

ARTICLE IV. - ZONING DISTRICTS AND REGULATIONS

Section 4.1. - Official Zoning Map.

- (A) **Designation of the Official Zoning Map** There shall be a map known and designated as the official zoning map which shall show the boundaries of all zoning districts within the City's jurisdiction.
- (B) **Incorporated into LDC by Reference** The official zoning map is adopted and incorporated herein by reference.
- (C) **Lost, Damage or Destruction of Official Zoning Map** Should the official zoning map be lost, destroyed, or damaged, the Land Use Administrator may have a new map made without Council authorization so long as no district boundaries are changed in the process.
- (D) **Amendments to Official Zoning Map**
 - (1) **Amendment Procedures.** Amendments to the official zoning map are done in accordance with state law.
 - (2) **Updating the Official Zoning Map.** The Land Use Administrator shall update the official zoning map as soon as possible after amendments are adopted.

Section 4.2. - Rural Districts.

Agriculture District: The Agriculture (A) District is intended to accommodate agriculture uses with accessory single-family residences. These districts are generally located in outlying areas of the City and may be converted to higher uses as more urban services become available.

Section 4.3. - Residential Districts.

Each residential district is designed to provide a comfortable, healthy, safe and pleasant environment for the people who live in the City. Section 4.10 and Table 4.1: Table of Permissible Land Uses specify the permissible, prohibited and special exception land use types by zoning districts.

- (A) **Rural Country Estates (R-CE), R-1AAA and R-1AA Districts** The Rural Country Estates (R-CE), R-1AAA and R-1AA Districts are designed for areas that are not served by central water and sewer, have inadequate transportation facilities, and are not appropriate for higher density development.
- (B) **R-1A and R-1 Districts** The R-1A and R-1 Districts are single-family residential districts that permit low to medium density development generally in areas with complete urban services. In areas without central sewer, these districts are only permitted where soils are appropriate for septic tanks.
- (C) **R-1B and R-2 Districts** The R-1B and R-2 Districts are designed for medium density single-family detached, single-attached (townhome), and two-family residential development generally located in areas with complete urban services. Multi-family residential developments in the R-2 zoning district may be permitted if all density limitations are adhered to and are approved as a special exception use order by the City Council.
- (D) **R-1BB and R-3 Districts** The R-1BB and R-3 Districts are designated for high density residential development in areas with complete urban services. These zoning districts may also serve as a transitional buffer between commercial uses and lower density residential uses.

(Ord. No. 1677, § 3, 11-5-18)

Section 4.4. - Commercial and Office Districts.

Commercial and Office Districts are created to serve the business needs of the community and provide necessary services for City residents.

- (A) **Residential-Professional Office District** The Residential-Professional Office (R-P) District is designed to accommodate a mixture of residential and professional office uses primarily in areas that are no longer viable for single-family use because of high traffic volume or other market factors. These areas are often transition zones between arterials or intense commercial districts and residential districts.
- (B) **Neighborhood Commercial and Office District** The Office-Commercial (O-C) District is a neighborhood commercial and office district designed to accommodate low intensity commercial uses with limited traffic generation and movements.
- (C) **General Commercial Districts** The C-1 Commercial District is intended to permit and encourage a full development of retail commercial uses. The C-2 Commercial District is designed to accommodate the widest range of commercial activities, including drive-thru facilities.
- (D) **Commercial Infrastructure** All new development within the commercial zoning districts will require central sewer and water service. If central sewer is not available, other interim sewer may be allowed upon authorization by the City. Development occurring in these districts must have access to collector or arterial roads or to service roads that maintain direct access thereto.

Section 4.5. - Industrial Districts.

The I-1 and I-2 Industrial Districts are established to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment or adult entertainment. Each district must conform to performance standards outlined in Article VIII. The I-1 District is more restrictive than the I-2 District. All new development within the industrial zoning districts will require central sewer and water service. If a central sewer is not available, other interim sewer may be allowed upon authorization by the City. Development occurring in these districts must have access to collector or arterial roads or to service roads that maintain direct access thereto.

Section 4.6. - Planned Unit Development (PUD) District.

The Planned Unit Development (PUD) District combines various residential, commercial, industrial, recreational, and/or public uses to create a planned community with a more desirable environment than would be possible through the strict application of conventional district regulations. The uses and structures proposed are to be planned and developed as unified and coordinated developments. Any area zoned PUD-C, PUD-R-2, or PUD-R-3, at the time this LDC is adopted shall henceforth abide by the regulations in the PUD district. Each PUD agreement constitutes the creation of a unique zoning district that is the result of a negotiated process in which, and during which, sound and generally accepted land use planning practices and principles are applied and imposed.

(A) Purpose of the PUD District

- (1) To incorporate a more flexible management structure for negotiation and coordination of private sector development objectives, which may be inconsistent with conventional zoning district provisions, with public sector goals, objectives and policies that govern the City's development and conservation of resources;
- (2) To achieve high standards in the quality of urban design amenities within residential and non-residential developments by encouraging the development of land as planned communities;
- (3) To promote efficient use of land by facilitating more cost effective, flexible and creative concepts as well as environmentally sensitive site planning;
- (4) To stimulate opportunities for varied housing types and a mixture of land uses that would not be possible through conventional zoning districts;
- (5) To conserve and protect the natural environment including wetlands, natural habitat, drainage corridors, flood prone lands, and other environmentally sensitive lands by encouraging scenic and functional open areas;
- (6) To provide more useable, landscaped, and suitably located open space and recreation facilities, and other public and common facilities than would otherwise be provided under conventional land development procedures;
- (7) To encourage the accomplishment of a more complete living environment through the application of enlightened and

imaginative approaches to community planning and shelter design through the introduction of a variety of architectural solutions;

- (8) To preserve and protect historic resources;
- (9) To provide safe and convenient vehicular circulation including access and sufficient area for effective delivery of emergency services;
- (10) To provide for safe, convenient, and integrated pedestrian circulation systems; and
- (11) To establish neighborhood identity and focus consistent with the community character as promoted by the City Council.

(B) Unified Control

- (1) All properties within a proposed PUD shall be under unified ownership or control as evidenced by legal instruments submitted by the applicant. These legal instruments shall be approved by the City Attorney.
- (2) All open space shall be either private, reserved for common use, or dedicated to the public.
 - (a) All required open space shall be reserved as such through appropriate deed restrictions which cannot be removed without the consent of the City Council.
 - (b) Open space dedicated to the public shall be open to the general public.
 - (c) Private open space shall be owned in a fee simple title as part of a lot or parcel in private ownership. The use of private open space shall be reserved and limited through appropriate deed restrictions. The deed restriction shall require the property owner to maintain the private open space in perpetuity.
 - (d) All open space reserved for common use shall ultimately be owned in fee simple by an organization of property owners within the PUD. The organization shall be established by the applicant, and all organizational documents, including, but not limited to, articles of incorporation, bylaws and restrictive deed covenants, shall be submitted to the City Attorney for approval prior to recording in the public records of the County and filing with the Secretary of State. The organization shall be responsible for the maintenance of all common open spaces. The organization shall be empowered to assess reasonable maintenance fees upon the owners of real property within the PUD for the maintenance of the common open space.
 - (e) All open space reserved for common use shall be conveyed to the organization prior to or at the time when two-thirds (2/3) of all the dwelling units of the PUD plat under development have been sold. Conveyance shall be by a general warranty deed in fee simple absolute, acceptable to the City Attorney. The deed shall include a deed restriction providing for the perpetual maintenance of the common open space by the organization.
 - (f) The organization may offer to convey the common open space to the City at no cost. If the City accepts the offer, then the conveyance shall be of a general warranty deed in fee simple absolute, acceptable to the City Attorney. Upon acceptance, the open space shall be available for use by the general public. The City shall not accept a conveyance of common open space unless arrangements acceptable to it are made for the continued maintenance of the open space, which arrangements may include maintenance by the City.
 - (g) All landscaped buffer yards shall be owned in fee simple as part of an approved lot or parcel, and the landscaped yards shall be reserved and limited through appropriate deed restriction. The deed restrictions shall require the property owner to maintain the landscaping in perpetuity.

(C) Development Agreement The PUD zoning district requires the review, approval, and execution of a development agreement between the applicant and City Council.

- (1) **Properties Designated PUD on Official Zoning Map.** For undeveloped properties designated PUD on the Official Zoning Map, the development agreement shall be approved as provided for in Article III.
- (2) **Zoning Map Amendment.** The development agreement shall be included as an exhibit in any ordinance adopting an amendment to the official zoning map which changes the zoning of a property to PUD.

- (3) **Amendments.** Proposed amendments to an approved development agreement shall be reviewed and approved in the same manner as the approved development agreement. Proposed amendments to an approved conceptual development plan shall be considered an amendment to the approved development agreement.
- (D) **Conceptual Development Plan** The PUD zoning district requires the review and approval of a conceptual development plan which is approved as an exhibit to or by reference in a development agreement.
- (E) **Permissible Uses** Permissible uses within the PUD district shall be established within the development agreement consistent with the primary and secondary uses allowed within the property's future land use designation as provided for in the Comprehensive Plan.
- (F) **Maximum Density/Intensity of Development** The density and intensity of development within the PUD zoning district shall be established within the development agreement consistent with the maximum density and intensity allowed within the property's future land use designation provided for in the Comprehensive Plan.
- (G) **Density/Intensity Bonus** A bonus to increase density or intensity may be granted to a PUD for utilizing innovative designs to preserve open space and conservation areas; promote internal traffic attainment; or promote pedestrian and mass transit modes of transportation as provided for in the Comprehensive Plan.
- (H) **Open Space Ratio** The minimum percentage of open space shall be thirty (30) percent.
- (I) **Size and Dimension Regulations** Within the PUD district, the location, size, dimensions, arrangement, orientation, and design of yards, open space, landscaping, building setbacks, vehicular access and circulation, pedestrian circulation, building/structure characteristics, and all other planned site improvements shall provide for:
- (1) Safe and convenient internal vehicular circulation, including access and sufficient area for effective delivery of emergency services such as fire protection;
 - (2) Buildings with safe entry and exit from the front and the rear of respective buildings; and
 - (3) Convenient, well-landscaped, and well-designed pedestrian ways and open space systems.
 - (4) The provision of usable open space, privacy, fenestration (i.e., roof line, placement and design of windows and doors), access to light and air, preservation of natural vegetation, landscaping, pedestrian and vehicular access, surface water management, pedestrian plazas, and other similar attributes consistent with sound application of urban design principles and practices which impact lot configuration, building layout and arrangement of open spaces.
- (J) **Deviations** Any deviations from the development standards described in this article or other sections of the LDC must be specified and justified as mitigation may be required. Deviations to standards established within the development agreement or depicted on the conceptual development plan shall be processed per the requirements of Article II.
- (K) **Location Criteria** Development within the PUD district shall comply with the locational criteria of the Comprehensive Plan.
- (L) **Lot Size** Minimum lot sizes shall be established within the development agreement and depicted on the conceptual development plan.
- (M) **Setbacks** Minimum setbacks shall be established within the development agreement and depicted on the conceptual development plan.
- (N) **Height** The maximum height of buildings and structures shall be established within the development agreement and depicted on the conceptual development plan.
- (O) **Commercial, Office, Industrial, and Public Uses**
- (1) Commercial, office, industrial, and public land uses within a PUD district, whether as a primary or secondary land use, must locate on an arterial or collector roadway facility, or a local service road connected thereto.
 - (2) Professional office uses associated with a residential mixed-use structure may locate on local roads.
 - (3) Commercial and office uses may locate on local streets in residential areas if such uses are designed to:
 - (a) Serve the retail and service needs of the surrounding neighborhood;

- (b) Require minimal and infrequent access by truck or heavy vehicles other than public transit;
 - (c) Maintain the residential character of the area; and
 - (d) Create roadway impacts that do not resemble characteristics and traffic volumes of a collector facility.
- (4) Commercial and office uses located along arterial and collector roadways shall be clustered in nodes and integrated with other land uses to prevent strip development.
- (5) Commercial and office uses within a residential PUD shall be limited in size and scope compatible with service needs related to residential demands generated within the PUD. Such commercial and office activities shall serve a market oriented to retail and service demands and needs of the surrounding neighborhood. Any allocation above a minimum demand to serve residential land uses within a residential planned unit development shall be based on regional market demand. The burden to demonstrate regional demand is placed on the applicant of the proposed development, demonstrated by the developer in a study prepared by professional economists, commercial realtors or site location planners.
- (6) Commercial and office uses shall comply with the minimum architectural standards of this LDC unless minimum standards are established within the development agreement.
- (7) Architectural standards for industrial uses shall be established within the development agreement.
- (P) **Screening and Buffer Yard Requirements** Any one (1) of the buffer yard and screening types described in Article XIII may be required by the City during the PUD review process in order to minimize the impact of potentially objectionable areas such as: parking lots; utility or maintenance structures; solid waste disposal facilities; loading facilities, or other unsightly areas. Such buffer yard and screening types may also be required along perimeter boundaries where land uses of different intensities are located in close proximity to each other. The buffer yard and screening types shall be established within the development agreement and depicted on the conceptual development plan.
- (Q) **Signage** A unified plan for signage establishing standards for the type, height, number, size, design, landscaping, lighting, and location of all signs shall be established within the development agreement and depicted on the conceptual development plan. The intent of the plan is to minimize sign proliferation, maximize the architectural integrity, and provide an overall plan assuring harmony in the color theme, and design of all signage.
- (R) **Infrastructure Improvements and Urban Design Amenities** All infrastructure improvements and urban design amenities shall reflect accepted principles and practices of urban design, including streetscape amenities which promote a harmonious and aesthetic environment for pedestrians and other user groups within the proposed development.
- (1) **Preliminary Stormwater Management Plan.** The conceptual development plan shall include a preliminary stormwater management plan that, at a minimum, addresses the following:
- (a) Natural environmental conditions of the site;
 - (b) Existing and proposed future hydrological conditions of the site, including existing and proposed site elevations, amounts and rates of water runoff, water quality, and other related factors;
 - (c) Available drainage improvements on and off site;
 - (d) Intensity of proposed use, potential barriers to movement, and impacts of the drainage system alternatives on pedestrian and traffic circulation, aesthetics of the project and impacts on the surrounding area;
 - (e) Potential contaminants or pollutants generated by land uses, motor vehicles, or other sources of pollutants and contaminants; and
 - (f) The minimum stormwater management requirements of this LDC.
- (2) **Water and Sewer.** PUDs shall locate within a central water and sewer service area or where such systems are not yet available such facilities must be available concurrent with impact generated by the PUD or provided according to the required development agreement. Any interim sewer services provided for residential land uses shall be consistent with provisions of the Comprehensive Plan. No interim water and sewer services shall be allowed for non-residential land use unless the development agreement specifies a threshold or time frame when such central services must be available.

- (3) **Reuse Water.** PUDs shall locate within a reuse water service area or where such system is not yet available such facilities must be available concurrent with impact generated by the PUD or provided according to the development agreement and conceptual development plan.
- (4) **Sidewalks and Improvements to Enhance Pedestrian and Bicycle Movement.** Sidewalks and bicycle facilities shall be planned and installed. Said facilities shall connect land uses within the PUD; the PUD to existing external facilities; and the main entrances of primary buildings to vehicle use areas, including parking areas, and facilities within the public right-of-way. The pedestrian and bicycle circulation system shall include marked crossings in order to separate vehicular and pedestrian/bicycle traffic.
- (5) **Traffic Circulation Improvements.** Traffic circulation improvements shall include all intersection and roadway improvements along internal and perimeter streets required to service projected traffic volumes, such as acceleration, deceleration and turning lanes, as well as traffic control devices and signage. All such improvements shall conform to City specifications. A grassed median may be required on any collector roadway, or specific segment thereof, where the traffic volume is anticipated to achieve fifteen thousand (15,000) trips per day.
- (6) **Street Lighting and Signage.** Street lighting and signage, which is harmonious with the urban design theme of the PUD, shall promote aesthetics and reinforce good principles and practices of streetscape design. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways. Signage shall incorporate a unified design.
- (7) **Open Space and Landscape Furniture.** Open space and landscape furniture, including open plazas, walkways, possible use of functional and aesthetic paving material, street benches, waste disposal receptacles, and sidewalk plantings, shall promote the PUD urban design and aesthetics.
- (8) **Other Improvements and Amenities.** All other improvements and amenities shall be consistent with the unified urban design of the PUD.
- (9) **Loading Docks.** Loading docks are prohibited on interior streets. They shall be located at the rear of all principal structures. Parking for trucks and all other company owned or controlled vehicles shall be located at the rear of all principal structures.
- (10) **Shipping and Receiving.** No shipping or receiving shall be permitted within one hundred (100) feet of any residential land use or within forty (40) feet of any property line adjacent to any nonresidential land use.
- (11) **Storage Areas.** All storage areas shall be fully enclosed and located at the rear of all structures. No motor vehicle which is inoperative shall be stored or used for storage on any lot or parcel of land in any PUD unless it is within a completely enclosed building.
- (12) **Exterior Lighting.** Exterior lighting shall be provided consistent with the minimum standards of this LDC unless otherwise provided for in the development agreement and depicted on the conceptual development plan.
- (13) **Utility Lines.** All utility lines shall be placed underground. All telephone lines shall be placed underground. Service lateral electrical distribution lines serving individual installations shall be placed underground. Other high voltage electrical lines may be placed underground or on concrete poles provided that the poles are within the street right-of-way and have provisions for street lighting. Large transformers shall be placed on the ground and be contained in pad mounts, enclosures, or vaults. Where enclosures or vaults are used, the construction and design shall be compatible with the primary building design. Landscaping with shrubs and plants shall be provided to screen pad mount transformers.
- (S) **Criteria for Review** The Land Use Administrator shall present its findings in a written report to the LPA and City Council. The Land Use Administrator review shall ensure the following criteria are met:
 - (1) **Consistent with Comprehensive Plan.** The PUD shall be consistent with the future land use designation denoted on the future land use map and the goals, objectives, and policies, of the Comprehensive Plan.
 - (2) **Conformance with Applicable Regulations.** The PUD shall comply with the requirements of all applicable regulations.
 - (3) **Land Use Compatibility.** The PUD shall not result in any incompatible land uses, considering the type and location of uses

involved.

- (4) **Adequate Public Facilities.** The proposal shall not result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services.
 - (5) **Natural Environment.** The proposal shall not have significant adverse impacts on the natural environment.
 - (6) **Economic Effects.** The proposal shall not affect the area's property values or general welfare adversely.
 - (7) **Orderly Development.** The proposal shall result in an orderly and logical development pattern, and specifically identify any negative effects on such patterns.
 - (8) **Public Interest; Enabling Act.** The proposal shall not be in conflict with the public interest, and shall be in harmony with the purpose and intent of this article.
 - (9) **Other Matters.** Any other matters which the Land Use Administrator may deem appropriate or that would be of particular relevance to the LPA or the City Council.
- (T) **Conditions in approving a PUD** The City Council may establish any reasonable conditions or requirements in addition to those provided in this LDC. Such additional conditions or requirements shall be entered into the development agreement and/or depicted on the conceptual development plan prior to execution of the development agreement by the City and are enforceable in the same manner and to the same extent as the other requirements of the development agreement and/or conceptual development plan.

(Ord. No. 1626, § 5, 8-17-15)

Section 4.7. - Downtown Mixed Use Development District (DMUD).

The DMUD district combines various residential and commercial uses to create a downtown district which offers a variety of activities and serves the needs of the citizens of Oviedo. The district regulations for development within the DMUD are outlined in Article VI.

Section 4.8. - Public District.

- (A) The Public Lands and Institutions District (PLI) is intended to include public lands and major public or quasi-public institutional uses. Public lands shall be defined as activities that serve to provide public services or utilities that shall include but are not limited to recreation, community and government services, utilities and public facilities such as water and sewer treatment. Institutions shall be defined as nonprofit, quasi-public, or public activities that provide a public service that includes but are not limited to libraries, hospitals, cultural facilities or religious uses.
- (B) This classification also includes educational uses such as a private or public secondary, middle, elementary or similar school providing educational curriculum meeting general public or education requirements established by the State. Also, this classification includes private or public college, university or post-secondary school authorized or licensed by the state to award degrees, but not technical, business or trade schools. Seminaries are exempt from state licensure requirements for private colleges; however such exemption status must be authorized by the state. Hence, an exemption approved by the state would qualify as meeting requirements of the above definition regarding authorization by the state to award degrees.
- (C) This classification is applied only to lands that are owned or controlled by the public.

Section 4.9. - MH-1 Mobile Home Park District.

The MH-1 Mobile Home Park District is designated for certain areas where mobile home sites are offered for rent. This district should be located in areas with complete urban services.

(A) Uses

(1) **Permitted Uses.** The following uses are permitted in the MH-1 District:

- (a) One single-family mobile home on each designated parcel or lot.
- (b) Screened porches or cabanas to be attached to the mobile home.
- (c) Carports with utility or storage areas attached.
- (d) One mobile home serving as an office for the park.
- (e) Park and recreational facilities designed for the use of the residents.
- (f) Laundry facilities designed for the use of the residents.

(2) **Prohibited Uses.** Conventional housing is specifically prohibited.

(B) **Dimensional Requirements**

(1) **Setbacks. Front yards:** Twenty (20) feet.

Rear yards: Fifteen (15) feet.

Side yards: Ten (10) feet.

(2) **Minimum Lot Size.** Five thousand (5,000) square feet.

(3) **Minimum Lot Width.** Fifty (50) feet.

(4) **Minimum Site Area.** Ten (10) acres.

(5) **Maximum Site Area.** Fifty (50) acres.

(C) **Special Requirements**

(1) A mobile home park shall be subject to one (1) ownership, and no lots or trailer spaces may be sold individually.

(2) No individual laundry facilities shall be located outside the main building except where located in a mobile home or in a utility building (minimum eight (8) feet X ten (10) feet).

(3) Management shall be responsible for a minimum of twice-a-week garbage and trash collection.

(4) Streets shall be adequately lighted with street lights.

(5) For fire and health protection, all mobile homes shall have a permanent skirting around the bottom in such a manner as to prevent the accumulation of junk debris.

(6) Underground utilities shall be provided.

(7) Each mobile home space shall have unobstructed access at least fifteen (15) feet wide to a street or lane within the boundary of the park providing unobstructed access to a public street. No mobile home space shall be directly accessible from any public street, alley, or thoroughfare.

(8) No occupancy is allowed until twenty-five (25) spaces have been completed in accordance with the terms of development order approval.

(D) **Landscaping** Buffer yards shall be provided in accordance with Article XIII.

(E) **Streets and Sidewalks** All streets and sidewalks shall generally conform to Article XII and the following:

(1) Common walks shall be provided around recreation, management, and service areas. Common walks may be a minimum of four (4) feet wide, but all walks adjacent to public streets shall be at least five (5) feet wide.

(2) All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Walks shall have a minimum width of two (2) feet.

(F) **Lighting** Lighting shall be provided consistent with Article XVI, Utilities.

Section 4.10. - Permissible Uses and Special Exceptions.

(A) **Table of Permissible Land Uses** The permissible use of land shall be in accordance with Table 4.1 and the residential density and

non-residential intensity standards set forth in the Comprehensive Plan for each future land use designation.

- (1) Uses shall be considered permissible uses or special exception uses. A permissible use is indicated by the letter "P" and a special exception use is indicated by the letter "S".
- (2) No primary use shall be permitted in a district unless the letter "P" or "S" appears for that use in the appropriate cell.
- (3) When a use is indicated as a permissible use in a particular zoning district, it is permissible in that district subject to the demonstration of compliance with this Land Development Code.
- (4) When a use is indicated as a special exception use in a particular district, it is permissible in that district subject to the demonstration of compliance with the City Land Development Code and in particular, the requirements of Article III, Development Agreements, Orders, and Permits.

(B) **Relationship with Other Sections of the Code** Table 4.1 should be read in close conjunction with the definitions set forth in Article XVIII and the other interpretive provisions set forth in this article.

(C) **Permissible Uses** The presumption established by this section is that most legitimate uses of land are permissible within at least one (1) zoning district in the City. The list of permissible uses, therefore, cannot be all inclusive. Those uses that are listed shall be interpreted by the Land Use Administrator to include other uses that have similar impacts to those listed. Any dispute or request regarding interpretation shall be resolved by the Land Use Administrator, subject to appeal to the City Council.

(D) **Accessory Uses**

- (1) A permitted accessory use (1) constitutes only any incidental part of the total activity that takes place and (2) is commonly associated with the principal use and integrally related to it. For example, a swimming pool/tennis court complex is associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development would require a special exception use order.
- (2) Food trucks may be permitted as an incidental use to micro-breweries/micro-wineries/micro-distilleries; however, the location of such food trucks shall be clearly depicted on the site plan, shall not utilize or impede the minimum parking spaces required for the principal use, shall comply with minimum landscape buffer yard width requirements, and shall provide a safe access to pedestrians and patrons.

TABLE 4.1: TABLE OF PERMISSIBLE LAND USES

USE		ZONING DISTRICTS																	
		A	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	MH-1	R-P	O-C	C-1	C-2	I-1	I-2	PLI
1.00	Residential																		
1.1	Single-Family Detached	P	P	P	P	P	P	P	P	P			P						
1.2	Mobile Home ¹	S								S		P							
1.2.1	Single-Family Attached/Townhome							P	P	P	P								
1.3	Two-Family Dwelling									P	P		P						

<u>1.4</u>	Multi-Family Dwelling										P		P					
<u>1.5</u>	Adult Family-Care Home	S	S	S	S	S	S	S	S	S	P		P	P				
1.51	Bed and Breakfast	P	S	S	S	S							P					
1.52	Child Care (In the Home)	S				S	S	S	S	S	S		S					
1.53	Rooming House					S	S	S	S	S	S		S					
1.54	Residential - Community Residential Home ⁶					P	P	P	P		P							
<u>1.6</u>	Temporary Residences (Construction, model home, etc.)	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S
<u>1.7</u>	Home Occupations	S	S	S	S	S	S	S	S	S	S		S					
<u>1.8</u>	Guest Cottage	S	S	S	S													
2.00	Offices																	
<u>2.1</u>	Professional Offices												P	P	P	P	P	P
<u>2.2</u>	Business Offices												P	P	P	P	P	P
<u>2.3</u>	Bank (No drive-thru)													P	P	P		
<u>2.4</u>	Medical Clinic/Hospital													S	P	P		
3.00	Retail/Sales/Service																	
<u>3.1</u>	Personal Services													P	P	P		
3.11	Day Care Center	S	S	S	S	S	S	S	S	S	S		S	P	P	P		
3.12	Beauty/Barber						S	S	S	S	S			P	P	P		
3.13	Drug Store/Apothecary/Pharmacy														S	P		
3.14	Repair Shops (No trucks or outdoor storage)													P	P	P	P	P

3.15	Repair Shops (No outdoor storage)														P	P	P	P	
3.16	Restaurants (No drive-thru)													P	P	P			
3.17	Drive-thru Restaurants														S	P			
3.18	Funeral Home													P	P	P	P	P	
3.19	Assisted Living Facility												P	P	P	P			
3.20	Commercial - Community Residential Home												P	P	P				
<u>3.2</u>	Service Stations														S	S	P	P	
<u>3.3</u>	Specialty Shops													P	P	P	P	P	
<u>3.4</u>	Alcoholic Beverage Package Store ²													S	P	P	P	P	
<u>3.5</u>	Retail Sales (No outdoor storage)													P	P	P	P	P	
3.51	Convenience Store Type I													P	P	P	P		
3.52	Convenience Store Type II													P	P	P	P		
3.6	Theaters (Not drive-in)														P	P			
3.7	Dry Cleaners, Laundromat													S	P	P	P	P	
3.8	Bank (with drive-thru facilities)														S	P			
3.9	Micro-brewery/Micro-distillery/Micro-winery														S	P	P	P	
3.10	Artisan Food Production														S	P	P	P	
4.00	Retail Sales (w/outside storage)															P			
<u>4.1</u>	Equipment Rental (Some															P	P		

	outside storage)																		
<u>4.2</u>	Personal Storage (Mini-warehouse)													S	S	S	P	P	
<u>4.3</u>	Animal Services																		
4.31	Veterinarian (No kennel)													S	P	P	P	P	
4.32	Veterinarian (with Kennel) ³	S													P	P	P	P	
4.33	Kennel ³	S													P	P	P	P	
4.34	Pet Care Services	S											S	P	P	P			
<u>4.4</u>	Motel/Hotel														S	P			
<u>4.5</u>	Shopping Center														S	P			
5.00	Wholesale/ Manufacturing																		
<u>5.1</u>	Wholesale Sales (No outdoor storage or display)															P	P	P	
<u>5.2</u>	Wholesale Sales (w/outdoor storage and/or display)															S	P	P	
<u>5.3</u>	Nurseries/Greenhouses	P														P	P	P	
<u>5.4</u>	Nurseries/Greenhouses (w/retail sales)	S													S	P	P	P	
<u>5.5</u>	Industrial Park																P	P	
<u>5.6</u>	Manufacturing (No outdoor storage or display)																P	P	
<u>5.7</u>	Manufacturing (w/outside storage and/or display)																P	P	
6.00	Educational, Cultural or Religious Uses																		
<u>6.1</u>	Elementary, Middle, & High	S	S	S	S	S	S	S	S	S	S		P	P	P	P	S	S	P

	Schools																	
<u>6.2</u>	Trade & Vocational Schools													S	P	P	P	P
<u>6.3</u>	Churches, Synagogues, Temples, etc.	S	S	S	S	S	S	S	S	S	S		P	P	P	P	S	S
<u>6.4</u>	Libraries, Art Museum, etc.												S	P	P	P		P
6.5	Social, Fraternal Clubs, Lodges												S	P	P	P		P
7.00	Recreation Amusement, Entertainment																	
<u>7.1</u>	Uses where activity is conducted entirely within the building (Bowling alleys, skating rinks, exercise facilities, etc.)														S	P		
<u>7.3</u>	Uses where activity is conducted outside the building	S													S	S	S	P
7.31	Privately owned recreational facilities such as golf courses, country, swimming or tennis clubs.	S	S	S	S	S	S	S	S	S	S		S	S	P	P		
7.32	Publicly owned and operated recreational facilities such as athletic fields, parks, swimming pools, tennis courts, etc.	S	S	S	S	S	S	S	S	P	P		P	P	P	P	P	P
7.33	Golf Driving Range not associated to golf course, par 3 golf, miniature golf, water slides, skateboard parks, and similar commercial ventures.	S													S	P		

7.34	Horseback Riding Stables	S																	P
8.00	Motor Vehicle-Related Sales and Service																		
<u>8.1</u>	Motor Vehicle Sales or Rental; Mobile Home Sales															P	P	P	
<u>8.2</u>	Motor Vehicle Sales with Repair (no body repair)															P	P	P	
<u>8.3</u>	Motor Vehicle Repair and Maintenance (no body work)															S	P	P	
<u>8.4</u>	Motor Vehicle Painting and Body Work															S	P	P	
<u>8.5</u>	Gas Sales															P	P	P	
<u>8.6</u>	Car Wash															P	P	P	
9.00	Storage and Parking																		
<u>9.1</u>	Automobile Parking (garages or lots not located on a lot on which there is another principal parking use to which the parking is related)									S		S	P	P	P	P	P	P	
<u>9.2</u>	Warehouse Storage															S	P	P	P
<u>9.3</u>	Scrap Materials, Junkyards, Auto Graveyards																	S	
10.00	Agricultural, Mining Operations																		
<u>10.1</u>	Agricultural Farming (excluding livestock)	P	P														P	P	

10.2	Agricultural Farming (including livestock, maximum_1 per acre)	S	S																	
10.3	Mining or Quarrying ⁴	S															S	S		
10.4	Borrow Pit ⁴	S															S	S		
10.5	Landfill ⁴	S															S	S		
11.00	Misc. Public and Semi-Public Facilities																			
11.1	Airport/Utility Facility	S															S	S	P	
11.2	Post Office														P	P	P	P	P	
11.3	Cemetery	S	S	S	S	S	S	S	S	S	S		S	S					P	
12.00	Open Air Market/Sales																			
12.1	Open Air Markets, Flea Markets, Crafts, Etc.	S															S	S		
12.2	Produce Market, Open Horticultural Sales	S													S	P				
13.00	Communication Towers																			
13.1	Monopole Towers																	S	S	S
13.2	Communication Towers/Multiple Uses																	P	P	S
13.3	Camouflage Towers																S	P	P	S
14.00	Bus Stations																S	S	S	
16.00	Adult Entertainment																	P	P	

¹ Also permitted in District MH-1.² See Article V, Section 5.6.

³ Prohibited in Shopping Centers. This prohibition shall not apply to pet care services.

⁴ See Article XV, Section 16.9.

⁵ Notwithstanding any provision of this ordinance or the Land Development Code, pharmacies existing at the time of the ordinance effective date shall be considered permissible uses as a matter of right at their present location.

⁶ Limited to six (6) or fewer residents and cannot be located closer than one thousand (1,000) feet of another existing home of six (6) or fewer home or one thousand two hundred (1,200) feet of an existing community residential home.

P — Use is permissible with a zoning permit issued by Land Use Administrator.

S — Use is permissible with special exception permit issued by the City Council.

Blank Cell — Use is prohibited.

(Ord. No. 1626, § 5, 8-17-15; Ord. No. 1655, § 2, 9-7-17; Ord. No. 1677, § 3, 11-5-18)

Section 4.11. - Prohibited Uses and Specific Exclusions.

- (A) **Prohibited Uses** The following uses are specifically prohibited in all districts:
- (1) Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustible or explosive materials in violation of the Florida Fire Prevention Code, latest edition.

(2) Stockyards, slaughterhouses, or rendering plants.

(3) Use of a vehicle, motor vehicle, or temporary structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business conducted unless it is an authorized accessory use or special event.

(4) Stand-alone bars or cocktail lounges offering alcoholic beverages for consumption on the premises.

(5) Adult Entertainment establishments except as permitted by the City of Oviedo, Code of Ordinances.
- (B) **Prohibited Accessory Uses** The following activities are prohibited in residential districts:
- (1) Storage outside of a substantially enclosed structure of any motor vehicle that is either unlicensed or inoperable.

(2) Parking outside a substantially enclosed structure of any boat trailer, boom truck, dump truck, camping trailer, recreational vehicle, semi-trailer, temporary living quarters, trailer, travel trailer, truck camper, truck-tractor, truck trailer, wrecker, single-unit truck or motor home between the front building line of the principal building and the street on any lot used for purposes that fall within the following principal use classification: 1.1 through, and including, 1.6.
- (C) **Hazardous Materials** Storage of hazardous materials or hazardous waste shall not be permitted within the one-hundred-year floodplain.

(Ord. No. 1497, § 2, 9-20-10; Ord. No. 1677, § 3, 11-5-18)

Section 4.12. - Minimum Lot Use Regulations.

All lots shall satisfy the minimum lot use regulations as set forth in Table 4.2, Table of Lot Use Regulations.

TABLE 4.2: TABLE OF LOT USE REGULATIONS

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Structure Front Setback	Minimum Structure Side Setback	Minimum Structure Rear Setback

A	2 acres	100'	35'	15'	35'
R-CE	1 acre	100'	25'	10'	30'
R-1AAA	20,000 sf	90'	25'	10'	25'
R-1AA	15,000 sf	90'	25'	10'	25'
R-1A	10,890 sf	85'	25'	10'	25'
R-1	8,500 sf	80'	Building 20' Garage 25'	8'	25'
R-1B**	6,000 sf	60'	Building 20' Garage 25'	7'	25'
R-1BB**	5,000 sf	50'	Building 20' Garage 25'	5'	20'
R-2**	7,500 sf	70'	Building 20' Garage 25'	8'	25'
R-3* **	n/a	n/a	35'	15'	25'
R-P Residential Non-Residential	15,000 sf n/a	70' n/a	25' 25'	10' 10'	20' 20'
O-C	n/a	n/a	25'	10'	20'
C-1	n/a	n/a	25'	10'	20'
C-2	n/a	n/a	30'	10'	20'
I-1	n/a	n/a	30'	10'	30'
I-2	n/a	n/a	30'	10'	30'
PLI	n/a	n/a	25'	10'	20'

Notes:

- * Setbacks for multi-family uses in these zoning districts shall follow the setbacks established in Article VIII, Architectural and Urban Design Standards.
- ** Minimum lot size and minimum lot width for single-family attached/townhome uses in these zoning districts shall follow the guidelines established in Article VIII, Architectural and Urban Design Standards.

(Ord. No. 1647, § 2, 2-20-17; Ord. No. 1677, § 3, 11-5-18)

Section 4.13. - Minimum Lot Standards.

- (A) **Irregularly Shaped Lots** No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that:
 - (1) Could be used for purposes that are permissible in that zoning district and
 - (2) Could satisfy any applicable setback requirements for that district.
- (B) **Minimum Lot Widths** Without limiting the generality of the foregoing standard, the minimum lot width of any lot shall satisfy the criteria as set forth in Table 4.2. The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary line at opposite sides of the lot.
- (C) **Minimum Frontage Requirements** No lot shall be created with less than twenty (20) feet of road frontage.
- (D) **Minimum Lot Size Where On-Site Sewage Disposal Facilities Are Required** Lot size must be sufficient to obtain a septic tank permit from Seminole County.

Section 4.14. - Structure Setbacks.

- (A) **Structure Setbacks Established** No portion of any structure may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in Table 4.2.
- (B) **Structure Setback Measurement** Setback distances shall be measured from the property line or street right-of-way line to the nearest point on a structure wall.
- (C) **Designation of Front and Rear Yards** All lots must have at least one (1) front yard and one (1) rear yard or additional front yard. In the case of five-sided or other irregularly shaped lots, the Land Use Administrator shall determine the designated rear yard.
- (D) **Principal Structure** The principal structure shall be located no closer to any property line than the established side yard setback.
- (E) **Projections from Residential Structures** Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service and/or emergency vehicles.

Section 4.15. - Accessory Structures.

- (A) **Detached Residential Accessory Structure Requirements** Accessory residential structures that are detached from the principal structure are permissible in residential districts. Detached accessory structures shall comply with the following standards:
 - (1) Detached accessory structures must be located to the rear of the principal structure on residential lots.
 - (2) Detached accessory structures, which do not exceed twelve (12) feet in height or one hundred twenty (120) square feet in floor space, must be setback a minimum of five (5) feet from the rear and side property line to the structure.
 - (3) In the case of a corner lot, the detached accessory structure must be setback from the street-side property line no less than the setback for the principal structure.
 - (4) If any point of a detached accessory structure exceeds twelve (12) feet in height, then the entire structure must be setback an additional two (2) feet for every one (1) foot of height which exceeds twelve (12) feet.
 - (5) Detached accessory structures in excess of one hundred twenty (120) square feet in area must meet the setback requirements

of Section 4.12.

(B) **Accessory Pool, Patio or Screen Enclosure Structure Requirements** Accessory structures such as pools, patio decks and outdoor screen enclosure structures are permissible in residential districts in accordance with the following requirements:

- (1) Accessory pool, patio and screen enclosures must be located to the rear of the principal structure on residential lots.
- (2) No point of an accessory screen enclosure structure may exceed the height of the principal structure on a residential lot.
- (3) The maximum height of the rear edge of a screen enclosure structure, measured at the minimum rear setback line, shall not exceed fourteen (14) feet above finished grade.
- (4) The rear setback of an outdoor screen enclosure structure shall be increased one (1) foot of additional setback distance for each additional one (1) foot in height of the rear edge of the screen enclosure.
- (5) The maximum height of an outdoor screen enclosure shall step back according to a slope angle not to exceed one (1) foot of rise to one (1) foot of run starting at the rear setback line.
- (6) The setbacks for accessory pool, patio and screen enclosure structures shall be as follows:

Front Setback: Same as principal building setback.

Side Setback: Same as principal building setback.

Side Corner Setback: No less than the setback of the principal setback.

Rear Setback: Minimum seven (7) feet to edge of pool/patio decking.

Minimum seven (7) feet to edge of screen enclosure structure.

(C) **Walls and Fences Requirements** All walls and fences shall be constructed in compliance with applicable building codes and according to the following dimensional and use regulations unless specified otherwise in the conditions of a site development order, special exception use order, development agreement or by special permission of the City Council:

- (1) **Prohibited Walls and Fences.** Barbed wire, razor wire, or similar materials on developed residential sites.
- (2) **Height.** No permanent wall or fence shall exceed six (6) feet in height except as follows:
 - (a) As may be required by office and commercial architectural standards.
 - (b) Customary fencing around tennis courts and other approved recreational amenities.
 - (c) Decorative features and appurtenances as may be approved by the issuance of a site development order or development permit.
 - (d) Barbed wire, razor wire or similar materials in industrial zones.
- (3) **Setbacks.** The following setbacks shall apply to all permanent walls and fences:
 - (a) No setbacks shall be required along rear or side property lines that are not located along a road right-of-way.
 - (b) A permanent wall or fence four (4) feet or less in height is exempt from the front yard setback requirements stated in Subsection (3)(a) above, but shall comply with the right-of-way setback as stated in Subsection (3)(d) below.
 - (c) The front yard setback shall be the same as the building setback for the applicable zoning district, except for the following:
 1. In the case of a corner lot, if the side of the primary structure faces a road right-of-way, walls and fences may observe a setback equal to one-half (½) of the applicable building setback,
 2. In the case of a through lot, no setbacks shall be required where the subdivision wall is located on a wall easement in the rear yard and constructed at the property line of individual lots without a separate common tract of land, provided there is no access from the proposed rear of the individual lot to the adjacent right-of-way; the main building entrance on the lot faces another right-of-way; and the area between the subdivision wall and the principal structure functions as a rear yard.
 - (d) No wall or fence shall be located closer than two (2) feet to a right-of-way line.

(e) Setbacks for walls and fences for Townhome, Multi-family, Mixed Use, Commercial and Office uses are provided in Article VIII.

(4) Design and Maintenance.

- (a) All walls and fences shall be maintained in their original upright conditions.
- (b) Walls and fences designed for painting or similar surface finish shall be maintained in their original condition as designed.
- (c) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (d) Walls or fences having a side with exposed or irregular, structural components and a more finished, uniform and aesthetically attractive sides shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property.
- (e) Masonry walls shall be finished with brick on all exposed sides.

(5) Construction Temporary Mesh Fence Wraps.

- (a) Mesh fence wraps with graphics are allowed only on permitted construction temporary fences and shall not be considered signage.
- (b) Mesh fence wraps with graphics must be immediately removed upon issuance of the Certificate of Occupancy for the project or within twenty-four (24) months of the installation of the mesh fence wrap, whichever is shorter.
- (c) Mesh fence wraps cannot exceed the height of the permitted fence.

(D) Flags and Flagpoles.

- (1) Property assigned a zoning district (classification) for any use other than single-family residential may, without being issued a sign permit or any other permit except for a building permit for the flagpole(s), locate up to three (3) flagpoles per site, provided that a building permit for each flagpole is issued by the City and the construction of each flagpole occurs as permitted. A site which is assigned the Public land use designation/classification may be approved for additional flagpoles and the display of additional flags upon approval of a site development order issued by the City Council which site development order may include conditions relating to the temporary display of flags which do not comply with the flagpole structural requirements set forth in this section.
- (2) The maximum height for any flagpole is thirty-five (35) feet. Under no circumstances shall a flagpole be constructed or permitted to be constructed which is higher than thirty-five (35) feet.
- (3) The minimum height for any flagpole is twenty (20) feet.
- (4) Flag sizes shall not exceed:
 - (a) Four (4) feet in width by six (6) feet in length on a flagpole twenty (20) to twenty-five (25) feet (20' < 25') in height.
 - (b) Five (5) feet in width by eight (8) feet in length on a flagpole twenty-five (25) to thirty (30) feet (25' < 30') in height.
 - (c) Six (6) feet in width by ten (10) feet in length on a flagpole thirty (30) to thirty-five (35) feet (30' ≤ 35') in height.
- (5) Flagpoles shall not be higher than ten (10) feet above the highest part of the structural roof and shall not be mounted on or supported by the roof unless approved during site plan process or a non-statutory development agreement is approved by the City Council in accordance with the provisions of this section and Subsection 14.5(D)(4) of the LDC.
- (6) If a flagpole is constructed with a base, the base shall be constructed with materials that match the architectural style and materials as if a base for a sign were being permitted.
- (7) Flags must be flown and displayed on a flagpole.

(E) Boat Docks. All boat docks shall be constructed in compliance with applicable building codes and according to the following dimensional and use regulations:

- (1) The maximum area of a boat dock, including boat house and terminal platform, shall be six hundred (600) square feet. The roof of the boat dock shall have a minimum slope of 2.5:12 (rise:run), shall not exceed the dimensions of the boat dock by more than three (3) feet on any side, and shall not be used as a deck, patio or outdoor area for any purpose.

- (2) Boat docks shall extend waterward a maximum length of forty (40) feet as measured at a right angle from the shoreline. A waterward distance greater than forty (40) feet must be approved by the Land Use Administrator, and shall be approved only if written documentation demonstrates that the additional distance is necessary to accommodate motorized watercraft and minimize the impact to the lake shoreline, wetlands and littoral vegetation
- (3) Boat docks shall have a minimum side yard setback of ten (10) feet.
- (4) The maximum width of the main access pier shall be six (6) feet. The minimum width of the main access pier shall be four (4) feet.
- (5) The minimum deck elevation shall be two (2) feet above the normal high water elevation.
- (6) The maximum height of a boat dock and boat house shall be thirteen (13) feet above the normal high water elevation provided that such height shall not be such as would unreasonably obscure the view of other lakefront owners.
- (7) The boat house shall not exceed two hundred fifty (250) square feet. The roof of the boat house shall have a minimum slope of 2.5:12 (rise:run) and shall not exceed the dimensions of the boat house by more than three (3) feet on any side.
- (8) The maximum area of the terminal platform shall be two hundred fifty (250) square feet.
- (9) Non-conforming boat docks shall comply with the requirements of this section and as set forth in Article VII, Non-Conforming Situations.
- (10) A copy of a legal survey of the property, proof of ownership, application fees, a statement of consent of use of State owned sovereign lands from the appropriate state regulatory agency, and all applicable state and federal regulatory agency permits shall accompany the application for building permit for construction of a boat dock. The survey shall include, but not be limited to, the following:
 - (a) Legal description, north arrow, scale and name of lake.
 - (b) Name of owner and address of property.
 - (c) Preparation and revision date.
 - (d) Identification of the preparer of the plan.
 - (e) Dimensions of the property and locations of all existing and proposed buildings, swimming pools, pool decks, retaining walls, fences, wall easements, and conservation areas.
 - (f) Location of boat dock including the distance from the side property lines and the distance between the existing shoreline at the point where the dock is to be constructed and a permanent object such as a house, swimming pool, or pool deck.
 - (g) Approximate location of the shoreline.
 - (h) Estimated normal high water elevation and depth of water at the end of the proposed dock.
 - (i) Dimensions of the boat dock including the boat house and terminal platform.
 - (j) Floor elevation of the proposed dock and terminal platform and floor and roof elevation of the boat house.
- (11) The following uses are prohibited:
 - (a) Dredging activities, unless authorized by the appropriate state and/or federal regulatory agency.
 - (b) Revenue generating or income related activities.
 - (c) Enclosed non-water dependent structures and/or uses of the dock for non-water dependent purposes.
 - (d) Living quarters or fueling facilities.
 - (e) Interference with the rights of other persons or property owners to the use of, and access to, the lake.
 - (f) Adverse impact, harm or injury to any listed animal or plant species or critical habitat of such species.
 - (g) Interference with navigation.
- (12) The impact on wetlands, the shoreline, and littoral vegetation shall be minimized, and shoreline and littoral trees and vegetation shall be preserved to the greatest extent possible.

- (13) The dock shall be designed and constructed to accommodate no more than two (2) motorized vessels or watercraft.
 - (14) Benches and boat lockers shall not exceed ninety-six (96) inches in length, thirty-six (36) inches in width or thirty-six (36) inches in height above the decking of a boat dock. No dock shall have more than one (1) bench and one (1) boat locker for each permitted vessel.
 - (15) A property owner may clear a maximum of thirty (30) linear feet of the shoreline. The remaining shoreline shall be vegetated with native canopy trees, understory trees, and other vegetation for a minimum landward depth of ten (10) feet from the shoreline. Non-native trees and vegetation shall not be allowed.
 - (16) Boat docks, boat houses, and terminal platforms shall not be enclosed with walls or doors.
 - (17) Only one (1) boat dock, one (1) boat house or one (1) boat ramp constructed alone or in any combination shall be allowed per lot, parcel or tract abutting a lake, river, or other waterbody.
 - (18) Maintenance shall be performed in a timely manner with material of the original type or quality to maintain the original condition.
- (F) **Boat Ramps Requirements** All boat ramps shall be constructed in compliance with applicable building codes and according to the following dimensional and use regulations:
- (1) Boat ramps shall have a maximum width of fifteen (15) feet.
 - (2) Boat ramps shall have a minimum side yard setback of ten (10) feet.
 - (3) Boat ramps shall have a minimum slope of ten (10) degrees and a maximum slope of fifteen (15) degrees.
 - (4) Boat ramps shall have a maximum of one (1) lane for the launching and retrieving of trailered, motorized watercraft.
 - (5) Boat ramps shall have a wheel stop to prevent the boat trailer from backing off of the boat ramp.
 - (6) Non-conforming boat ramps shall comply with the requirements of this section and as set forth in Article VII, Non-Conforming Situations.
 - (7) A copy of a legal survey of the property, proof of ownership, application fees, a statement of consent of use of state owned sovereign lands from the appropriate state regulatory agency, and all applicable state and federal regulatory agency permits shall accompany the application for building permit for construction of a boat ramp. The survey shall include, but not be limited to, the following:
 - (a) Legal description, north arrow, scale and name of lake.
 - (b) Name of owner and address of property.
 - (c) Preparation and revision date.
 - (d) Identification of the preparer of the plan.
 - (e) Dimensions of the property and locations of all existing and proposed buildings, swimming pools, pool decks, retaining walls, fences, walls easements, and conservation areas.
 - (f) Location of boat ramp including the distance from the side property lines and the distance between the existing shoreline at the point where the ramp is to be constructed and a permanent object such as a house, swimming pool, or pool deck.
 - (g) Approximate location of the shoreline.
 - (h) Estimated normal high water elevation and depth of water at the end of the proposed ramp.
 - (i) Dimensions and materials of the boat ramp.
 - (j) Calculations regarding the amount of fill and excavation that will be required for the construction of the boat ramp.
 - (k) A list of materials that will be used to construct the boat ramp.
 - (l) Cross section survey depicting slopes, elevations, and depth profiles of the boat ramp.
 - (8) The following uses are prohibited:
 - (a) Public boat ramps, except for canoe launches.

- (b) Dredging activities, unless authorized by the appropriate state and/or federal regulatory agency.
- (c) Revenue generating or income related activities.
- (d) Enclosed non-water dependent structures and/or uses of the dock for non-water dependent purposes.
- (e) Living quarters or fueling facilities.
- (f) Interference with the rights of other persons or property owners to the use of, and access to, the lake.
- (g) Adverse impact, harm or injury to any listed animal or plant species or critical habitat of such species.
- (h) Interference with navigation.
- (9) The impact on wetlands, the shoreline, and littoral vegetation shall be minimized, and shoreline and littoral trees and vegetation shall be preserved to the greatest extent possible.
- (10) A property owner may clear a maximum of thirty (30) linear feet of the shoreline. The remaining shoreline shall be vegetated with native canopy trees, understory trees, and other vegetation for a minimum landward depth of ten (10) feet from the shoreline. Non-native trees and vegetation shall not be allowed.
- (11) Only one (1) boat dock, one (1) boat house or one (1) boat ramp constructed alone or in any combination shall be allowed per lot, parcel or tract abutting a lake, river, or other waterbody.
- (12) Maintenance shall be performed in a timely manner with material of the original type or quality to maintain the original condition.

(Ord. No. 1584, § 3, 6-2-14; Ord. No. 1626, § 5, 8-17-15; Ord. No. 1647, § 2, 2-20-17; Ord. No. 1677, § 3, 11-5-18)

Editor's note— Ord. No. 1626, § 5, adopted Aug. 8, 2015, set out provisions intended for use as subsections (D) and (E) in § 4.15 above.

Inasmuch as there were already provisions so designated, said subsections have been codified herein as subsections 4.15(E) and (F) at the discretion of the editor.

Section 4.16. - Height.

Maximum Building Height: Subject to the remaining provisions of this section, no building may exceed thirty-five (35) feet in height in any district within the City, except in the Downtown Mixed Use Districts and as provided in Article VIII.

(Ord. No. 1647, § 2, 2-20-17)

Section 4.17. - General Development Standards.

- (A) **General** All land proposed for development within the City shall be suitable for the use proposed; shall be adequately served by public facilities and services; and shall conform to adopted goals, objectives, and policies of the City Council. All proposed development shall also be consistent with the adopted Comprehensive Plan for the City.
- (B) **Environmental Considerations** Development shall make advantageous use of natural topography and preserve mature trees whenever possible. Special development stipulations may be placed on areas with low and very low potential soils; areas within the one hundred-year floodplain; wetlands; and other unique environments. Because most environmental problems are site specific, conditions and proposals will be evaluated with development order reviews.
- (C) **Finished Floor Elevations** Lots and building sites shall be graded to permit construction utilizing a first floor elevation based on the following:
 - (1) At least one (1) foot above the one hundred-year flood plain elevation as approved by the Land Use Administrator.
 - (2) If a lot or site is reasonably level, or slopes toward a street, the minimum finish floor elevation shall not be less than sixteen (16) inches above the lowest crown of that portion of the adjacent street, or right-of-way upon which the structure fronts.
 - (3) If a lot or site slopes away from a street or road with continuous slope towards a lake, stream, or water collection area (and positive drainage exists), then the finish floor elevation of any structure shall be not less than twelve (12) inches above the

finished site grade measured at the highest contour that abuts the building. Where necessary, swales shall be constructed to divert run-off water around any structure so as to not adversely impact adjacent property owners.

- (4) It is the intent of the City that lots and building sites provide the necessary finish floor elevation without excessive filling of land. Specific grading plans with finish floor elevations shall be submitted for review and approval of the Engineering Department. An approved plan that specifies individual elevations shall supersede the requirements in Subsections 4.17(B) and (C) of this section.
- (5) Driveways or other areas of access to a building or structure shall be sloped to prevent the runoff of surface water into any building or structure.

Section 4.18. - Density Transfers.

Lands classified as wetlands are entitled to a density of one (1) unit per ten (10) acres where wetland characteristics allow residential development as demonstrated in "Planning Guidelines for Natural Resources," and are consistent with all provisions herein and specifically with Articles X and XV. Units or lots that would have been provided in designated wetlands may be transferred to useable portions of the development property at a rate of one (1) unit per five (5) acres; however, the net density of the useable portion of the property may not be increased by more than twenty (20) percent of the density allowed by the applicable zoning district for the useable portion.

(Ord. No. 1647, § 2, 2-20-17)

Editor's note— Ord. No. 1647, § 2, adopted Feb. 20, 2017, repealed Section 4.18, which pertained to office and commercial architectural standards and derived from Ord. No. 1626, § 5, 8-17-15, and renumbered Section 4.19 as 4.18, as herein set out.