

CHAPTER 155

CONDITIONAL USES AND SPECIAL EXCEPTIONS

SECTION 155.010: CONDITIONAL USES

a) In General.

Conditional uses shall be generally limited to those uses or combination of uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses within any zoning district in the Code.

b) Application Procedure.

Written application shall be made to the City for a conditional use in accordance with the rezoning procedures established in Chapter 152 of the Land Development Code. In addition, the applicant shall provide the following information:

- 1) A conceptual plan showing buildings, parking and access locations, utility service points, proposed screening or buffering and any other information pertinent to the specific requested use of the site; and
- 2) A written statement specially addressing the general requirements of Paragraph (d)(2) below:

c) Hearing Procedure.

The procedure for review and approval of conditional use request shall be in accordance with the zoning procedures established in Chapter 152 of the Land Development Code.

d) General Requirements and Conditions.

- 1) Conditions and Safeguards. In granting any conditional use, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and Code in general. Such conditions may include time limits for the initiation and duration of the conditional use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.
- 2) Review Criteria. When reviewing an application for a conditional use, the Planning and Zoning Board and City Commission shall consider the following requirements and criteria:
 - A) The proposed use must comply with the adopted Comprehensive Plan and Future Land Use Map;
 - B) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;

- A) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;
- B) Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of abutting land uses;
- C) Size, location and number of conditional uses in the area shall be limited so as to maintain the overall character of the district as intended by the Land Development Code.

e) ~~Transfer or~~ Abandonment of a Conditional Use.

~~Conditional uses run with the owner and not the property. Therefore, ownership of a conditional use cannot be transferred to another party.~~

A conditional use that is not initiated within one (1) year of being granted shall not be established without a new application and public hearing in accordance with the procedures for such described in Chapter 152 of the Land Development Code. A conditional use that is abandoned for a period of six (6) months or more shall not be reestablished without a new application and public hearing in accordance with procedures for such described in Chapter 152 of the Land Development Code.

SECTION 155.020: SPECIAL EXCEPTIONS

a) In General.

A special exception is a use that would not be appropriate without restriction, but which, if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety and general welfare. Such use may be permitted in a zoning district as a special exception only if identified as such in the Land Development Code.

b) Application Procedure.

Written application shall be made to the City for a special exception in accordance with the rezoning procedures established in Chapter 152 of the Land Development Code. In addition, the applicant shall provide the following information:

- 1) A conceptual site plan showing buildings, parking and access locations, utility service points, proposed screening or buffering, supplemental details necessary to address the review and criteria and safety any specific requirement for such use described in this Chapter, and any other information pertinent to the specific required use of the site.

The City Manager may exempt an applicant from the requirements of a conceptual plan, if deemed warranted.

- 2) A written statement specifically addressing the general requirements of Paragraph (d)(2) below and any special requirements for the specific use in Section 3 of this Chapter.

c) Hearing Procedure.

The procedure for review and approval of special exception request shall be in accordance with the rezoning procedures established in Chapter 152 of the Land Development Code.

d) Special Requirements and Conditions.

- 1) Conditions and Safeguards. In granting any special exception, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and the Code in general. Such conditions may include time limits for the initiation of the special exception use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.

- 2) Review Criteria. When reviewing an application for a special exception the Planning and Zoning Board and City Commission shall consider the following requirements and criteria:

- A) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;
- B) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;
- C) Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses;
- D) Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development; and
- E) Size, location or number of special exception uses in the area shall be limited so as to maintain the overall character of the district as intended by the Land Development Code.

e) Transfer or Abandonment of Special Exceptions.

Special exception run with the property and the ownership of a special exception use may be transferred to another party. A special exception use that is not initiated within one (1) year of being granted shall not be established without a new public hearing in accordance with requirements of this Chapter. A special exception use that is abandoned for a period of six (6) months or more shall not be reestablished without a new public hearing in accordance with the requirements of this Chapter.

f) Distance Between Special Exception Uses.

Unless the method for measurement is specifically described herein, the distance between specific uses shall be measured by a straight line drawn from the nearest point of each lot, parcel or site to each other.

SECTION 155.030: SPECIAL REQUIREMENTS AND CONDITIONS FOR SPECIAL EXCEPTION USES

a) In General.

For those special exception uses listed below, the following special requirements shall apply in addition to those described in Section 155.020(d) above. Buffering requirements for special exception uses found within this Section shall be in conformance with Section 164.0030(b) of the Land Development Code.

b) Special Requirements and Conditions.

1) ADULT CONGREGATE LIVING FACILITIES. (R-10) (R-3 15)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of one (1) acre;
- B) The proposed site shall front on an arterial or collector roadway;
- C) Additional buffering shall be provided for service and loading areas, based on the compatibility of adjacent land use, ~~and,~~
- ~~D) The maximum density shall not exceed that permitted within the underlying district.~~

2) ATHLETIC/SPORTS FACILITIES. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) A proposed corner site shall not abut a residential lot unless access is prohibited to the street upon which both lots front; and
- C) Additional buffering shall be provided for parking, loading and service areas which abut any residential zone.

3) BANKS. (RP) (C-1) (CBD)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;

- B) The proposed site shall be directly adjacent to a commercial land use;
- C) Special buffering and screening shall be provided where drive-thru lanes are adjacent to residential uses;

4) DAY CARE CENTERS. (R-~~24~~) (~~R-3~~)-(RP)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of fifteen thousand (15,000) square feet with a minimum lot width of one hundred (100) feet;
- B) The proposed site shall front on an arterial or collector roadway;
- C) A minimum of four thousand (4,000) square feet of outside play area shall be provided for the first twenty (20) children or less, and one hundred (100) square feet of play area per child for the next one hundred (100) children.
- D) The play area shall be completely enclosed with a minimum six (6) foot high opaque wall or fence to be constructed as part of the required bufferyard;
- E) A minimum buffer of 10' shall be provided, and;
- F) All day care centers must comply with State laws.

5) (LICENSED) COMMUNITY RESIDENTIAL HOMES, GROUP HOMES AND FOSTER CARE FACILITIES WITH MORE THAN SIX (6) RESIDENTS. (R-~~12~~) (R-~~24~~)

A special exception may be granted under the following conditions:

- A) The proposed facility shall be compatible with the neighborhood in its physical size;
- B) The proposed facility is not within one thousand twelve hundred (1200) feet of an existing facility;
- C) The proposed structure would not alter the character of the neighborhood;
- D) Adequate parking and infrastructure facilities are provided; and
- E) A minimum buffer of 15' shall be provided.

6) CONVENIENCE STORES WITH FUEL OPERATIONS. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; and

B) The proposed site shall be at least one (1) acre in size.

7) FARMERS/FLEA MARKETS. (C-2)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be a minimum of three (3) acres with a minimum of two hundred (200) feet of frontage;
- C) A maximum of twenty (20) percent of the site shall be devoted to sales area;
- D) Operation shall be restricted to daylight hours on Fridays, Saturdays and Sundays only and legal holidays which fall on a Monday;
- E) Required parking shall be provided at a ratio of two (2) spaces for every one hundred (100) square feet of sales area;
- F) Buffering shall be provided based on a Buffer Class "E" with a six (6) foot high opaque fence or wall required along property lines which abut any residential zone; and
- G) All refuse shall be removed from the site at the end of each day.

8) GAME/RECREATION FACILITIES. (RP) (C-1) (CBD)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be at least three hundred (300) feet from the nearest house of worship, school or day care center;
- C) The proposed site shall be at least one thousand (1,000) feet from any other such use;
- D) A minimum buffer of 15' shall be provided;
- E) The proposed site shall be at least three hundred (300) feet from a residential zone measured along right-of-way centerlines.

9) GUN AND ARCHERY RANGE. (C-2)

A special exception may be granted under the following conditions:

- A) Proposed gun range shall be located indoors and shall be sound-proofed;
- B) Proposed archery range shall be located on a site of at least one (1) acre; and

10) HEALTH/EXERCISE CLUBS. (RP) (C-1) ~~(CBD)~~

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) A proposed corner site shall not abut a residential lot unless access is prohibited to the street upon which both lots front; and
- C) Additional buffering and special design shall be provided to effectively prevent illumination of adjoining residential land due to outdoor lighting of courts, fields, pools or parking areas associated with the club or center.

11) MINI-WAREHOUSES. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of ~~one-two~~ (±2) acres;
- B) The proposed site shall front on an arterial or collector; and
- C) The mini-warehouses are to be used solely for the purposes of storage; retail sales and services, wholesale, manufacturing or other commercial uses are expressly prohibited.

12) MOBILE HOME SUBDIVISION. (R-~~315~~) (R-10)

A special exception may be granted under the following conditions:

- A) The density shall not exceed seven (7) units per acre;
- B) The minimum lot width shall be sixty-five (65) feet;
- C) The proposed site shall be a minimum of ten (10) acres;
- D) The proposed site shall front on an arterial or collector;
- E) Each mobile home shall contain a minimum living area of 1,200 square feet of which three hundred (300) square feet can be attached screened area, garage, carport or utility area.

13) MOBILE HOME PARKS. (R-~~315~~) (R-10)

A special exception may be granted under the following conditions:

- A) The density shall not exceed nine (9) units per acre;
- B) The minimum lot width shall be fifty-five (55) feet;
- C) The proposed site shall be a minimum of ten (10) acres;
- D) The proposed site shall front on an arterial or collector;

- E) Each mobile home shall contain a minimum living area of 800 square feet of which two hundred (200) square feet can be attached screened area, garage, carport or utility area;
- F) Each mobile home shall have "skirts" installed.

14) NATURAL GAS/PROPANE DISTRIBUTION CENTERS. (I)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall contain a minimum of one (1) acre;
- C) All tanks and dispersing equipment must setback a minimum of 50' from all property lines or comply with State and Federal requirements, whichever is greater.

15) NURSING HOMES. (R-~~315~~) (R-10)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) Additional buffering shall be provided for service and loading areas;
- C) Proof of licensing by the appropriate jurisdictional agency will be required prior to final development approval.

16) OFFICE/WAREHOUSE FACILITIES. (RP)

A special exception may be granted under the following conditions:

- A) General retail sales and services shall not be permitted;
- B) Warehouse space shall be used for storage purposes only. No manufacturing or fabrication of any kind shall be permitted;
- C) No commercial vehicles larger than one (1) ton capacity shall be regularly parked on the site; and
- D) Additional buffering shall be provided for access drives and other areas specifically designed to serve the warehouse facilities.

17) SINGLE FAMILY RESIDENTIAL DWELLING UNIT. (I)

A special exception may be granted under the following conditions:

- A) The dwelling unit cannot be a mobile home; and
- B) The dwelling unit is to be used exclusively by the owner or caretaker.

~~18) TWO FAMILY DWELLINGS (DUPLEX). (R-2)~~

~~A special exception may be granted under the following conditions:~~

~~A) Minimum lot width and area: The minimum lot width for a two family dwelling unit shall be one hundred (100) feet. The minimum lot area shall be twelve thousand (12,000) square feet;~~

~~B) Each unit shall contain a minimum living area of six hundred (600) square feet.~~

198) TRUCKING TERMINAL. (C-2)

A special exception may be granted under the following conditions:

A) The proposed site shall front on an arterial roadway; and

B) The proposed site shall be a minimum of five (5) acres.

2019) RESTAURANT. (C-1)

A special exception may be granted under the following conditions:

A) The proposed site shall front on an arterial or collector roadway;

B) The maximum number of seats shall not exceed fifty (50); and

C) No drive thru service shall be permitted.

210) USED MOTOR VEHICLE PARTS YARD. (I)

A special exception may be granted under the following conditions:

A) The proposed site shall be a minimum of one (1) acre;

B) Storage of used motor vehicle parts shall be within an enclosed building or within a six (6) to eight (8) foot high wall or fence;

C) The proposed site shall front on an arterial or collector roadway.

221) VETERINARY OFFICES. (RP) (C-1)(CBD)

A special exception may be granted under the following conditions:

A) The proposed site shall front on an arterial or collector roadway;

B) The proposed site shall be a minimum of one (1) acre;

C) The proposed site shall be devoted to the sole purpose of the use, and shall not be part of any multi-tenant complex or multi-use property;

D) Open kennels shall be screened from off-site view; and

- E) Structures, pens or runs shall be setback a minimum of fifty (50) feet from any lot line.

| ~~232~~ 243) XEROGRAPHIC AND OFFSET PRINTING. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; and
- B) The proposed facility shall contain less than one thousand five hundred (1500) square feet of service and storage area.

| ~~243~~ 243) RECREATIONAL VEHICLE PARKS. (C-2)

A special exception may be granted under the following conditions:

- A) The site shall be designated and used for short-term, transient accommodation of:
 - i) Travel trailers;
 - ii) Park models;
 - iii) Vehicles with sleeping accommodations; and
 - iv) Other similar type accommodations.
- B) The occupant and vehicle of one of the spaces (other than those employed to maintain the site) shall remain in the same park no longer than one hundred eighty (180) days out of every three hundred sixty-five (365) days.
- C) Convenience establishments, such as grocery stores, restaurants and laundries may be permitted in recreational vehicle parks however, the convenience establishments shall be restricted to use by the park occupants only and not advertised for patronage by the general public.
- D) Restroom and shower facilities shall be provided based upon the following:
 - i) Men's Toilets – One (1) for every thirty (30) spaces, or fraction thereof;
 - ii) Men's Urinals – One (1) for every fifty (50) spaces, or fraction thereof;
 - iii) Men's lavatories – One (1) for every twenty (20) spaces, or fraction thereof;
 - iv) Women's toilets – One (1) for every twenty (20) spaces, or fraction thereof;

- v) Women's lavatories – One (1) for every twenty (20) spaces, or fraction thereof;
 - vi) Showers – One (1) for each sex for every one hundred (100) spaces, or fraction thereof.
- E) Sanitary stations for disposal of recreation vehicle waste shall be provided at a ratio of one (1) for every one hundred (100) spaces, or fraction thereof.
- F) Interior streets shall be designed as follows:
- i) All one way streets shall have a minimum pavement width of twelve (12) feet; and
 - ii) All two way streets shall have a minimum pavement width of twenty-four (24) feet.
- G) No permanent attachments or structures such as, but not limited to, screen rooms, utility sheds and storage sheds shall be allowed other than those attached to the caretaker's residence or permanent facilities which are used in conjunction with the operation of the RV park.
- H) A master park plan shall be prepared as outlined in Chapter 160 of the Land Development Code.

254) BED AND BREAKFAST INNS. (R-24) (R-10) (R-315) (RP)

Bed and breakfast homestays may be allowed when there is no appearance of commercial activity. The structure must maintain its residential character.

- A) *Parking Requirements:* Two (2) parking spaces for the dwelling, plus one space per guest room must be provided. The parking must be in the rear yard and/or shielded from public view and from the view of adjacent property owners as required by the City Commission.
- B) *Signs:* One sign not to exceed eight (8) square feet may be permitted to identify the establishments in residential zoning districts. The sign must be constructed in sand-blasted wood, ornamental iron, or other materials as approved by the Planning and Zoning Commission. Portable and lighted signs shall not be allowed.
- C) *Exterior Design Standards:* The exterior appearance of the structure shall not be altered from its single-family appearance.
- D) *Guest Rooms:* Guest rooms shall be a minimum of 120 square feet.
- E) *Short Term Lodging:* No bed and breakfast inn shall allow an individual to be a guest for more than thirty (30) days in any calendar year.

- F) *Licensing:* Bed and Breakfasts must receive all required State and local licenses for bed and breakfast inns prior to opening.
- G) *Additional Conditions:* Other conditions that may be deemed necessary by the City Commission to protect the health, safety and welfare of the general public may be imposed.

25) TATTOO PARLOR (CBD)

A special exception may be granted under the following conditions:

A) The proposed site shall be at least two thousand (2,000) feet from any other such use.

26) RETAIL OR WHOLESALE NURSERIES AND GREENHOUSES (GB)

A special exception may be granted under the following conditions:

A) The proposed site shall front on an arterial or collector roadway; and

B) The proposed site shall be a minimum of two (2) acres.

27) FISHING CLUBS AND MARINAS (GB).

A special exception may be granted under the following conditions including but not limited to:

A) Adequate parking and infrastructure must be provided.

B) Additional buffering and special design shall be provided to effectively prevent illumination of adjoining residential areas due to outdoor lighting.

28) BOAT SALES (C-2)

A special exception may be granted under the following conditions including but not limited to:

A) The proposed site shall be at least two thousand (2,000) feet from any other such use;

B) The proposed site shall be a minimum of one (1) acre;

C) The proposed boat sales display area shall be stabilized and maintained; and

D) The proposed site shall front on an arterial or collector roadway.

29) MOBILE HOME SALES (C-2)

A special exception may be granted under the following conditions including but not limited to:

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use;
- B) The proposed site shall be a minimum of one (1) acre;
- C) The proposed mobile home sales display area shall be stabilized and maintained; and
- D) The proposed site shall front on an arterial or collector roadway.

30) MOTOR VEHICLE AND BOAT STORAGE FACILITIES (C-2)

A special exception may be granted under the following conditions including but not limited to:

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use;
- b) The proposed motor vehicle and boat storage area shall be stabilized and maintained;
- D) The proposed site shall front on an arterial or collector roadway; and
- E) The proposed storage area shall be completely enclosed by a six (6) foot high vinyl opaque fence or wall.

31) MOTOR VEHICLE SALES AND MOTOR VEHICLE DEALER SALES (C-2)

A special exception may be granted under the following conditions including but not limited to:

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use;
- B) The proposed site shall be a minimum of one (1) acre;
- C) The proposed vehicle display area shall be stabilized and maintained; and
- E) The proposed site shall front on an arterial or collector roadway.