other than the breezeway, the garage and main dwelling unit shall be detached structures.

b. Garages shall have a maximum building footprint of five hundred (500) square feet and a maximum height of twenty-four (24) feet.

c. Garage doors shall be oriented for access from a rear alley or a side street may provide an alternative access for corner lots.

4. Vehicular and Pedestrian Access

a. Sidewalks or pedestrian paths, bicycle paths, or bicycle lanes and vehicular streets shall connect all uses.

b. A minimum of eighty (80) percent of all streets shall connect at both ends to other streets at an intersection.

- c. All paths or trails including, but not limited to, bicycle paths or lanes, shall interconnect to form a continuous network throughout the site and to paths or trails linked to adjacent neighborhoods.
- d. Vehicular gates are prohibited on all streets, except alleys serving residential uses.

5. Neighborhood Parks

- a. Neighborhood parks shall be located and distributed so that one hundred (100) percent of all dwelling units are located within 1,320 linear feet from a park or other recreation area.
- b. The minimum pervious area of a park shall be fifty (50) percent.
- c. For pedestrian access, a minimum of twenty-five (25) percent of an activity-based neighborhood park perimeter shall abut a street, excluding alley.

6. On-street Parking

- a. On-street parallel parking shall be required on the local residential streets.
- b. Parallel parking spaces shall have a minimum length of twenty-three (23) feet and a minimum width of ten (10) feet.
- c. Each parking space shall be clearly delineated by pavement striping per City standards.
- d. Between every five (5) parallel parking spaces, a vehicular use area island shall be required per City standards.
- e. Parallel parking spaces shall be located no closer than twenty-eight (28) feet from the last stall to the intersection.

4.08.07. Townhouse Residential Developments

The following standards apply to townhouse buildings:

- A. A minimum of three (3) attached units and a maximum of eight (8) attached units per building are permissible.
- B. If rear alleyway access is provided, it is permissible to construct attached garages and detached garages that meet the standards of the neotraditional development option (refer to **Section 4.08**). In these cases, the rear setback may be decreased to five (5) feet.

Section 4.09. Drive-Through Facilities

4.09.01. Location

A site that contains drive-through facilities shall be located on a collector or arterial road.

4.09.02. Stacking Lanes and Spaces

- A. All uses and facilities providing drive-up or drive-through service shall provide stacking lanes in compliance with the standards of this section. Stacking lanes shall be a minimum of ten (10) feet in width along a straight portion and twelve (12) feet in width along a curved portion.
- B. Restaurants with drive-up or drive-through facilities shall provide a minimum of eight (8) stacking spaces to accommodate eight (8) vehicles and one (1) stacking space in front of the service window. Drive-through lanes must be clearly distinguished from parking aisles by acceptable pavement markings and pavement color. A fourteen (14) foot wide paved bypass lane is required. A stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width.

- C. Banks, financial institutions, and pharmacies shall provide stacking spaces according to the following table. A fourteen (14) foot wide paved bypass lane shall be provided. At least one (1) stacking space shall be provided in front of the service window.

Table 4 - 2. Stacking Spaces for Bank, Financial Institution, and Pharmacy Drive-Through Facilities

| Number of Drive-Through Lanes | Total Number of Stacking Spaces to be Accommodated |
|-------------------------------|--|
| 1 | 6 |
| 2 | 10 |
| 3 or 4 | 12 |
| Each additional lane | 3 additional stacking spaces accommodated |

- D. A six (6) foot high solid wall or fence shall be provided along all property lines abutting lots or parcels zoned for residential purposes in order to block lights from vehicles in the stacking lanes or drive-through facility.
- E. Stacking lanes shall not be located within a designated delivery area or area designated for loading spaces.
- F. Within the COM-1 and OFC-1 Districts, drive-through facilities may have only a single lane with a single service window. A second lane is permissible if it is serviced by the same single window, or if it is serviced by an automated device (e.g. ATM). A fourteen (14) foot wide paved bypass lane is required.

4.09.03 Drive-Through Menu Boards and Speakers

Menu boards and speakers shall be set back a minimum of one hundred (100) feet from the property line of adjacent properties zoned SFR-1, SFR-2, SFR-3, SFR-4, SFR-5, MFR, and DPX Districts. The Land Use Administrator may require sound attenuation walls, landscaping, or other mitigation measures. (See **Chapter 12** for maximum number of menu boards allowed and location.)

Section 4.10. Educational Facilities, Private

A. Setbacks

The front, rear, and side yard setbacks shall be the same as those required for the specific district, except that when adjacent to a residential land use or zoning district there shall be a twenty (20) foot minimum building setback.

B. Off-Street Parking and Loading

School Bus and Vehicular Drop-Off Facilities. Facilities must be provided for off-street bus and private vehicle loading and unloading of students. Use of the street right-of-way may be allowed if a license agreement is executed with the City.

Section 4.11. Garage and Yard Sales

Refer to **Chapter 16, Article V in the City of Palm Coast Code of Ordinances.**

Section 4.12. Home Occupations

4.12.01. Purpose and Intent

The purpose and intent of the home occupation regulations is to reasonably allow for a home to be used as a “doing business address” for low impact business activities from the home while ensuring that they are limited and controlled so they do not negatively impact the residential areas where they are located. Home occupations are limited by performance standards, requirements, and prohibitions. Procedures related to applications, evaluations, approvals, inspections, and revocations provide controls to ensure the home occupations do not adversely impact surrounding properties.

4.12.02. Classifications

Home occupations are categorized into three (3) classes as follows:

A. Class 1

Class 1 Home Occupations are limited, in-home business offices that are indistinguishable from activities associated with any typical office employee bringing home work outside of regular business hours. Class 1 Home Occupations utilize a single room in the residence where information-oriented business activities are limited to paperwork, computer, mail, telephone, and filing. Although home storage of a single vehicle used for business purposes is acceptable, Class 1 Home Occupations do not allow for on-site storage of any inventory, trailers, or mechanical equipment used for home occupation activities.

B. Class 2

Class 2 Home Occupations are in-home business offices that have the potential to create some impacts beyond Class 1 activities due to limited on-site storage of material, inventory, chemicals, work vehicles, trailers, equipment, limited product assembly, or business-related traffic from customers or deliveries. Businesses among those typically classified as Class 2 Home Occupations include offices for subcontractors or lawn services where work vehicles, equipment, and/or trailers are stored at the home. Pool cleaning services are also included if chemicals are stored at the home. Other examples include arts and crafts businesses, such as stained glass or candle making, and other businesses that involve light assembly.

C. Class 3

Class 3 Home Occupations are in-home business offices that have the potential to create some impacts beyond Class 2 activities due to increases of on-site storage of material, inventory, work vehicles, trailers, equipment, or business-related traffic from customers or deliveries. Class 3 Home Occupations are permitted on large, estate-sized residential properties, including farmland, where ample buffering prevents impacts to surrounding properties. Examples of Class 3 Home Occupations are small family businesses, such as horse boarding and riding stable operations. Other examples include plant nurseries or vegetable growing operations with limited sales to the public.

4.12.03. Performance Standards, Requirements, and Prohibitions

A. Home Occupation Requirements

All home occupations (Class 1, 2, and 3) shall:

1. Be completely subordinate to the residential nature of the home; and
2. Not change the structural form of the home; and
3. Not create noise, vibration, glare, fumes, odors, dust, or smoke that is detectable to the normal senses at the lot line or beyond the exterior of any common walls; and
4. Not use equipment which creates off-site line voltage fluctuations or visual or audible interference with off-site radio or television receivers; and
5. Not adversely affect public safety through the storage or generation of explosive, flammable, or hazardous materials in quantities which could constitute a neighborhood danger based on the required submittal of MSDS sheets or the determination of the City Fire Marshal; and
6. The applicant shall be the primary resident of the home.

B. Prohibited Home Occupations

The following uses are prohibited home occupations; however, this list is not all-inclusive and other home occupations may be prohibited by the Land Use Administrator based upon the character and similarity of use, with the determination being subject to appeal as set forth in **Chapter 2**:

1. Food preparation
2. Kennels and veterinary clinics
3. Funeral homes
4. Dance or exercise studios
5. Beauty or barbershops
6. Vehicle repair or sales
7. Animal raising
8. Medical/dental offices or clinics

C. Performance Standards

Class 1, 2, and 3 Home Occupations are limited in accordance with the following performance standards. These limitations apply to business activities at the home related to the home occupation and are not intended to regulate business activities that occur outside of the home. **Table 4-3** describes the performance standard limitations.

Table 4 - 3: Performance Standard Limitations for Home Occupations

| Category | Home Component | Class 1 | Class 2 | Class 3 |
|---------------------------|--|---|---|--|
| Traffic Generation | Customers | None permitted. | Maximum of one (1) per week. | Maximum of ten (10) per week. |
| | Deliveries | Maximum of one (1) per week. | Maximum of two (2) per week. | Maximum of ten (10) per week. |
| | Employees – Either working out of the home or convening at the home at any time. | Limited to residents of the home. No outside employees are permitted to visit the home for business related purposes. | Limited to residents of the home. No outside employees are permitted to visit the home for business related purposes. | Limited to residents of the home plus a maximum of two (2) outside employees who are not residents of the home. |
| | Other business trips | Maximum of two (2) round trips per day. | Maximum of six (6) round trips per day. | Maximum of the (10) round trips per day. |
| Business Area and Storage | Office space | Maximum of one (1) room. | Maximum of one (1) room in primary residence; or business may be located in separate ancillary on-site building. | Up to thirty-five (35) percent of gross floor area of primary residence; or business may be located in separate, ancillary on-site building. |

| Category | Home Component | Class 1 | Class 2 | Class 3 |
|--------------------------|----------------------------------|---|---|--|
| | Storage of inventory / equipment | None permitted. | All inventory and equipment must be stored inside. A maximum of one (1) single car stall of a garage area may be utilized. An on-site storage shed or the office may be used instead of the garage stall. | All inventory and equipment must be stored inside. Full garage area or ancillary on-site building may be utilized. |
| | Storage of chemicals | Limited to common household items, such as bleach or ammonia based cleaning products, stored in a single closet. MSDS sheets not warranted. | All chemicals must be stored inside. A maximum of one (1) single car stall of a garage area may be utilized. An on-site storage shed may be used instead of the garage stall. MSDS sheets required. Fire extinguisher required. | All chemicals must be stored inside. Full garage area or ancillary on-site building may be utilized. MSDS sheets required. A fire extinguisher is required. |
| Vehicles and Trailers | Vehicle number and type | Maximum of one (1) sedan, SUV, or pickup truck for business | Maximum of one (1) sedan, SUV, or pickup truck for business | Maximum of two (2) vehicles for business. |
| | Vehicle dimensions | Maximum height – seven (7) ft. Maximum length – twenty (20) ft. | Maximum height – seven and a half (7.5) ft. Maximum length – twenty-two (22) ft. | Maximum height – eight (8) ft. Maximum length – twenty-two (22) ft. |
| | Exterior ladders and pipe racks | None permitted. | None permitted if vehicle stored outside of garage. | Permitted. |
| | Gross vehicle weight | Maximum 8,500 lbs. | Maximum 10,500 lbs. | Maximum 20,000 lbs. |
| | Trailers | None permitted. | Maximum of one (1) stored in garage. | Maximum of two (2). May be stored outside if fully screened from public right-of-way and neighboring properties. |
| Solid Waste Generation | Quantity | Maximum of one (1) thirty-two (32)-gallon residential waste container per week. | Maximum of two (2) thirty-two (32)-gallon residential waste containers per week. | Maximum of four (4) thirty-two (32)-gallon residential waste containers per week. |
| | Hazardous | None may be disposed of at home. | None may be disposed of at home. | None may be disposed of at home. |
| Repair and Manufacturing | Repair and manufacturing | None permitted. | Limited minor repair or manufacturing activities are permitted as well as arts & crafts, hobbies, and high tech custom/precision assembly only. | Limited repair or manufacturing activities permitted. Machinery may be operated only in short bursts (defined as no longer than ten (10) minutes per hour with cumulative maximum not to exceed one (1) hour per day). |

| Category | Home Component | Class 1 | Class 2 | Class 3 |
|-------------|---|---|---|---|
| Signage | On-site | None permitted. | None permitted, although licensee may display license if required by the state. | Maximum of one (1) sign not illuminated, limited to six (6) square feet in size. |
| | On vehicle(s) | Any vehicle with signage not removable signage must be parked in the garage at all times. | Any vehicle with signage not removable must be parked in the garage at all times. | Permitted. |
| Advertising | Advertising (includes, but not limited to, telephone directories, newspapers, print media, logos, stationery, and business cards) | Post office box number only and not a street address (unless otherwise required by state law). | Post office box number only and not a street address (unless otherwise required by state law). | May use home address. |
| Visibility | Visibility from right-of-way and neighboring properties | The home occupation shall not be visible to neighbors. No products display or any aspect of the operation shall be visible outside the dwelling unit. | The home occupation shall not be visible to neighbors. No products display or any aspect of the operation shall be visible outside the dwelling unit. | Except for the sign permitted above, the home occupation shall not be visible to neighbors. Other outdoor activities or operations shall be fully screened from neighboring properties. |

4.12.04. Home Occupation Application, Evaluation, and Approval Procedures

A. Application

Applications for home occupation approvals shall be filed on a form provided by the City. The Land Use Administrator may request additional information to ensure that all application materials are sufficient to review the request.

B. Evaluation Procedures to Classify a Home Occupation

1. The Land Use Administrator shall determine the classification of the home occupation upon reviewing the application, and determine whether a special exception is required.
2. Depending upon specific impacts and the nature of the operation, the same type of business may be classified differently. For example, a landscape business where all materials, equipment, and trailer are stored offsite may qualify as a Class 1 Home Occupation. A landscape business, where the materials, equipment, and trailer are stored in the home’s garage may qualify as a Class 2 Home Occupation. If the landscape business also includes a small plant nursery, it may qualify as a Class 3 Home Occupation.

C. Approval Procedures

1. Permitted home occupations (not a special exceptions)

- a. A development order for a home occupation shall be granted by the Land Use Administrator for permitted home occupations that meet the requirements of this section and do not require a special exception.

- b. The Land Use Administrator may add special conditions to the development order for a home occupation related to the operation of the business to ensure compliance with this Code.
- c. With regard to Class 2 and Class 3 home occupation development orders, the City shall notify the owners (as listed with the Flagler County Property Appraiser) of the lots immediately abutting the lot and immediately across a road right-of-way from the licensed lot.

2. Home occupation special exceptions

- a. Home occupation special exceptions shall be noticed and advertised in accordance with **Chapter 2** and reviewed by the Planning and Land Development Regulation Board at a public hearing. The Planning and Land Development Regulation Board decision shall be based on the proposed home occupation’s adherence to the following standards and criteria:
 - (1) A proposed special exception for a Class 3 Home Occupation shall comply with the majority of the Class 2 Home Occupation performance standards. A proposed special exception for a Class 2 Home Occupation shall comply with the majority of the Class 1 Home Occupation performance standards. Further, the application shall be evaluated on the applicant’s ability to moderate, lessen, or mitigate for those areas where they cannot meet the Class 1 or Class 2 Home Occupation performance standards to ensure that neighboring properties will not be adversely impacted.
 - (2) Additional special exception criteria found in **Chapter 2** may be used to evaluate a proposed home occupation, if applicable.
- b. The Planning and Land Development Regulation Board may add conditions related to the unique operational characteristics of the home occupation to ensure compliance with the regulations contained in this Code. The Land Use Administrator shall incorporate these conditions into the development order for the home occupation.

3. Development order

A development order for the home occupation is required for the home-based business. The issuance of a business tax receipt does not imply approval of the home-based business.

4.12.05. Inspection and Revocation

A. Inspections

A home occupation inspection may be conducted by the City following the issuance of a development order for a home occupation for any home occupation.

B. Violations and Revocation

- 1. The Code Enforcement Board shall determine violations, fines, or penalties for violations of this Code relating to home occupations. Such violations shall be treated as an unpermitted use within the zoning classification. The Code Enforcement Board shall have the authority to revoke development orders for home occupations.
- 2. The Planning and Land Development Regulation Board shall have the authority to revoke a special exception for a home occupation.

Section 4.13. Houses of Worship/Religious Institutions, Civic Clubs/Fraternal Organizations, and Nonprofit Organizations

Houses of worship/religious institutions civic clubs/fraternal organizations, and nonprofit organizations shall be allowed as specified in **Table 3-4**. The following conditions shall apply to these uses:

4.13.01. Master Plan for Long Range Development

When submitting an application to expand an existing or construct a new house of worship/religious institution, a master plan for long-range development shall be submitted, including future plans for accessory uses such as educational facilities, gymnasiums, or similar facilities.

4.13.02. Size Limitations in the COM-1 District

Within the COM-1 District, new or expanded houses of worship/religious institutions, civic clubs/fraternal organizations, and nonprofit organizations shall not exceed 30,000 square feet of gross floor area.

Section 4.14. Industrial Uses

4.14.01. Industrial Use Classifications

A. Heavy Industrial (IND-2) Uses

Heavy industrial uses shall include any facility that meets at least one (1) of the following criteria:

1. Emits five hundred (500) pounds or more per year of lead or lead compounds; or
2. Emits one hundred (100) tons per year or more of any one (1) regulated pollutant (PM10; nitrogen oxides; sulfur dioxide; carbon monoxide; volatile organic compounds; and lead) subject to regulation under **Chapter 403, Florida Statutes**; or
3. Emits ten (10) tons or more per year of any one (1) hazardous air pollutant (HAP) as defined by **Chapter 62-210, Florida Administrative Code**; or
4. Emits twenty-five (25) tons or more per year of any combination of hazardous air pollutants as defined by **Chapter 62-210, Florida Administrative Code**; or
5. The facility would require a major source Title V air permit as required by the requirements under **Chapter 403, Florida Statutes**; or
6. Bulk storage of hazardous or regulated chemicals in excess of 25,000 gallons (excluding diesel and unleaded gasoline fueling facilities exclusively utilized for fueling of vehicles, public water/wastewater treatment and emergency generators); or
7. Large Quantity Generators of hazardous waste as regulated under **Chapter 62-730, Florida Administrative Code**; or
8. The following industrial uses are presumed to be considered heavy industrial based upon the above criteria: air curtain incinerators; asphalt plants; concrete batch plants; fabrication facilities (involving open air grit blasting or open air painting); phosphate/nitrate fertilizer manufacturing facilities; fiberglass products manufacturing facilities; explosive storage and or manufacturing facilities; biohazardous waste incinerator, pesticide formulation facilities; scrap yard/shredding facilities; soil remediation facilities; bulk solvent chemical storage and or processing facilities; paint/ink manufacturing facilities; secondary metals recovery or manufacturing facilities; chrome plating facilities; asbestos products fabricators; manufacturer, livestock importing/exporting facilities; and those uses listed in the IND-2 District outlined in **Chapter 3, Table 3-4**.

This list is not all-inclusive and other uses may be considered heavy industrial based upon the above criteria as determined by the Land Use Administrator.

B. Light Industrial (IND-1) Uses

All other manufacturing, processing, and assembly activities not meeting one (1) of the heavy industrial criteria listed in this Code shall be presumed to be light industrial, including those uses listed in the IND-1 District outlined in **Chapter 3, Table 3-4**.

C. Approvals; Permitting

Approvals, permits, or other forms of written assurances from appropriate federal, state, or local agencies that the use is likely to meet or exceed the specified standards for dust emissions, water consumption, air quality, hazardous, and regulated waste management set forth in **Chapter 10** shall be considered competent and substantial presumptive evidence that the use complies with these zoning performance standards for permitting.

4.14.02. Industrial Use Performance Standards

Manufacturing, processing, and assembly operations shall meet the following performance standards. Proof of compliance shall be provided stating that all required permits for particular discharges can and will be met. All necessary environmental permits shall be obtained. **Table 4-4** depicts the required performance standards for heavy industrial and light industrial and warehousing uses:

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Table 4 - 4: Performance Standards for Industrial Uses

| | Light Industrial & Warehousing (IND 1) | Heavy Industrial (IND 2) | Application Requirements |
|---|--|--|--|
| Lighting | Lighting shall be in accordance with Chapter 9 of the LDC | Lighting shall be in accordance with Chapter 9 of the LDC | Detail lighting plan |
| Sound | Residential: 60 dBA (7 AM-10 PM) | Residential: 60 dBA (7 AM-10 PM) | Statement of compliance |
| Measured from property line | Residential: 60 dBA (10 PM-7 AM) | Residential: 60 dBA (10 PM-7 AM) | |
| | Commercial: 65 dBA (7 AM-10 PM) | Commercial: 65 dBA (7 AM-10 PM) | |
| | Commercial: 60 dBA (10 PM-7 AM) | Commercial: 60 dBA (10 PM-7 AM) | |
| | Industrial: 75 dBA (7 AM-10 PM) | Industrial: 75 dBA (7 AM-10 PM) | |
| | Industrial: 75 dBA (10 PM-7 AM) | Industrial: 75 dBA (10 PM-7 AM) | |
| Water Consumption | Consumptive Use Permit specifically approved by SJRWMD | Consumptive Use Permit specifically approved by SJRWMD | SJRWMD CUP permit submittal |
| Hazardous/Regulated Waste Management | New Large Quantity Generators of hazardous waste as regulated under Chapter 62-730, F.A.C., as amended are prohibited | All hazardous waste generators shall comply with State and Federal regulations | List of potential waste generated and anticipated amounts. |
| | New chemical containment areas to provide appropriate secondary containment. BMPs developed to prevent potential discharges of regulated substances | New chemical containment areas to provide appropriate secondary containment. BMPs developed to prevent potential discharges of regulated substances | Statement of compliance Submittal of BMP plan. |
| Electrical/Electromagnetic Interference | Use shall not cause, create or contribute Electrical/Electromagnetic Interference to adjacent properties | Use shall not cause, create or contribute Electrical/Electromagnetic Interference to adjacent properties | Statement of compliance |
| Air Quality | General Title V or non- Title V | Major Source Title V Permit under Chapter 403 F.S. as amended | FDEP permit submittal |
| | Emits < 500 pounds per year of lead or lead compounds | Emits > 500 pounds per year of lead or lead compounds | FDEP Annual Operating Reports/Permits |
| | Emits < 100 tons per year of any regulated pollutant | Emits >100 tons per year of any regulated pollutant | FDEP Annual Operating Reports/Permits |
| | Emits < 10 tons per year of any one HAP | Emits > 10 tons per year of any one HAP | FDEP Annual Operating Reports/Permits |
| | Emits < 25 tons of any combination of HAPs | Emits > 25 tons of any combination of HAPs | FDEP Annual Operating Reports/Permits |
| | BMPs to control dust | BMPs to control Dust | |
| | Airborne discharges shall be minimized so as to not cause or contribute to an objectionable odor to adjacent residential areas. | Airborne discharges shall be minimized so as to not cause or contribute to an objectionable odor to adjacent residential districts. | Statement of compliance |
| | Regulated Pollutants shall meet federal and State air quality standards | Regulated Pollutants shall meet federal and State air quality standards | FDEP Annual Operating Reports/Permits/Monitoring |

| | Light Industrial & Warehousing (IND 1) | Heavy Industrial (IND 2) | Application Requirements |
|---|--|--|---|
| Storage of Hazardous or Regulated Chemicals | < 25, 000 gallons permissible | Storage of Hazardous or Regulated Chemicals permissible | FDEP Registration/Inventory; Submittal of SPCC Plan. |
| Fire Prevention Standards | Fire suppression devices shall be installed in accordance with City requirements | Fire suppression devices shall be installed in accordance with City requirements | Site plan and description of fire preventative measures with Fire Marshal/City approval |
| New Septic Systems | Not permissible | Not permissible | NA |
| Radioactive Materials | Fixed nuclear density gauges with source exceeding 50 mCi prohibited. | Fixed nuclear density gauges permissible. | BRC radioactive material license and protection plan submittal |
| | Source material other than medical applications uses prohibited | Source material with BRC approval | BRC approval and documentation of RSO and authorized user |
| Note: | | | |
| Regulated Pollutants = shall consist of PM10, nitrogen oxides, sulfur dioxide, carbon monoxide, volatile organic compounds, lead | | | |
| HAP (Hazardous air pollutant) = As defined by Chapter 62-210 F.A.C., as amended | | | |
| BRC = Bureau of Radiation Control | | | |
| RSO = Radiation Safety Officer | | | |
| Sound = The standards set forth shall not apply to emergency warning devices; lawn care equipment, or construction operations. | | | |
| Storage of Hazardous or Regulated Chemicals = Aboveground and underground storage tanks regulated by FDEP and utilized for vehicular purposes are permitted in IND-1 and IND-2. | | | |
| | | | |

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Section 4.15. Nonresidential Controlling Master Site Developments

4.15.01. Purpose and Intent

The purpose and intent of this section is to provide standards for nonresidential controlling master site developments. The standards will ensure internal consistency and compatibility with the character of the surrounding neighborhood. Elements of compatibility include the fundamental development pattern of the surrounding neighborhood, predominant building type, and features of site design, scale, and dimensions.

4.15.02. Applicability

Nonresidential controlling master site developments and large-scale commercial centers shall comply with the requirements of this section. Such developments shall be planned as a unit and, at a minimum, include the following:

- A.** Shared parking and driveways
- B.** Master stormwater facilities
- C.** Master drainage system
- D.** Pedestrian and vehicular connectivity between sites, structures, and uses
- E.** Owners association
- F.** Applicable to moderate and major development

4.15.03. Development Standards

In addition to the development requirements set forth in this Code, the following requirements apply to large-scale commercial centers:

A. Building Setbacks

- 1.** Buildings and ancillary structures within a large-scale commercial center are encouraged to be constructed up to the interior lot line provided a plat has been recorded.
- 2.** Setbacks shall be measured from project exterior boundary.

B. Parking Lot Orientation

No more than sixty (60) percent of the off-street parking area for the entire property shall be located between the principal building(s) and the street unless the principal building(s) and/or parking lots are screened from view by abutting development (within outparcels) and additional tree plantings and/or berms.

C. Pedestrian Access

- 1.** Continuous internal pedestrian walkways, no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, taxi stands, street crossings, building, and store entry points and shall feature adjoining landscaped areas that include trees, shrubs, benches, flowerbeds, groundcovers, or other such materials for no less than fifty (50) percent of their length.

2. Sidewalks, no less than five (5) feet in width, shall be provided along the full length of each building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of each building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
3. Internal pedestrian walkways shall provide weather protection features such as awnings or porticos within ten (10) feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
4. All internal pedestrian walkways shall be distinguished from driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

D. Public Amenities

A large-scale commercial center shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following:

1. Patio or seating area
2. Pedestrian plaza with benches
3. Transportation center
4. Window shopping walkways
5. Outdoor play area
6. Kiosk area
7. Water feature
8. Clock tower
9. Steeple
10. Other such focal features or amenities that, in the judgment of the Land Use Administrator based on generally accepted planning principles adequately enhance such community and public spaces.

Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

E. Outdoor Storage, Trash Collection, and Loading Areas

1. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.
2. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public or street, public sidewalk, or internal pedestrian way.

3. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping. This is to ensure that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
4. Areas not enclosed for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors, and designs of screening walls or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.
5. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all requirements as outlined in this Code.

F. Architecture

All large-scale commercial centers shall comply with architectural standards established in **Chapter 13**. In addition, the applicant shall provide, upon request, alternative designs or prototypes in addition to any typical corporate prototype. Alternative designs shall be provided to reflect the local character of the surrounding areas. Design templates may include, but not be limited to, Art Deco, Mediterranean, Main Street, and Green Design.

4.15.04. Wall Signage

Signs shall be consistent and complementary in style, color, and materials to the style, color, and materials of the principal structure. Refer to **Chapter 12** for sign requirements.

4.15.05. Maintenance of Property; Abandonment

During any period of vacancy following relocation of the business and prior to reuse, the vacant building shall meet the following standards

- A. All exterior surfaces shall be maintained and in good repair.
- B. The exterior walls shall be maintained free from holes, rotting materials, and graffiti.
- C. Roofs and buildings shall be maintained in structurally sound, safe, and weather tight conditions.
- D. Window glass shall be in place and maintained in a safe and weather tight condition.
- E. The grounds shall be maintained and free of trash, stored materials, inoperative or unlicensed vehicles, and equipment.
- F. Accessory structures, such as fences, walls, signs, accessory buildings, or other physical improvements, shall be maintained in a safe condition and free of graffiti.

- G. Outdoor sales may be permitted on a case-by-case basis in accordance with this chapter.
- H. Outdoor security lighting shall be maintained and operated.
- I. Landscaping shall be watered, pruned, and weeded as necessary.

Section 4.16. Marinas

4.16.01. General

Except as expressly set forth in this section, no application shall be approved by the Land Use Administrator and a permit issued unless the application conforms to the requirements of this Code, and the application fees have been paid.

4.16.02. Applicability

When permitted as an accessory use, the marina shall be accessory to a developed use on any waterway within the district. Marinas shall be allowed as specified in **Table 3-2** and **Table 3-4** and subject to the following standards:

A. Compliance with Federal and State Laws

All marina facilities shall comply with all applicable federal and state laws, rules, and regulations including, but not limited to, the requirements and permits of the Florida Department of Environmental Protection, St. Johns River Water Management District, and the Army Corps of Engineers. Verification that all necessary permits and/or required studies have been obtained shall be submitted to the City prior to commencing construction activities.

B. Live Aboard Watercraft Prohibited

Under no circumstances shall a vessel docked or moored off the pier at a noncommercial marina be used as a live aboard watercraft.

4.16.03. Permit Required

Any person or entity must be issued a marina facility permit before operating a marina facility within the City.

- A. Marina facility permit applications shall be considered and acted upon by the Land Use Administrator and, if applicable, the Planning and Land Development Regulation Board, subject to the terms and conditions of this Code. Marina facility permits, when approved, shall be approved in the form of a development order which may be subject to such terms and conditions as the Planning and Land Development Regulation Board or Land Use Administrator may deem appropriate consistent with the provisions of this Code. Except as provided in this section, no person may cause, suffer, or allow construction of a marina facility without first obtaining a permit from the City. Except as provided in this Code, and after issuance of a permit or permit amendment to the marina facility, no person may cause, suffer, or allow the operation of a marina facility without first obtaining from City staff a final inspection and authorization to begin operation of the marina facility as described in this Code.
- B. Except as otherwise expressly stated in this Code, any person who is required by this Code to obtain a marina facility permit or permit amendment shall demonstrate compliance with the performance standards set out in this Code.

- C. A person who already has a permit for a marina facility may commence emergency reconstruction of damaged marina facilities without first obtaining a permit amendment from the City, provided that written notice of the commencement of reconstruction activities is provided to the City within seventy-two (72) hours of commencement of reconstruction. Within thirty (30) working days of commencement of reconstruction, the marina facility owner shall submit an application for a marina facility permit amendment.

4.16.04. Review Authority

A. Application Submittal

An application for a marina facility permit may be submitted on a form provided by the City and shall include such information as the Land Use Administrator may determine necessary.

B. Land Use Administrator

The Land Use Administrator shall perform the technical review for all marina facilities and shall have the authority to approve issuance of development orders for all noncommercial marina facilities.

C. Planning and Land Development Regulation Board

The Planning and Land Development Regulation Board shall receive recommendations from the Land Use Administrator for commercial marina facilities. The Planning and Land Development Regulation Board shall have the authority to approve issuance of development orders for all commercial marinas.

4.16.05. Location and Configuration

A. General Location Standards

1. No marina facility shall be permitted to be located or configured to extend into navigable waters of the City to such a distance that it would constitute a navigation hazard or a flood control hindrance or would unreasonably infringe upon public legal use of and access to the water surface.
2. Marina facilities shall not be so located or configured in such a way as to potentially displace boating traffic into shallow areas.
3. In accordance with the City's wetland protection regulations and through avoidance and minimization strategies, proposed marina facilities shall demonstrate that impacts to wetlands have been avoided and/or minimized to the maximum extent practicable.
4. A marina facility site may be approved only when the applicant has demonstrated that the location has adequate depths to accommodate the proposed watercraft use. All marina facilities access shall be through existing channels or through areas greater than three (3) feet in water depth at mean low water. If existing channel or through areas contain less than three (3) feet of low mean water depth and dredging is required, the applicant must demonstrate that the initial dredging operations are necessary and measures were taken to avoid and minimize, to the extent practical, negative impacts to environmental resources of the City including, but not limited to, water quality, threatened and endangered species, fish, and wildlife habitat. The

issuance of permits to the applicant from the Army Corps of Engineers and the St. Johns River Water Management District or Department of Environmental Protection shall satisfy the requirements of this provision.

B. Setback Requirements

Marina facilities shall include the following minimum setbacks for structures located over or on the water surface and related facilities:

1. Adjoining properties

A fifty (50) foot setback shall be established from the riparian property line of adjoining waterfront properties for marina facilities located on the Intracoastal Waterway. A twenty-five (25) foot setback shall be established for other navigable waters of the City.

2. Public water supply wells

No commercial marina facility or marine service station shall be located within five hundred (500) feet of an existing public water supply well that is licensed and operated in accordance with all applicable law.

3. Designated swim areas

No marina facility structure shall be located on or over the water surface within one hundred (100) feet from any existing City designated swim area.

4. Residentially designated property

No commercial marina building or structures, or marine service station, shall be located within one hundred (100) feet of a residential property line, unless otherwise specified within this section of the Code.

C. Property Ownership

- 1.** Marinas shall be located on and over the navigable waters of the City that are owned, leased, or otherwise controlled by the applicant, or marina owner, or operator and shall not materially and significantly interfere with established legal rights and privileges of an adjoining property owner including, but not limited to, those conveyed through covenants, deed restrictions, easements, court judgments, or other legally binding documents.
- 2.** The applicant or marina facility owner or operator shall provide the name and address of the owner of the lot or parcel including, but not limited to, that portion of the lot or parcel under the water surface. The applicant shall provide, at a minimum, the following documentation:
 - a.** An affidavit, in a form prescribed by the City, stating that the applicant owns, leases, or otherwise controls the lot or parcel over which the marina will be located.
 - b.** If the applicant, or marina facility owner or operator, and the property owner are different individuals or entities, documentation, such as a lease, easement, or other deed-recorded instrument, supporting applicant's claim that the applicant has the authority from the property owner to locate the marina on or over the lot or parcel.

- c. Other documentation, if required by the City, to demonstrate ownership or control, which may include a title opinion from an attorney or a title insurance commitment, if such ownership or control is questioned. Any such title opinion shall state that the attorney has reviewed the chain of title or other appropriate documents and finds that, in the attorney's professional opinion, the applicant is the owner or has the legal right to construct a marina facility on or over the lot or parcel in question.
3. Dock or slips associated with a noncommercial marina facility shall only be sold, leased, used, or otherwise conveyed to residents of the residential development associated with the noncommercial marina. Deed restrictions acceptable to the Land Use Administrator, shall be required to ensure that residents will be subject to restrictions prohibiting residents from improperly using any dock slips or the marina facility and further obligating the residents observance of all rules and policies established by this Code. Deed restrictions shall require that the marina facility be private and that ownership of the marina facility slips, at a minimum, be restricted to residents. Applicable deed restrictions shall require language that prohibits any rental of dock slips by the residents to the public at large. Unit owners may lease their slip(s) to tenants or other unit owners.
 4. Docks or slips as an accessory use in the SFR, DPX, EST, AGR, and MPD zoning districts shall not be sold, leased, used, or otherwise conveyed to anyone other than the owner of the lot, parcel, or tract. If the dwelling unit is leased or rented, the dwelling unit is required to be registered with the City in which the dock or slip is automatically included as part of the registered dwelling unit as the dock or slip is an accessory use to the dwelling. Owners of the dwelling unit shall be held responsible for any vessel moored, docked, and/or stored at the dock or slip.

4.16.06. Protection of Water Quality

A. Water Exchange and Flushing Action

The following requirements apply to all marina facilities:

1. Site and design the marina facility such that wind and currents will aid in flushing of the site or renew its water regularly.
2. Site and design the marina facility such that the bottom of the marina facility and the entrance channel are not deeper than adjacent navigable water unless it can be demonstrated that it will not negatively impact flushing and water quality standards.
3. Design marina facilities with as few segments as possible to promote circulation within the basin.
4. Design and locate entrance channels to promote flushing.
5. Establish two (2) openings, where appropriate, at opposite ends of the marina facility to promote flow through currents; provided, however, that when the establishment of two (2) openings is not practical, as determined by the Land Use Administrator, and adequate flushing action is demonstrated to the Land Use Administrator for the proposed number of slips, two (2) openings shall not be required.

6. Consider other design alternatives in poorly flushed waterbodies (e.g. open marina basin over semi-enclosed design) to enhance flushing.
7. Land surface drainage patterns shall be designed with swales, contours, shallow depressions, or other acceptable water retention and treatment standards, to minimize direct runoff in surface waters.
8. The dredging of new channels to provide marine facility access to a site may be permitted if an applicant can demonstrate to the Land Use Administrator that such activities will improve or maintain surface water quality and flushing and will not cause a safety hindrance to navigation.

B. Dredging and Spoil Management

1. An applicant must provide a description of the measures taken to avoid and minimize impacts to submerged aquatic vegetation. Submerged aquatic vegetation means shoal grass, paddle grass, star grass, Johnson's seagrass, sago pondweed, clasping-leaved pondweed, widgeon grass, manatee grass, and turtle grass. Appropriate location and complementary design of the dock facility may be necessary to protect shoreline and aquatic vegetation. Mitigation shall be consistent with federal and state regulations.
2. Dredging activities shall be conducted by a qualified contractor familiar with the applicable best management practices concerning dredging operations. All dredging activities shall obtain all necessary permits from the Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Army Corps of Engineers or any other agency with applicable jurisdiction.
3. As part of the application for marina facilities, a dredging maintenance plan shall be submitted to the City. The plan shall describe best management practices, projected amount of dredge materials, and spoil disposal. The plan shall describe anticipated maintenance dredging activities and anticipated maintenance dredging intervals.
4. Dredging shall be prohibited in those special and Outstanding Florida Waters as provided for by the state unless specifically authorized by the Florida Department of Environmental Protection, the St. Johns River Water Management District, or the Army Corps of Engineers.
5. Dredge spoil shall be disposed of in upland areas as approved by applicable federal, state, and local agencies.
6. Designed engineering controls shall be utilized for marina facilities parallel to the Intracoastal Waterway to minimize maintenance dredging unless it can be clearly demonstrated to the Land Use Administrator that the proposed marina facility will not require excessive maintenance dredging. For the purposes of this Code, excessive maintenance dredging means maintaining adequate water depth at the marina facility by the use of maintenance dredging more than one (1) time in a one (1) year period. In lieu of requiring engineering controls, the owner or applicant may require the utilization of shallow drafting boats. For the purposes of this Code, shallow drafting boats are designed and approved to draft less than two (2) feet of water.

C. Erosion, Shoaling, and Shoreline Stabilization

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1. Applicants proposing a marina facility must address existing and future erosion or shoaling in the proposed design. Each development order will have a general condition, which requires the applicant or owner to utilize appropriate erosion control practices and to correct any current or future adverse erosion or shoaling problems.
2. To help prevent shoreline erosion, facilities adjacent to the Intracoastal Waterway shall stabilize the shoreline through the construction of a coquina rock revetment or other suitable material running the length of the shoreline. The revetment work shall occur above the mean high waterline. If necessary, submerged bulkheads shall be installed parallel to the Intracoastal Waterway to alleviate shoreline erosion and prevent excessive shoaling.

4.16.07. Design of Marina Facilities

A. Dimensional Standards

1. The width of a marina facility, inclusive of all structures, shall not exceed seventy-five (75) percent of the width of the owner's waterfront property line. Newly created shoreline associated with internal basins may be fully developed with marina facilities provided additional marina facilities are not developed in areas along the Intracoastal Waterway abutting a newly created internal basin. Existing vegetative and environmental features of the area immediately abutting the Intracoastal Waterway shall be preserved to the greatest extent feasible in accordance with the City's tree preservation regulations.
2. Total dock surface area shall not exceed ten (10) square feet per linear foot of the applicant's waterfront property line. Calculations for dock surface area shall include gazebos, access walkways, platforms, catwalks, and other associated water-dependant structures. This standard may be increased to twelve and a half (12.5) square feet per linear foot of the owner's waterfront property line if it can be demonstrated to the Land Use Administrator that the additional coverage results in an improved structural or safety design without adverse environmental impacts.
3. Marina facility structures shall not extend further waterward from the edge of the Federal channel of the Intracoastal Waterway than as permitted by the Army Corps of Engineers or other relevant regulatory authority.
4. Walkways shall be constructed above the water level at all times and shall be structurally sound. Main walkway widths shall be a minimum of four (4) feet wide. If significant pedestrian traffic is likely, the width shall be a minimum of six (6) feet. Finger walkways shall be a minimum of three (3) feet wide. Specific areas shall be designated and constructed to ensure handicap accessibility. Where practicable, dock and decking design and construction shall ensure penetration of light sufficient to support existing shallow water habitats.
5. No marina facility structure shall, at any time, extend to a height of more than twenty (20) feet above the mean high water line. Boathouses within a marina facility shall not exceed thirteen (13) feet above the top of adjacent bulkhead or revetment and shall not exceed eighteen (18) feet above mean sea level (1929 NGVD).

6. Proposed marina facilities and associated structures shall be constructed in a visually pleasing manner as determined by the Land Use Administrator based upon generally accepted planning principles with the existing terrain and vegetation. Structures shall obstruct as little as reasonably practical scenic views from the shoreline or other navigable waters of the City. Long unbroken extensions of line shall be avoided by alleviating long monotonous structures through architectural design and by separating watercraft slips. A fifteen (15) foot no slip buffer shall be required for every twenty (20) watercraft slips.
7. Architectural design shall consider pedestrian access to the shoreline area of the Intracoastal Waterway. Design standards shall include, but are not limited to, step-ways as well as the incorporation of raised spans in the dock design.
8. Boathouses within a marina facility shall utilize “hip” roofs and shall not be enclosed or contain walls. All marina facilities that include slips shall be consistent by either having all slips that contain boathouses or no slips that contain boathouses. Roofs for boathouses shall be of the same material and color. Roofs for any purpose other than for a boathouse or slip, excluding gazebo type structures, may be permitted by the Land Use Administrator using the same criteria as applicable for variances.
9. Fairways shall accommodate a minimum fairway width of one (1) time the length of the longest boat slip.
10. Channel entrances and the channel leading to a marina facility shall provide safety and ease of passage and to promote flushing. Exclusive of any docks or berths, channels and channel entrances shall be at least forty (40) feet wide or four (4) times the beam of the widest watercraft berthed in the marina facility unless an adequate channel traffic control program is provided.

B. Vehicular Watercraft Launching Ramps

1. Vehicular launching ramps shall be properly placed and designed to ensure minimal impact on aquatic and terrestrial resources.
2. Vehicular launching ramp slopes shall be designed and constructed between twelve (12) and sixteen (16) percent above the waterline and fifteen (15) to twenty (20) percent below the waterline at mean high water.
3. If practical, launching ramps shall be paved to approximately five (5) feet below the extreme low tide and contain a gravel shelf at the end of the ramp.
4. For safety purposes, a pier or similar structure shall be provided adjacent to the ramp for boarding and holding a boat while launching. If feasible, piers or similar structure should be provided on both sides of the ramp.
5. To provide adequate traction for vehicles, the surface of the ramp shall be scored or patterned. Deep grooves in concrete should be perpendicular to the slope of the ramp to provide adequate traction for vehicular traction.
6. Ramps shall be adequately maintained and kept free of algae growth and siltration.
7. Adequate safety lighting and appropriate warning signs are required.

C. Safety Design Standards and Certification

1. All marina facilities shall be designed and maintained in such a manner as to ensure public safety.
2. Fire suppression devices and other associated firefighting facilities shall be installed. Accommodations shall be made and approved by the Land Use Administrator to provide appropriate accessibility for firefighting response teams. Marina facilities shall be constructed in such a manner that would not increase the risk of fire to nearby residential dwellings or that would reasonably be deemed to cause an increase in fire insurance premiums of nearby structures.
3. All permit and permit amendment applications for construction or modification or expansion of a marina facility must contain a signed certification from a professional engineer or architect authorized to do business in the state of Florida. The certification must state that the civil, structural, electrical, mechanical, plumbing, and other associated systems of the marina facility are designed to ensure public safety and comply with the most recent editions of the following codes: Florida Building Code, National Electrical Code, Fire Prevention Code, and National Fire Protection Association.
4. Upon completion of construction, expansion, or modification of a marina facility, the applicant shall submit follow-up certifications (as-builts) signed by the engineer, architect, and/or master electrician stating that the construction, expansion, or modification was completed in accordance with above-referenced publications and plans submitted to and approved by the City.
5. With respect to the electrical requirements only, in lieu of an engineer's certification, a master electrician may design and certify the electrical installations and systems of a marina facility as complying with the most recent editions of the National Electrical Code.

4.16.08. Performance Standards

All marina facilities shall be designed, constructed, and operated to protect the natural resources of the City and prevent wastewater and other pollutants from entering water. Except as otherwise expressly stated in this Code, any person who is required to obtain a marina facility permit or permit amendment shall demonstrate compliance with the performance standards set out in this section.

A. Natural Resource Analysis Statement

1. All Marina Facilities

An applicant for a marina facility permit shall prepare and submit as part of the application a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize potential environmental impacts. The applicant shall use the results of the natural resource analysis statement to design and operate the marina facility with the least amount of environmental impact reasonably achievable. The applicant is encouraged to consider for inclusion those best management practices listed

below after each specific impact, but may include alternative best management practices that are comparable to those listed.

- a. Solid waste collection and disposal
- b. Litter and debris collection and disposal
- c. Watercraft cleaning
- d. Source pollution control

2. Noncommercial Marinas

An applicant for a noncommercial marina permit shall prepare and submit as part of the application, a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize such impacts:

- a. Watercraft sewage management
- b. Hazardous material storage

3. Commercial Marinas

An applicant for a commercial marina permit shall prepare and submit as part of the application, a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize such impacts. Upon two (2) years following application approval and construction, a commercial marina shall pursue a “Clean Marina” designation from the Department of Environmental Protection, Clean Marina Program.

- a. Watercraft sewage management
- b. Hazardous material storage and pollution prevention

B. Threatened and Endangered Species

All marina facilities shall comply with all applicable laws, rules, regulations, and Ordinances that relate to the protection of endangered or threatened species or species of special concern or which otherwise protect fish and wildlife.

C. Dockmaster

All commercial marina facilities shall provide for a dockmaster. All noncommercial marina facilities that include greater than forty (40) slips shall provide for a dockmaster. The purpose of the dockmaster is to oversee the proper usage of the facility and to ensure compliance with the applicable provisions and requirements of this section.

D. Marine Service Station

Marine service stations shall be permissible in commercial marinas in compliance with the following provisions:

1. All construction, components, and operational maintenance standards of marine service station fuel systems shall comply with all federal, state, and

local regulations and be constructed in a manner to avoid spills. If a spill occurs, it shall be promptly reported in accordance with all federal, state, and local requirements.

2. Provide fueling stations with spill containment equipment, adequate supply of absorbent materials, and other necessary equipment to clean up any minor spills that may occur.
3. Promote the use of oil-absorbing materials in the bilge areas of all watercraft with inboard engines. Encourage the examination of these materials at least once a year and replace as necessary. Provide receptacles to recycle materials, if possible, or dispose of them in accordance with all applicable disposal laws, rules, and ordinances.

E. Risk Management for Marina Facilities

1. Fire Hazards

No activity shall be conducted, and no materials will be stored of such a nature, or in such a manner, so as to constitute a fire hazard. When an activity is being conducted which could constitute a fire hazard, it shall be the responsibility of the party involved to have proper fire protection on the site as determined by the City Fire Marshal.

2. Hurricane Contingency Plan

Marina facilities shall prepare and make available a hurricane contingency plan, which shall include those methods to be taken to secure property and facilities at a marina facility. Commercial marinas shall provide educational materials that include procedures for securing of watercraft for those who own or rent space at the commercial marina.

3. Lighting

Marina facilities shall be continuously lighted from sunset to sunrise and during periods of restricted visibility.

- a. The minimum safety lighting shall adequately define the presence of all structures located on or over the water surface.
- b. When possible, lighting shall be so located and configured or shielded so as not to present a hazard to navigation and to minimize ambient light pollution.
- c. Marina facility lighting shall be wired with a photo-electric cell-operated switch so that the lights will automatically operate.
- d. All watercraft proceeding within the marina confines shall be at “idle speed - no wake”, meaning a very slow speed whereby the wake or wash created by the watercraft would be minimal, and shall adhere to any limits related to manatee protection areas.
- e. Personal throwable flotation devices shall be readily available on the marina facility at intervals of every one hundred (100) feet at the marina facility. Ladders shall be installed in appropriate locations and intervals to provide emergency access to the surface water within a marina facility.

F. Prohibited Acts

1. It is prohibited and unlawful for a watercraft to transmit stray electrical current. Compliance with this requirement will be deemed satisfied when the electrical resistance is more than 1,000 ohms as measured between the water adjacent to the watercraft and all of the three (3) alternating current conductors at the dock end of the shore power cord. This cord, at the time of measurement, must be connected to the watercraft's alternating current terminals. The watercraft's alternating current circuit shall be switched to the "on" position and connected as for normal dockside operation.
2. If a watercraft is found by a certified electrical contractor or a certified marina electrical contractor to be producing stray current, notice shall be given to the owner and a reasonable amount of time provided to correct the problem. Notwithstanding the foregoing, the marina owner or operator or the dockmaster shall have the authority to disconnect the watercraft from shore power immediately if the level of stray current being produced poses a real and immediate threat to personal safety or the rapid corrosion of the watercraft and/or its neighboring watercraft /structures. If the watercraft is unplugged upon discovery of the stray current, every effort will be made to promptly notify the watercraft's owner as to the action taken. The dockmaster, however, shall assume no liability whatsoever for any losses or damage suffered from the denial of shore power to a watercraft producing stray current. If the problem is not corrected in a reasonable amount of time, the dockmaster will have the right to disconnect the watercraft from shore power until corrective action is taken. If the licensee reconnects the watercraft without being fixed, for any other purpose than stray-current testing, the dockmaster may deny use of shore power. Continued reconnection to shore power, if the watercraft's ground fault has not been corrected, may result in the cancellation of the berth license agreement. Shore power cords shall be of the three (3) wire type including a functioning ground wire with insulation types SO, ST or STO and with a wire thickness in accordance with all applicable building and safety codes. Cords that are found to be a significant hazard to personal safety shall be unplugged immediately.
3. It is prohibited and unlawful to carry, store, or transfer either gasoline or diesel onto any dock of any marina facility, except for less than twenty-five (25) gallons of premixed outboard motor fuel. All other fueling shall be accomplished at a marina service station or other appropriate location.
4. It is prohibited and unlawful for an owner, operator, or person in command of any watercraft to operate or allow such watercraft to be operated within a marina facility at a speed in excess of posted limits, or in any reckless or negligent manner. Watercraft operators and owners shall be responsible for any damage or injury produced by their creation of an excessive wake within a marina facility.
5. It is prohibited and unlawful to tie up, moor, or operate a watercraft in a marina facility area in such a manner as will prevent or obstruct the passage of other watercrafts or voluntarily or carelessly sink any watercraft in any

channel, or float loose timbers, logs, or piles in any channel in such a manner as to obstruct, impede, or create a menace to navigation.

6. It is prohibited and unlawful to swim, dive, water-ski, or skin dive within a marina area; provided, however, that a person may dive or skin dive for the purpose of bona fide scientific research, inspection of the marina or a watercraft, maintenance of a watercraft, or making of emergency repairs on any watercraft.
7. Live-aboard watercraft is prohibited and unlawful in a noncommercial marina facility.
8. It is prohibited and unlawful to discharge any human waste whatsoever, or any substance or material deleterious to fish, plant, or bird life from a watercraft except in a lawful manner. Waste of any nature may only be disposed of in accordance with law and it is prohibited and unlawful to dispose of waste in any manner contrary to law or in a manner that could reasonably result in adverse impact to natural resources or the public health, safety, or welfare.
9. It is prohibited and unlawful to allow a person to perform any work on, or provide any service to any licensee or watercraft within a marina for which such person receives a fee, compensation, or any other thing of value, unless such person has first paid the City's local business tax.
10. It is prohibited and unlawful to conduct any activity that endangers any endangered or threatened species or species of special concern or to threaten, harass, or endanger wildlife in a manner inconsistent with the provisions of federal and state law, regulations, or ordinances.

G. Abandoned, Derelict, and Hazardous Structures

1. No abandoned, derelict, or hazardous marina structures shall be allowed upon navigable waters of the City or shores of the City. Marina facility structures that are likely to damage private or public property or become a hazard to navigation shall not be permissible.
2. The owner, homeowners association, or other legal authority responsible for the marina facility shall be responsible for providing maintenance and repairs of the marina facility and associated structures. Structures that are found to be hazardous to the public health safety, and welfare or damaging to environmental resources, are subject to being removed following written notification by the City.
3. Refer to Palm Coast Code Section entitled "Abandoned or Derelict Vessels".

4.16.09. Inspections

A. Right of Entry

Authorized agents, firefighting personnel, law enforcement officers, or employees of the City shall have the right to enter at all reasonable times in or upon any property, whether public or private, for the purpose of inspecting and investigating conditions relating to construction, modification, or operation of a marina facility or existing marina facility. The City shall not enter private property having management in residence without first notifying the

management, or the person in charge at the time of the inspection, of their presence and exhibiting proper credentials. Authorized City employees shall observe the rules of the establishment being inspected concerning safety and fire protection. Nothing in this section, however, shall preclude a law enforcement officer from entering the property without notice to investigate suspected criminal activity as might otherwise be allowed under the laws of the state of Florida.

B. Final Inspection

When a development order for a marina facility is issued in accordance with the requirements of this Code and upon completion of construction activities, the City will complete a final inspection of a marina facility to ensure that it is in compliance with all applicable regulations and construction standards, and is consistent with approved construction plans prior to operation. The following items shall be provided to the City prior to initiating a final inspection:

1. Four (4) copies of as-builts;
2. Auto Cad format as-builts provided on a compact disc;
3. All original testing reports;
4. All federal, state, and other applicable permits or clearance letters; and
5. Certificate of completion from the engineer stating that the marina facility has been constructed per his/her signed and sealed construction plans.

4.16.10. Exemptions

The following are exempt from the provisions of **Section 4.16**:

- A. Docks as an accessory use to a single-family home abutting a single-family lot.
- B. Marina facilities existing, or which have not been constructed, but have received local governmental approval prior to August 19, 2008 shall be exempt from the provisions of this Code, but shall be subject to all other applicable permit requirements of any and all agencies with jurisdiction. Any modification to marina facilities to increase the existing number of slips will be subject to the provisions of this Code.

4.16.11. Deviations and Variances

A. Deviations

The Land Use Administrator may issue a deviation of up to five (5) percent of any development standard contained herein if it is determined that the effect of the deviation is minimal or insignificant and meets the variance conditions in **Subsection 4.16.11.B** below. Any deviation request shall be submitted in writing and approval shall be issued in writing.

B. Variance

The Planning and Land Development Regulation Board shall have the power to grant a variance to the provisions of this Code where strict adherence to one (1) or more of the standards would either: 1) result in an undue hardship demonstrated on the basis of an irregular or unusual shoreline configuration; or 2) result in marina facility design or placement which, for unintended or

unanticipated reasons, does not meet the general purposes and intent of this Code. Variance requests shall be in accordance with requirements established in **Chapter 2** and shall also be evaluated based upon their effects or impacts on:

1. State surface water quality standards;
2. Endangered and threatened species;
3. Navigability within the marina facility or the abutting waterbodies;
4. Abutting properties including, but not limited to, waterfront usability, views, or riparian rights;
5. The public health, safety, and welfare including, but not limited to, boater safety, the provision of fire safety mechanisms, and provision of adequate sanitary sewer facilities; and
6. The variance, if granted, shall not impair the overall purposes and intent of this Code.

Section 4.17. Outdoor Oriented Uses and Activities

4.17.01. Outdoor Storage in SFR, EST, DPX, MHD, and MFR Districts

Refer to **Chapter 44, Article II in the City of Palm Coast Code of Ordinances.**

Refer to **Section 4.19** for temporary uses, i.e. special events, and seasonal promotions and sales.

4.17.02. Outdoor Storage in COM, OFC, PSP, IND, P&G, and PRS Districts

Where outdoor storage is a principal permitted use or a regularly recurring accessory use (not including outdoor displays of merchandise) in nonresidential zoning districts the following requirements shall apply:

A. Screening

1. Screening shall be attained through one (1) of the following options:
 - a. Landscape material in conjunction with a black vinyl chain link fence at least six (6) feet in height, or more than six (6) feet when used to screen shipping containers.
 - b. Opaque fence or wall meeting the requirements outlined in **Section 4.01.**
 - c. Architectural features consistent with all approved structures on site.
 - d. An administrative waiver may be granted by the Land Use Administrator upon a finding that a natural buffer or wetland area adequately screens the area.
2. No merchandise, equipment, machinery, materials, motor vehicles, or other items (including shipping container storage areas) shall be stored above the height of the screening.

B. Shipping Container Storage

Temporary storage of shipping containers is allowed if storage is limited to a ninety (90) calendar day period, with containers not to be replaced within ninety (90) calendar days. Temporary areas used for shipping container storage shall be

depicted on site plans. Containers shall be located a minimum of twenty (20) feet from all building openings on a durable all weather surface and shall not be located where visible from any surrounding rights-of-way, in any driveways, fire lanes, pedestrian ways, or parking spaces required to meet the minimum standards for the site.

4.17.03. Outdoor Display of Merchandise

A. Outside Displays

Outside retail displays (not including seasonal promotions and sales - refer to **Subsection 4.19.04**) shall be permitted during normal business hours when located on the same lot as an existing retail business that is operating from an approved building provided that:

1. Outside displays are subordinate and accessory to the existing business;
2. Outside displays are conducted only by the owner or tenant leasing a unit on the site;
3. Outside displays are limited to the goods and services normally offered by the owner or tenant leasing a unit;
4. Outside displays are consistent with the zoning of that parcel;
5. Outside displays do not hinder required access to the site or create safety hazards;
6. Outside displays are located adjacent to the building and not located within any portion of the vehicular use area; and
7. The outside display area was depicted on a site plan.

B. Vending Machines

A maximum of two (2) vending machines per one hundred (100) feet of linear building frontage shall be permitted outside of commercial buildings provided they are located under roof, placed flush against a building wall, and do not obstruct pedestrian accessibility.

Section 4.18. Recreational Vehicle Parks

4.18.01. Intent

It is the intent of the City to provide for areas to be developed for the parking of recreational vehicles, travel trailers, motor homes, camping tents, and trailers occupied as a temporary living quarters in an environment that provides for recreational amenities and on-site conveniences. It is further intended that the individual spaces not be marketed or sold for individual ownership, but that the site be retained in a form of single or common ownership.

4.18.02. Applicability

The regulations in this section apply to all developments providing for the accommodation of transient recreational vehicles, camping tents, and trailers in zoning districts that allow such uses as permitted, limited, or special exception:

4.18.03. Limitations

Recreational parks are intended for temporary accommodations and shall not be developed for permanent residential use or for homesteading purposes. An occupant shall not remain in the same recreational park for a period exceeding six (6) months in any twelve (12) month period. Spaces shall be rented by the day, week, or month only.

4.18.04. Permitted Uses, Facilities, and Structures

- A. Parking of recreational vehicles, travel trailers, motor homes, camping tents, and trailers.
- B. Recreational facilities including, but not limited to, community room or center, fields and courts, docks, swimming pools, boat-launching areas, and similar facilities.
- C. Shower, restroom, laundry, and maintenance facilities.
- D. Sale of groceries, sundries, (liquefied petroleum gas, bait, tackle, and supplies).
- E. Management office and manager or caretaker residence.
- F. The only permitted enclosed storage structure and garage facilities are those associated with the park manager or caretaker residence.
- G. Free standing screen rooms and/or cabanas may be permitted if such structures are totally independent from the recreational vehicle and shall be constructed in such a manner as not to impede the immediate removal of any recreational vehicle from its designated site.
- H. Concrete slabs, decks, and patios may be permitted provided such facilities are detached and structurally independent from the accompanying recreational vehicles and in no way impede the immediate removal of recreational vehicles from the site.

4.18.05. Development Standards

A. Size

- 1. The minimum area for a recreational park shall be three (3) acres.
- 2. The minimum recreational vehicle space size shall be thirty (30) feet by sixty (60) feet.

B. Setbacks

- 1. All structures shall comply with the minimum building setback requirements of the zoning district upon which the subject property is located, except that no RV space site shall be located within thirty (30) feet of the project's perimeter.
- 2. All commercial structures that are accessory to the principal use shall be oriented to the interior of the recreational park.

C. Building Height

The maximum building height shall be thirty-five (35) feet.

D. Utilities

1. Central water and sewer facilities and electricity shall be provided except for primitive campgrounds designed for tents only.
2. Dumpsters for trash and recyclables shall be located no farther than three hundred (300) from any individual site.
3. Unless every recreational vehicle site has a sanitary waste outlet, a central pump-out station shall be provided.

E. Landscaping and Buffers

Landscaping and buffers shall be required as outlined in **Chapter 11**.

F. Recreation Areas

There shall be at least one (1) active recreational area comprising at least five (5) percent of the total land area of the project. The recreation area shall be easily accessible to all occupants of the project.

G. Parking

1. Parking for individual sites is not required to be paved. However, sufficient space shall be provided at each site to accommodate at least one (1) vehicle.
2. Off-street parking spaces meeting the parking requirements outlined in **Chapter 5** shall be provided for all other uses within the recreational vehicle park.

H. Access

1. The recreational vehicle park shall be located near an arterial road. No entrance or exit to a recreational vehicle park shall be allowed through a residential district.
2. All accessory structures shall only be accessible from a street within the recreational park.

Section 4.19. Temporary Uses

The temporary uses included in this section are not meant to be all-inclusive or to address every type of use or special event that may occur from time-to-time. Uses and events not specifically included in this section shall be reviewed by the Land Use Administrator to determine if the proposed use or event is temporary and how it should be regulated. Determinations and requirements established by the Land Use Administrator may be appealed to the Planning and Land Development Regulation Board and the City Council in accordance with the appeal procedures established in **Chapter 2**.

4.19.01. Construction Trailers

Construction trailers are permitted to provide contractors with a temporary shelter for office use, project management, and on-site storage of equipment in conformity with the following standards:

- A. Only one (1) temporary construction trailer per contractor for office use within the construction site is permitted. Additional trailers may be approved on a case-by-case basis as determined by the Land Use Administrator based upon clear evidence of necessity.

- B. The placement of the trailer(s) on the site is subject to review and approval by the Land Use Administrator.
- C. The trailer(s) shall be removed within three (3) working days following the Land Use Administrator's acceptance of the construction completion.
- D. Approved water and wastewater facilities shall be provided.
- E. Pedestrian access shall be provided from the parking area to the office.
- F. A fence or similar barrier shall be provided to prevent visitors and customers from entering the construction area.
- G. Only one (1) identification sign per trailer is permitted. The sign area shall not exceed six (6) square feet.

4.19.02. Model Homes

A. Intent and Applicability

This section is intended to ensure that impacts associated with model homes in residential zoning districts are temporary in nature and reasonably controlled. This section is applicable to model homes located in residential zoning districts and does not apply to model home centers located in commercially zoned areas.

B. General

The following are required prior to the issuance of a certificate of occupancy for a residential dwelling to be used as a model home:

- 1. City water and wastewater facilities shall be operating and accessible to the public.
- 2. Adequate fire protection shall be in place.
- 3. A stabilized access road shall be in place.

C. Duration of Use

A residential dwelling unit may be used as a model for a maximum period of five (5) years from the date the certificate of occupancy is issued. Any residential dwelling unit legally permitted as a model as of October 5, 2010 shall be permitted to remain as a model home until January 1, 2016.

D. Permitted and Prohibited Activities

- 1. A model home may be used for activities typical to an "open house" for sale, including tours by a real estate agent and negotiation or execution of sales contracts for the sale of that builder's homes or products.
- 2. A model home shall not:
 - a. Be used as a primary or secondary office for a homebuilder or real estate agent with regard to conducting business activities outside of those permitted above.
 - b. Be used for storage of building materials.
- 3. The garage of the model home may be used as an office for sales staff if separate off-street parking is provided.

4. The garage must be equipped with a standard garage door, unless dedicated off-site parking is provided, excluding rights-of-ways.
5. If the space for the required garage has been converted to space for purposes other than a garage, the space must be converted back to a residential garage and equipped with a standard garage door prior to the sale and use as a dwelling unit.

E. Hours of Operation

A model home may be open to the public during the following time periods:

1. Monday through Saturday: Between the hours of 9:00 a.m. and 6:00 p.m.
2. Sunday: Between the hours of 12:00 noon and 5:00 p.m.
3. Holidays: Between the hours of 10:00 a.m. and 5:00 p.m.

F. Signage

Refer to **Chapter 12** in this Code.

G. Lighting

Lighting at the sites of model homes shall be limited to interior and exterior lighting normally associated with single-family residences. Exterior flood lights may not be used.

4.19.03. Sales Trailers and Leasing Offices

Temporary sales and leasing offices for residential development are allowed in any residential zoning district. In addition to applicable zoning district regulations, a temporary sales and leasing offices must comply with the following standards:

- A. The development plan for the residential development shall indicate the location of the temporary sales and leasing offices.
- B. Only one (1) sales trailer shall be allowed for every two hundred (200) lots or units.
- C. Temporary sales and leasing offices proposing to operate for a period of six (6) months or less shall be skirted and landscaped. In addition, temporary sales and leasing offices remaining for a period greater than six (6) months shall be located on a concrete slab or stem wall and shall be skirted and landscaped. Temporary sales and leasing offices may be used for a maximum period of two (2) years from the date the certificate of occupancy is issued. The Land Use Administrator may grant a one (1) year extension.
- D. Pedestrian access shall be provided from the parking area to the office.
- E. Parking shall be provided on a paved surface and shall be designed to prevent the need to back onto a street right-of-way or pedestrian-way.
- F. A fence or similar barrier shall be provided to prevent visitors and customers from entering the construction area.
- G. Only one (1) identification sign per office is permitted. The sign area shall not exceed six (6) square feet.
- H. Water and wastewater facilities shall be provided.

4.19.04. Seasonal Promotions and Sales

A. General Requirements

Seasonal and holiday related promotions and sales including, but not limited to, Christmas tree sales, pumpkin sales, fireworks, etc., may be permitted subject to the following:

1. The use is consistent with the zoning, development, and dimensional standards of that parcel;
2. If a tent, electric, or water is used, a building permit is required;
3. All local business license taxes shall be paid;
4. The use may be permitted for a maximum period of forty-five (45) consecutive days;
5. Written, notarized permission from all owners of record of the property, or authorized agent of the owner (must provide proof of being an authorized agent), shall be submitted to the City.
6. A plan shall be submitted illustrating the location of the space for the seasonal sale and depicting, at a minimum, the following:
 - a. Adequate and safe ingress and egress;
 - b. On-site parking availability; and
 - c. Sanitary facilities.
7. The use does not result in the reduction of any existing parking spaces to less than the minimum number of spaces required for the primary use.

B. Determination of Additional Seasonal Events

The Land Use Administrator shall determine the types of event, other than those listed herein, that constitute a seasonal holiday related promotion or sale.

4.19.05. Special Events

Refer to the City of Palm Coast Code of Ordinances.

Section 4.20. Wireless Communication Facilities

4.20.01. Purpose and Intent

The purpose of this section is to promote the health, safety, and general welfare of the public by regulating the siting of wireless communication facilities. It is also to encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, minimizing effects upon the natural environment and wildlife, and reducing the need for additional support structures. This section is also intended to encourage the use of public lands, buildings, and structures as locations for wireless telecommunications infrastructure demonstrating concealed (stealth) technologies and revenue generating methodologies. As the growing need and demand for wireless communication services exist, this section should minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity, and land use compatibility. As a result, this section will

protect the character of the City while meeting the needs of its citizens to enjoy the benefits of wireless communication services.

4.20.02. Applicability

Except as provided in **Subsection 4.20.03**, this section shall apply to the development activities including, but not limited to, installation, construction, or modification of the following wireless communications facilities:

- A. Existing antenna support structures
- B. Proposed antenna support structures
- C. Public antenna support structures
- D. Replacement of existing antenna support structures
- E. Collocation on existing antenna support structures
- F. Attached wireless communication facilities
- G. Concealed wireless communication facilities

4.20.03. Exempt Installations

The following uses are exempt from the provisions of this section notwithstanding any other provision of this Code, but are subject to all applicable building code compliance and building permit reviews:

- A. Noncommercial, amateur radio antennas as provided for in **Section 125.561, Florida Statutes**.
- B. Satellite earth stations that are one (1) meter (39.37") or less in diameter in all residential districts and two (2) meters or less in all other zoning districts and which are not greater than twenty (20) feet above grade in residential districts and thirty-five (35) feet above grade in all other zoning districts.
- C. Government-owned wireless communication facilities, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City; except that such wireless communication facilities must comply with all federal and state requirements. This exemption shall terminate upon the state of emergency ending.
- D. Government-owned wireless communication facilities erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- E. Temporary, commercial wireless communication facilities, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the City, and approval by the City; except that such wireless communication facilities must comply with all federal and state requirements. The exemption may be permitted by the City to continue to three (3) months after the duration of the state of emergency.
- F. Temporary, commercial wireless communication facilities for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approved by the City, except that such wireless communication facilities must comply with all federal and state requirements. Said wireless

communication facilities may be exempt for a period of up to one (1) week after the duration of the special event.

- G.** Antenna support structures, antennas, and/or antenna arrays for AM, FM, TV, and HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission shall be regulated in accordance with federal, state, and other applicable regulations.
- H.** Freestanding collocation facilities that meet all the criteria set forth in **Section 365.172(11), Florida Statutes** and which:
 - 1.** Do not increase the height of the existing antenna support structure or freestanding wireless communication facilities, as measured to the highest point of any part of the structure or any existing antenna attached to the structure;
 - 2.** Do not increase the size of the approved equipment compound; and
 - 3.** All aspects of the collocation are of a design and configuration consistent with all of the applicable design, placement, and aesthetic regulations, restrictions, or conditions, if any, applied to the first antenna placement on the antenna support structure or freestanding wireless communication facilities or applied to the structure or facility itself.

4.20.04. Siting Wireless Communication Facilities

This section shall not be interpreted to require applicants to locate on publicly owned sites when lease negotiation processes are prohibitively lengthy or expensive relative to those of the private sector as determined by the Land Use Administrator, based upon competent substantial evidence. The applicant is considered justified in selecting a lower-ranked privately-owned property option if the government entity fails to approve a memorandum of agreement or letter of intent to lease a specified publicly-owned site within ninety (90) days of the application date or if it is demonstrated that the proposed lease rate for the specified public-owned site significantly exceeds the market rate for comparable privately-owned sites.

A. Siting Hierarchy

Siting of wireless communication facilities shall be in accordance with the following siting alternatives and hierarchy:

- 1.** Concealed attached wireless communication facilities:
 - a.** On City owned property
 - b.** On other publicly owned property
 - c.** On privately owned property
- 2.** Collocated or combined on existing antenna support structure facility, utility pole, distribution tower, or ball park light pole (a/k/a attached collocation):
 - a.** On City owned property
 - b.** On other publicly owned property
 - c.** On privately owned property
- 3.** Freestanding concealed wireless communication facilities:

- a. On City owned property
 - b. On other publicly owned property
 - c. On privately owned property
 - d. In public rights-of-way (optional)
4. Mitigated wireless communication facilities
- a. On City owned property
 - b. On other publicly owned property
 - c. On privately owned property
5. Nonconcealed freestanding wireless communication facilities:
- a. On City owned property
 - b. On other publicly owned property
 - c. On privately owned property
 - d. In public rights-of-way (where required by existing agreement, e.g., with the Florida Department of Transportation)

B. Attached, Collocated, or Combined Wireless Communication Facilities

For attached, collocated, or combined wireless communication facilities, the order of ranking preference, highest to lowest, shall be from 1.a, 1.b, 1.c, 2.a, 2.b, 2.c, 3.a, 3.b, 3.c, 3.d, 4.a, 4.b, 4.c, 5.a, 5.b, 5.c, 5.d as referenced in **Subsection 4.20.04.A**. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in **Subsection 4.20.07** including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical, or justified given the location of the proposed wireless communication facility.

C. Freestanding Wireless Communication Facilities

Where freestanding wireless communication facilities are permitted, the order of ranking preference from highest to lowest shall be from 3.a, 3.b, 3.c, 3.d and 5.a, 5.b, 5.c, 5.d as referenced in **Subsection 4.20.04.A**. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in **Subsection 4.20.07**, and demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed wireless communication facilities, and the existing land uses of the subject and surrounding properties within three hundred (300) feet of the subject property.

4.20.05. Wireless Communication Facilities Permitted by Zoning District

A. Wireless Communication Facilities Permitted in All Zoning Districts

The following activities and types of wireless communication facilities are allowed in any zoning district:

- 1. Concealed, attached wireless communication facilities

2. For existing wireless communication facilities the following activities are allowed:
 - a. Replacement of antenna elements
 - b. Attachment, collocation, or combinations of antenna
 - c. Expansion of an existing antenna array
 - d. Mitigation of existing wireless communication facilities

B. Nonconcealed, Attached Wireless Communication Facilities

Nonconcealed, attached wireless communication facilities are permitted only in the IND and PSP Districts.

C. Concealed, Freestanding Wireless Communication Facilities

1. Permitted in the AGR, COM, OFC, PSP, IND, and P&G Districts; and
2. Requires a special exception development order in the EST, SFR, MFR, MHD, DPX, MPD, former VGC, GCC, PUD, and PRD, and PRS Districts.

D. Nonconcealed, Freestanding Wireless Communication Facilities

Nonconcealed, freestanding wireless communication facilities require a development order for a special exception in the AGR and IND Districts.

4.20.06. Development Standards

All development standards and land development regulations relating to the property upon which the wireless communication facility is located shall apply. Where permitted as provided in **Subsection 4.20.05**, the development standards established by the City in **Chapter 54, Code of Ordinances of the City of Palm Coast**, shall apply to all attached collocations and all new, mitigated, or combined wireless communication facility installations. Where any historic or scenic overlay districts or corridor plans also apply, the most restrictive standards shall govern.

4.20.07. Submittal Requirements

Each applicant for a wireless communication facility shall be required to submit an application for a development order on a form and providing such information established by the City in **Chapter 54, Code of Ordinances of the City of Palm Coast**.

4.20.08. Approval Process

Consideration for approval of new wireless communication facilities and antenna element replacements are subject to the approval process outlined in **Chapter 54, Code of Ordinances of the City of Palm Coast**.