

**PROPOSED ORDINANCE #11-11
ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF KISSIMMEE, FLORIDA TITLE XIV PLANNING AND ZONING CHAPTER 14-2 CITY OF KISSIMMEE LAND DEVELOPMENT CODE, ADDING SECTION 14-2-54 VINE OVERLAY DISTRICT (VO) CREATING AN OVERLAY DISTRICT AND DEVELOPMENT STANDARDS FOR SAME, ADDING A MAP OF THE DISTRICT TO THE ZONING MAP AND ADDING A MAP DEFINING STREET TYPES TO THE ZONING MAP AND MODIFYING SECTION 14-2-23 RB-2 – MEDIUM DENSITY RESIDENTIAL-OFFICE DISTRICT; SECTION 14-2-29 RPB – RESIDENTIAL PROFESSIONAL BUSINESS DISTRICT; SECTION 14-2-30 B-1 – DOWNTOWN COMMERCIAL DISTRICT; SECTION 14-2-32 B-3 – GENERAL COMMERCIAL DISTRICT; SECTION 14-2-33 HC – HIGHWAY COMMERCIAL DISTRICT; 14-2-34 B-5 – OFFICE COMMERCIAL DISTRICT; SECTION 14-2-35 BP – BUSINESS PARK DISTRICT; SECTION 14-2-36 IB – INDUSTRIAL BUSINESS DISTRICT BY UPDATING PERMITTED AND CONDITIONAL USES TO ADDRESS THE CREATION OF THE VINE OVERLAY DISTRICT AND SECTION 14-2-240 TERMS DEFINED – BY ADDING RELATED DEFINITIONS SUPPLEMENTING CURRENT ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA THAT CHAPTER 14-2 IS AMENDED TO READ AS FOLLOWS:

SECTION 1.

§ 14-2-54 VINE OVERLAY DISTRICT (VO).

- (A) Intent. This district is intended to:
- (1) Promote Transit Oriented Design.
 - (2) Encourage infill development.
 - (3) Facilitate the aggregation of lots.
 - (4) Encourage and promote redevelopment on underdeveloped sites.
 - (5) Foster a relationship between new development and existing and proposed transit stop locations and their proximity to the SunRail Facilities in Kissimmee and Osceola County.

- (B) Location. Vine Street from the west City boundary to the east City boundary as identified in the City of Kissimmee Zoning Map as the VO District.
- (C) Character.
- (1) Projects proposed in this overlay are intended to be master-planned projects that provide urban, vertical development with mixed uses, cross-access easements, creation of public spaces, pedestrian and transit friendly design, street-front oriented structures, and neighborhood interconnectivity.
 - (2) All proposed development shall be developed in accordance with the processes identified § 14-2-174 through § 14-2-206.
- (D) Mixed-Use Development Requirements.
- (1) All proposed mixed-use development shall contain a combination of uses such as office-retail, office-residential, retail-residential, office-retail-residential or some combination.
 - (2) Where two uses are proposed, no single use shall be more than 75 percent of the total development (gross floor area).
 - (3) Where three uses are proposed no single use shall comprise more than 60 percent of the total development (gross floor area).
 - (4) Phased developments shall maintain the use ratio in each project phase.
- (E) Cross Access Easements. Where feasible, Easements providing cross-access to adjacent properties shall be recorded on all new development prior to site development plan approval.
- (F) Sight Design Matrix. All new development shall conform to Table 14-2-54-1 *Site Design Matrix*. This matrix sets forth building types and building uses; building form, including building height and building frontage; lot area as determined by floor area ratio and dwelling units per acre; lot width; and, front building setback.
- (G) Building Setback.
- (1) Maximum Building Setback. New structures shall be oriented to adjacent public and/or private rights-of-way streets with a maximum setback from any right-of-way set forth in the Site Design Matrix. No vehicle use area shall be established in this setback area.
 - (2) Uses within Setbacks Adjacent to Rights-of-Way.
 - (a) Outdoor Dining shall be accordance with § 14-2-65(P).

(b) **Outdoor Display of Merchandise:** Retail Uses may have accessory display as defined in § 14-2-240 subject to the restrictions of § 14-2-65(B)(2) and (3) and the following:

- 1) Display may be located in a public right-of-way provided the display is located on a sidewalk;
- 2) Display shall be limited to each side of a lot with public street frontage and shall not exceed five square feet of display area for every lineal foot of building facing that public street;
- 3) No display shall be allowed for a side of a lot without public street frontage.
- 4) No display shall block a building entrance or obstruct a sidewalk in such a manner that there is less than a five-foot wide sidewalk path;
- 5) No display shall be located within any required landscaped area.

(H) **Building Height.** Building height is measured in floors from a building's finished floor elevation to the top of the roof.

- (1) The maximum building height for the Vine Overlay District is eight stories.
- (2) Height averaging is permitted for specific architectural elements that cover no more than 15 percent of the total roof area of the building.
- (3) Any building over four floors in height will be required to either step back a minimum of 10 feet after four floors or provide articulation in the façade to differentiate the base four floors of the building from the top.
- (4) The ground floor of commercial or mixed use buildings shall be 12 to 15 feet tall floor to floor and shall be placed at sidewalk or arcade level irrespective of base elevation. Upper floors for buildings should be 10 to 12 feet tall floor to floor.

(I) **Building Frontage.** Building frontage shall represent the percentage of any building's primary facade that must occupy the lot-line or street setback.

- (1) Building frontage shall be in accordance with the Site Design Matrix.

(2) Façade extensions such as porches, awnings, balconies, colonnades, and arcades shall not be considered as part of the principal façade and therefore not calculated as part of building frontage.

- (J) **Building Placement.** Building placement shall orient towards the front primary street edges with parking and other ancillary building elements located to rear of the lot.
- (K) **Public Spaces.** Creation of public spaces within mixed-use development is encouraged on structures of three stories or greater. When public space is that allows for pedestrian activities parking requirements may be reduced by 50 percent if approved by the City Commission.
- (L) **Storefronts.** In order to provide clear views of merchandise in stores and enhance the pedestrian shopping experience, the first floor windows of all buildings with frontage on an 'A' or 'B' street shall remain 60 percent transparent. All new buildings with frontage on Vine Street shall contain transparent windows and doors no less than 60 percent of the total area of the facade facing Vine Street. Doors or entrances with public access shall be provided on all 'A' and 'B' streets.
- (M) **First Floor Blank Walls Adjacent To Public Rights-Of-Way.** No structure shall present a blank wall on any side adjacent to or visible from the public right-of-way. A wall surface shall be no longer than 50 feet without a recess or offset measuring at least 20 feet in depth and one-quarter of the building in length or a series of recesses or offsets, at intervals not more than 40 feet, that vary the depth of the building wall by a minimum of 4 feet. Not less than 25 percent of the building wall shall be varied this way. The objective of this standard is to avoid large, undifferentiated wall surfaces. A combination of architectural detail, fenestrations and landscaping shall be used to meet this requirement. See Figure 14-2-54 -1 *Maximum Horizontal Wall Dimension*.

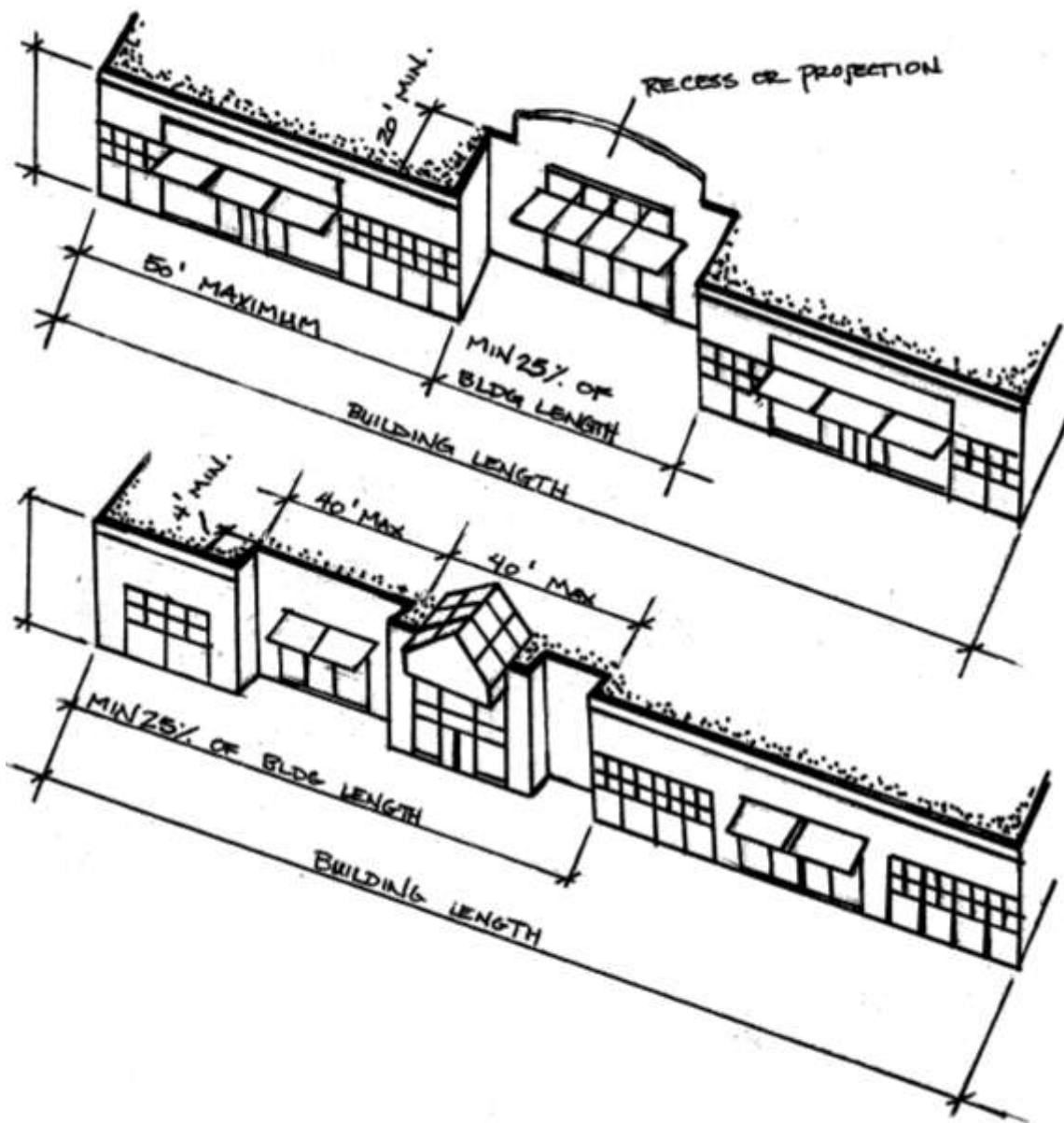


Figure 14-2-54-1

(N) Signs. All signs for new development shall be uniform to the development and consistent with the standards below. Freestanding and/or ground signs shall be limited to monument signs or post-style signs. No freestanding sign shall be permitted on sites with existing outdoor advertising signs (billboards). Signs erected or required by government agencies are exempt from these standards.

(1) Sign Allocation:

- (a) One monument or post-style sign per parcel.
- (b) Wall Signs shall be limited to one sign per building facades fronting on a public right-of-way.
- (c) One wall sign per ground floor unit.

(2) Sign Location:

- (a) Wall Signs shall not be located above the first floor elevation.
- (b) One Building Identification Sign shall be permitted on each street facing façade of a building with frontage on a public right-of-way.
- (c) Building Identification Signs may be located above the first floor, but shall not protrude above the roof line or roof cornice.
- (d) No sign shall obscure any architectural element of the building façade.
- (e) No Monument Sign or Post-Style Sign shall be located in any sight triangle.
- (f) Projecting Signs or Under Canopy Signs shall be mounted above or below an awning, providing a minimum eight feet of vertical clearance as measured from the sidewalk. There shall be a minimum of three feet of horizontal clearance from the edge of the curb to the front edge of the sign.
- (g) When multiple businesses occupy the same building on different floors, a flat, wall mounted Directory Sign or a Window Sign maybe included at the primary entrance. Primary entrances include separate doorways or lobby entrances. A Directory Sign may be used in combination with other signs. Sign directories shall not exceed four square feet. Text size, color and font shall be standardized between different businesses listed on the same sign.

Table 14-2-54-2 Signs by Street Type

Sign Type	A Street	B Street	C Street
Wall	1.5 square feet for each 1 linear foot of unit frontage.	1 square foot for each 1 linear foot of unit frontage.	1 square foot for each 1 linear foot of unit frontage.
Building Identification	1 square foot for each 1 linear foot of building frontage. May be divided between multiple signs.		
Monument	100 square feet. No more than 10 feet in height.	36 square feet. No more than 7 feet in height.	Not permitted.
Projecting/Under Canopy	4 square feet. Area deducted from permitted wall sign area.		
Post-Style	6 square feet. No more than 4 feet high.		
Window	4 square feet. Not exceeding 20% of window area.		
Awning	Area deducted from permitted wall sign area.		
Temporary Window	No more than one-third (33%) of the transparent glass area of the window.		
Directory Sign	4 square feet.		

(2) Sign Illumination:

- (a) All signs shall be illuminated by external means only.
- (b) Backlighting is permitted.
- (c) The light from any illuminated sign, or from any light source, shall be shaded, shielded, or directed so that the light intensity or brightness shall neither adversely affect the surrounding premises nor impede safe vision of operators of vehicles moving on streets or parking areas.
- (d) Internal illumination is permitted only for window signs. Internal illumination is permitted but shall not consist of blinking or moving copy.

(O) Parking. Parking shall be provided in accordance with the §14-2-75 through §14-2-80.

- (1) Parking spaces in excess of the minimum number required shall not be permitted in new surface parking lots.
- (2) In new mixed-use development parking may be reduced in accordance with the following:

- (a) Up to 20 percent for office-retail development.
- (b) Up to 20 percent for the provision of transit shelters approved by Lynx.
- (c) Up to 25 percent when provided in a parking structure.
- (d) Up to 30 percent for residential-retail development.
- (e) Up to 30 percent for residential-office development.
- (f) Up to 40 percent for residential-retail-office development.
- (3) Where structured parking is provided that fronts on any street, the exterior floor space of the first floor shall be used for commercial use.

(P) Landscaping. Landscaping shall be provided in accordance with the following:

- (1) On 'A' and 'B' streets. Small understory or medium canopy trees shall be planted along all adjacent rights-of-way every 15 – 35 feet depending on species as provided in 14-2-90. All surface parking areas shall be screened from off-site view with approved materials.
- (2) On 'C' streets. Medium or large canopy trees shall be planted along all adjacent rights-of-way every 15 – 35 feet depending on species as provided in § 14-2-90. All surface parking areas shall be screened from off-site view with approved materials.
- (3) Any parking visible from a public street shall be in accordance with § 14-2-94.

(Q) Sidewalks. Sidewalks shall be provided in accordance with the following:

- (1) On 'A' streets. Sidewalks shall be a minimum 20 feet. Up to 50 percent may be located within a dedicated easement on private property. Where on-street parking is provided the minimum width shall be 12 feet. The minimum on Vine Street shall always be 20 feet.
- (2) On 'B' streets. Sidewalks shall be a minimum 10 feet. Where on-street parking is provided the minimum width shall be 12 feet.
- (3) On 'C' streets sidewalks shall be a minimum 6 feet. Where on-street parking is provided the minimum width shall be 10 feet.

(R) Access. Access shall be provided in accordance with the §14-2-81 through §14-2-82.

- (1) Pedestrian pathways shall be provided as links between the street, parking areas and buildings.
 - (2) Unobstructed access shall be provided between the street and building entrances.
 - (3) Pedestrian access ways shall be a minimum 5 feet wide with pavement markings at any place it crosses with parking rows or service drives.
- (S) Project of Significance to the City. A Project of Significance to the City shall be defined as any development or redevelopment project with special site characteristics of such a size, especially very small or very large, determined by the City Manager to be of such economic or social importance to the City that it warrants greater flexibility in the interpretation of § 14-2-54(F). A Developer's Agreement will outline specific design considerations, and schedule and phasing plans consistent with the overall design intent of the VO District.
- (T) Aggregation of Lots. Aggregation of lots of any size shall occur whenever practicable.
- (U) Small Lots. There remain several small scale parcels (less than one acre) throughout the Vine Street Overlay that may not lend themselves to aggregation with adjacent lots or there may be other restrictions that limit redevelopment potential. It is the City's intent to ensure that these small parcels can redevelop, rehabilitate and/or otherwise improve the overall condition of the property and its buildings. As such, the City will provide significant flexibility in the application of the Vine Overlay District standards for small parcel sites in order to meet broader Vine Street Vision principles while accommodating physical site restrictions and shorter term economic development goals.
- (V) Existing Single-Family Units. All single-family residential units existing upon the adoption of this section and located within the Vine Overlay District are exempt from the standards contained in §14-2-54.

Table 14-2-54-1 -- Site Design Matrix – Minimums are Recommended; Maximums May Not Be Exceeded.

Building Types And Uses		District	Building Form		Lot		Special Requirements
			Building Height ³ (Min/ Max In Floors)	Building Frontage (Min In Percent)	Floor Area Ratio — Dwelling Units Per Acre (Maximum)	Lot Width (Max In Feet) ¹	
<i>Residential</i>	Single Family Units ²	UC	Not Permitted		Not Permitted		Max 20' street setback.
		UG	1/3	60%	9 du/ac	70'	
		S	1/3	60%	9 du/ac	85'	
	Townhouses ²	UC	2/4	90%	40 du/ac	300'	Max 10' street setback and lot width includes multiple units.
		UG	2/4	80%	40 du/ac	300'	
		S	2/2	70%	40 du/ac	300'	
	Multifamily Units	UC	4/8	90%	40 du/ac	300'	Max 5' street setback.
		UG	4/8	80%	40 du/ac	300'	
		S	2/4	70%	40 du/ac	300'	
<i>Mixed Use</i>	Mixed Use Residential	UC	6/8	90%	6.0	300'	Commercial uses on ground level along primary frontage and parking in the rear. Max 5' street setback.
		UG	6/8	80%	6.0	300'	
		S	6/4	70%	6.0	300'	
	Mixed Use Office	UC	6/8	90%	6.0	300'	
		UG	6/8	90%	6.0	300'	
		S	4/6	80%	6.0	300'	
<i>Commercial</i>	Single Use Commercial	UC	Not Permitted		Not Permitted		Max 5' street setback. Access to commercial uses on ground level along primary frontage and parking in the rear.
		UG	2/4	70%	6.0	400'	
		S	1/4	60%	6.0	600'	
<i>Industrial</i>	Light Industrial Facility	UC	Not Permitted		Not Permitted		Max 25' street setback. Access to building on ground level along primary frontage and parking in the rear.
		UG	Not Permitted		Not Permitted		
		S	1/2	50%	6.0	300'	
	Research Facility	UC	2/4	80%	6.0	300'	Max 5' street setback. Access to building on ground level along primary frontage and parking
		UG	2/4	70%	6.0	300'	
		S	1/4	60%	6.0	300'	
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¹ Minimum lot widths can be found in the individual Zoning Districts.

² Frontage exclusive of garage.

³ Mezzanine not included.

⁴ May be permitted by Development Services Director and designed in accordance with UG Standards.

Note: Setbacks not withstanding utility easements on existing streets. Setbacks are in addition to any required visibility triangle.

Table 14-2-54-1 -- Site Design Matrix – Minimums are Recommended; Maximums May Not Be Exceeded.

Building Types And Uses	District	Building Form		Lot		Special Requirements
		Building Height ³ (Min/ Max In Floors)	Building Frontage (Min In Percent)	Floor Area Ratio — Dwelling Units Per Acre (Maximum)	Lot Width (Max In Feet) ¹	
Civic Buildings	UC	2/6	80%	6.0	300'	Max 20' street setback along primary frontage for public park/plaza.
	UG	2/4	70%	6.0	300'	
	S	1/2	70%	6.0	300'	
Parking Structures	UC	2/6	80%	6.0	300'	Max 5' street setback. Pedestrian oriented ground floor facades along primary frontage.
	UG	2/6	70%	6.0	300'	
	S	2/4	70%	6.0	300'	

¹ Minimum lot widths can be found in the individual Zoning Districts.
² Frontage exclusive of garage.
³ Mezzanine not included.
⁴ May be permitted by Development Services Director and designed in accordance with UG Standards.
 Note: Setbacks not withstanding utility easements on existing streets. Setbacks are in addition to any required visibility triangle.

§ 14-2-23 RB-2 — MEDIUM DENSITY RESIDENTIAL-OFFICE DISTRICT

- (C) *Conditional Uses.* In conformance with § 14-2-206, including a public hearing
- (6) Finance, insurance, and real estate office establishments.
 - (7) Professional service establishments, except for Hospitals which are not allowed.
- (E) *Other Site Design Standards.* All RB-2 development shall meet the applicable provisions of the following sections or articles:
- (1) Properties located within the Community Redevelopment Area Overlay District: §14-2-45.
 - (2) Properties located within the Vine Overlay District: § 14-2-54.
 - (3) *Minimum Floor Area:* § 14-2-60.
 - (4) *Short Term Rentals:* § 14-2-64.
 - (5) *Time-Share Dwellings:* § 14-2-74.

- (6) *Buildings Per Lot:* § 14-2-60.
- (7) *Parking:* §§ 14-2-75 - 14-2-82.
- (8) *Landscaping:* §§ 14-2-90 - 14-2-97.
- (9) *Floodplain:* §§ 14-2-115 - 14-2-119.
- (10) *Signs:* §§ 14-2-150 - 14-2-163.

§ 14-2-29 RPB — RESIDENTIAL PROFESSIONAL BUSINESS DISTRICT.

(B) *Permitted Uses.*

- (1) Single family dwellings, except mobile homes.
- (2) Duplexes.
- (3) Finance, insurance, and real estate office establishments.
- (4) Professional service establishments, except for Hospitals which are not allowed.

§ 14-2-30 B-1 — DOWNTOWN COMMERCIAL DISTRICT.

(B) *Permitted Uses.* The following uses are allowed anywhere within the district:

- (29) Finance, insurance, and real estate office establishments. Not including banks, savings and loans, and credit unions.
- (30) Professional service establishments, except for Hospitals and laboratories which are not allowed. Doctors' offices and medical clinics are not allowed on the first floor of any lot having frontage on Broadway.
- (31) Grocery Stores.
- (32) Accessory uses as defined in § 14-2-240.

The following are permitted uses, however, are prohibited on the ground floor of any building whose original floor space layout only faces Broadway:

- (33) Business service office establishments, except for Temporary labor service establishments, consumer credit and reporting services, and collection services which are not allowed.

- (34) Communication service establishments, except for Communication towers and other communication facilities as defined in § 14-2-240 which are not allowed as a permitted use.

§ 14-2-32 B-3 - GENERAL COMMERCIAL DISTRICT.

(B) *Permitted Uses.*

- (1) Finance, insurance, and real estate office establishments.
- (2) Professional service establishments, except for Hospitals which are not allowed as permitted uses.
- (3) Business service office establishments, except for Temporary labor service establishments which are not allowed as a permitted use.
- (4) Communication service establishments, except for Communication towers and other communication facilities as defined in § 14-2-240 which are not allowed as a permitted use.
- (5) Administrative offices for businesses, public uses, or semi-public uses.
- (6) Retail sales establishments, except for Gasoline service stations, those businesses selling motor vehicles or heavy equipment, and secondhand merchandise establishments which are not allowed as permitted uses.
- (7) Motels and hotels.
- (8) Personal service establishments.
- (9) Repair service establishments which provide repair services of a minor nature such as radio and television services; watch, clock, and jewelry repair services; and shoe repair services.
- (10) Educational service establishments.
- (11) Leasing service establishments. The leasing of motor vehicles, except those listed in number 15 below, or heavy equipment is not allowed as a permitted use.
- (12) Building service establishments such as cleaning and pest control services.
- (13) Public and semi-public uses, except for the following which are not allowed as permitted uses: hospitals, institutional care facilities, community residential homes, shelters/halfway houses, public works maintenance facilities, sewage treatment plants, water plants, power plants, similar facilities, temporary labor service establishments, cemeteries, and recycling collection centers.

- (14) Private indoor amusement, entertainment, and/or recreation establishments.
- (15) Sales or leasing of mopeds, scooters, and/or neighborhood electric vehicles (NEVs). The sales or leasing of all other motor vehicles is not allowed as a permitted use.
- (16) Contract construction office establishments.
- (17) Post offices.
- (18) Medical and law enforcement heliports (any maintenance facilities shall be accessory).
- (19) Accessory uses as defined in § 14-2-240.

The following are permitted uses only on properties located within the Vine Overlay District:

- (20) Dwelling units in association with a Mixed Use Development.
- (21) Commercial off-street parking garages only. Commercial surface lots are not allowed as a permitted use.
- (22) Bus depots, rail stations, and taxi stations with no onsite storage and/or repair.

The following uses shall not be allowed as a permitted use on properties located within the Vine Overlay District:

- (23) Medical and law enforcement heliports (any maintenance facilities shall be accessory).

(C) *Conditional Uses*. In accordance with § 14-2-206, including a public hearing.

- (21) Uses allowed as a permitted use when conducted wholly or partly outdoors.
- (22) Any multi-use project containing two or more of the above listed conditional uses shall undergo a conditional use review for the entire project.
- (23) Commercial off-street parking lots and garages.
- (24) Public and private schools.

The following uses shall be permitted on properties located within the Vine Overlay District only if determined to be consistent with the intent of the Vine Street Vision and § 14-2-206 of the Land Development Code at the time of conditional use review. All other

conditional uses listed in section (C) above shall be prohibited in the Vine Overlay District:

- (25) Dwelling units considered a primary use located within the CRAO District, including Community Residential Homes in conformance with §14-2-61.
 - (26) Motor vehicle sales and leasing establishments not allowed as a permitted use and with no outdoor display. The sales and leasing of heavy commercial vehicles is not allowed.
 - (27) Repair service establishments not allowed as a permitted use. The repair of vehicles or heavy equipment is not allowed.
 - (28) Self-service storage facilities within a mixed-use development and not directly fronting an arterial roadway.
 - (29) Veterinary clinics with no boarding.
 - (30) Gasoline service stations.
 - (31) Consignment establishments. Other indoor secondhand merchandise establishments, including pawn shops shall not be permitted.
 - (32) Hospitals and institutional care facilities.
 - (33) Heliports (any maintenance facilities shall be accessory).
 - (34) Drive-through facilities in conjunction with an allowed use on lot(s) located within 300 feet of a residential district boundary and in accordance with § 14-2-65(N).
 - (35) Communication towers and other communication facilities as defined in § 14-2-240.
 - (36) Uses allowed as a permitted use when conducted wholly or partly outdoors.
 - (37) Any multi-use project containing two or more of the above listed conditional uses shall undergo a conditional use review for the entire project.
 - (38) Commercial off-street surface parking lots.
 - (39) Public and private schools.
- (E) *Other Use Standards.*

- (1) *Residential Uses:* Residential uses may be allowed on lots separate from non-residential uses, but such lots shall not have frontage on an arterial road. Such uses shall not be permitted in the Vine Overlay District.
 - (2) *Mixed Uses:* Any allowed residential use may be placed in a separate building on the same lot with an allowed non-residential use, if it is located at the rear of the lot. Residential uses in the Vine Overlay District shall not be permitted within a separate building from other uses within the development. Any residential use located in the same building as a non-residential use shall be above or to the rear of the non-residential use. Any residential use located on the first floor shall only be used by the owner of the business, a resident manager of the business, or a security guard for the business, and their families. These restrictions do not apply to home occupations.
- (F) *Other Site Design Standards.* All B-3 development shall meet the applicable provisions of the following sections or articles:
- (1) Properties located within the Community Redevelopment Area Overlay District: § 14-2-45.
 - (2) Properties located within the Vine Overlay District: §14-2-54.
 - (3) *Parking and Access:* §§ 14-2-75 - 14-2-82.
 - (4) *Landscaping:* §§ 14-2-90 - 14-2-97.
 - (5) *Floodplain:* §§ 14-2-115 - 14-2-119.
 - (6) *Signs:* §§ 14-2-150 - 14-2-163.
 - (7) *General Regulations for Non-Residential Uses:* § 14-2-65.

§ 14-2-33 HC — HIGHWAY COMMERCIAL DISTRICT.

- (B) *Permitted Uses.*
- (1) Finance, insurance, and real estate office establishments.
 - (2) Professional service establishments, except for hospitals, which are not allowed as permitted uses.
 - (3) Business service office establishments except for temporary labor service establishments which are not allowed as a permitted use.

- (4) Communication service establishments. Communication towers and other communication facilities as defined in § 14-2-240 are not allowed as a permitted use.
- (5) Administrative offices for businesses, public uses, or semi-public uses.
- (6) Retail sales establishments except for gasoline service stations, second hand merchandise establishments and those businesses selling motor vehicles, heavy equipment, mobile homes, or manufactured homes which are not allowed as permitted uses.
- (7) Motels and hotels.
- (8) Personal service establishments.
- (9) Repair service establishments which provide repair services of a minor nature such as radio and television services; watch, clock, and jewelry repair services; and shoe repair services.
- (10) Educational service establishments except family day care homes allowed as a home occupation.
- (11) Leasing service establishments. The leasing of motor vehicles or heavy equipment is not allowed as a permitted use, except those listed in subsection (12) below.
- (12) Sales or leasing of mopeds, scooters, and/or neighborhood electric vehicles (NEVs). The sales or leasing of all other motor vehicles is not allowed as a permitted use.
- (13) Contract construction office establishments.
- (14) Public and semi-public uses, Except for the following which are not allowed as permitted uses: hospitals, institutional care facilities, community residential homes, shelters/halfway houses, public work maintenance facilities, sewage treatment plants, water plants, power plants, similar facilities, temporary labor service establishments, cemeteries, and recycling collection centers.
- (15) Private indoor amusement, entertainment, and/or recreation establishments.
- (16) Commercial off-street parking lots and garages.
- (17) Bus depots and taxi stations.
- (18) Post offices.

- (19) Medical and law enforcement heliports (any maintenance facilities shall be accessory).
- (20) Accessory uses as defined in § 14-2-240.

The following are permitted uses only on properties located within the Vine Overlay District:

- (21) Dwelling units in association with a Mixed Use Development.
- (22) Commercial off-street parking garages only. Commercial surface lots are not allowed as a permitted use.
- (23) Bus depots, rail stations and taxi stations with no onsite vehicle storage or repair.

The following uses shall not be allowed as a permitted use on properties located within the Vine Overlay District:

- (24) Medical and law enforcement heliports (any maintenance facilities shall be accessory).

(C) *Conditional Uses.* In accordance with § 14-2-206, including a public hearing.

- (15) Uses allowed as a permitted use when conducted wholly or partly outdoors.
- (16) Commercial off-street parking lots and garages.
- (17) Public and private schools.

The following uses shall be permitted on properties located within the Vine Overlay District only if determined to be consistent with the intent of the Vine Street Vision and § 14-2-206 of the Land Development Code at the time of conditional use review. All other conditional uses listed in section (C) above shall be prohibited:

- (18) Motor vehicle sales and leasing establishments not allowed as a permitted use and with no outdoor display. The sales and leasing of heavy commercial vehicles is not allowed.
- (19) Repair service establishments not allowed as a permitted use. The repair of vehicles or heavy equipment is not allowed.
- (20) Gasoline service stations.
- (21) Consignment establishments. Other indoor secondhand merchandise establishments, including pawn shops shall not be permitted.

- (22) Hospitals and institutional care facilities.
 - (23) Heliports (any maintenance facilities shall be accessory).
 - (24) Drive-through facilities in conjunction with an allowed use on lot(s) located within 300 feet of a residential district boundary and in accordance with § 14-2-65(N).
 - (25) Communication towers and other communication facilities as defined in § 14-2-240.
 - (26) Uses allowed as a permitted use when conducted wholly or partly outdoors.
 - (27) Indoor gun ranges. Outdoor gun ranges shall not be permitted.
 - (28) Commercial off-street surface parking lots.
 - (29) Public and private schools.
- (F) *Other Site Design Standards.* All HC development shall meet the applicable provisions of the following sections or articles:
- (1) Properties located within the Community Redevelopment Area Overlay District: § 14-2-45.
 - (2) Properties located within the Vine Overlay District: §14-2-54.
 - (3) *Parking and Access:* §§ 14-2-75 - 14-2-82.
 - (4) *Landscaping:* §§ 14-2-90 - 14-2-97.
 - (5) *Floodplain:* §§ 14-2-115 - 14-2-119.
 - (6) *Signs:* §§ 14-2-150 - 14-2-163.
 - (7) *General Regulations for Non-Residential Uses:* § 14-2-65.

§ 14-2-34 B-5 — OFFICE COMMERCIAL DISTRICT.

- (B) *Permitted Uses.*
- (1) Finance, insurance, and real estate office establishments.
 - (2) Professional service establishments, except for Hospitals which are not allowed as permitted uses.

- (3) Business service office establishments, except for Temporary labor service establishments which are not allowed.
- (4) Communication service establishments, except for Communication towers and other communication facilities as defined in § 14-2-240 which are not allowed as a permitted use.
- (5) Administrative offices for businesses, public uses, or semi-public uses.
- (6) Middle schools.
- (7) Accessory uses as defined in § 14-2-240.

The following are permitted uses only on properties located within the Vine Overlay District:

- (8) Dwelling units in association with a Mixed Use Development.
- (9) Retail sales establishments, except for gasoline service stations, those businesses selling motor vehicles or heavy equipment, and secondhand merchandise establishments which are not allowed as permitted uses.
- (10) Personal service establishments.
- (11) Medical equipment and supplies sales and leasing establishments.
- (12) Office equipment and supplies sales and leasing establishments.
- (13) Commercial off-street parking garages. Commercial surface lots shall not be allowed as a permitted use.
- (14) Restaurants.
- (15) Day care centers.
- (16) Post offices.
- (17) Community centers and non-profit clubs.
- (18) Public and semi-public uses, except for the following, which are not allowed as permitted uses: hospitals, institutional care facilities, community residential homes, shelters/halfway houses, public works maintenance facilities, sewage treatment plants, water plants, power plants, similar facilities, temporary labor service establishments, cemeteries, and recycling collection centers.
- (19) Fire stations.

- (C) *Conditional Uses.* In accordance with § 14-2-206, including a public hearing.
- (1) Dwelling units located within the CRAO District, including Community Residential Homes in conformance with § 14-2-61. Residential density shall not exceed the highest density permitted by adjacent residential districts.
 - (2) The following retail service or sales establishments may be allowed in areas assigned a Commercial General future land use designation by the Comprehensive Plan if accessory to a permitted use listed in division (B) above and located on the ground floor and not in excess of 4,000 square feet per use:
 - (a) Barber shops.
 - (b) Beauty shops.
 - (c) Laundry and dry cleaning establishments.
 - (d) Drug stores.
 - (e) Medical equipment and supplies sales and leasing establishments.
 - (f) Office equipment and supplies sales and leasing establishments.
 - (3) Commercial off-street parking lots and garages.
 - (4) Restaurants, including outdoor dining in accordance with § 14-2-65(M) and 14-2-240, may be allowed in areas assigned a Commercial General future land use designation by the Comprehensive Plan.
 - (5) Day care centers.
 - (6) Hospitals and institutional care facilities.
 - (7) Funeral homes.
 - (8) Post offices.
 - (9) Community centers and non-profit clubs.
 - (10) Churches, all other schools not listed as a permitted use, libraries, and public park and recreation areas.
 - (11) Fire stations.

- (12) Drive-through facilities in conjunction with an allowed use on lot(s) located within 300 feet of a residential district boundary and in accordance with § 14-2-65(N).

The following uses shall be permitted on properties located within the Vine Overlay District only if determined to be consistent with the intent of the Vine Street Vision and § 14-2-206 of the Land Development Code at the time of conditional use review. All other conditional uses listed in section (C) above, unless specifically permitted under section (B), shall be prohibited:

- (13) Dwelling units considered a primary use located within the CRAO District, including Community Residential Homes in conformance with §14-2-61.
- (14) Drive-through facilities in conjunction with an allowed use on lot(s) located within 300 feet of a residential district boundary and in accordance with § 14-2-65(N).
- (15) Commercial off-street surface parking lots.

(E) *Other Use Standards.*

- (1) *Residential Uses:* Residential uses may be allowed on lots separate from non-residential uses, but such lots shall not have frontage on an arterial road. Such uses shall not be permitted in the Vine Overlay District.
- (2) *Mixed Uses:* Any allowed residential use may be placed in a separate building on the same lot with an allowed non-residential use, if it is located at the rear of the lot. Residential uses in the Vine Overlay District shall not be permitted within a separate building from other uses within the development. Any residential use located in the same building as a non-residential use shall be above or to the rear of the non-residential use. Any residential use located on the first floor shall only be used by the owner of the business, a resident manager of the business, or a security guard for the business, and their families. These restrictions do not apply to home occupations.

(F) *Other Site Design Standards.* All B-5 development shall meet the applicable provisions of the following sections:

- (1) Properties located within the Community Redevelopment Area Overlay District: § 4-2-45.
- (2) Properties located within the Vine Overlay District: §14-2-54.
- (3) *Parking and Access:* §§ 14-2-75 - 14-2-82.
- (4) *Landscaping:* §§ 14-2-90 - 14-2-97.

- (5) *Floodplain:* §§ 14-2-115 - 14-2-119.
- (6) *Signs:* §§ 14-2-150 - 14-2-163.
- (7) *General Regulations for Non-Residential Uses:* § 14-2-65.

§ 14-2-35 BP — BUSINESS PARK DISTRICT.

(B) *Permitted Uses.*

- (1) Finance, insurance, and real estate office establishments.
- (2) Professional service establishments, except for Hospitals which are not allowed.
- (3) Business service office establishments, except for Temporary labor service establishments which are not allowed as a permitted use.
- (4) Communication service establishments, except for Communication towers and other communication facilities as defined in § 14-2-240 which are not allowed as a permitted use.

§ 14-2-36 IB - INDUSTRIAL BUSINESS DISTRICT.

(B) *Permitted Uses.*

- (1) Administrative offices for businesses engaged in the production, assembly, testing, storage, or wholesale sales of materials or products.
- (2) Manufacturing, assembling, storage and/or packaging of the following:
 - (a) Precision instruments;
 - (b) Jewelry and precious metal products, silverware;
 - (c) Clothing, leather products and other textiles, not involving dyeing or tanning of materials or coating with pyroxlin plastic or similar materials;
 - (d) Signs and advertising displays;
 - (e) Ceramic products, glass and glass products, using electrically fired kilns;
 - (f) Electronics, limited to small electrical or electronic apparatus, coils, tubes and semiconductors; communication, navigation, guidance and control equipment; data processing equipment (including computer software); glass edging and silvering equipment; graphics and art equipment; metering equipment; radio and television equipment; photographic

equipment and supplies; radar, infrared and ultraviolet equipment; optical devices and equipment; or filling and labeling machinery.

- (g) Food and dairy products, except for those involving meat packing or processing which are not allowed;
 - (h) Furniture;
 - (i) Cabinetry, metal, upholstery, and woodworking with no outside storage;
 - (j) Building materials;
 - (k) Pharmaceutical products, cosmetics, perfumes, candles and toiletries, except soap containing animal byproducts;
 - (l) Automobiles, golf carts, lawn equipment, and farm equipment, Manufacturing of heavy commercial vehicles, including aircraft is not allowed as a permitted use;
 - (m) Non-chemical cleaning products;
 - (n) Stationery.
- (3) Repair service establishments which provide repair services of a minor nature such as radio and television services; watch, clock, and jewelry repair services; and shoe repair services.
 - (4) Printing, lithography, and publishing establishments.
 - (5) Research and development establishments associated with biochemical, chemical, electrical, photographical, medical, metallurgical, pharmaceutical or X-ray research.
 - (6) Commercial and industrial laundries.
 - (7) Wholesale trade, warehouse, and distribution establishments. Those businesses selling, storing, or distributing motor vehicles, heavy equipment, mobile homes, or manufactured homes are not allowed as permitted uses.
 - (8) Contract construction service establishments.
 - (9) Temporary labor service establishments when in compliance with the criteria in § 14-2-206(I)(8).
 - (10) Building service establishments.

- (11) Industrial trade schools.
- (12) Landscape maintenance establishments.
- (13) Data processing facilities, including call centers.
- (14) Commercial off-street parking lots and garages.
- (15) Medical and law enforcement heliports (any maintenance facilities shall be accessory).
- (16) Motor vehicle repair facilities. When located on lots within 100 feet of a residential district, all repair activities and storage shall be conducted solely indoors. Repair of heavy commercial vehicles is not allowed as a permitted use.
- (17) Gas stations for fleet vehicles only.
- (18) Outdoor storage on lots located at least 100 feet from residential district boundaries.
- (19) Welding or machine shops.
- (20) Nurseries or greenhouses on lots located at least 100 feet from residential district boundaries.
- (21) Accessory uses as defined in § 14-2-240.

The following are permitted uses only on properties located within the Vine Overlay District:

- (22) Commercial off-street parking garages only. Commercial surface lots are not allowed as a permitted use.
- (C) *Conditional Uses.* In accordance with § 14-2-206, including a public hearing.
- (1) Establishments not allowed as a permitted use which are engaged in the production, assembling, packaging, or treatment of materials, goods, food stores, and other semi-finished or finished products from semi-finished or raw materials.
 - (2) Repair service establishments not allowed as a permitted use.
 - (3) Businesses selling, storing, or distributing motor vehicles, heavy equipment, mobile homes, or manufactured homes.
 - (4) Businesses leasing motor vehicles, heavy equipment, mobile homes, or manufactured homes.

- (5) Gasoline service stations not allowed as a permitted use.
- (6) Kennels and veterinary clinics.
- (7) Finance, insurance, and real estate office establishments.
- (8) Business service office establishments.
- (9) Communication service establishments, including communication towers and other communication facilities as defined in § 14-2-240. However, printing, lithography, publishing, and data processing establishments are allowed as permitted uses.
- (10) The following uses may be allowed if subordinate to the principal use of the property and occupying less than 50% of the interior square footage of any building on the property:
 - (a) Personal service establishments.
 - (b) Professional service establishments, except for hospitals, which are not allowed.
 - (c) Security guard quarters.
- (11) Restaurants, including outdoor dining in accordance with § 14-2-65(M) and 14-2-240.
- (12) Convenience stores.
- (13) Vocational, technical, and trade schools.
- (14) Day care centers.
- (15) Park and recreation areas.
- (16) Sewage treatment plants, water plants, power plants, and similar facilities.
- (17) Public and semi-public uses. Except the following which are not allowed: hospitals, institutional care facilities, community residential homes, shelters, halfway houses, public and private schools, similar facilities, and cemeteries.
- (18) Post offices.
- (19) Heliports not allowed as a permitted use (any maintenance facilities shall be accessory).

- (20) Bus depots, rail stations and taxi stations.
 - (21) Recycling collection centers.
 - (22) Gun ranges.
 - (23) Outdoor advertising signs.
 - (24) Outdoor activities on lots located within 100 feet of residential district boundaries.
 - (25) Commercial off-street parking lots and garages.
 - (26) Drive thru facilities in conjunction with an allowed use on lot(s) located within 300 feet of a residential district boundary in accordance with § 14-2-65(N).
- (E) *Other Use Standards.*
- (1) *Outdoor Storage, Other Than Operable Vehicles:* No outdoor storage area shall be allowed unless approved as a conditional use. No outdoor storage shall be allowed in any required yard area, or within 25 feet of a residential district. All outdoor storage areas shall be screened on all sides by a solid wall or a solid fence at least six feet high. Outdoor storage may be located in front of the principal building only if the lot on which the storage is located is not visible from view from residential districts or roads designated as an arterial.
 - (2) *Repair and Manufacturing:* All repair and manufacturing processes conducted within 100 feet of a residential district shall be in completely enclosed buildings. Processes located at a greater distance may be located outdoors if approved as a conditional use and if enclosed by a solid wall or fence at least six feet high.
- (C) *Other Site Design Standards.* All IB development shall meet the applicable provisions of the following sections or articles:
- (1) Properties located within the Community Redevelopment Area Overlay District: § 14-2-45.
 - (2) Properties located within the Vine Overlay District: §14-2-54.
 - (3) *Parking and Access:* §§ 14-2-75 - 14-2-82.
 - (4) *Landscaping:* §§ 14-2-90 - 14-2-97.
 - (5) *Floodplain:* §§ 14-2-115 - 14-2-119.
 - (6) *Signs:* §§ 14-2-150 - 14-2-163.

(7) *General Regulations for Non-Residential Uses: § 14-2-65.*

14-2-240 TERMS DEFINED

ARCADE. An arcade is a series of arches or piers often used to support an overhead covering to create a partially enclosed, protected walkway.

AWNING SIGNAGE. A sign, logo, or lettering placed on an awning which is supported entirely from the exterior wall of a building.

BUILD TO LINE. A line parallel to the block face, along which a building shall be built. The intent of a build-to line is to pull the building facade close to the street and street side sidewalk.

BUILDING FRONTAGE. Building frontages are the interface between the public street and the building interior. Standards regulate the percentage of the front edge of a building that shall be located on the front setback line.

BUS RAPID TRANSIT. A premium form of bus service that operates similarly to light rail in terms of service frequency and quality. Typically includes dedicated right of way or other preemptive operational service to allow priority movement within vehicular rights of way.

CIVIC BUILDING TYPES. Single use buildings occupied by institutional, non-profit, government, religious or other non-commercial, civic oriented uses.

COMMERCIAL BUILDING TYPE. Single use building occupied by office, retail or other commercial uses.

CONTRACT CONSTRUCTION OFFICE ESTABLISHMENTS. Establishments providing administrative space for businesses primarily engaged in construction on sites separated from the place of business such as general contractors and contractors involved in road construction, the construction of utilities, plumbing, heating and air conditioning, electrical work, masonry work, painting, carpentry, roofing, or flooring, which do not have onsite storage of construction equipment or materials. The term does not include temporary labor service establishments.

CONTRACT CONSTRUCTION SERVICE ESTABLISHMENTS. Businesses primarily engaged in construction on sites separated from the place of business such as general contractors and contractors involved in road construction, the construction of utilities, plumbing, heating and air conditioning, electrical work, masonry work, painting, carpentry, roofing, or flooring, which include onsite storage of construction equipment and materials. The term does not include temporary labor service establishments.

FACADE. The face of a building from the ground to the roof line.

FENESTRATION. Transparent or semi-transparent door or window openings.

FLOODLIGHT. An artificial light source designed to give direct and/or reflective illumination over a large area. Vehicular parking lighting sources, wall packs, and security/surveillance lights shall be considered as floodlights.

FLOOR AREA RATIO (FAR). The ratio of the total floor area of building(s) to the size of the land for that location, or the limit imposed on such a ratio.

INDOOR AMUSEMENT, ENTERTAINMENT, AND/OR RECREATION FACILITIES. Enclosed facilities, which for each wall face have no entrance/exit points wider than five feet or 20% of the main wall face, whichever is greater, containing amusement, entertainment, and/or recreational activities, such as theaters, bowling alleys, pool halls, dance halls, exercise studios, martial arts schools, fortune tellers and palm readers, and indoor tennis court, handball, and swimming pool facilities.

INDUSTRIAL BUILDING TYPES. Single use buildings dedicated to light industrial uses or research oriented activities.

KENNEL. A shelter for the breeding or boarding of pets, such as dogs and cats. This is not intended to include veterinary clinics or hospitals that provide occasional necessary overnight accommodations for animals undergoing medical procedures.

LOT COVERAGE. Percentage of a given lot that may be built upon.

MASSING. Massing describes the physical shape and form of a building or group of buildings. Building massing variables include building height, building frontage, lot coverage and lot width.

MIXED USE DEVELOPMENT. A development of one or more multi-story buildings, which includes a mixture of commercial, office, and/or residential uses, each building containing two or more of these uses in the following percentages:

- Residential uses: 20% - 50% of the total development square footage
- Retail uses: 0% - 30% of the total development square footage
- Office uses: 0% - 30% of the total development square footage

MIXED USE OFFICE BUILDING TYPE. Building type that is predominantly commercial office in use but includes ground floor retail and other services.

MIXED USE RESIDENTIAL BUILDING TYPE. Building type that is predominantly residential in use but includes ground floor commercial.

MONUMENT SIGN. Any free-standing solid monument structure containing a sign face which is supported solely by its own ground-mounted base (or poles not exceeding 2 feet in height) and which is not attached or affixed to a building or other structure.

MULTI-FAMILY RESIDENTIAL BUILDING TYPE. A building structure that includes multiple dwelling units. Can include both renter and occupant owned units. Multifamily

residential shall have a minimum of two stories and a minimum of four units to be classified as Multifamily residential in the Vine Overlay District.

PORCH. A roofed spaced attached to the outside of an outer wall of a building, open on one (1) or more sides, which may have railings, screen or glass enclosure.

POST SIGN. A sign that is not attached to a building but is supported by braces, post, or by any other means than by attachment to a building support. A post sign is a free-standing sign comprised of a vertical post to which a perpendicular arm is attached and from which a sign hangs.

PRIMARY ENTRANCE. A building entry that includes separate doorways or lobbies.

PROFESSIONAL SERVICE ESTABLISHMENTS. Businesses primarily engaged in providing services such as the following: medical and other health services; legal services; engineering and architectural services; and accounting, auditing, and bookkeeping services, including travel agencies, in an office setting.

PROJECTING SIGN. A sign attached to a building wall or other structure and extending perpendicular to its face a minimum of 15 inches.

RESIDENTIAL CONVERSION. Residential conversions are homes converted into offices or other uses within the CRA.

SETBACK. Required distance measured from the property line to the adjacent, parallel edge of a building.

SINGLE FAMILY RESIDENTIAL. Detached, single unit residential buildings ranging from 1 to 3 stories.

SPATIAL ENCLOSURE. Spatial enclosure is the physical relationship of building height to roadway width.

STREETS, ‘A’. A street or roadway primarily oriented towards vehicular mobility but this classification doesn’t preclude the provision of pedestrian oriented enhancements and transit. A-Streets are mostly organized as boulevards with 4 to 6 lanes of traffic. Some A-Streets can have dedicated lanes for transit or other preemptive measures to prioritize transit mobility. Pedestrian zones along A-Streets include minimum of 12’-20’ wide sidewalks and landscape buffers to separate pedestrians from higher speed traffic. Landscaped medians can also be included in A-Streets.

STREETS, ‘B’. A street or roadway mostly organized as avenues and oriented towards pedestrian while still providing local vehicular mobility. B-Streets are mostly two to four lanes of traffic with slower design speeds. These streets generally have on-street parking, dedicated bike lanes and minimum 12’ wide sidewalks. While local bus or trolley service is likely along these streets, there are no provisions for dedicated transit lanes.

STREETS, ‘C’. A street or roadway primarily service-oriented, two-lane with on-street parking, minimum 10’ wide sidewalks and slower design speeds. Dedicated transit lanes are not anticipated and fixed route bus or trolleys are not anticipated along these routes. Bikes do not have dedicated lanes, but ride within traffic. C-Streets include local residential streets and alleys.

STOOP. A small platform and/or entrance stairway at a house door, commonly covered by a secondary roof or awning. The stoop shall project from the primary front building plane. Catwalks or breezeways are not considered stoops.

TOWNHOME RESIDENTIAL. Attached, single unit residential buildings ranging from 2 to 4 stories. Distinct from duplexes, townhomes consist of two or more contiguous attached units. Townhome residential shall have a minimum of two stories and a minimum of two contiguous attached units to be classified as Townhome residential in the Vine Overlay District.

TRANSIT - WAY. A dedicated transit lane within the roadway right of way. Typically distinguishable from vehicular lanes of traffic through distinct pavement coloring, pavement markings or other design features. Transit-way design driven by transit type.

WALL-SIGN. A sign which is affixed to and flat against an exterior facade of a building and may consist of individually mounted letters and characters.

WINDOW SIGN. A sign which includes lettering adhered to the pane of glass or signs attached inside a store front window or door indicating the name of the business and/or service.

SECTION 2. All Ordinances in conflict herewith are repealed.

SECTION 3. This ordinance shall take effect immediately upon its passage.

Commissioner _____ moved to passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner _____ and upon roll call on the motion the vote was as follows:

AYES

NAYS

Said motion having been duly carried, thereupon, _____
declared said Ordinance duly passed and adopted this _____ day of _____ 20____.

Mayor-Commissioner

ATTEST:

Desiree Matthews
Assistant City Manager/City Clerk

Approved as to Form and Legality:

Donald T. Smallwood
City Attorney