

ARTICLE III

PERMITTED, CONDITIONAL, ACCESSORY AND PROHIBITED USES

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ARTICLE III

PERMITTED USES, CONDITIONAL USES, ACCESSORY USES AND PROHIBITED USES

SECTION 21-30 – GENERAL PROVISIONS

21-30.01 – Purpose

In addition to the intent and purposes listed in Section 21-30, the various zoning districts established herein are intended to:

- a. Establish the permitted, prohibited, conditional and accessory uses allowed for each parcel; and
- b. Provide for equal protection of property rights of each parcel of land without regard for its classification; and
- c. Streamline the land development decision process to the maximum extent possible; and
- d. Provide reasonable opportunities for the provision of telecommunication facilities; and
- e. Control the placement of signage to preserve property values and enhance the aesthetic character of the City; and
- f. Prevent cut-through traffic in residential neighborhoods to the maximum extent possible.

21-30.02 – District Boundaries

Zoning districts are depicted as shown on the Official Zoning Map of the City of Edgewater, Florida, as revised at the effective date of this Code, and made a part of the Article by reference. When uncertainty occurs as to boundaries of zoning districts on the Official Zoning Map, the following rules shall apply:

- a. Boundaries are depicted to follow the centerline of streets, highways, alleys, or other public right-of-ways and shall be construed to follow such lines;
- b. Boundaries are depicted to follow platted lot lines, section lines, or tract lines and shall be construed as following such lot lines;
- c. Boundaries are depicted to follow political boundaries and shall be construed as following such political boundaries;
- d. Boundaries are depicted to follow railroad right-of-ways and shall be construed to be the center line of the railroad right-of-way;
- e. Boundaries are depicted to follow shorelines and shall be construed to follow such shorelines even if the shorelines change;

- f. Boundaries are depicted to follow the center lines of canals and shall be construed to follow such center lines;
- g. Boundaries shown to be parallel to the center line of streets, or the center line or right-of-way line of highways, such district boundaries shall be construed as being parallel thereto and such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined by measuring from the Official Zoning Map;
- h. Where a public road, street or alley is officially vacated or abandoned, the location of the zoning district boundaries shall be the center line of the vacated right-of-way;
- i. Where physical or cultural features existing on the ground are different from those shown on the Official Zoning Map, or in case any other uncertainty exists, the Development Services Director/Planning Director shall interpret the intent of the Official Zoning Map as to the location of district boundaries.

21-30.03 – Application of Districts

Except as provided in Section 21-71 – Non-Conforming Uses, the enlargement, alteration, conversion, relocation, rehabilitation, or reconstruction of any structure or building shall be in accordance with regulations of the district in which said structure or building is located as well as all applicable regulations of this Article.

All use of land and/or water shall be done so only in accordance with the applicable requirements of this Article.

21-30.04 – Official Zoning Map

- a. The City of Edgewater is hereby divided into zoning districts and shown on the Official Zoning Map as amended by the City Council. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Chapter 21, of the Code of Ordinances.”
- b. No changes shall be made in the Official Zoning Map except as provided herein in Article IX. Any unauthorized change of any kind by any person, or persons, shall be considered a violation of this Article and be subject to the applicable enforcement provisions described in Article X.
- c. Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be maintained in the official records of the City.
- d. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes and additions, the City Council shall adopt a new Official Zoning Map.

21-30.05 – Comprehensive Plan Consistency

The regulations contained herein are consistent with and implement the Comprehensive Plan policies contained in the Future Land Use Element, Housing Element, Coastal Element and Conservation Element.

SECTION 21-31 – COMPREHENSIVE PLAN RELATIONSHIP

Table III-1 shows which zoning categories are consistent with and implement the land use categories in the Comprehensive Plan, particularly the Future Land Use Map (FLUM).

(See Page III-4)

TABLE III-1
LAND USE AND ZONING COMPATIBILITY

Future Land Use Designation	Compatible Zoning Districts
Low Density Transition 1.0 DU/net acre	RT, MUPUD
Low Density Residential 1.0 to 4.0 DU/net acre	R-1, R-2, R-3, RPUD, RP, RT, MUPUD
Medium Density Residential 4.1 to 8.0 DU/net acre	R-3, R-4, RPUD, MH-1, MH-2, MUPUD
High Density Residential 8.1 to 12.0 DU/net acre	R-5, RPUD, MUPUD
Commercial	B-2, B-3, B-4, BPUD, MUPUD, R-5 ¹
Industrial	I-1, I-2, IPUD, MUPUD, R-5 ¹
Recreation	CN, RT, AG, R-1, R-2, R-3, R-4, R-5, RPUD, RP, MH-1, MH-2, B-2, B-3, B-4, BPUD, I-1, I-2, IPUD, P/SP, R, EC, CC, MUPUD
Public/Semi-Public	CN, AG, P/SP, R, MUPUD
Conservation	CN, P/SP, R
Agriculture Minimum 1 DU/2.5 net acre	AG, R, MUPUD
Mixed Use Minimum 15 acres; to 12 DU/net acre	R-5 ¹ , RPUD, BPUD, IPUD, MUPUD, EC, CC
Sustainable Community Development See SCD Sub-Element of the City of Edgewater Comprehensive Plan	SCD/PUD

DU = Dwelling Units

¹= Only applicable to Projects approved under the Live Local Act per SB 102, Florida Statute 125.01055(7)

SECTION 21-32 – ZONING DISTRICT DESCRIPTIONS

21-32.01 – Zoning District Descriptions

Table III-2 summarizes the principal purpose for each zoning category. The minimum parcel sizes are provided where applicable.

(See Page III-5)

TABLE III-2

ZONING DISTRICT DESCRIPTIONS

Zoning District Title	Category	Purpose and General Description
Conservation	CN	Protection of wetlands, aquifer recharge & environmentally sensitive areas.
Rural Transitional	RT	Provide for limited agriculture and provide for a transition between rural and residential land uses – min. 1 acre lot.
SF Residential	R-1	Single family residential – (1.0 to 4.0 units/net acre) min. 12,000 sq. ft. lot.
SF Residential	R-2	Single family residential – (1.0 to 4.0 units/net acre) min. 10,000 sq. ft. lot
SF Residential	R-3	Single family residential – (1.0 to 4.0 units/net acre) min. 8,625 lot.
SF Residential	R-4	Medium density residential (4.1 to 8.0 units/net acre) – single family, duplex, and townhouses.
MF Residential	R-5	High density residential (8.1 to 12.0 units/net acre) – single family, duplex, apartments, and townhouses.
Recreation	R	This zoning category includes parks and recreation facilities owned by the City, as well as recreation facilities located at area schools that are under lease to the City. This category includes land committed to both active and passive recreational uses.
Residential Planned Unit Development	RPUD	Intended for mixed residential, personal service and limited retail commercial with a single development plan.
Residential Professional	RP	Intended for office professional and personal service along SR#442 and a rezoning must be accompanied by a site plan.
Mobile Home Park	MH-1	Medium density residential (5.1 to 8.0 units/acre). Provide for mobile home parks – min. 5 acre parcel (See Sec. 21-71 for Non-Conforming Parks).
Manufactured Home Subdivision	MH-2	Medium density residential (5.1 to 8.0 units/acre). Provide for manufactured home subdivisions – min. 50 acre parcel.
Neighborhood Business	B-2	Intended for retail goods and services for frequent residential needs – min. 10,000 sq. ft.
Public/Semi-Public	P/SP	Consists of public facilities and private not-for-profit uses such as churches, schools, and cemeteries. All other public lands and facilities, including but not limited to, government offices, post offices, hospitals, utility sub-stations, water and wastewater treatment plants, fire stations, and libraries are also included in this category.
Highway Commercial	B-3	Intended for high volume highway related commercial uses – no min. parcel size.
Tourist Commercial	B-4	Intended for short term waterfront accommodations for visitors and accessory uses, may include residential mixed use – min. 2 acres.
Business Planned Unit Development	BPUD	Intended for mixed commercial and limited multifamily residential with a single development plan
Light Industrial	I-1	Intended for storage, light manufacturing, wholesaling and distribution uses and adult entertainment – no min. parcel size.
Heavy Industrial	I-2	Intended for heavy manufacturing uses – no min. parcel.
Industrial Planned Unit Development	IPUD	Intended for mixed industrial and limited commercial with a single development plan.
Agriculture	AG	Intended for general agriculture uses – min. 2.5-acre parcel – temporary or hold zoning intended for future urban development.
Employment Center/Community Center	EC/CC	Intended to allow a mix of uses to satisfy varying degrees of intensity and balance the residential and non-residential needs of the City.
Mixed Use Planned Unit Development	MUPUD	Intended for innovative mixed use developments to include, but not be limited to commercial, light industrial and residential.
Sustainable Community Development/Planned Unit Development	SCD/PUD	See SCD Sub-Element of the City of Edgewater Comprehensive Plan.

SECTION 21-33 – USES AND RESTRICTIONS

21-33.01 – Purpose

This portion of Article III depicts the permitted, conditional and accessory uses by zoning district using the matrix format. The footnotes in Table III-3 refer to any applicable special criteria for that use in the particular zoning district and are described in Section 21-34 of this Article.

If a use is not present in a given square in the matrix, that use is not permitted in that zoning district. Changes to the list of uses, the zoning districts and/or the permitted, conditional or accessory use status of a given land use can only be changed by completing the Land Development Code amendment process described in Article IX.

21-33.02 – Permitted Uses

The use depicted as “P” in the matrix (Table III-3) means that it is permissible in that zoning district as a matter of right, subject to satisfactory compliance with the project design standards found in the Land Development Code and any applicable site plan review requirements in the Land Development Code.

The list of permitted uses cannot be all inclusive. The uses described in Table III-3 shall be interpreted by the Development Services Director/Planning Director to include other uses that have similar impacts to those listed. Any dispute or request regarding interpretations shall be resolved by the City Manager subject to an appeal to the City Council.

All permitted uses or businesses requiring business tax receipts shall operate from within a permanent structure.

21-33.03 – Conditional Uses

The use depicted as a “C” in the matrix (Table III-3) means that it is permitted in that zoning district only after satisfactory completion of the conditional use process described in Article IX or the satisfactory completion of a Planned Unit Development. Satisfactory compliance with the applicable project design standards described in Article V and the concurrency requirements described in Article XI must also be achieved prior to commencement of a project.

21-33.04 – Accessory Uses

The use depicted as an “A” in the matrix (Table III-3) means a use that is incidental, related, appropriate and clearly subordinate to the existing principle permitted use.

SECTION 21-33.05

TABLE III – 3
 PERMITTED (P), CONDITIONAL (C), AND ACCESSORY (A) USES
 ZONING DISTRICTS

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD
Adult Entertainment (19)																	P							
Agriculture - General	P		P																	C				
Aircraft Manufacturing																	P	P	C		C		C	C
Airport Fixed Base Operations																	P	C	C	P	C		C	C
Aluminum Can Transfer Facility																	P	P	C		C		C	C
Animal Hospital									C	C			P	P		C	P		C				C	C
Antennas (1) (2)	C		C	C	C	C	P	P	P		C	C	C	C	C	C	C	C	C	C			C	C
Aquaculture	P	C																						
Auction/Flea Market – Indoor Only													P				P		C				C	C
Automobile Paint & Body (7) (17)													P				P	P	C				C	C
Automobile Repair – Indoor (7)													P	P			P	P	C				C	C
Automobile Service (7)													P	P		C	P	P	C				C	C
Automobile Sales/Leasing													P	P		C	A	A	C				C	C
Bed & Breakfast (3)				C					C					P	P	C							C	C
Boat Building & Repair													C	C	C	C	C	P	C		C		C	C
Boat Sales and Leasing													P	P		C	A	A	C		C		C	C
Bulk Processing																		P	C		C		C	C
Car Wash									C				P	P	C	C	C	C	C				C	C
Chauffeur/Vehicle for Hire														P		C	C	C	C				C	C
Cemeteries	P																			P				
Containment Facilities	P		C															C	P	C				
Day Care – Children or Adult (17)			P	P	P	P	P	P	P	P	P	P	C	P	A	C						C	C	C
Dispensing Facility									C				P	P	A	C	A	A	C	A			C	C
Distribution Facilities														C		C	P	P	C		C		C	C
Financial Institute									C	C				P		C			C		C	C	C	C
Garden & Yard Supplies	P													P		C	P	P	C				C	C
Government Facilities	P	C	P	P	P	P	P	P	C	C	P	P	P	P	P	C	P	P	C	P	C	C	C	C

SECTION 21-33.05

**TABLE III – 3
PERMITTED (P), CONDITIONAL(C), AND ACCESSORY (A) USES (cont'd)**

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD
Health/Fitness Facilities								L(23)	C			C	P	P	A	C	C	C	C			C	C	C
Home Occupations	P		P	P	P	P	P	P	C	C	P	P	P	P		C					C	C	C	C
Hotel/Motel														P	P	C						C	C	C
Internet/Sweepstakes Café (20)																	P							
Kennels & Boarding (4)	C		C											P		C	C	P	C	P			C	C
Laboratories									C					P		C	C	P	C		C		C	C
Lodges – Fraternal/Sorority														P	C	C							C	C
Marina		C							A						P	C				P	C	C	C	C
Marina Related Industrial																		P	C		C		C	C
Machine Shop/Repair													P	P		C	P	P	C		C		C	C
Manufacturing – General													C				P	P	C		C		C	C
Medical/Dental Offices								L(23)	C	C			P	P		C						C	C	C
Mini-warehouse (5)													P	C		C	P	P	C		C		C	C
Mining/Excavation (18)																	P	P	P					
Mobile Home Sales													P		C						C			
Night Club / Lounge/Bar								L(23)	C					P	A	C					C	C	C	C
Nursing Homes (6)														P		C	C			P		C	C	C
Outdoor Equipment Sales														P		C	P	P	C		C		C	C
Outdoor Storage (7)													A	C		C	C	P	C		C		C	C
Pain Clinic (21)														C										
Pawn Shop (22)														P			P							
Personal Service Facilities								L(23)	C	C			P	P	C	C	C	C	C				C	C
Pool Hall/Billiards								L(23)	C			C	P	P	C	C	C	C	C		C	C	C	C
Places of Worship			C	C	C	C	C	C	C			C	P	P	C	C				P			C	C
Places of Worship – Schools (14)	C		C	C	C	C	C	C	C			C	P	P		C				P	C	C	C	C
Professional Office Facilities (12)					C				C	C		C	P	P	C	C	P	P	C		C	C	C	C
Railroad Facilities																	P	P	C	P	C			
Recording Facilities										C				P	P		C	C	C		C	C	C	C

SECTION 21-33.05

**TABLE III – 3
PERMITTED (P), CONDITIONAL (C), AND ACCESSORY (A) USES (cont'd)
ZONING DISTRICTS**

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD	
Recreational Uses (R*) (13)	P	C	P	P	P	P	P	P	C	C	A	A	P	P	C	C	C	C	C	C	P	C	C	C	C
Research Facilities										C				P		C	P	P	C		C		C	C	
Residential – ALF (9)	P		P	P	P	P	P	P	C					C		C						C	C	C	C
Residential - Community Home (8)	P		P	P	P	P	P	P	C		P	P				C					C	C	C	C	C
Residential – Duplex (15)							P	P	C							C						C	C	C	C
Residential – Multifamily (10) (15)								P	C				L(24)	L(24)	L(24)	C	L(24)	L(24)					C	C	C
Residential –Manufactured/ Mobile Homes	P		P						C		P	P										C	C	C	C
Residential –Modular Home	P		P	P	P	P	P	P	C			P				C					C	C	C	C	C
Residential – Single Family (15)	P		P	P	P	P	P	P	C							C					C	C	C	C	C
Restaurants								L(23)	C			A	P	P	A	C	C	C	C			C	C	C	C
Retail – General								L(23)	C				P	P	A	C	A	A	C	A			C	C	C
RV & Boat Storage									C			A	C	C	A	C	P	P	C		C		C	C	C
Salvage Yards (11)																		C							
Satellite Dishes	A		A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Schools – Public	P		P	P	P	P	P	P	C		P	C	P	P	C	C	C		C	P		C	C	C	C
Schools – Private	C		C					L(23)	C	C		A	C	P	C	C	C	C	C	P		C	C	C	C
Shopping Center									C				C	P	C	C						C	C	C	C
Silviculture	P		C																						
Tattoo Parlor/Body- Piercing Studio (22)														P			P								
Telecommunication - Unmanned	P		P	P	P	P	P	P	C		P	P	P	P	P	C	P	P	C	C			C	C	C
Telecommunication Towers (2)	C		C				C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Theaters									C					P		C						C	C	C	C
Truck Freight Terminal																		P	C		C		C	C	C
Warehousing & Storage													P	C		C	P	P	C		C		C	C	C
Wholesale & Distribution													P	C		C	P	P	C		C		C	C	C
Wrecker/Tow Truck Service													P	P		C	P	P	C		C		C	C	C

* R – Recreation Zoning District, Recreational Uses permitted only

TABLE III-3 FOOTNOTES

The sections cited below identify special requirements for the listed land uses and are found on the following pages. In addition, many of the proposed projects must also comply with the requirements of Article IV – Natural Resource Protection, Article V – Site Design Criteria, Article VI – Signs, Article XVIII - Indian River Boulevard – S.R. 442 Corridor Design Regulations and Article XX – Ridgewood Avenue Corridor Design Regulations.

1. See Satellite Dishes, Section 21-36.04 – Dishes greater than 39 centimeters in diameter are required to obtain a building permit and otherwise conform to the site development criteria.
2. See Telecommunications, Article XII for details.
3. See Bed & Breakfast, Section 21-34.08 for details.
4. See Kennels/Boarding, Section 21-34.06 for details.
5. See Mini-Warehouses, Section 21-34.07 for details.
6. See Nursing Homes, Section 21-34.09 for details.
7. See Outdoor Storage, Section 21-34.04 and 21-36.03 for details.
8. See Community Residential Homes, Section 21-34.02 for details.
9. See Adult Living Facilities (ALF), Section 21-34.03 for details.
10. Multifamily residential is permitted in BPUD only as part of a single business/residential development plan – See Article V, Section 21-57 for details.
11. See Salvage Yards, Section 21-34.04 for details.
12. Residential Professional offices may be permitted as a conditional use in the R-2 district for certain properties abutting State Road #442. See Section 21-34.10 for details.
13. No artificial lights or recreational activity within 25 feet of the perimeter of the property line shall be permitted adjacent to residential property.
14. Places of Worship – Schools/Child Care, see Section 21-36.05 for details.
15. Attached and detached aircraft hangars permitted in residential districts adjacent to airport taxiways.
16. Outside application of flammable finishes and/or environmentally sensitive finishes (spray painting) is strictly prohibited.
17. State license required.

18. Mining/Excavation is defined as the exploration for or extraction of surface or subterranean compounds; which shall include oil and gas exploration and production, and the mining of metallic and non-metallic minerals, sand, gravel, fill dirt, and rock.
19. Adult Entertainment is permitted in the I-1 (Light Industrial) zoning district with the exception of properties with frontage on Park Avenue.
20. Internet/Sweepstakes Cafés are permitted in the I-1 (Light Industrial) zoning district with the exception of properties with frontage on Park Avenue. This section shall not apply to any existing Internet/Sweepstakes Café locations, in operation and in compliance with chapter 205 and 849 Florida Statute, and in compliance with Florida Statute at the time of the passage of this ordinance. Such use may be continued within the present zoning category as a nonconforming use subject to all restrictions, limitations and requirements set forth in Article VII, Land Development Code, and all other applicable provisions of the Code of Ordinances. However, any change in ownership will remove said business or operation from this exception. Change in ownership in the case of a partnership or corporation, for the purpose of this section only, means more than fifty percent change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the date of passage of this ordinance. For purposes of any Internet/Sweepstakes Café deemed a nonconforming use as described above, the provisions of Article VII, Land Development Code pertaining to expansion and relocation shall be modified to allow the nonconforming use to continue if expanded or relocated on a one-time basis within the present zoning category if 1) the Internet/Sweepstakes Café deemed a nonconforming use dedicated less than 25% of its square footage to internet/sweepstakes activity in the original location prior to the expansion or relocation, and 2) the Internet/Sweepstakes Café dedicates less than 25% of its square footage to internet/sweepstakes activity after the expansion or relocation.
 - a. No person or entity shall propose, cause or permit the operation of, or enlargement of Internet/Sweepstakes Cafés that would or will be located within, 1,000 feet of a preexisting Internet/Sweepstakes Cafés, within 500 feet of a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption, within 500 feet of a preexisting religious institution, within 500 feet of a preexisting park, or within 2,500 feet of a preexisting educational institution. In this subsection the term "enlargement" includes, but is not limited to, increasing the floor size of the establishment by more than ten percent.
 - b. In addition to the distance requirements set forth in the subsection above, Internet/Sweepstakes Cafés shall not be allowed to open anywhere except in the I-1 district (with the exception of parcels having frontage on Park Avenue) where Internet/Sweepstakes Cafés is an expressly permitted use.
 - c. The aforementioned distance requirements are independent of and do not supersede the distance requirements for alcoholic beverage establishments which may be contained in other laws, rules, ordinances or regulations.

21. See Pain Clinics, Section 21-39 for details.
22. Pawn Shops and Tattoo Parlors/Body Piercing Studios are permitted by right in the B-3, Highway Commercial zoning district and allowed by right within the I-1, Light Industrial zoning district. This section shall not apply to any existing Pawn Shops and Tattoo Parlors/Body Piercing Studios in compliance with Florida Statutes at the time of the passage of this ordinance. Such use may be continued within the present zoning category as a nonconforming use subject to all restrictions, limitations and requirements set forth in Article VII, Land Development Code, and all other applicable provisions of the Code of Ordinances. However, any change in ownership will require to conform to the standards established herein. Change in ownership in the case of a partnership or corporation, for the purpose of this section only, means more than fifty percent change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the date of passage of this ordinance. The following standards must be met in order for a Pawn Shop or Tattoo Parlor/Body Piercing Studio to operate in the B-3, Highway Commercial zoning district:
- a. No Pawn Shop or Tattoo Parlors/Body Piercing Studios shall be located within 250 feet of a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption, within 250 feet of a preexisting religious institution, within 500 feet of a preexisting public park, or within 1,000 feet of an educational institution.
 - b. No Tattoo Parlors/Body Piercing Studios shall operate between the hours of 9:00pm and 8:00am. No Pawn Shop shall operate between the hours of 12:00 am and 6:00 am.
 - c. No part of the interior of the Pawn Shop or Tattoo Parlor/Body Piercing Studio shall be visible from any pedestrian sidewalk, walkway, street, or other public or semi-public area.
 - d. No more than one Tattoo Parlor/Body Piercing Studios or Pawn Shop may be located within 500 feet of another Tattoo Parlor/Body Piercing Studios or Pawn Shop.
23. “L” denotes the acceptable commercial uses required in a mixed use project pursuant to a Multi-family development utilizing SB 102.
24. The City of Edgewater currently has less than 20 percent of land containing commercial and industrial zoning designations. As such (Pursuant to Senate Bill 102, known as the “Live Local Act”) multifamily development in areas zoned commercial or industrial use are only allowed if the proposed multifamily development is mixed-use residential. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. As such, Any multifamily projects occurring in Commercial or Industrial zoned districts per Senate Bill 102, known as the “Live Local Act”, must adhere to the requirements of the R-5

Multifamily zoning. Any Live Local Act site plan must adhere to the standards of the R-5 zoning district and corresponding multi-family requirements found throughout the land development code.

SECTION 21-34 – SPECIAL USE REQUIREMENTS

The following uses are subject to the special restrictions described below in addition to the applicable natural resource standards described in Article IV and the project design standards described in Article V.

21-34.01 – Home Occupations

The purpose of this Section is to provide criteria under which a home occupation may operate in the City's residential districts. The Home Business Tax Receipt is designed to allow for office type uses within a residence. No home business tax receipt shall be issued unless the City determines the proposed home occupation (business) is compatible with the criteria shown below:

- a. The use must be conducted by a member, or members, of the immediate family residing on the premises and be conducted entirely within the living area of the dwelling unit, not to exceed twenty percent (20%) of the dwelling unit space (excluding garage/carport) for the home occupation.
- b. No manufacturing, repairing, storing, or other uses that are restricted to commercial and industrial districts are allowed.
- c. No chemicals/equipment, supplies or material, except that which is normally used for household domestic purposes, shall be used or stored on site.
- d. Noise, dust, odors or vibrations emanating from the premises shall not exceed that which is normally emanated by a single dwelling unit. Activities that cause a nuisance shall not be permitted in residential areas.
- e. No electrical, electro-magnetic or mechanical equipment that causes any interference or excessive noise to adjacent dwelling units shall be installed or operated.
- f. No products, services, or signage may be displayed in a manner that is visible from the exterior of the dwelling unit, except signage required by state law.
- g. Except as provided in the City of Edgewater Code of Ordinances, no commercial vehicles or equipment shall be permitted in the driveway, or adjacent public right-of-way, including commercial vehicles used for mobile vending and no delivery of commercial products for the use of the business tax receipt shall be allowed. Normal/routine UPS, FedEx, or over-night mail shall not be considered commercial deliveries.

- h. The use of typewriters, computers, printers, photocopiers and fax machines will be permitted for office use and small machinery such as hand drills and small jigsaws for hobbyist uses. Hobbyist uses shall be limited to \$500 in total inventory.
- i. All home occupations shall be required to obtain a home business tax receipt pursuant to the requirements of Chapter 11 of the City Code of Ordinances prior to initiating operation.
- j. Garages, carports or similar structures, whether attached or detached shall not be used for storage of material or manufacturing concerning the home occupation (other than storage of an automobile).
- k. Any home business tax receipt that generates more than 10 vehicle trips per day shall require a City fire inspection. Excessive traffic shall not be permitted other than routine residential traffic.
- l. An applicant may appeal the denial of an application to the City Council pursuant to the requirements of the Land Development Code.
- m. No home business tax receipt shall be issued for any property until such time that any Code Compliance issues are resolved.
- n. If the applicant does not own the property, said applicant shall provide a signed and notarized affidavit from the property owner permitting a Home Occupation on their property, provided the use is permitted by the City.

21-34.02– Community Residential Homes (CRH)

The purpose of this Section is to establish criteria for the placement of Community Residential Homes.

- a. All facilities shall comply with the minimum parcel area and dimensional requirements of the zoning district in which the facility is located.
- b. Community Residential Homes shall be used only for the purpose of providing rehabilitative or specialized care, and may not be used for administrative or related office-type activities, other than those in support of the facility.
- c. No counseling or other client services for non-residents shall be permitted in a CRH.
- d. A CRH shall be similar in appearance to the prevailing character of the area in which the proposed site is located. Similar means within 125 percent of the average floor area, height, and/or architectural style of any other dwelling units in the adjacent area.
- e. On-site signage shall be a low profile sign with a maximum height of 8 feet and a maximum area of 16 square feet.
- f. The CRH shall provide a minimum 4-foot (4') high fence on all property lines.

- g. The CRH shall comply with the appropriate project design standards described in Article V.
- h. The CRH shall comply with all appropriate Florida Fire Prevention Codes and Building Code requirements.
- i. The minimum dwelling unit size for each resident shall be 750 square feet.
- j. There shall be no more than fourteen (14) residents permitted in a structure.
- k. Each CRH shall provide a responsible supervisory person on duty at all times while residents are on the premises. The minimum staffing levels required by the State, or other licensing agency, shall be maintained at all times.
- l. Failure to substantially comply with all these criteria shall subject the property owner, and/or the applicant, to the enforcement provisions of Chapter 10, City of Edgewater, Code of Ordinances.
- m. A Community Residential Home shall not be located closer than 1,200 feet (1,200') to another CRH.
- n. All distance requirements shall be measured from the nearest point of the existing CRH property line, or the zoning district described above, whichever is greater.
- o. The City will inspect facilities for compliance with Florida Fire Prevention Codes.

21-34.03 – Adult Living Facilities (ALF)

The purpose of this Section is to provide regulations to protect the adjacent property values while allowing the ALF to operate.

- a. A minimum 4 foot (4') high fence shall be provided at all times.
- b. Full time on-site management shall be provided at all times.
- c. Minor on-site medical care may be provided at the option of the operator.
- d. Each resident shall have the minimum square footage of personal living area for their use, as required by the State.
- e. Each facility shall be required to obtain an appropriate license prior to receiving a business tax receipt from the City and Volusia County. The City will inspect facilities for compliance with Florida Fire Prevention Codes.

21-34.04 – Salvage Yards

The purpose of this Section is to control the operation of salvage yards and similar uses.

- a. Salvage yards shall comply with the conditional use standards for the I-2 zoning district.

- b. The site shall be a minimum of 40,000 square feet and a maximum of 200,000 square feet, and shall conform to the buffer yard requirements described in Article V, Section 21-54.
- c. All sites shall be enclosed by an eight foot (8') high stockade fence, vinyl fence or masonry wall. Existing sites with chain link fence may be enclosed with slatting. New sites shall require stockade fencing or masonry wall.
- d. Nothing stored shall be visible above the height of the fence or wall.
- e. A City of Edgewater Business Tax Receipt shall be required.
- f. No storage or parking of items under control of the salvage yard shall be permitted outside of the fence or wall.

21-34.05 – Refuse and Dumpsters

The purpose of this Section is to control the placement and operation of refuse and dumpsters and similar such uses.

- a. Dumpsters, with the exception of those located at construction projects, shall be enclosed from view with a six foot (6') high stockade fence, vinyl fence or masonry wall and gate. Existing sites with chain link fence may be enclosed with slatting. New sites shall require stockade fencing or masonry wall. Dumpsters and dumpster pads shall not be required for properties zoned RP (Residential Professional).
- b. No dumpsters, containers or containment areas shall be permitted in any public right-of-way.
- c. Gates shall be kept closed at all times except on designated pick up days.
- d. Dumpsters and/or containers located within 150-feet of a residential property line or noise sensitive zone (as defined in the Noise Ordinance) shall not be delivered, emptied or removed between the hours of seven p.m. (7:00 p.m.) and seven a.m. (7:00 a.m.) on weekdays and seven p.m. (7:00 p.m.) and eight a.m. (8:00 a.m.) on weekends or holidays. Dumpsters and/or containers which are not within 150-feet of a residential property line or noise sensitive zone cannot be delivered, emptied or removed during the hours of ten p.m. (10:00 p.m.) and six a.m. (6:00 a.m.) .
- e. All construction projects shall have a dumpster located on-site for placement of construction debris for all new construction and additions exceeding 600-square feet.
- f. Containment areas and construction project areas shall be maintained in a clean and orderly manner at all times so as to not produce a nuisance.
- g. Newly developed/redeveloped non-residential projects and multi-family projects over four (4) units shall provide an adequate quantity of on-site dumpsters.

21-34.06 – Kennels

The purpose of this Section is to minimize conflicts of noise, odor, and health hazards created by kennels. In addition to the regulations as set forth within the district(s) in which the use is located, the following minimum regulations shall apply:

- a. Commercial kennels are limited to the raising, breeding, boarding, and grooming of domesticated animals. Farm animals such as pigs and chickens or exotic animals such as snakes are expressly prohibited.
- b. All runs shall be equipped with drains provided every 10 feet (10') and connected to a sanitary facility approved by the City Engineer.
- c. No animal having a disease harmful to humans shall be boarded or maintained in the facility.
- d. No building or other structure nor any dog run shall be located within 150 feet (150') of any residential use.
- e. Dog runs adjacent to a residential use shall not be used between the hours of 10 P.M. and 7 A.M.
- f. Kennels are required to receive a commercial kennel license from the Volusia County Animal Control Department and a City of Edgewater Business Tax Receipt after receiving a Certificate of Occupancy from the City.
- g. See Chapter 5 of the Code of Ordinances, City of Edgewater, Florida for additional regulations.

21-34.07 – Mini-warehouses

Mini-warehouses may be permitted under the following conditions:

- a. Mini-warehouse buildings shall be screened from the public right-of-way by a minimum of a six foot (6') high stockade fence or masonry wall with a ten foot (10') wide landscape buffer planted adjacent to the street side on all boundaries facing residential districts. Existing sites with chain link fence may be enclosed with slatting. New sites shall require stockade fencing, vinyl fence or masonry wall.
- b. The project shall be completely fenced, walled, and designed to limit ingress and egress through a controlled and lockable access point. This shall be limited to one (1) two (2) way access points or two (2) one (1) way access points.
- c. Mini-warehouse units shall not contain any provision for electrical outlets, potable water, or sewer services within the confines of the warehouse units. Hose bibs for cleaning purposes may be installed outside of the warehouse structures.
- d. Bathroom facilities shall be provided at a central facility in accordance with the Standard Plumbing Code.

- e. Mini-warehouses are to be used solely for storage purposes. No other commercial use or business shall be permitted within the facility unless permitted as part of a Master Plan. However, one (1) office unit attached by common walls or floors as a part of the mini-warehouse facility may be provided for use of the warehouse manager.
- f. No storage of flammables, weapons, ammunition, explosives, hazardous, or illegal substances or materials is allowed.
- g. Mini-warehouses may be permitted as a conditional use in the B-3 and BPUD District when located at least 100 feet (100') from the front property line and where in that 100 feet (100') the property is developed.
- h. A City Business Tax Receipt shall be required.

21-34.08 – Bed & Breakfasts

- a. Bed and breakfast accommodations, as defined in Section 21-20 shall require off-street parking at 1 space/bedroom, plus residential parking requirements.
- b. Landscaping shall be provided as required for hotel/motel uses.
- c. One (1) sign not to exceed six (6) square feet.
- d. A City Business Tax Receipt is required.

21-34.09 – Nursing Homes

- a. Nursing home sites shall front on a major collector or arterial roadway.
- b. Buffering shall be provided based on land use intensity and comply with the landscaping requirements of Section 21-54.
- c. A City Business Tax Receipt is required.

21-34.10 – Residential Professional

Residential Professional uses are permitted as a conditional use and require site plan approval. Residential Professional uses are permitted only along S.R. 442, east of Pinedale Road and west of U.S. Highway 1. A site plan shall be provided with a Zoning Map Amendment application and shall conform to the site design criteria as defined in Article V and Article XVIII of the Land Development Code

- a. The property must have a minimum frontage of 100-feet along S.R. 442.
- b. One ground sign not to exceed sixteen (16) square feet of display area and an overall height of eight feet (8') is permitted.

1. **Ground Sign Base Specifications.** Vertical structure supports for ground signs shall be concealed in an enclosed base. The width of such enclosed base shall be equal to at least two-thirds (2/3) the horizontal width of the sign surface.
 2. **Ground Sign Setback.** The leading edge of the sign shall be setback a minimum of ten feet (10') from the right-of-way.
 3. **Movement.** No ground sign nor its parts shall move, rotate or use flashing lights.
 4. **Prohibited Signs.** Signs that are prohibited in the Indian River Boulevard Corridor include animated signs, billboards, off-site signs, flashing signs, snipe signs, portable signs (trailer signs), roof signs, beacon lights, bench signs, trash receptacle signs, gutter signs, signs on public property, immoral display, obstruction, streamers, spinners and pennants.
- c. Commercial building code requirements shall be met.
- d. A City Business Tax Receipt is required.
- e. Permitted uses are restrictive and shall be designed to primarily serve the populace of the general vicinity.

SECTION 21-35 – PROHIBITED USES

21-35.01 – Alcoholic Beverages

No alcoholic beverage establishments, i.e., establishments engaged in the sale of alcoholic beverages for on-premises consumption, shall be located within 500-feet of an established school unless licensed as a restaurant, which derives at least 51-percent of their gross revenues from the sale of food and nonalcoholic beverages, pursuant to Florida Statutes.

SECTION 21-36 – ACCESSORY USE REQUIREMENTS

21-36.01 – Purpose

This Section includes those accessory uses and detached structures that are subordinate to the main use or building or located on the same lot. The term other accessory buildings shall include, but not be limited to such structures as greenhouses, gazebos, storage buildings, storage shed, garages, carports and the like.

21-36.02 – General Regulations

- a. No accessory structure or use shall be permitted on any lot which does not have an established principal use conforming to the requirements of this code and no accessory structure shall be permitted on any lot which does not have a permitted principal or primary structure.
- b. All accessory uses, buildings and structures shall be located on the same lot as the principle or permitted use.

- c. No accessory use, building or structure shall exceed the height limit shown in that district and shall not exceed the height of the peak of the majority of the roof height of the principle or primary structure in residentially zoned areas.
- d. Accessory buildings shall not be rented or otherwise used as a dwelling unit.
- e. No accessory structure may be located within a public right-of-way or public easement.
- f. All accessory structures are required to obtain a building permit.
- g. No accessory structure may be located in any front yard in any zoning district.
- h. Accessory buildings shall conform to the setback requirements described in Table V-1 and shall not cause an excess of the maximum building coverage and/or maximum impervious coverage as established for the respective zoning district.
- i. No accessory building may be located within any required parking area, landscape area or stormwater facility area.
- j. Accessory buildings shall be limited to 2 per parcel.
- k. The total square feet of all accessory buildings and/or storage sheds shall not exceed sixty percent (60%) of the total square feet of the principle or primary structure in residentially zoned areas, with the exception of attached and detached aircraft hangars permitted in residential districts adjacent to airport taxiways; and properties zoned Agriculture and or contain an agriculture exemption as recognized by the Volusia County Property Appraiser.
- l. Storage sheds of 200 sq. ft. or less and not utilized as a garage may be located five (5') feet from rear and side property lines.
- m. All accessory uses and buildings located in residentially zoned areas exceeding 350 sq. ft. or visible from a public roadway and located on a parcel of less than five (5) acres shall be consistent with the primary structure in architectural design, exterior construction materials or façade treatment, roofline and color.
- n. Accessory structures located on through lots and facing a public or private street other than the street where the primary structure is addressed shall conform and compliment the surrounding character of the area of said street.

21-36.03 – Outdoor Storage and Display: Commercial/Industrial

The purpose of this Section is to provide regulations for the location of outdoor storage and display facilities where such storage is an accessory use and a part of normal operations on the premises.

- a. Outdoor storage and display may be permitted in conjunction with the uses allowed in certain commercial and industrial districts as indicated in Table III-3. Such outdoor storage or display shall not be located adjacent to any residential district or use unless such storage or display is screened from the view of the neighboring residential district or use.

- b. No outdoor storage may be located in any required front yard, parking areas, fire zones, loading areas or access lanes.
- c. All outdoor storage areas shall be screened from view by a six foot (6') high stockade fence, vinyl fence or masonry wall. However, the wall or fencing shall not interfere with the flow of traffic entering or leaving the site. Existing sites with a chain link fence may be enclosed with slatting. New sites shall require stockade fencing, vinyl fencing or masonry wall.
- d. Loose materials such as sand, Styrofoam, cardboard boxes, mulch, compost areas, and similar materials, which are subject to being scattered or blown about the premises by normal weather conditions, shall be contained by an adequate enclosure. No outdoor storage area or building shall be located in a public right-of-way, utility or drainage easement.
- e. Commercial outdoor display of merchandise may be permitted as an accessory use within the required front, side or rear yard areas, providing that such outdoor display shall not be located adjacent to a residential street.
- f. The sale, storage, or display of all products not normally found or used outdoors shall be conducted from indoor locations only.
- g. Outdoor display of products shall be limited to items typically associated due to their nature, size or construction with common outdoor usage or sales and shall be limited to one of any one product or model and shall be located in a designated display area. In addition one (1) ice machine and one (1) LP Gas dispenser shall be permitted in a designated exterior area. Merchandise typically permitted for outdoor display include, but are not limited to: sales, display and rental of vehicles, boats and mobile homes, plant nurseries and sale of landscape materials, swimming pools and spas, lawn mowers, lawn furniture, basketball nets, volleyball equipment, Christmas trees, pumpkins at Halloween, tomato plants, harvested fruits and vegetables etc. Merchandise typically not permitted for outdoor display include, but are not limited to: indoor furniture, stoves, ranges, bathroom fixtures, clothing, bedding mattresses, etc. This section shall not apply to permitted garage/yard sales, authorized farmers/craft markets and permitted special activities/events.
- h. Outdoor display of vehicles, watercraft, etc., for sale shall be set back no less than ten feet (10') from the front and side corner property line and five feet (5') from the interior side and rear property line. Landscaping shall be installed in this area on any adjacent local street.
- i. All display merchandise and related display equipment shall be removed at the close of business each day. This shall not include vehicles, boats, mobile homes, large lawn/construction equipment and campers displayed for rent or sale. No outdoor display areas shall be permitted within required parking spaces or areas, public sidewalks or pedestrian or vehicular access areas, parking aisles, driveway entrances or exits. At no time shall any exterior display areas impede the entry or means of egress of any doorway. No outdoor display areas shall obstruct visibility triangles at intersections or at points of ingress or egress to the business.
- j. All new outdoor garden supply areas shall be screened from public view, the public right-of-way and incorporated into the architecture of the principle building.

- k. All unattended machines dispensing a product, with the exception of ice and water machines, LP gas, newspaper machines (general circulation), shall be located indoors.

21-36.04 – Satellite Dishes and Antennas

The purpose of this Section is to control the location of satellite dishes and antennas in order to allow their use without sacrificing property values. Telecommunication tower location and site development standards are found in Article XII.

- a. Privately owned ham radio antennas, citizens band radio and/or satellite dish antennas shall be considered accessory uses. All other such facilities belonging to companies whose business involves the reception or transmissions of wireless communication signals shall be considered commercial uses.
- b. Pursuant to the Federal Telecommunications Act of 1996, satellite dishes 39 centimeters (approximately 36 inches) or less in diameter shall not require an installation permit.
- c. A satellite dish greater than 36 inches (36”) in diameter shall require a building permit from the City.
- d. Except as provided in Article XII, antennas and satellite dishes greater than 36 inches in diameter shall be set back five feet (5’) from side and rear lot lines or easements.
- e. No satellite dishes larger than 39 centimeters (approximately 36 inches) or antennas shall be permitted in the front yard of any parcel.
- f. The required setback shall be measured from the closest point of the outermost edge of the antenna or satellite dish to the property line.
- g. Except as provided in Article XII, the height restrictions for antennas and satellite dishes shall not exceed the height limit in that district.

21-36.05 – Places of Worship – Schools/Child Care

The purpose of this Section is to establish criteria for the operation of schools and recreation facilities as an accessory use associated with places of worship.

- a. A school operated by a place of worship shall not be permitted to locate within 25 feet (25’) of property used as residential.
- b. Recreation areas associated with places of worship shall not use artificial site lighting at night unless shielded from adjacent residential areas.
- c. No recreational activity shall be located closer than 25 feet (25’) to an adjacent parcel.
- d. The front yard of a place of worship shall be on an arterial or collector roadway.
- e. The building design for new construction shall be substantially similar to the design of the existing structures. No portables, trailers or like buildings are permitted.

- f. Parking and service areas shall be located away from adjacent parcels.

21-36.06 – Boathouses

The following regulations shall apply to boathouses in all the R-1, R-2, R-3, R-4 and R-5 districts.

- a. *Height of boathouses:* No boathouse shall be erected or altered to a height exceeding fifteen (15') feet from mean high water.
- b. *Boathouse setback:* No boathouse shall be built less than five (5') feet from the established bulkhead line or less than ten (10') feet from any side lot line. If no bulkhead line is established, then the mean high tide watermark shall be used as the line of measurement.
- c. *Accessory building attached to boathouse:* No accessory building which is attached to a boathouse and a part thereof shall be erected or altered less than twenty (20') feet away from the established bulkhead line. If a bulkhead line is not established, then the mean high water mark shall be used as the line of measurement.
- d. *Detached accessory building to boathouse:* A detached accessory building to a boathouse is prohibited in the R-1, R-2, R-3, R-4 and R-5 residential districts.
- e. *Area of boathouses:* No boathouse or similar structure shall exceed twenty (20') feet in width measured on a line parallel to the established bulkhead line or exceed forty (40') feet in depth measured at right angles to the established bulkhead line. If a bulkhead line is not established, then the mean highwater mark shall be used as a line of measurement.

21-36.07 – Boat Docks and Slips

- a. Boat docks and slips for mooring pleasure boats, yachts and non-commercial watercraft shall be permitted in accordance with Volusia County's Manatee Protection Plan in any residential district as an accessory use to the residential use.
- b. If no bulkhead line is established, then the mean highwater mark shall be used as the line of measurement.

21-36.08 – Canopies/Temporary Carports and Tents

- a. Owners of canopies/temporary carports and tents shall be required to secure all components so as to prevent them from becoming airborne or from leaving the property where installed, as well as keep them in a good state of repair. Temporary canopies/carports and tents shall not require a permit if installed and maintained as per the manufacturer's installation instructions. No substantial modifications that would alter the design or integrity of the canopy/temporary carport or tent shall be permitted.
- b. The below specifications are intended to be minimum only and are no indication or guarantee of fitness for securing the temporary items covered under this Section. Quantities and sizing will vary by the size of the item being secured.

1. All tie downs must be secured to solid, immoveable objects such as: mobile home anchors, concrete driveways, buildings, etc., or as per manufacturer's installation instructions or engineer's specifications.
 2. All tie down leads must be a minimum of 3/16" galvanized or stainless steel cable or a minimum of 3/8" true nylon rope, (not polyethylene, polypropylene or polyester) or sized as per manufacturer's installation instructions or engineer's specifications.
 3. It is forbidden to use concrete blocks or weights of any kind as a method of tie down, because attaching weight or other moveable objects to canopies/temporary carports and tents can cause those weights to be catapulted by wind lift.
- c. There shall be a limit of two (2) canopies/temporary carports and tents per parcel. Canopies/temporary carports and tents shall be located behind the front building setback line in the rear and side yard setback areas. Canopies/temporary carports and tents located in side yard setback areas shall be screened from view with a six foot (6') high opaque wall or fence.
 - d. Tarps/tops of temporary structures shall be removed during hurricane warning conditions.
 - e. Canopies/temporary carports and tents not related to a special activity event pursuant to Section 21-37 and not located in the rear and/or side setback areas shall not be erected for more than a two (2) day period and for no more than ten (10) days total in a six (6) month period.

21-36.09 – Swimming Pools

a. Definitions

As used in this Article, the following terms shall have the respective meanings ascribed to them:

Residential swimming pool: Any swimming pool used or intended to be used solely by the owner, operator or lessee thereof and his family, and by guests invited to use it without charge or payment of any fee.

Swimming Pool: A body of water in an artificial or semi-public or private swimming setting or other water-related recreational activity intended for the use and enjoyment by adults and/or children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool. This definition shall include whirlpools, spas, and hot tubs unless separately identified and shall exclude 110-volt plug-in Jacuzzi/hot tubs.

Wading pool: Any pool with a surface area of less than two hundred fifty (250) square feet and less than twenty-four (24) inches in depth at any point. Wading pools shall not be required to comply with this Article.

b. Permit – Application; plans and specifications

1. *Application:* Before the erection, construction or alteration of any swimming pool has begun, an application for a permit shall be submitted to the Building Official for approval.
2. *Plans and specifications:* The application shall be accompanied by two (2) sets of full and complete plans and specifications of the pool, including a survey of the lot showing distance between buildings or structures and the distance from all property lines. Plans must show method of compliance with the Residential Swimming Pool Safety Act, F.S. 515, as amended from time to time.

c. Structural Requirements

1. *General:* All swimming pools whether constructed of reinforced concrete, pneumatic concrete, steel, plastic or others, shall be designed and constructed in accordance with the requirements of the Florida Building Code, 424 and accepted engineering principles.

d. Location

1. Front yard and side corner yard swimming pools are prohibited.
2. No swimming pool shall be constructed closer than five (5) feet from any building without engineering, nor within any easement or ten (10) feet from any property line, unless a Development Agreement or P.U.D. Agreement is established for the property.

e. Enclosures

1. Inground swimming pools, unless entirely screened in, shall be completely enclosed with a fence or wall at least four feet (4') high, and so constructed as to not be readily climbable by small children. All gates or doors providing access to the pool area shall be equipped with a self-closing and self-latching device installed on the pool side for keeping the gates or doors securely closed at all times when the pool area is not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped, per the Residential Swimming Pool Safety Act, F.S. 515, as amended from time to time.
2. The structure of an aboveground swimming pool may be used as its barrier or the barrier for such a pool may be mounted on top of its structure, additionally any ladder or steps that are the means of access to an aboveground pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier. All barriers shall comply with the Residential Swimming Pool Safety Act, F.S. 515, as amended from time to time.
3. All whirlpools, spas or hot tubs unless entirely screened in or equipped with a lock down cover shall be completely enclosed with a fence or wall at least four feet (4') high and so constructed as to not be readily climbable by small children, and comply with the Residential Swimming Pool Safety Act, F.S. 515, as amended from time to time.

f. Filtration and recirculation system

All swimming pools shall be equipped with a filtering and recirculation system and such systems shall be compliant with all applicable requirements as set forth by the American National Standards Institute.

g. Electrical wiring

All electrical wiring must comply with the National Electrical Code (NEC).

h. Plumbing

When plumbing is connected to City service for water supply, all plumbing shall be in strict accordance with the local plumbing code. When water is supplied from sources other than City connected service to family pools, then plastic pipe stamped and approved one hundred (100) by an ASTM laboratory may be accepted, if inspected and approved by a licensed plumbing inspector.

i. Discharge water

Water being discharged from the pool or from the back flushing of the filtering system may be discharged to a storm sewer, dry well, seepage pit, or through an irrigation system or other approved method by the City. Discharge water may not be discharged into a sanitary or combined sewer.

j. Rim height

The overflow rim of all swimming pools shall be a minimum grade above surrounding ground level and in all cases sufficiently high enough to prevent groundwater from flowing into the pool.

k. Walkway

A walkway of concrete or other approved materials shall surround all swimming pools from the overflow rim outward a distance of three feet (3') for at least two-thirds (2/3) of the pool perimeter and shall be so designed that water cannot drain from the walkway into the pool.

I. Overflow Skimmer

A beam overflow skimmer shall be required and be designed so that debris caught in it will not be washed back into the pool by water movements.

SECTION 21-37 – SPECIAL ACTIVITY/PERMIT REQUIREMENTS

21-37.01 – Purpose/Scope

To establish policies and procedures pertaining to special activities, including but not limited to, outdoor entertainment, to ensure compliance with all applicable City, County and State requirements. A special activity permit will be required of all special activities held within the City of Edgewater.

21-37.02 – Definitions

Charitable event/activity – is an event/activity or cause sponsored by a business or non-profit organization for the purpose of soliciting aid, assistance or contributions for benevolent purposes. To qualify as a charitable event/activity; all profits (net difference of gross revenues less expenses) must be given to the charitable cause for which the charitable event/activity was organized. For purposes of this definition, a charitable event/activity cannot exceed one (1) day. Each charitable event/activity permit application shall adhere to the special activity permitting process as defined in Section 21-37.04. For the purposes of this definition, a charitable event/activity does not include an event/activity with the primary purpose of carrying on propaganda or otherwise attempting to influence legislation, and does not include an event/activity with the primary purpose of raising funds or garnering support for a political campaign on behalf of (or in opposition to) any candidate for public office.

City sponsored activity – sponsored or co-sponsored by the City Council or any City Department for the benefit of the residents of the community.

Civic group/non-profit organization – any group that meets for the improvement of the community and whose main function is to make the community a better place to live either by deed, donations of time or finances. A tax-exempt certificate is not necessary if the group meets the above stated criteria.

Community activity - activities which take place on City owned or controlled property in which the general public is invited to participate.

Live entertainment - entertainment in the form of music, singing, speaking or similar activities that are enhanced by amplification equipment. This includes bands, concerts, performances, karaoke and disk jockey functions.

Outdoor entertainment – entertainment in the form of music, singing, speaking and similar activities, amplified or non-amplified that is located outside of or partially outside of the area of the sponsoring property permitted for normal retail sales or services.

Private business - any business enterprise operating for the purpose of creating a profit.

Special activity – any public or private activity held within the City of Edgewater in which it can be reasonably anticipated that the number of persons attending the activity will exceed the on-site parking, seating or sanitary facilities available at the premises upon which activity will take place or that services will be required beyond that which are regularly provided by the City such as additional traffic control, crowd control, fire and/or emergency services, street closures, cleanup or other municipal services.

Special activity permit – a permit issued by the City to authorize a special activity.

Sponsor/promoter – any person, group or entity ultimately responsible in full or part for producing, operating, sponsoring or maintaining a special activity.

21-37.03 – Special Activity Permit Requirements

- a. The uses authorized by a Special Activity Permit are temporary and all permitted improvements shall be removed within five (5) days of the completion of the special activity.
- b. The number of special activities at any given location or address shall not exceed:
 1. One 10-day period and two 1-day charitable events/activity between the period of January 1st through June 30th; and
 2. One 10-day period and two 1-day charitable events/activity between the period of July 1st through December 31st.
 3. The City Council may grant an exemption to the number events/activities permitted per year for a specific location or address. The exemption shall not be granted for more than a one (1) year period. All other requirements contained in this Section shall apply.
- c. Outdoor entertainment/amplified sound in conjunction with a special activity shall be permitted only between the times of 1:00 p.m. to 10:00 p.m., unless otherwise authorized by the City.

21-37.04 – Special Activity Permit Application Process

- a. A special activity permit will be required for each special activity held within the City of Edgewater. No special activity permit will be required for any event sponsored or co-sponsored by the City if it is occurring on public property.
- b. A special activity permit application must be completed and submitted to the Development Services Department for review by City staff at least 60-days in advance of the activity for special activity permits that are required to go before City Council for approval and 21-days for special activity permits that only require Staff approval. The application must include specific dates and times of the planned activity (including set up and demobilization), number and types of vendors, types and hours of entertainment, specific parking layouts, quantity and number of sanitary facilities. If the application is for a charitable event/activity, sufficient information (financial, medical and/or socio-economic) must be provided for a clear

determination that the event meets the criteria of a charitable event/activity. Hours for outdoor entertainment/amplified sound are described in Section 21-37.03 of this Article.

- c. The completed special activity permit application and staff comments will be provided to the City Council for review and consideration at the next regularly scheduled meeting for those events that exceed an anticipated attendance of 2,000 people. City staff will notify affected property owners within 500-feet of the site requesting the special activity permit from City Council and the date and time of the City Council meeting in which the application will be reviewed. The applicant shall provide names and addresses of each affected property owner, obtained from the Volusia County Property Appraiser's office.

21-37.05 – Special Activity Permit Criteria

- a. The proposed activity will not result in unsafe ingress/egress for either pedestrians or vehicles.
- b. The proposed activity shall comply with the appropriate Florida Fire Prevention Codes conditions.
- c. The proposed activity shall comply with the City's Land Development Code and noise ordinance conditions.
- d. The proposed activity will direct on-site lighting away from adjacent parcels and roadways.
- e. The proposed activity shall have adequate sanitary facilities.
- f. The applicant shall post a bond or provide insurance in the amount of \$500,000 if no on-site alcohol consumption is proposed and \$1,000,000 if on-site alcohol consumption is permitted and/or pyrotechnics are proposed to indemnify and hold the City harmless of any and all liabilities.
- g. The City Council may waive the requirements as contained in Section 21-35.01 for alcohol sales and/or consumption associated with a special activity.
- h. The City Council may add other conditions to protect the health, safety and welfare of the residents.

21-37.06 – Temporary Structures

It shall be the responsibility of the applicant of the special activity permit to ensure the structural integrity of all temporary structures erected for special activities. The structures are to be safe, structurally sound and of adequate capacity to service the number of persons proposed to use the structure and must be removed with five (5) days of completion of the special activity. The Building Official and Fire Marshal shall verify such compliance is obtained.

21-37.07 – Inspections to Ensure Compliance

The City shall provide scheduled and unscheduled inspections prior to and/or during the special activity by police, fire, code enforcement, building and/or City administration representatives to

monitor and ensure compliance with all applicable City, County and State codes. Special activity permits that include outdoor entertainment may require a code enforcement officer to remain on site during the activity. The cost of said officer shall be reimbursed to the City by the sponsor/promoter. Appropriate State agencies are responsible for the inspection of amusement rides and public food preparation facilities.

21-37.08 – Penalties

Any person or entity who shall conduct, operate or maintain a special activity and fails to obtain a special activity permit shall be ordered to cease and desist and be punished by a fine of three times the cost of the application fee as well as all associated City fees. No further special activities shall be authorized until all penalties are current. A repeat offender shall not be eligible for a special activity permit for a one-year period. A repeat offender is defined as a sponsor/promoter who violates any of the conditions of the special activity permit more than one time in a six-month period.

21-37.09 – Exceptions

Any special activity sponsored/promoted by a civic group or non-profit organization or co-sponsored by the City of Edgewater may be exempt from any and all fee requirements. This decision shall be rendered by the City Council and any waiver granted regarding these requirements is only binding and applicable upon that one activity or portion thereof and shall not mean that the sponsor/promoter has any rights to future waivers.

SECTION 21-38 – FENCES, WALLS and HEDGES

21-38.01 – Purpose

The purpose of this Section is to set forth the standards necessary to regulate the use of fences.

21-38.02 – General Requirements

The following regulations shall apply to the erection of fences and walls.

- a. All fencing materials must comply with the definition in Article II and shall be consistent with or similar to other fencing in the vicinity.
- b. All fences shall comply with the provisions of the applicable building codes and are required to obtain a building permit.
- c. Fences may be located in all front, side and rear yard setback areas and directly on property lines, provided that if a fence encroaches into a utility access easement or right-of-way, the City shall not be responsible.
- d. The maximum allowable height of all fences located between the front property line and the primary building frontage line of residential properties and river front lots of residential property not subject to site plan review shall be four feet (4'). Fences located in these areas must be non-opaque. The maximum allowable height of all other fences in residential areas

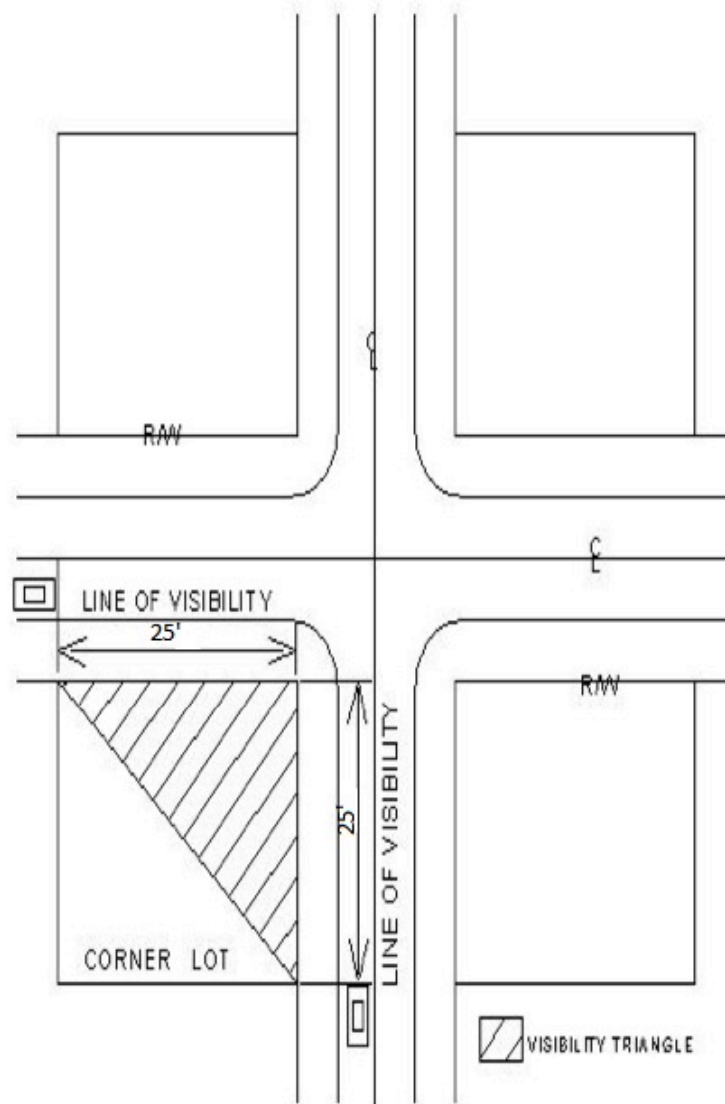
shall be six feet (6') including side corner yards and meet the site triangle requirements. Six (6') foot fences on side corner lots shall be setback ten feet (10') from the property line. In commercial and industrial areas no fence shall exceed ten feet (10') feet in height unless otherwise approved as part of a development plan and meet the site triangle requirements. The filling or berming of property solely for the purpose of creating a barrier that exceeds the height requirements contained herein is prohibited.

- e. Concrete block walls shall be constructed with appropriate reinforcement as determined by the Building Official. Block walls shall be stucco and painted to compliment the surrounding character of the area.
- f. All fences shall be erected with the finished side facing outward or away from the enclosed screened area. The "good-side" (side without posts) of fence shall be facing public view.
- g. Approval to exceed maximum height limitations may be granted by the Development Services Director/Planning Director subject to either of the following:
 - 1. The enclosed or screened area is sufficiently lower than adjoining lands to render a fence of the maximum allowable height inadequate for its intended purpose.
 - 2. The area to be enclosed or screened contains a nuisance or a hazard that cannot adequately be encompassed or obscured by a fence of the maximum allowable height.
- h. Fences with barbed wire shall be prohibited in conjunction with residential development. In nonresidential development, up to three (3) strands of barbed wire may be installed at the top of a fence. For regulatory purposes, barbed wire shall not be included in the measurement of the fence height. In no case shall barbed wire be allowed to overhang or extend outside of the property lines of the site on which the fence is installed, nor shall any barbed wire be installed at a height of less than six-feet (6') with the exception of agriculturally zoned property.
- i. Electric or electrified fences and/or any fencing containing chicken wire shall be prohibited except in agriculturally zoned districts for the containment of livestock.
- j. Customary fencing around public recreational amenities shall be exempt from height restrictions.
- k. Opaque fencing shall not be permitted on lots fronting on large lakes, rivers, golf courses or other common areas deemed as an aesthetic amenity.
- l. Fences shall conform to the "site-triangle" requirements as set forth below:

21-38.03 – Site Triangle Requirements

- a. Nothing shall be erected, planted or placed in a manner as to materially impede vision between a height of two and one-half feet (2 ½') to ten feet (10') above the intersecting street right-of-way lines. The site triangle shall be measured twenty five feet (25') in each direction from the intersecting right-of-way lines.

These regulations may also apply in commercial ingress and egress driveway areas if the TRC determines that a safety hazard may exist.



SECTION 21-39 – PAIN CLINICS

21-39.01 – Purpose

The purpose of this Section is to set forth the standards necessary for the regulation of pain clinics.

21-39.02 – General Requirements

- a. Pain Clinics shall not have employees, full-time, part-time, contract, independent or volunteers who have been convicted of or who have pled guilty or nolo contendere at any time to an offense constituting a felony in this state or in any other state involving the prescribing, dispensing, supplying, selling or possession of any controlled substance within a five (5) year period prior to the date of the application for a Certificate of Use and that the Pain Clinics shall not employ any such persons thereafter.
- b. The Pain clinic shall be operated by a medical director who is a licensed physician in the State.
- c. The Pain Clinic shall not limit the form of payment for services or prescriptions to cash only.
- d. Pain Clinics are prohibited from having any outdoor seating areas, queues or customer waiting areas or permitting patients to wait on the Pain Clinic property outside the Pain Clinic building. There shall be no loitering outside of the Pain Clinic building, including any parking area, sidewalk, right-of-ways or adjacent properties. No loitering signs shall be posted in conspicuous areas on all sides of the building. All activities of a Pain Clinic, including sale, display, preparation and storage shall be conducted entirely within a completely enclosed building.
- e. The Pain Clinic shall not be operated by or have any contractual or employment relationship with a physician:
 1. Whose drug enforcement administration number has ever been revoked.
 2. Whose application for a license to prescribe, dispense or administer a controlled substance has been denied or revoked by any jurisdiction.
- f. The owner or physician shall not have been convicted of violating a pain management ordinance in a different city, county or state.
- g. Pain Clinics are prohibited from having an on-site pharmacy for Controlled Substance Medication.
- h. There shall be no on-site sale or consumption of alcoholic beverages on the property containing a Pain Clinic.
- i. No Pain Clinic shall be located within five hundred (500) feet within an established private or public school, church or daycare facility.
- j. No Pain Clinic shall be located within one thousand (1,000) feet of another Pain Clinic.
- k. Within thirty (30) days of the removal of a Pain Clinic from a building, site or parcel of land for any reason, the property owner shall be responsible for removing all signs, symbols or vehicles identifying the premises as a Pain Clinic. In the event of noncompliance with this provision the City may remove such signs at the expense of the property owner.

- l. Pain Clinics shall remain in compliance with all federal, state, county and municipal laws and ordinances as may be amended from time to time
- m. Pain Clinics may operate Monday through Friday during the hours of 9:00 a.m. and 5:00 p.m. only.
- n. Pain Clinics shall have a waiting room of at least three hundred (300) gross square feet in area and each examination room shall consist of at least one hundred (100) gross square feet in area.
- o. Pain Clinics shall provide one (1) parking space per ten (10) gross square feet of waiting room area, two (2) parking spaces per one (1) examination room and one (1) parking space per two hundred fifty (250) gross square feet of the remaining building area.
- p. All Pain Clinics shall allow representatives of the City to enter and inspect their places of business during business hours or at any time the business is occupied for the purpose of an initial inspection to verify compliance with the requirements of the City Land Development Code, Code of Ordinances, Florida Building Code and Florida Fire Prevention Code prior to Certificate of Use approval and thereafter on an annual basis in conjunction with the Certificate of Use renewal.