

ORDINANCE 2016-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE TO INCLUDE SPECIFIC CHANGES FOR THE 8<sup>TH</sup> STREET SMALL AREA BY MODIFYING CHAPTER 2: ZONING DISTRICTS AND USES TO ADD A ZONING DISTRICT CALLED 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8), PROVIDING SPECIFIC USES AND ACCESSORY USES, AND ADDING DESIGN STANDARDS IN CHAPTER 4 AND CHAPTER 6 AND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, since 2014, the City has gathered a working group of stakeholders interested in 8<sup>th</sup> Street revitalization to determine potential solutions for the corridor; and

WHEREAS, the working group established the following goal statement of creating "A vibrant and welcoming mixed-use corridor with a unified attractive visual character that serves as a gateway and connects to the history and character of Downtown Fernandina Beach"; and

WHEREAS, the Planning Advisory Board (PAB) established a subcommittee between June and November 2015 to determine a logical regulatory strategy towards achieving the working group's established goal and recommended solutions; and

WHEREAS, City Planning staff established a Public Involvement Program which included, a kick-off meeting where all stakeholders were invited, input gathering at the local farmer's market, property owner and business owner outreach via postcards to advertise upcoming outreach efforts and public comment opportunities, held three public houses throughout the City, and organized a walking tour along S. 8<sup>th</sup> Street; and

WHEREAS, staff considered all public input gathered from the various outreach efforts and incorporated changes in the proposed amendments for presentation to the PAB; and

WHEREAS, the PAB acting as the designated Local Planning Agency, has reviewed and held a public hearing on May 24, 2016, advertised in a newspaper of local circulation on May 11, 2016, and rendered its final recommendation to approved the requested amendments with a minor change by a 4-3 vote.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 18<sup>th</sup> day of October, 2016.

CITY OF FERNANDINA BEACH

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JOHN A. MILLER  
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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CAROLINE BEST  
City Clerk

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TAMMI E. BACH  
City Attorney

**LAND DEVELOPMENT CODE:**

**ZONING DISTRICT**

**2.01.10 8<sup>th</sup> Street Small Area Mixed Use (MU-8)** *(renumbering of all zoning categories which follow)*

The MU-8 district is intended for redevelopment of the City's 8<sup>th</sup> Street commercial corridor to allow for a combination of residential, office, housing, and general commercial activities in a vibrant urban setting. The MU-8 district is intended to promote the 8<sup>th</sup> Street corridor as a thriving gateway to the historic downtown of Fernandina Beach through economical and efficient land use, an improved level of amenities, residential density through a variety of housing types, and a better compact, urban environment. Properties within the MU-8 district shall provide for a unified pedestrian and landscape area along the 8<sup>th</sup> Street frontage to serve as an extension of the downtown Fernandina Beach character and design. The allowable density in the MU-8 zoning district is a maximum of 18.0 units per acre.

4.01.00 DENSITY AND HOUSING STANDARDS

4.01.01 Density and Housing Types

Table 4.01.01. Density and Housing Types in Base Zoning Districts.

Zoning District	Maximum Gross Density (dwelling units per acre)	Permissible Housing Types
RE	1.0	Single-family detached
R1-G	4.0	Single-family detached
R-1	4.0	Single-family detached
RLM	6.0	Single-family detached
R-2	8.0	Single-family detached Duplex structures Triplex structures Townhouses
R-3	10.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family structures with 4 or more units
OT-1	10.0	Single-family detached
OT-2	10.0	Single-family detached
MU-1	8.0	Single-family detached Duplex structures Triplex structures Townhouses Mixed Use
<u>MU-8</u>	<u>18.0</u>	<u>Single-family detached</u> <u>Duplex structures</u> <u>Triplex structures</u> <u>Townhouses</u> <u>Multi-family Structures with 4 or more units</u> <u>Mixed Use</u>
C-1		Prohibited
C-2		Prohibited
C-3	8.0	Single-family detached Multi-family structures or mixed use
I-1		Not permitted as a principal use <sup>1</sup>
I-A		Not permitted as a principal use <sup>1</sup>
I-W		Not permitted as a principal use <sup>1</sup>
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1		Not permitted as a principal use <sup>1</sup>
CON		Not permitted as a principal use <sup>1</sup>
REC		Prohibited

**Table 4.02.01 (J). Design Standards for Lots**

Zoning District	Minimum Lot Width (ft.)	Maximum Impervious Surface Ratio for Lots (%)	Maximum Floor Area Ratio for Lots (%) (Note 1)
RE	100	75	50
R1-G	75	75	50
R-1	50 or 75 Note 2	75	50
RLM	50	75	50
R-2	50 Note 4	75	50
R-3	50	75	50
OT-1	46.5	Note 7	50
OT-2	46.5	Note 7	50
MU-1	50	75	50
<u>MU-8</u>	<u>25</u>	<u>75</u>	<u>200</u>
C-1	50	75	50 Note 6
C-2	50	75	50
C-3	25	75 Note 3	200
I-1	75	75	50
I-A	75	75	50
I-W	75	75	75
W-1	25	75	75
PI-1	50	75 Note 5	50
CON	NA	5	NA
REC	NA	75	NA

- Notes:
1. For RE, R-1, R-2, R-3, OT-1, and OT-2, the FAR standard applies to any permissible commercial uses.
  2. The minimum lot width for lots platted prior to the effective date of this LDC is fifty (50) feet. The minimum lot width for lots platted on or after the effective date of this LDC is seventy-five (75) feet.
  3. The maximum impervious surface ratio within the “Central Business District” land use **category**, as depicted on the Future Land Use Map, may be 1.00 where the application is for redevelopment of a lot that is developed with 100% impervious surface. Where the application is for new development of a vacant lot, the maximum impervious surface on the lot may be 100% where stormwater facilities are available and have sufficient capacity to accept the runoff from the lot.
  4. Development is permissible on lots which were platted before the effective date of this LDC and have a minimum width of twenty-five (25) feet.
  5. Proposed development on lots within the “Recreation” land use, as depicted on the Future Land Use Map shall not exceed 0.25 impervious surface ratio.
  6. Lots located within 800 feet of the Mean High Water Mark of the Atlantic Ocean shall be permitted a maximum FAR of 1.50, as long as the FAR for all General Commercial lots in the City, combined, does not exceed an overall FAR of 0.50.
  7. Refer to Section 4.02.07 of this Chapter for maximum lot coverage.

**Table 4.02.03(E). Standards for Building Heights and Setbacks**

Zoning District	Maximum Building Height (ft.) <sup>1</sup>	Minimum Setback			
		Front (ft.)	Side <sup>2</sup>	Rear (ft.)	Corner Lot (side abutting street) (ft.) <sup>3</sup>
RE	35	25	10% of lot width	25	15
R1-G	35	25	10% of lot width	25, 50 feet for fairway lots	15
R-1	35	25	10% of lot width	25	15
RLM	35	25	10% of lot width	25	15
R-2	35	25	10% of lot width	20	15
R-3	45	25	10% of lot width	20	15
OT-1	35	See specific standards in Section 8.01.01.02.			
OT-2	35	See specific standards in Section 8.01.01.02.			
MU-1	35	None	None	10	10
<b>MU-8</b>	<b>45</b>	<b>See specific standards in Section 4.03.03</b>			
C-1	45	None	None <sup>4</sup>	10	10
C-2	45	None	None	None	None
C-3	45	None	None	None	None
I-1	45 <sup>5</sup>	None	None	None	None
I-A	45	None	None	None	None
I-W	35	None	None	None	None
W-1	See specific standards in Section 4.03.03.				
PI-1	45	25	10	10	10
CON	25	None	None	None	None
REC	25	None	None	None	None

1. A building on any lot within 800 feet of the mean high water line of the Atlantic Ocean shall not exceed thirty-five (35) feet in height.
2. Each side yard setback shall be increased by one-half (1/2) foot for each one (1) foot, or fraction thereof, of building heights above twenty-five (25) feet.
3. Buildings shall not encroach into the required clear visibility triangle at intersections, as set forth in Section 7.01.08.
4. Where access is provided from an alley or public street to the rear of the principal building, no side yard setback is required. Where such access is not available, one (1) side yard shall be a minimum of ten (10) feet. Any other side yard shall have a minimum side yard setback of zero (0) feet.
5. Rayonier and Smurfit Stone are exempt from the height regulation for Mill operations.

**Section 4.03.03 Standards for Development in MU-8 (8<sup>th</sup> Street Small Area)**

**8<sup>th</sup> Street Small Area Design Standards**

General Principles. The 8<sup>th</sup> Street standards are intended to encourage flexibility and variety in development through creative site and building design. All development shall contribute to making 8<sup>th</sup> Street a distinct and memorable part of the city, unique in spaces, buildings, and street character. Development shall be oriented and designed to contribute to the street environment and shall place priority on pedestrian comfort, convenience, safety, and access. Pedestrian scale elements refer to buildings and spaces whose dimensions, properties, and components correspond to human occupation and use. Access to all development shall be sited and designed to have a positive visual impact on the street with primary pedestrian access from 8<sup>th</sup> Street. Driveways and parking shall not take priority over pedestrian areas. Variety in design elements, transparency, color, texture, signs, and materials creates a visually interesting environment and contributes to the establishment of an architectural character for the corridor. Architectural compatibility is not limited to any particular style.

The design standards for the 8<sup>th</sup> Street Small Area are as follows:

1. On the portion of the property fronting 8<sup>th</sup> Street, there is a required six (6) foot pedestrian/landscaping access area to provide a continuous, unobstructed clear walkway. This is to be measured from the property line going back six (6) feet. Buildings or building components may encroach into this space starting at the second story, with necessary structural components on the first story as long as the 6 foot pedestrian access area is unobstructed, provided an open pedestrian/landscape space is maintained. Required bicycle parking is not permissible within this area.
2. The setbacks for the remaining sides of the property are zero (0) feet.
3. Building Orientation.
  - a. Primary entrances shall face 8<sup>th</sup> Street. At least one public entrance of each principal structure shall be oriented toward the front lot line or side lot line. Developments are encouraged to provide as many pedestrian connections to the street as feasible.
  - b. Commercial and Mixed Use structures that extend across the full block width from S. 8<sup>th</sup> Street to S. 9<sup>th</sup> Street and S. 7<sup>th</sup> Street shall contain a secondary façade which is designed with an architectural style, detail, trim features, and roof treatments as consistent with that of the primary façade.
  - c. On corner lots, new buildings shall be oriented toward the streets and shall consider and complement the patten of existing adjoining development, with the primary façade(s) of the principal building facing the 8<sup>th</sup> Street facing lot line. Corner locations shall be considered opportunities for distinctive architecture.
  - d. Accessory structures, if any, shall be located at the rear of the principal buildings. All detached garages or carports shall be set back from the front façade of the principal building by at least 10 feet, openings shall not face 8<sup>th</sup> Street. Where feasible, detached garage and carport access shall be from the side streets.
  - e. All outdoor mechanical equipment shall be located at the rear of the principal buildings and screened. Screening may be structural or vegetative. They shall not be visible from any street. Mechanical equipment placed on the roof shall be screened from abutting streets with parapets or other types of visual screening.
  - f. Solid waste, recycling, and yard trash containers; grease containers, and loading docks shall be screened and located in parking areas or other locations remote from the sidewalk.
4. Site and Building Access. The City shall encourage shared access to reduce driveway cuts on 8<sup>th</sup> Street as redevelopment occurs and require cross access design for internal traffic. New driveway cuts which do not serve to reduce the overall number of cuts onto 8<sup>th</sup> Street shall be located on 7<sup>th</sup> ,9<sup>th</sup> Streets, east-west side streets.
  - a. Whenever feasible, driveway access to a site shall be shared with adjacent properties and parking shall be located internally to the block or at the rear of the site.
  - b. Service areas associated with multi-family dwellings shall be accessed from the rear of the site, where feasible.
  - c. Building design or landscaping shall be required at a 3.5 foot tall minimum to obscure the view of vehicles from the ground level.
5. Building Design Standards. Individual building design shall defer to ensemble of buildings on the street rather than call undue attention to itself. New buildings shall contribute to the life of the street.
  - a. \*\*Building Heights. Properties abutting residentially (R-1 /R-2/ R-3) zoned properties shall be limited to thirty-five (35) feet, including the parapet for flat roofed structures.
    - i. Facades up to thirty-five (35) feet in height shall be recessed from the first thirty (30) feet of façade a minimum of five (5) feet. Awnings, pergolas, or covered balconies may encroach into this setback.
    - ii. Flat roofs are permitted but must provide a parapet up to 42 inches high in order to hide mechanical equipment. \*\*

(\*\*Section proposed at 5/25/16 PAB Meeting by Board)

- b. Architectural articulation. A building's exterior walls shall be articulated using material, architectural elements, arrangement of openings, design of horizontal and vertical planes, and changes in height to provide substantial massing variations. Long, monotonous roof planes and uninterrupted expanses of blank wall are not allowed along street frontages. Articulated roof forms and wall opening shall be used to add visual interest and contribute to a pedestrian scale.

- i. Where solid walls are required by building code, the wall shall be articulated and divided into distinct modules, through the use of projections and recesses (i.e. setbacks, reveals, belt courses, awnings, arcades, porches, etc.) within the building envelope or projecting from upper floors.
  - ii. Commercial buildings and buildings with ground floor commercial uses shall have a ceiling height minimum of twelve (12) feet for the ground floor.
- c. Entryways. Doorways, windows, storefronts, and other openings in the facades of buildings shall be placed and proportioned to reflect pedestrian scale and movement and to encourage visual interest at the street level. The use of functional and decorative elements, including weather protection features (i.e. colonnades, arcades, canopies, etc.), signage, and architectural detailing, shall be used to create human scale on a buildings principal façade. Elements shall be integral to the architecture of the building, designed so as not to appear to be “tacked on” to the building façade.
- d. Internal passageways are encouraged.
- 6. Fences. Up to 8 foot tall fences are permissible
  - a. Fence Material: Black Wrought Iron or black anodized (SP) Aluminum
  - b. Where any portion of the fence is visible from 8<sup>th</sup> Street landscape screening shall be required.
- 7. Improvement of bicycle and pedestrian paths is required in keeping with the approved streetscape plan.
- 8. Signs within the MU-8 zoning district shall follow the allowable sign standards set forth for the Historic District as contained in LDC Section 8.01.03

Landscape Requirements NEW SECTION 4.05.06 (Non-Residential **and Mixed Use** Development)

A. Minimum Landscaped Area (current policy 4.05.04 (D))

At least 20% of the total gross land area of a development shall be landscaped except within the Central Business District (CBD)/ C-3 zoned and the 8<sup>th</sup> Street Mixed Use (MU8)/ MU-8 zoning properties where a minimum of 10% of the total gross land area shall be landscaped. Minimum landscaped areas requirements may be achieved through use of planters and roof top gardens or plantings within stormwater improvements in all zoning districts.

2.03.02 Table of Land Uses

Table 2.03.02. Table of Land Uses

<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
	<b>Land Uses:</b>																			
Adult Entertainment														S						
Airports and Heliports														P	P					
Animal Hospital or Veterinary Clinic										P		P		P	P					
Asphalt or Concrete Plant														S	S					
Automobile Sales, New and Used										S		P		P	P					
Automobile Repair, Garage, Body Shop										S		P		P	P					
Automotive Rental Agencies										P		P		P	P	P	P			
Bakery Plant										S				P	P					
Bed and Breakfast Inns						S		S	S	S			S							
Book and Stationery Stores								P	P	P	P	P	P	P	P		P			
Bottling Plants														P	P					
Bulk Storage Yards														P	P	P				
Bus Terminals and Taxi Stations												P		P	P					
Business Colleges; Commercial, Trade, Vocational, and Arts Schools										P		P	P	P	P			P		
Business Services such as Copying, Mailing, or Printing										P	S	P	S	P	P					
Cemeteries	S	S	S	S	S	S	S	S	S										P	
Clubs, Public or Private; Community and Recreation Centers			S	S	S	S			S	P	P	P	P	P	P		P	P		
Commercial Fishing Facilities																P	P			
Construction, Sales, and/or Maintenance of Boats and Ships; Marine Supply														P	P	P	P			
Craft Distillery, Small Scale Brewery or Winery									S	P	S	S	S	P	P	P				
Day Care Center									S	P	S	P	P					P		
Distribution, Packing, and Shipping														P	P	P	P			

<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
	Dog Dining – Outdoors Only								S	S	S	S	S	S	S	S	S	S		
Drug Store or Pharmacy									P	P	P	P	S	P	P		P			
Essential Public Services, such as Transmission Lines and Lift Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Financial Institutions, Banks, and Credit Unions								P	P	P		P	P	P	P					
Freight and Moving Establishments														P	P					
Funeral Home and Mortuary									P			P		P	P					
Gasoline Station, with or without a Convenience Store										S	P	P		P	P	P				
Golf Course		P												P	P			P		P
Grocery Store								P	P	P		P	P	P	P		P			
Group Homes	S	S	S	S	S	S			S	S			S							
Government and Civic Buildings, including Library and Museum									P	P			P					P		
Health Clubs and Gyms										P		P	P	P	P					
Hospital																		S		
Junk and Salvage Yards																				
Laundry and Dry Cleaning, On-Site, including Self-Service Laundry										P		P		P	P					
Laundry and Dry Cleaning, Pick-Up Only <b>*Note 5</b>								P	P	P	P	P								
Light Indoor Manufacturing Uses, including Packaging and Fabricating														P	P					
Liquor Store, Lounge, and Bar (without drive-through window) <b>*Note 5</b>									S	P	S	P	S	P	P		P			
Lodging Accommodations										S	S	P	P		S					
Lumber and Building Supply												S		P	S	P				
Manufacturing and Heavy Industry														P	P					
Marina													S			S	S	S		
Marine recreation, such as kayak or										P						P	P			

<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
	boat rentals, sailing schools, etc.																			
Marine research and educational facilities										P						P	P			
Medical and Dental Clinics										P	P			P	P				P	
Mini-storage or Self-storage Facility										S		S		P	P					
Music, Dancing, Photography, or Art Studios								P	P	P		P	P	P	P			P	P	
Outside Sales										S	S			S	S			S		
Parking Lots and Parking Garages										P		P	P	P	P	P			P	
Parks, Public		P								P						P	P	P		P
Parks, Private or with Stadium Style Lighting										S						S			S	S
Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy									P	P	P	P	P	P	P			P		
Picnic Areas, Trails, and Nature Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Piers, Docks, and Wharves														P		P	P			P
Professional Offices								P	P	P	P	P	P	P	P			P		
Public Recreation Buildings		P	P	P	P	P				P						P	P	P		P
Radio, Television, and Telecommunication Towers														S	S	S			S	
Recreation, Outdoor Amusements, such as Miniature Golf or Fishing Piers, Excluding Amusement Parks and Drive-in Theaters										S		S	S			S	S	S		S
Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Rooms, and Skating Rinks										S		S	S	S	S				S	S
Railroad Facilities														P		P	P			
Religious Facilities	S		S	S	S	S	S	S	S	P	P	P								
Research and Experimental Laboratories														P	P	P				

<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
	Residential Uses:																			
Single-Family	P		P	P	P	P	P	P	P	P			P				P	Note 2		
Two- and Three-Family					P	P			P	P			P							
Four- or More Family						P				S			P							
Group Residential (see Note 3)						S			S	S			S							
Resort Rental			Note 1		Note 1	P														
Restaurant, With or Without Drive-Through Window *Note 5									P	P	P	P	P	P	P	P	P			
Retail Stores								P	P	P	P	P	P	P	P		P			
Schools, Elementary, Junior, or Senior High	S	S	S	S	S	S			S	P								P		
Scooter and Moped Rentals										P	S	P	S							
Seasonal Sales *Note 4									P	P	P	P	P	P	P	P	P			
Small Equipment or Appliance Repair Shops										P		P	P	P	P					
Specialty Food Stores, such as Bakeries or Ethnic Grocers								P	P	P	P	P	P	P	P		P			
Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers								P	P	P	P	P	P	P	P		P			
<b>Stormwater Treatment Park/Facility</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Terminals for Freight or Passengers, By Ship														P		P	P			
Theaters, Movie or Performing Arts									P	P		P	P	P	P		P			
Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing										P		S		P	P					
Utility Facilities, such as Electric Substations, Water and Wastewater Treatment Plants													P	P	P	P	P	P		
Warehouse, not Including Mini-Storage														P	P	P				

<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC	
	Welding or Sheet Metal Works														P	P					
Wholesale Establishments														P	P						

Notes:

1. Resort rentals in R-1 or R-2 zoning districts that existed prior to the effective date of Ordinance 2000-28 (October 3, 2000) may continue a legal non-conforming status as long as the resort rental permit has not expired for a period of greater than 180 days.
2. Properties that have obtained the WMU Future Land Use category are subject to the permitted uses in the W-1 column. Residential units are permitted above non-residential uses. Stand alone residential uses are prohibited.
3. Group Residential uses in existence prior to the adoption of Ordinance 2007-22 may continue a legal non-conforming status as long as a Group Residential Permit is applied for and maintained in accordance with the terms of the Ordinance. Existing uses shall not be subject to the Supplemental Standards in Section 6.02.24.
4. Seasonal Sales are subject to the provisions of LDC Section 5.02.02 and a temporary use permit is required according to the procedures set forth in Chapter 11.
5. Drive- thru entry and exit may not be located on 8<sup>th</sup> Street.

**2.03.03 Table of Accessory Uses**

(See Section 5.01.01 for standards pertaining to accessory uses.)

Table 2.03.03 lists permissible accessory uses in each zoning district. The letter "P" indicates that the identified use is permissible as an accessory use, but not as a principal use. Principal uses are identified in Table 2.03.02.

**Table 2.03.03. Table of Accessory Uses**

<b>P – Permissible Accessory Use</b>	<b>R-E</b>	<b>R1-G</b>	<b>R-1</b>	<b>RLM</b>	<b>R-2</b>	<b>R-3</b>	<b>OT-1</b>	<b>OT-2</b>	<b>MU-1</b>	<b>MU-8</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-A</b>	<b>I-W</b>	<b>W-1</b>	<b>PI-1</b>	<b>CON</b>	<b>REC</b>
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank – Prohibited</b>																				
<b>Accessory Land Uses:</b>																				
Home Occupation	P	P	P	P	P	P	P	P	P	P										
Accessory Dwelling – Detached Building	P	P	P	P	P	P	P	P	P	P										
Agricultural Support Buildings	P																			
Cremation Facility *Note 2									S			S		S	S					
Detached Garage or Carport	P	P	P	P	P	P	P	P	P	P										
Docks and Other Waterfront Structures	P	P	P	P	P	P	P	P	P					P		P	P	P	P	P
Dumpsters						P			P	P	P	P	P	P	P	P	P	P		P
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Outside Storage – Agricultural Equipment and Materials	P													P	P	P				
Outside Storage – Equipment, Machinery, and Materials												P		P Note 1	P	P	P			
Satellite Dish Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Storage Buildings, Sheds, Utility Buildings, and Greenhouses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P		P			P		P

Notes: 1. As to the Rayonier and Smurfit Stone properties, permitted yard storage shall include process by-products and new or used process parts for use in or sale of by the mill".

2. Cremation Facilities shall be subject to the supplemental standards provided in Section 6.02.26

## **Chapter 6 Supplemental Standards:**

### 6.02.04 Automobile Repair, Garage, or Body Shop (renumbering to follow all categories)

- A. An Automobile Repair, Garage or Body Shop is a permissible in the MU-8 zoning category as subject to the following supplemental standards.
1. All services performed by an automobile repair establishment, including repair, painting, and body work activities, shall be performed within a completely enclosed building which may contain overhead doors.
  2. No inoperative vehicles or used vehicle parts shall be stored outside of a fully enclosed building.
    - a. Inoperative vehicles may be parked for a period of no greater than 30 days.
  3. Outdoor storage of materials and equipment shall be prohibited.
  4. No merchandise shall be stored or displayed outside a building except those on moveable display racks that must be stored inside after hours of operation.
  5. Vehicle service bays shall be oriented away from 8<sup>th</sup> street.

### 6.02.03 Auto Sales, New or Used (renumbering to follow all categories)

- A. An Automobile agency is a permissible use in the MU-8 zoning category as subject to the following supplemental standards.
1. Automobile agencies must be located within a totally enclosed building.
  2. Exterior lighting may be used only to illuminate a building and its grounds for safety purposes. Lighting is not to be used as a form of advertising.
  3. No car shall be displayed or stored outdoors.
  4. No automobile preparation, mechanical or automobile body or other support services are offered onsite.

### 6.02.14 Gasoline Stations (renumbering to follow all categories)

- A. A gasoline station is a permissible use in the MU-8 zoning category as subject to the following supplemental standards.
1. Gasoline pumps and pump islands shall not be located so that any part of a vehicle being served will extend into any public right-of-way or private drive used for access or egress.
  2. Gasoline pumps and pump islands shall not be built within 20 feet of a property line.
  3. Landscape strip of at least 2 feet shall be required beside the 6 foot pedestrian access easement.
  4. Storage tanks shall be located below grade.
  5. Outdoor lighting shall be directed and shielded to avoid direct illumination of any street or any lot zoned or used for residential uses.
  6. No inoperative vehicles or used vehicle parts shall be stored outside of a fully enclosed building.
    - i. Inoperative vehicles may be parked for a period of no greater than 30 days.
  7. Outdoor storage of materials and equipment shall be prohibited.

8. No merchandise shall be stored or displayed outside a building except those on moveable display racks that must be stored inside after hours of operation.