ORDINANCE NO. 2025-O-05

AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA, AMENDING ARTICLE III (PERMITTED, CONDITIONAL, ACCESSORY, AND PROHIBITED USES), ARTICLE VI (SIGN REGULATIONS), ARTICLE XX (RIDGEWOOD AVENUE CORRIDOR DESIGN REGULATIONS) OF CHAPTER 21 (LAND DEVELOPMENT CODE); PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE, ADOPTION AND CODIFICATION.

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. On July 10, 2000, City Council adopted Ordinance #2000-O-12 which enacted Chapter 21 (Land Development Code) of the City of Edgewater Code of Ordinances.

2. On June 5, 2017, City Council adopted Ordinance # 2017-O-16 which amended and restated Chapter 21 (Land Development Code), Article II (Definitions), Article III (Permitted, Conditional, Accessory and Prohibited Uses), Article VI (Sign Regulations), Article XX (Ridgewood Avenue Corridor Design Regulations).

3. Adoption of this Ordinance will modify the above-referenced Articles of Chapter 21 (Land Development Code).

NOW, THEREFORE, BE IT ENACTED by the People of the City of Edgewater, Florida:

PART A. **AMEND ARTICLE III (**PERMITTED, CONDITIONAL, ACCESSORY, AND PROHIBITED USES**), ARTICLE VI (SIGN REGULATIONS), ARTICLE XX (RIDGEWOOD AVENUE CORRIDOR DESIGN REGULATIONS) OF CHAPTER 21 (LAND DEVELOPMENT CODE), OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA.**

Amend Chapter 21 (Land Development Code) of the City of Edgewater, Florida by amending Article III (Permitted, Conditional, Accessory and Prohibited Uses), Article VI (Sign Regulations), and Article XX (Ridgewood Avenue Corridor Design Regulations as amended pursuant to **Exhibit "A"**, which is attached hereto and incorporated herein.

PART B. CONFLICTING PROVISIONS.

All conflicting ordinances and resolutions, or parts thereof, in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word "ordinance", may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplished such intention; provided, however, that Parts B through F shall not be codified.

PART E. EFFECTIVE DATE.

This Ordinance shall take place upon adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2025.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the _____ day of _____, 2025

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

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
Industrial	I-1, I-2, IPUD, MUPUD
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	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

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.
MF Residential	R-4	Medium density residential (4.1 to 8.0 units/net acre) – single family, duplex, apartments, 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

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
Health/Fitness Facilities									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									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									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									C	C			P	P	C	C	C	C	C				C	C
Pool Hall/Billiards									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	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	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
Residential - Community Home (8)	P		P	P	P	P	P	P	C		P	P				C					C	C	C	C
Residential – Duplex (15)							P	P	C							C						C	C	C
Residential – Multifamily (10) (15)							P	P	C							C							C	C
Residential –Manufactured/ Mobile Homes	P		P						C		P	P										C	C	C
Residential –Modular Home	P		P	P	P	P	P	P	C			P				C					C	C	C	C
Residential – Single Family (15)	P		P	P	P	P	P	P	C							C					C	C	C	C
Restaurants									C			A	P	P	A	C	C	C	C			C	C	C
Retail – General									C				P	P	A	C	A	A	C	A			C	C
RV & Boat Storage									C			A	C	C	A	C	P	P	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
Schools – Public	P		P	P	P	P	P	P	C		P	C	P	P	C	C	C		C	P		C	C	C
Schools – Private	C		C						C	C		A	C	P	C	C	C	C	C	P		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
Telecommunication Towers (2)	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
Truck Freight Terminal																		P	C		C		C	C
Warehousing & Storage													P	C		C	P	P	C		C		C	C
Wholesale & Distribution													P	C		C	P	P	C		C		C	C
Wrecker/Tow Truck Service													P	P		C	P	P	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 non-conforming use as described above, the provisions of Article VII, Land Development Code pertaining to expansion and relocation shall be modified to allow the non-conforming 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.

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.

l. 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 Technical Review Committee~~City Council~~ may waive the requirements as contained in Section 21-35.01 for alcohol sales and/or consumption associated with a special activity. An applicant who is denied the sale of alcohol with their special activity permit may appeal the decision of the Technical Review Committee to City Council.

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.

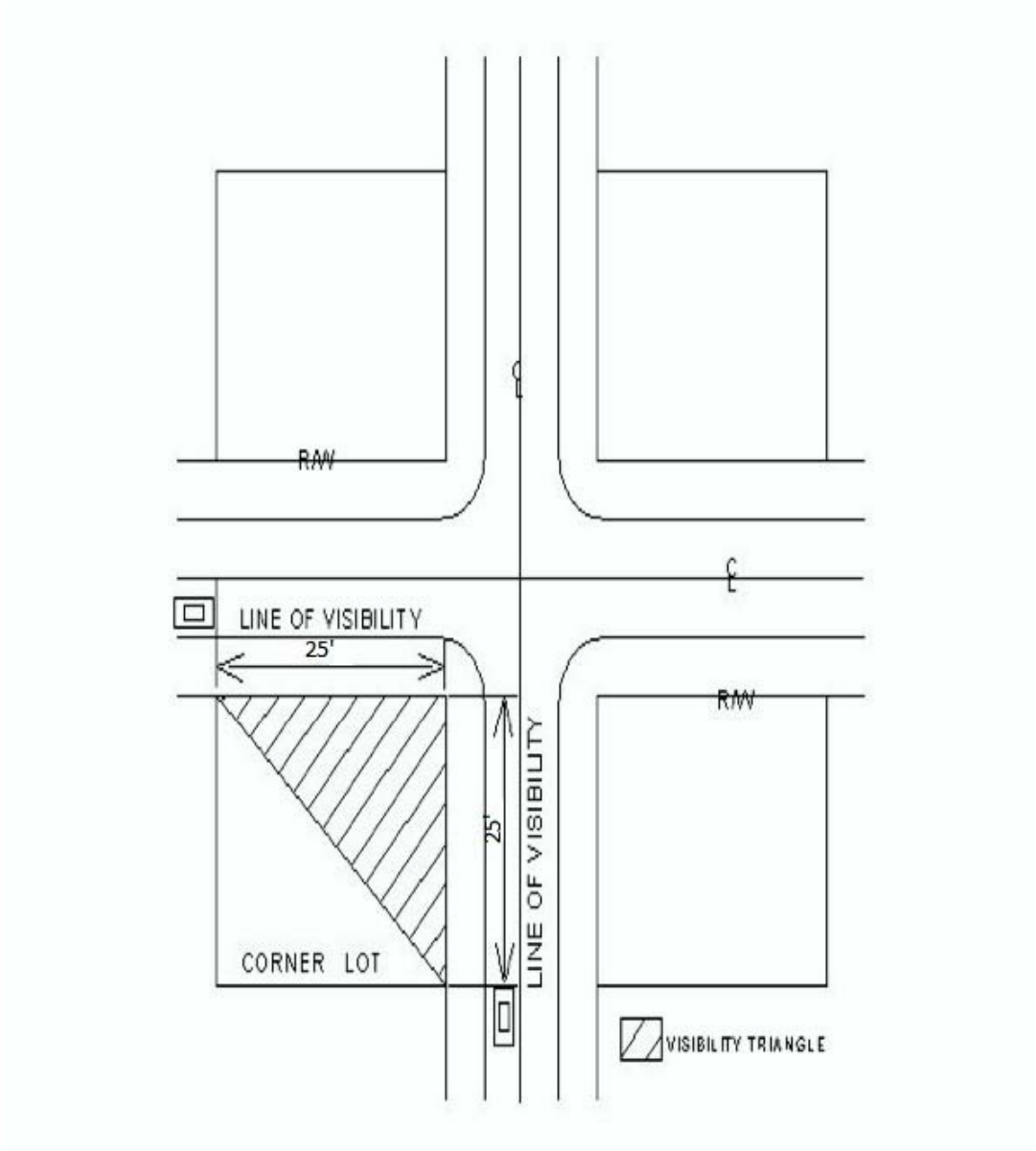
k. Opaque fencing shall not be permitted on lots fronting on large lakes, rivers, golf courses or other common areas deemed as an aesthetic amenity.

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.

ARTICLE VI

SIGN REGULATIONS

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ARTICLE VI

SIGN REGULATIONS

SECTION 21-60 – GENERAL PROVISIONS

21-60.01 - Purpose

The purpose of sign regulations is to protect, preserve and improve the character and appearance of the City and to provide opportunity to advertise in commercial and industrial areas. It is further the intent to limit signs in residential and agricultural areas to essential signs, primarily for the purpose of identification and information. These regulations shall be the minimum requirements necessary to accomplish these purposes and to protect the public health, safety and general welfare.

In addition to City-wide sign regulations contained in this Article, the City of Edgewater has adopted the Indian River Boulevard-S.R. 442 Corridor Design Regulations and the Ridgewood Avenue Corridor Design Regulations which are incorporated as Article XVIII and Article XX respectively in this Land Development Code. Requirements contained in Article XVIII, Indian River Boulevard Corridor-S.R. 442 Design Regulations and Article XX, Ridgewood Avenue Corridor Design Regulations, shall supersede and compliment the requirements set forth in this Article. Properties located within the Indian River Boulevard Corridor-S.R. 442 Overlay and/or the Ridgewood Avenue Corridor Overlay must adhere to the sign design regulations contained in the Indian River Boulevard Corridor Design Regulations and the Ridgewood Avenue Corridor Design Regulations. A copy of these regulations and illustrations for design are available for purchase at City Hall. It is the Developer's responsibility to obtain a copy of the regulations for the Overlays prior to conceptual design layout.

21-60.02 - General Provisions

The following general provisions shall apply to every sign erected in the City.

a. The name and address of the company or person installing any sign and the name and address of the company or person maintaining any sign, the date of erection and the voltage of any electrical apparatus shall be permanently affixed on a weather resistant label.

b. Any light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness shall not affect adversely the safe vision of operations of vehicles in any public or private road, highway, driveway or parking area. Such light shall not shine directly on or into any residential structure.

c. All signs shall be designed and constructed to withstand a wind load pressure of not less than twenty-five (25) pounds per square foot of area or as required by any applicable code or ordinance, whichever is more restrictive.

d. Vegetation shall be kept cut around the base of any ground sign for a distance of fifteen feet (15') from any portion of such sign touching the ground and the area around ground sign shall

be kept free of any material that might constitute a fire or health hazard.

e. The numeric street address of the property upon which the sign is located shall be identified on the side and front of the sign. The street address numbers shall be between six (6) to twelve (12) inches in height.

f. All signs shall be maintained in good condition and repair. Signs shall be deemed as non-maintained if any part thereof is broken, tattered, torn, faded, letters or graphics are completely or partially missing, or otherwise in disrepair.

21-60.03 - Permits

a. No person shall operate, maintain, erect, alter, repair or relocate any signs until the Development Services Director and Building Official has determined that the proposed sign substantially complies with the requirements of this Article.

b. Application for a sign permit shall be on forms provided by the City Building Official.

c. All signs shall be erected, altered, operated and maintained in compliance with the Standard Building Code and the National Electrical Code. Signs 32 square feet, or less, in area shall be deemed to comply with the wind load requirements of the Florida Building Code by submission of plans and specifications to the Building Official.

d. The Development Services Director and Building Official shall conduct a timely review of the sign permit application and shall either issue the permit or provide the applicant with a written statement of the reasons for denial.

e. Appeals of Building Official decisions regarding construction issues shall be made to the Special Magistrate. Appeals of other sign related issues shall be made in accordance with Article I.

21-60.04 - Prohibited Signs

The following signs are prohibited in the City:

a. Unless otherwise noted, no person shall erect a sign on or over any public property or public right-of-way, except in accordance with a banner sign or franchise agreement approved by the City Council. Any sign(s) installed on public property shall be forfeited to the public and subject to confiscation at the owners' cost.

b. The operation or placement of any vehicle for the sole purpose of advertising is prohibited within the City of Edgewater.

c. Unless otherwise noted, roof signs, billboards, inflatable signs, snipe signs, banners, pennants, wind operated devices, sandwich signs, moving signs, freestanding signs, flashing signs, beacon light signs with moving or alternating or traveling lights are prohibited, except as

limited elsewhere in this Article. Time and temperature signs and lighted moving message boards less than 35 square feet in area shall not be subject to this prohibition.

d. Projecting signs within an area bounded by the intersection of two rights-of-way and points fifty feet (50') from such intersections measured along the rights-of-way except as permitted elsewhere in this Article.

e. Pursuant to Chapter 316.077, F.S., no sign shall be permitted which is an imitation of or resembles an official traffic control device.

f. Commercial Mascots, as defined in Article II.

21-60.05 - Exemptions

The following signs shall be exempt from the permitting requirements of this Article.

a. Signs less than six (6) square feet in area, used only to identify the residential property address and resident(s) name and shall not include any advertising.

b. Legal notices posted by authorized persons of a governmental body.

c. Any informational sign directing vehicular traffic, parking or pedestrian traffic on private property, provided that such sign shall contain no advertising material and shall not exceed 4 square feet in total area. The letters shall not exceed eight inches (8") in height. If the sign includes any advertising or logo, a sign permit shall be required.

d. Identification signs, information signs or traffic control devices erected or permitted by any governmental body. In addition, emergency warning signs erected by a government agency, private utility company or a contractor doing authorized or permitted work within a public right-of-way.

e. Wall graphics/murals may be an integral decoration of a building, but shall not include letters, trademarks, moving parts or moving lights and shall not cover more than thirty percent (30%) of any single wall surface area per building. Works of art, such as murals approved by the Development Services Director, that do not include a commercial message, comply with the additional sign wind and sight visibility code and do not violate any design overlay standards as contained in the City Land Development Code.

f. On-site signs five (5) square feet or less in area that offers a specific property for sale, lease or rent by the owner or his authorized agent. One on-site open house flag for said specific property shall be permitted shall be placed not more than one (1) hour prior to the open house and removed not more than one (1) hour after the open house.

g. The flag of the United States shall be displayed in accordance with the United States of America Flag Code (P.L. 94-344).

h. Holiday lights and decorations with no commercial messages between November 1st and

February 1st.

i. Two open house flags, not exceeding fifteen (15) square feet each in area, displayed during times model homes are open to be viewed by the general public for residential subdivisions or planned residential developments. Maximum height shall be eight (8) feet and may be displayed at the main entrance to a residential subdivision or planned residential development.

j. Two off-site open house signs five (5) square feet or less in area that offers a specific property for sale, lease or rent by the owner or his authorized agent. All off-site open house signs shall only be placed with the property owner's permission on private residential property and located within one (1) mile of the authorized sale location. Signs may not be displayed more than one (1) hour prior to the open house and shall be removed within one (1) hour after the conclusion of the open house.

k. Off-site open house signs placed in the right-of-way or signs found in violation of this Section shall be considered abandoned snipe signs and shall be removed.

l. Two on-site feather-flag style signs used for the purpose of promoting special activities/ events authorized by the City by either a special activity/event permit or other formal agreement approved by the City Council may be displayed during time of special activity/ event but must be removed at the conclusion of the event for each day.

21-60.06 - Variances

Variances to the requirements of this Article may be granted by the Planning and Zoning Board in conformance with the requirements of Article IX.

SECTION 21-61 - ON-SITE SIGNS

21-61.01 - Construction Signs

a. One construction sign, including the names of persons or firms furnishing labor, services or materials to the construction site, shall be allowed for each project where an active building permit has been obtained for the project.

b. Such sign shall be removed no later than the date of issuance of a certificate of occupancy and/or final inspection of the construction project.

c. No such sign shall exceed thirty-two (32) square feet in area.

21-61.02 - Development Signs

a. One sign, not to exceed sixty-four (64) square feet in area for nonresidential projects or forty-eight (48) square feet in area for residential projects, may be permitted on each site for which a site plan, or subdivision plat, has been approved.

b. A development sign permit may be issued for no longer than one (1) year. However, the Building Official may renew the permit if it is determined that promotion of the site is still active.

21-61.03 - Pole Signs

a. Pole signs shall be limited to two (2) square feet of signage per one (1) linear foot of addressed building frontage and shall not exceed 60 square feet, except as provided in Section 21-61.07.

b. Pole signs shall be a maximum of twenty feet (20') high with a minimum nine foot (9') clearance above the ground or sidewalk. No pole sign shall be located closer than fifty feet (50') from any existing pole sign.

c. Except for shopping centers as described in Section 21-61.07, there shall be only one (1) pole sign per parcel.

d. The sign area shall be calculated to include the outside edge of the sign cabinet or frame.

e. Except as provided in Section 21-62, a pole sign shall only be used to advertise a business on the same site.

21-61.04 - Ground Signs

a. Ground signs shall be limited to two (2) square feet of signage per one (1) linear foot of addressed building frontage and shall not exceed sixty (60) square feet, except as provided in Section 21-61.07.

b. Ground signs shall be a maximum of ten feet (10') high and shall be located in an approved landscaped buffer area. Ground signs shall not impede traffic visibility as outlined in Article III, "Site Triangle Requirements".

c. The height of a ground sign shall be measured from the crown of the adjacent roadway.

d. Except for shopping centers as described in Section 21-61.07, there shall be only one (1) ground sign per parcel. No ground sign shall be located closer than fifty feet (50') from any existing ground sign.

e. The sign area shall be calculated to include the outside edge of the sign cabinet or frame.

f. Ground signs shall only be used to advertise a business on the same site.

21-61.05 - Projecting Signs

a. A projecting sign shall not extend more than four feet (4') beyond the surface of the building to which it is attached.

b. The surface area of a projecting sign shall not exceed twenty-four (24) square feet per building.

c. There shall be a minimum of nine feet (9') clearance between the bottom of a projecting sign and the ground surface or sidewalk.

21-61.06 - Real Estate Signs

a. A non-illuminated sign advertising the sale or lease of a business or parcel on which the sign is located shall be permitted in any zoning district.

b. The maximum sign size shall be thirty-two (32) square feet.

c. Model home signs shall not exceed sixteen (16) square feet.

21-61.07 - Shopping Center Signs

a. Ground or pole signs for shopping centers may be constructed subject to compliance with the criteria described below. No other signage shall be permitted for these uses, except wall signs.

Sign Criteria	**Parcel Width Less Than 150 Ft.**	**Parcel Width Greater Than 150 Ft.**
Number of Signs per Parcel	One	Two
Maximum Allowable Area of All Signage On the Site	100 sq. ft. per side 200 sq. ft. total	Anchor Structure Sign 100 sq. ft. per side 200 sq. ft. total Tenants Sign 100 sq. ft. per side 200 sq. ft. total
Maximum Height Above Ground	Poles - 20 feet Ground - 10 feet	Poles - 20 feet Ground - 10 feet
Minimum Clearance From Ground	Poles - 9 feet	Poles - 9 feet
Area Allowed For Center Name	20 percent maximum	20 percent maximum
Area Allowed For Tenants Name	80 percent minimum	80 percent minimum

21-61.08 - Wall Signs

a. The total amount of wall signs allowed shall be two (2) square feet of signage per one (1) linear foot of addressed business frontage, not to exceed sixty-four (64) square feet.

b. The area of a wall sign shall be calculated by summing the area of each letter and the corporate logo in the sign.

21-61.09 - Window Signs

Window signs should be maintained properly. Window signs shall be painted, vinyl, or decal only. Window signs may be allowed on windows facing rights-of-way. Window signs shall not exceed twenty five percent (25%) of front doors. Window Signs shall not exceed seventy-five percent (75%) of all windows facing rights-of-way. Promotional posters for civic events shall be permitted on windows and should not be included in the sign area calculation.

21-61.10 - Subdivision Signs

A maximum one hundred (100) square feet in area ground sign identifying a subdivision may be located at each subdivision entrance provided the site triangle requirements of Article III are met.

21-61.11 – Electronic Message Centers/Signage

a. Electronic message center signs are permitted only along U.S. 1, Park Avenue and S.R. 442/Indian River Boulevard. No more than one electronic message center sign is permitted for each property frontage located on the above-referenced roadways.

b. Signs must be set back a minimum of ten feet (10') from the right-of-way to the closest edge of the sign.

c. Signs must be constructed as ground sign.

d. The maximum electronic panel area shall not exceed 50% of the sign size.

e. A sign with a sign face on two sides and no more than 4.5' feet of separation between faces shall be considered a single sign.

f. Sign copy may change only at intervals of not less than five (5) seconds. Continuous scrolling, animation, or flashing of lights is prohibited.

g. Obscene, immoral and/or lewd graphics and/or language shall not be displayed at anytime on the display screen area.

h. The display screen area shall provide a high-resolution picture quality with pixel spacing of 16 millimeters or less.

i. Maximum brightness is 5,000 nits during the day and 500 nits from dusk to dawn.

j. A malfunctioning sign must be turned off or display a blank screen.

k. Electronic message center signs shall not be added to any nonconforming sign.

l. All power to the sign shall be supplied via underground carrier, inside an improved conduit and installed to City requirements.

m. The signage shall be maintained in a good operating condition and external appearance.

n. Government electronic message center signs shall provide necessary public information, including but not limited to directions, schedules or information regarding public facilities or places of interest. The City Council may waive the standards in this section for a government sign provided that the deviation promotes the public health, safety and welfare.

o. Any electronic message center/signage in existence prior to adoption of the standards set forth in this Section and are not in conformance with said Section shall be deemed non-conforming pursuant to Article VII.

SECTION 21-62 - OFF-SITE SIGNS

Off-site signs that advertise products or businesses located at a site other than the location of the business are deemed by this Article to constitute a separate use. The control and regulation of the display of such advertising deemed to be appropriate to the character and surrounding development shall be considered. It is intended that such advertising be confined to certain commercial and industrial properties.

21-62.01 - General Requirements

All off-site signs, with the exception of special activity/event signs advertising special activities/ events authorized by the City, shall require approval by the City Council upon a recommendation from the Development Services Director.

a. Off-site signs shall not be located closer than one thousand feet (1,000') to another off-site sign.

b. All off-site signs shall conform to the Standard Building Code construction requirements.

21-62.02 - City Franchise Signs

The City Council may approve off-site signs for certain franchise agreements. The criteria for approval of off-site selection shall be consistent with the conditions contained in the Sign Franchise Agreement and shall be subject to City Council approval. Minimum standards include:

a. A leading edge of a franchise sign shall not be closer than ten feet (10') to a paved surface of a public right-of-way, unless approved by the City Manager.

b. Signs bearing public information, as designated by the City Manager, may be placed in any zoning district.

c. A franchise sign shall have a minimum clearance of nine feet (9') above the ground and a maximum height of sixteen feet (16') except those placed on public transportation benches and shelters as approved through a competitive selection process pursuant to City standard procedures.

21-62.03 - Public Information Signs

Public information signs containing no commercial message and installed by the City, may be located anywhere in the City.

21-62.04 - Off-Site Wall Signs

City Council may approve off-site wall signs subject to the following:

a. The business/development has no other off-site signs.

b. Signs shall not exceed thirty-two (32) square feet each.

c. No more than one (1) wall sign per each side of the building with a maximum of two (2) signs per building.

d. The total square footage allowed for all wall signs per building shall not exceed the requirements contained in Section 21-61.08.

e. Off-site wall signs are temporary and will be permitted for six (6) months.

SECTION 21-63 - TEMPORARY SIGNS

21-63.01 - Portable Signs

a. The Building Official may issue a portable sign permit to a business for a maximum of thirty (30) days per year to announce special events or grand openings.

b. The maximum size of a sign shall be thirty-two (32) square feet.

c. Only one (1) sign shall be permitted on a parcel at any one time.

d. A sign shall not occupy any required parking space nor restrict on-site traffic flow.

e. A portable sign shall not be located closer than ten feet (10') to the paved portion of a public right-of-way.

f. Portable signs shall not have flashing or moving lights and shall not be affixed to another sign or structure or mounted for the purpose of making it a permanent sign.

21-63.02 - Banner Signs

a. The Development Services Director or designee~~Building Official~~ may issue only one (1) wall banner sign per street frontage and one (1) free standing banner at a time on a given parcel, for a special event such as grand openings.

b. Banner signs shall not be permitted in residential zoning districts. ~~and the B-4 district~~.

c. The maximum sign area shall be thirty-two (32) square feet for both a wall banner sign and a free standing banner sign~~.~~

d. Banners may display business or product logos and generic messages, but not specific sales information.

e. Wall Banners may be erected up to seven (7) days prior to the event, shall be removed within two (2) days after the event and shall be limited to ten (10) days per event two (2) times per year.

a. One (1) freestanding banner shall be permitted once per calendar year for each entity with a business tax license or address within the approved zoning districts.

b. Freestanding Banner sign(s) shall not be placed in the right-of-way, within or amongst shrubbery and trees within the landscape buffer, sight triangle, or as to obstruct pedestrian access or vehicular lines of sight. Free standing banner sign(s) placed within landscaped areas of the property shall only be placed in sodded areas.

c. Freestanding Banner sign(s) shall only be displayed during the hours of operation that the business is open and shall be taken down when the business is not in operation.

d. Freestanding Banner sign(s) must be free-standing, and may not be affixed to any object, nor should any object be attached to said freestanding banner sign(s). In the event that a property does not have a landscape buffer or the property line immediately abuts the right-of-way, a freestanding banner sign may be installed on said property within one parking space. The freestanding banner sign shall be secured through the use of a base to prevent the feather flag from toppling over and creating a hazard.

e. Freestanding Banner sign(s) shall be maintained in good condition. Good condition means that the freestanding banner sign(s) do not demonstrate fading of color, fraying of fabric, or damage.

f. Freestanding Banner sign(s) shall only be permitted in the following zoning designations:
    1. B-2, Neighborhood Business
    2. B-3, Highway Commercial
    3. B-4, Tourist Commercial
    4. I-1, Light Industrial
    5. I-2, Heavy Industrial

~~a.~~ Freestanding Banner Sign(s) displayed without a freestanding banner sign permit or in violation of this Section shall result in code enforcement action. Freestanding Banner Sign(s)

may be confiscated, at the owner's expense, if placed in the right-of-way area. Freestanding Banner Sign(s) that are not in good condition shall result in code enforcement action. Three (3) repeated offenses shall result in the violator being prohibited from acquiring a Freestanding Banner Sign(s) permit for a period of one (1) calendar year.

g.

~~e.~~ The City Council may approve banners that do not comply with these requirements for citywide functions.

21-63.03 - Political Campaign Signs.

a. Political campaign signs shall be permitted as temporary signs and, as such, shall be removed within ten (10) days after the advertised candidate has been finally elected or defeated. A sign may remain through any primary or run-off election as to any candidate who is subject thereto.

b. An applicant for a political campaign sign shall be issued one sign permit for an unlimited number of signs. The fee shall be as established by resolution.

c. Signs shall not be placed in any public right-of-way, on any public property, attached to any utility pole nor attached to any tree. Signs located on private property shall have the written authorization of the property owner.

d. Signs placed on private property shall be securely erected to prevent displacement by heavy winds and so placed as to not interfere with traffic visibility.

e. Political campaign signs shall not exceed eight (8) square feet in area.

f. Upon determination of the Code Compliance Officer, illegal signs shall be removed within twenty-four (24) hours after notification to the applicant.

g. The City shall retain removed illegal political campaign signs for five (5) working days after notification before their destruction. An applicant may retrieve the signs during this period.

21-63.04 - Special Activity/Event Signs

a. The maximum height of special activity/event signs shall be ten (10) feet.

b. Special activity/event signs shall not exceed thirty-two (32) square feet in area and there shall be a maximum of ninety-six (96) square feet on-site signage per special event.

c. No special activity/event sign may be used for the purpose of off-site advertising without the authorization of the property owner/occupant. No special activity/event sign shall be placed on lots or parcels of any vacant property without written authorization of the property owner.

d. No sign prohibited in this Article shall be authorized under this section as a special activity/event sign.

e. No special activity/event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved by the property owner whose freestanding sign is obscured.

f. No special activity/event sign shall be placed so as to obscure vehicular sight visibility.

g. Special activity/event signs shall be erected not more than twenty-one (21) days prior to the special activity/event. All special activity/event signs shall be removed within two (2) days after the approved special activity/event for which the sign was advertising.

h. The erection and removal of all special activity/event signs shall be the responsibility of the person sponsoring the special activity/event. Failure or refusal to remove said signs within two (2) days after the special activity/event shall authorize the City to remove such signs and dispose thereof.

i. No special activity/event signs shall be placed on City properties unless it is authorized and installed by the City in accordance with the Special Activity/Event Sign Policy.

21-63.05 – Feather Flags

~~b.~~h. Feather Flags will not be allowed to exceed a height of twelve (12) feet and a width of two and a half (2.5) feet measured from the top of the flag to the bottom of the base.

~~c.~~

~~d.~~i. One (1) feather flag shall be permitted once per ~~quarter for a duration of 30 calendar days~~ calendar year for each entity with a business tax license or address within the approved zoning districts.

~~e. The City has established feather flag zones for each business tax license associated with each address to protect the aesthetics of the City. Each zone will allow a maximum of one-third (1/3) of the address' or business tax licenses to have a feather flag during a 30 day calendar period per quarter.~~

~~f. The number of feather flag permits shall be issued on a first come, first serve basis.~~

~~Applications received shall be stamped with the date and time. The City shall maintain a list of all applications and shall issue permits based upon the date of receipt throughout the quarter. The City shall publish a list of all permits including the date of receipt, the date the permit is issued, and the date of expiration, and the 30 day period for which the permit will be issued. The list shall be located on the City of Edgewater's website within the Development Services Department under Planning and Zoning. It shall be the business tax license permit holder's responsibility or the property owner's responsibility to check said list to ensure compliance with the permit date of issuance and expiration.~~

~~g.~~

~~h.~~j. The feather flag permit application shall require the following information:

~~i.~~ 1. Business Tax License Number, Address of Business, Phone Number, Email, Zoning District, Feather Flag Zone, Plot Plan or Survey of the Placement of the Feather Flag on the Parcel, and an Image of the Feather Flag.

~~j. The City shall require a permit fee of one hundred dollars ($10025) per quarteryear.~~

~~k.~~

~~l.~~k. Feather flag(s) shall not be placed in the right-of-way, within or amongst shrubbery and trees within the landscape buffer, sight triangle, or as to obstruct pedestrian access or vehicular lines of sight. Feather flag(s) placed within landscaped areas of the property shall only be placed in sodded areas.

~~m.~~

~~n.~~l. Feather flag(s) shall only be displayed during the hours of operation that the business is open and shall be taken down when the business is not in operation.

~~o.~~

~~p.~~m. Feather flag(s) must be free-standing, and may not be affixed to any object, nor should any object be attached to said feather flag(s). In the event that a property does not have a landscape buffer or the property line immediately abuts the right-of-way, a feather flag may be installed on said property within one parking space. The feather flag shall be secured through the use of a base to prevent the feather flag from toppling over and creating a hazard.

~~q.~~

~~r.~~n. Feather flag(s) shall be maintained in good condition. Good condition means that the feather flag(s) do not demonstrate fading of color, fraying of fabric, or damage.

~~s.~~

~~t.~~o. Feather flag(s) shall only be permitted in the following zoning designations:

1. B-2, Neighborhood Business
2. B-3, Highway Commercial
3. B-4, Tourist Commercial
4. I-1, Light Industrial
5. I-2, Heavy Industrial

~~u.~~

p. Feather flag(s) displayed without a feather flag permit or in violation of this Section shall result in code enforcement action. Feather flag(s) may be confiscated, at the owner's expense, if placed in the right-of-way area. Feather flag(s) that are not in good condition shall result in code enforcement action. Three (3) repeated offenses shall result in the violator being prohibited from acquiring a feather flag permit for a period of one (1) calendar year.

SECTION 21-64 - NON-CONFORMING SIGNS

Any existing sign that is in violation of this Article at the effective date of this Chapter shall be deemed a legal non-conforming sign. Such signs may be continued subject to the conditions described below.

21-64.01 - Amortization

a. No non-conforming sign shall be altered, moved or repaired in any way except in full compliance with the terms of this Article. This provision shall not apply to the changing of temporary copy of changeable copy signs or to repairs necessary to maintain the structural integrity or safety of a sign so long as such repairs do not exceed fifty-one percent (51%) of the replacement cost of such sign.

b. All non-conforming signs shall be maintained in good repair, subject to the conditions above.

c. Failure to remove non-conforming signs may subject the sign owner to the code enforcement provisions of Chapter 10, City of Edgewater Code of Ordinances. In this regard, a sign owner may enter into a sign agreement as described in Section 21-65.

21-64.02 - Removal

a. An obsolete or deteriorated sign shall be removed by the owner, agent or person having beneficial use of the premises on which sign is located and shall be removed within thirty (30) days of written notification by the Code Enforcement Department.

b. Upon failure to comply with such notice, the Code Enforcement Department shall cause the sign to be removed at the owner's expense, including any interest that may have accrued.

c. Failure to pay such costs within thirty (30) days of the written notification of the removal costs shall create a lien against the sign owner in favor of the City.

SECTION 21-65 - SIGN AGREEMENTS

The purpose of this Section is to provide a process and criteria by which the City can bring illegal and/or non-conforming signs into compliance without adjudication by the Code Enforcement Board or the court system.

21-65.01 - Agreement Process

a. An applicant shall provide a sign agreement that includes the criteria described in Section 21-65.02.

b. The applicant shall submit the required sign agreement not less than forty-five (45) days prior to the Planning and Zoning Board (P&Z) meeting at which the applicant wishes consideration.

c. The P&Z shall conduct a public hearing after providing the following public notice:

    1. Direct mail notice to all property owners of record within one hundred fifty feet (150') of the proposed sign location.

    2. Post the proposed site no less than ten (10) days prior to the subject P&Z meeting.

d. Upon completion of the P&Z deliberations, the agreement shall be scheduled for the next available City Council meeting.

e. The City Council shall hold a public hearing regarding the proposed agreement after public notice in the same manner as provided above.
f. The City Council shall take final action regarding the agreement within thirty (30) days, unless the applicant agrees to additional time.

21-65.02 - Agreement Criteria

At a minimum, the sign agreement shall include:

a. The name, address and phone number of the applicant.

b. The name, address and phone number of the existing sign site property owner.

c. Any appropriate site drawings and plans.

d. A timetable for removal of the existing sign.

e. Any proposed site mitigation activities.

f. The signature of the applicant.

g. The signature of the site property owner.

h. The signature of the appropriate City official.

Sections 21-66 through 21-69 reserved for future use.

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ARTICLE XX
RIDGEWOOD AVENUE CORRIDOR DESIGN REGULATIONS

SECTION 21-610 - PURPOSE AND INTENT

These design regulations are intended to ensure high quality private development in the Ridgewood Avenue Corridor. The two major components of these regulations are: 1) landscape, buffer and related site development treatments, especially areas immediately adjacent to the road and 2) building design standards for new and redeveloped structures, including signage.

SECTION 21- 620 - APPLICABILITY

Parcels that share a common boundary with Ridgewood Avenue will be subject to the requirements, standards and criteria contained in these regulations. Furthermore, these requirements apply to all residential, commercial, office, institutional and industrial development, including both public and private facilities within the Ridgewood Avenue Corridor. The provisions of this document are applicable to all properties that touch, front or are otherwise adjacent to Ridgewood Avenue. Properties that include a complex or subdivision of buildings shall be considered to be included within the guidelines in their entirety, including parent tracts, out-parcels, flag lots, etc. They apply to both new development and redevelopment activities.

21-620.01 - Corner Lots/Parcels

Corner lots/parcels shall be considered to have two (2) front perimeters. For other streets that intersect now or in the future, the parcels that are corner lots or corner developments adjacent to Ridgewood Avenue shall comply with these requirements.

21-620.02 - Conflict with Other Provisions of Code

The requirements for the Ridgewood Avenue Corridor Overlay Area supersede the general requirements within this Land Development Code, however properties determined to be located on U.S. 1 (Ridgewood Avenue) within the Indian River-S.R. 442 Corridor Overlay shall meet requirements set forth in Article XVIII.

Unless otherwise noted in this Article, all other development requirements shall meet the general requirements contained elsewhere in the Land Development Code.

21-620.03 - Registered Landscape Architect Required

A Landscape Architect registered in the State of Florida shall be required to prepare landscape plans and related irrigation plans for all lands for which this Article applies.

SECTION 21-630 - BUILDING LOCATION AND LANDSCAPE BUFFERS

The setback is the distance between the edge of the road's right-of-way, also referred to as the property line, and the closest edge or wall of the principal building on the site. The building location and landscape buffer requirements are identified below.

21-630.01 – Location

a. **Setback and Buffer**. Minimum setbacks shall be as set forth in Article V for each respective zoning designation.

b. **Management and Maintenance of Natural Vegetation.** Site plan submittals will be required to graphically identify the manner in which natural areas will be preserved and maintained. Site plan submittals shall identify where natural areas will be trimmed and to what limited

extent they will be altered for visibility from the road. If a certain view or angle from the road is desired, the site plan shall identify a "viewshed", i.e., the area within which trimming of small trees and understory vegetation is desired. The extent of trimming should be clearly noted in terms of extent and height, as well as the thinning of trees and vegetation. Trees larger than four inches (4") in diameter shall not be removed. Trimming of vegetation shall not be allowed lower than thirty-six inches (36") from the ground. Areas to remain undisturbed shall also be identified. This information becomes part of site plan approval, and will be utilized for maintenance as well as enforcement by the City.

21-630.02 – Front Property Line Buffers

A minimum ten-foot (10') landscape buffer shall be provided from the front property line in the Ridgewood Avenue corridors.

21-630.03 - Minimum Landscape Requirements in Buffer Yard

The following requirements are intended for private property outside of the public right-of-way adjacent to the corridor and primary streets.

a. The minimum landscape buffer shall include a total of three (3) trees per every fifty lineal feet (50'). One (1) Magnolia placed every fifty (50) lineal feet. Two (2) Crepe Myrtles placed in between the Magnolia's fifty (50) lineal feet. Shrubs shall be placed at a minimum of forty (40) per one hundred (100) lineal feet.

b. **Varied Color.** Landscaping shall be arranged to display variety and color by utilizing flowering and variegated species whenever possible. Such variety and color shall be accomplished by using a combination of shrubs and ornamentals as approved by the City. Ornamentals shall not constitute more than fifty percent (50%) of required shrubs.

c. **Wetlands and Natural Vegetation Preservation.** Within the buffer, major wetlands shall be preserved as set forth in the City's Comprehensive Plan and Land Development Code. Natural uplands vegetation shall be preserved to the maximum extent feasible.

d. **Side and Rear Yards.** The side and rear yards of all properties shall be provided with landscape treatment consistent with this Land Development Code.

21-630.04 - Protection from Vehicle Encroachment

Landscape buffers shall be protected from vehicles in the parking area with curbs for those parking spaces adjacent to the buffer. Plantings adjacent to parking areas shall be located a minimum of three and one-half (3½) feet from the front end of the parking space to prevent encroachment into required landscape areas. Wheel stops shall not be utilized in any portion of the parking area. No paved areas will be allowed in the buffer other than required traffic circulation access.

21-630.05 - Stormwater in Buffer

In order to create shallow retention areas, removal of a maximum of fifty percent (50%) of understory trees and shrubs may be permitted to provide for shallow swales without removal or damage to existing shade trees.

Landscape buffers on primary and other streets may be combined with approved on-site, wet or dry-bottom stormwater retention areas provided that these areas are designed as visual amenities without chain link fences (or similar utilitarian appurtenances) and with shade trees.

21-630.06 - Parking Location

These standards shall prevent automobiles from being highly visible from the roadway. This applies to parking areas, automobile service areas and other vehicular circulation areas. For screening, a forty-inch (40") high decorative wall, berm or hedge shall be provided at the same or above the finished grade of parking and other vehicular use areas. Dense existing natural vegetation that provides a similar forty-inch (40") high screen from Ridgewood Avenue may substitute for a berm, hedge or wall. These requirements for a hedge may be combined with the required landscape buffer requirement for shrubs.

21-630.07 - Pedestrian and Bicycle Circulation

The purpose of this subsection is to provide safe opportunities for alternative modes of transportation by connecting buildings with existing and future pedestrian and bicycle pathways and to provide safe passage from the public right-of-way to the building.

21-630.08 - Sidewalks

Developers shall provide sidewalks to provide safe movement of pedestrians separately from motor vehicles.

21-630.09 - Pedestrian Access Standards

Pedestrian circulation shall be provided by connecting buildings with existing and future pedestrian and bicycle pathways as well as by providing safe passage from the public right-of-way to the building in the manner set forth below.

a. **Number of Pedestrian Ways Required.** Pedestrian ways shall be provided at a minimum ratio of one (1) for each customer vehicular entrance to a project. For example, if there are two (2) driveways into the site, two (2) sidewalk entries are required. Entrances designed primarily for service and delivery vehicles are not included in this ratio.

b. **Materials.** Pedestrian walkways shall be handicapped accessible. Materials may include specialty pavers, colored concrete or stamped pattern concrete.

21-630.10 - Drive-Through Requirements

Drive-through windows and lanes shall not be located on a side of the building visible from the right-of-way of U.S. 1. Drive-through lanes shall be designed primarily for pedestrian safety and crossing. Drive-through designs must have the same detail of the principal structure and match the materials and roof of the principal structure.

a. **Screening Drive-Throughs.** A dense hedge of evergreen shrubs shall be provided in the following manner to screen drive-throughs:

    1. At initial planting and installation, shrubs shall be at least thirty inches (30") in height and shall be planted thirty inches (30") or less on center.

    2. Within one (1) year of initial planting and installation, shrubs shall have attained, and be maintained at a minimum height of four feet (4') and shall provide an opaque vegetative screen between the street and the drive-through. The hedge must continue for the entire length of the drive-through stacking area.

    3. In lieu of a vegetative hedge, the use of vegetated berms with appropriate landscape materials may be used in a manner that results in the visual separation of street right-of-way and the drive-through.

b. **Stacking Distance.** The following stacking distances, measured from the point of entry to the center of the farthest drive-through service window area, are required:

1. Restaurants, full service car washes and day care facilities: Two hundred twenty feet (220')
2. Banks (per lane): One hundred seventy five feet (175')
3. Self Service Car Wash (per bay) and Dry Cleaners: Sixty-five feet (65')
4. Other uses may require the City to determine the stacking distance on a case-by-case basis.
5. Facilities not listed above with more than one (1) drive-through lane shall provide one hundred feet (100') of stacking distance per lane measured from the point of entry to the center of the farthest service window area.
6. Drive-Through Separate From Other Circulation: The drive-through lane shall be a separate lane from the circulation routes and aisles necessary for ingress and egress from the property or access to any off-street parking spaces.

c. **Pass Through Lanes.** A pass-through lane shall be required for all drive-through facilities constructed adjacent to at least one (1) stacking lane in order to provide egress from the stacking lane.

SECTION 21-640 - ARCHITECTURAL DESIGN STANDARDS

The architectural design standards are intended to be flexible and encourage design diversity and variations. The criteria for development along the corridor will primarily ensure that the architectural integrity and details of existing structures are maintained, as well as affirm the appropriateness of new development into the character of the area. Special attention has been placed on the creation of an attractive, safe and functional urban environment.

21-640.01 - Building Orientation

All buildings shall be oriented so that primary façades face public rights-of-way. Buildings on corner lots shall be considered to have two (2) fronts and shall be designed with additional architectural embellishments such as towers or other design features at the corner to emphasize their location as gateways and transition points within the community.

Although the main aesthetic emphasis shall be on the primary façade(s), all building elevations shall receive architectural treatment. The style of windows shall remain uniform on all sides of the building. All telephones on private property shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building. Exterior mounted security gates or solid roll down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from the inside, within the window or doorframes. Other types of security devices fastened to the exterior walls are not permitted.

21-640.02 - Primary Building Entrance

In general, the primary pedestrian entrance to all buildings shall face Ridgewood Avenue, and shall be clearly defined and highly visible for the pedestrian. Multiple tenant buildings shall have all customer entrances distinguished pursuant to these regulations.

Primary entrances shall have either, a protruding or raised roof, a stoop, a projection or recession in the building footprint a minimum of three feet (3') in depth that clearly identifies the entrance.

Corner lots shall provide an entrance on both public rights-of-way or a corner entrance.

In addition, every primary entrance shall have two (2) other distinguishing features from the list below:

1. Variation in roof height around door;
2. Canopy or portico;
3. Raised cornice or parapet over door;
4. Arches or columns;
5. Patterned specialty paving at entrance and along walkway;
6. Ornamental and structural architectural details other than cornices over or on the sides of the door; or
7. Any other treatment, which, in the opinion of the City, meets the intent of this Section.

21-640.03 - Building Height and Transition

Buildings will not be allowed to be any higher than already permitted in the respective zoning district. New developments that are more than twice the height of any existing building within three hundred feet (300') shall provide transitional stepped massing elements to minimize the contrast between the buildings. The transitional massing element shall include a primary façade that is no more than the average height of the adjacent buildings.

21-640.04 - Façade Treatments

Façade treatments of a building must be designed with consistent and uniform architectural style. Detail and trim features must be consistent with the style of the building. Diversity of architectural elements on the façade that are compatible with the style is required. These elements must be integrated with the massing and scale of the buildings.

Building walls and façade treatments must avoid large blank wall areas by including at least three (3) of the design elements listed below or their equivalent design feature. Design elements should be in intervals of no more than thirty feet (30') apart, and repetition is encouraged. At least one of the design elements should repeat horizontally.

At a minimum, buildings must provide at least two (2) of the following building design elements on the primary façade:

1. Awnings or attached canopies;
2. Arcades or colonnades;
3. Display windows a minimum of six feet (6') in height along sixty-five percent (65%) of the primary façade;
4. Clock or bell towers;
5. Decorative landscape planters or wing walls which incorporate landscaped areas;
6. Pergola;
7. Benches or other seating components built into the building;
8. Texture or pattern change;
9. Material module change;
10. Ornamental or structural detail;

11. Varied building setbacks or projections; or
12. Expression of architectural or structural bays, through a change in plane of no less than twelve inches (12”) in width, such as a reveal, an offset or a projecting rib.

Changes in color along the façade that are compatible with each other and the style of the building are encouraged but not sufficient to break up the mass of the façade.

21-640.05 - Prohibited Façade Treatments

The following treatments or features are prohibited on any façade that are visible from the U.S. 1 right-of-way:

1. Windows and doors should be glazed in clear glass with no more than ten percent (10%) daylight reduction.
2. Garage doors used either as decoration or for vehicular service, storage or any other use (these elements must be side loaded).
3. Glass curtain walls.
4. Stained glass and art glass installations may be permitted provided they are in character with the style of the building.
5. Murals may be allowed subject to approval from Development Services.

   a. A mural application, found within the Development Services Department is required. ~~The mural application shall cost five hundred ($500) dollars.~~ The applicant must provide the following: Architectural Elevations for the entire building or building(s), the proposed image of the mural both within the Architectural Elevation and as a standalone image, the dimensions of the mural, materials and façade treatments.

   b. Development services will review the application and notify applicants within thirty (30) days of submission if the Mural application is complete. If the Mural application is deemed incomplete, Development service’s staff shall notify the applicant requesting a resubmission. Once Development Services staff deems the application complete, the mural shall be administratively approved.

   c. For Development Services to approve a mural, staff must make the following findings of facts:

      i. The mural does not depict obscene or pornographic imagery.

      ii. The mural is located within the B-3, Highway Commercial zoning district.

      iii. The mural shall not constitute or create a traffic hazard through the use of neon or fluorescent color(s).

      iv. The mural shall be limited to one façade and the mural shall not include letters, trademarks, logos, lights, moving lights or moving parts.

      v. A mural located on the front façade may not occupy more than 50 percent (50%) of said wall and shall not exceed twelve (12) feet in height.

      vi. A mural on a side façade shall not occupy more than 100 percent (100%) of a blank wall when the wall is below 16 feet in height. A mural on a side façade with a wall greater than sixteen (16) feet in height shall have murals limited to 50 percent (50%) of said wall. Murals may not exceed twenty four (24) feet in height.

vii. A mural may not be located on a rear façade wall.

viii. The mural shall be applied utilizing weather resistant paint or materials.

d. Should Development Services staff deny the mural application, the applicant may request to appeal the decision to City Council within fifteen business days of the denial. ~~The applicant shall pay an additional two hundred ($250) dollars to make an appeal before City Council.~~

21-640.06 - Loading and Service Areas

Loading and service areas will be located behind or to the rear of buildings and will be screened with walls and landscaping. Materials, rooflines and colors are permitted to be consistent with the primary structures.

21-640.07 - Outdoor Shopping Cart Storage

All outdoor storage of customer shopping carts adjacent to the building shall be screened by a wall a minimum of four feet (4') in height that is consistent in style, materials and color to the façade. Arcade or colonnade areas cannot be used for the storage of shopping carts.

21-640.08 - Fenestration

Fenestration is the placement of windows and doors. Windows and doors must cover at least thirty percent (30%) of the area of the primary façade. Windows must be located between three feet (3') and seven feet (7') measured from ground level.

a. **Exterior Wall Materials.** All buildings subject to the terms of this Section shall be clad with typical Florida building materials that are durable and appropriate to the visual environment and climate. Design flexibility and creativity is encouraged using ornamentation from a wide variety of architectural styles.

b. **Finish materials for walls.** Exterior walls are the most visible part of most buildings. Their exterior finishes shall be one of the following:

1. Concrete block with stucco;
2. Reinforced concrete with smooth finish or with stucco;
3. Natural brick or stone (excluding ashlar or rubble construction look);
4. Wood, pressure treated or naturally decay-resistant species;
5. Fiber-reinforced cement panels or boards that simulate wood; or
6. Synthetic stucco may be used only on non-façade walls.

c. **Prohibited Materials.** No exterior wall shall be covered with the following materials:

1. Plastic or vinyl siding;
2. Corrugated or reflective metal panels, steel buildings;
3. Applied stone in an ashlar or rubble look:
4. Smooth, scored or rib faced concrete block;
5. Any translucent material, other than glass; or

6. Any combination of the above.

d. **Corporate Design.** Corporate franchises shall not be allowed to create visual clutter or to use architecture and building colors to act as signage. Therefore, exceptions to these guidelines shall not be made for corporate franchises. National corporate chains that typically design their buildings to read as signage have been known to modify their designs to blend with the character of the neighborhood.

21-640.09 - Roof Treatments and Materials

Variations in the rooflines must be used to add interest to and reduce the massing of buildings. Roof features and materials must be in scale with the buildings mass and complement the character of adjoining and adjacent buildings and neighborhoods.

a. **Roof Standards.** While any roof type is acceptable, the following standards shall apply:

1. All flat roofs and any shed roof with a slope of less than 1:6 must be concealed by a parapet;
2. All hipped and gabled roofs and all shed roofs with a slope greater than 1:6 must have overhangs of at least eighteen inches (18”);
3. Mansard roofs must have the lowest sloped surface begin above a cornice line and then slope upward and inward;
4. Small towers, cupolas and widow’s walks are encouraged (if they are compatible with the style of the building);
5. Unless specifically designed otherwise, roof overhangs shall wrap around all four (4) sides of the building so that there is visual continuity around the entire building unless site-specific conditions warrant otherwise; or
6. Skylight glazing must be flat to the pitch of the roof.

b. **Permitted Roof Materials.** The following roofing materials are permitted:

1. Standing Seam Metal: Steel (galvanized, enameled or terne-coated), stainless steel, copper and aluminum;
2. Architectural Shingles: Asphalt, fiber reinforced cement, metal, fiberglass and wood;
3. Tile: Clay, terra cotta or concrete; or
4. Flat roofs hidden by parapet: any material allowed by building code.

c. **Equipment on Roof.** All equipment located atop a roof of a building must be concealed so that it is not visible by a person standing anywhere on the site or on an adjacent public street.

21-640.10 - Building Color

Simple color schemes are encouraged. As a general rule, building façade should not exhibit more than three (3) colors.

a. **Prohibited Colors.** The use of garish or gaudy colors is prohibited. The use of black, neon or fluorescent colors is prohibited as the predominant building color.

b. **Trim on Façade.** Building trim and accent areas may feature any color, limited to ten percent (10%) of the affected façade segment, with a maximum trim height of twenty-four inches (24") total for its shortest distance.

21-640.11 - Multi-Building Complexes

Specific provisions must ensure a unified architectural design and site plan between a complex of buildings or between out-parcel buildings and the main building(s) on the site. The following standards assure an enhanced visual impact of the buildings, as well as providing safe and convenient vehicular pedestrian access and movement within the site.

a. **Building Groups and Complexes.** Buildings and structures, which are a part of a present or future group or complex, shall have a unity of character and design and the use, texture and color of materials shall create a harmonious whole. In addition, the design, scale and location on the site shall enhance rather than detract from the character, value and attractiveness of the surrounding community or neighborhood.

b. **Ancillary Structures.** Separate ancillary structures, including, but not limited to, car washes, cashier booths, and/or canopies over gas pumps shall have comparable pitch or parapets for roofs and shall otherwise have the same architectural detail, design elements, color scheme, building materials and roof design as the primary structure.

c. **Out-Parcel Façade.** All exterior façade of an out-parcel building must be considered primary façade and must employ architectural site and landscaping design elements which are integrated with, and common to, those used on the main development including color, materials, and decorative treatments.

d. **Connect Circulation of Out-Parcels.** Out-parcel structures that are adjacent to each other must provide for vehicular connections between their respective parking lots and provide interconnection of pedestrian walkways.

e. **Common Wall and Side-By-Side Buildings.** When the use of common wall, side-by-side development occurs, continuity of façade and consolidated parking for several businesses in one parking lot may be used.

f. **Service Areas.** Service areas shall not be located in front yards and shall not be visible from a public right-of-way. Waste disposal areas shall be screened one hundred percent (100%) by a masonry wall and landscape buffer. The wall shall be consistent in style, materials and color to the façade. The landscape buffer shall be a minimum of five feet (5') in width and shall contain a hedge three feet (3') in height at planting and capable of attaining five feet (5') in height and total opacity within eighteen (18) months.

   Mechanical equipment, satellite dishes, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties both at ground and roof top levels.

SECTION 21-650 - SIGNS

Sign regulations are important because they ensure consistency of signage along the corridor and thereby prevent clutter and confusion exemplified by older, unregulated strip commercial areas. The purpose and intent of sign regulations will be to augment the City of Edgewater's existing sign code to fit the higher aesthetic standard being established for Ridgewood Avenue. This Section

covers freestanding or detached signs, attached or building signs, multi-tenant development signs and specialty signs.

21-650.01 - Ground Signs Required

Freestanding ground signs shall be allowed in the Ridgewood Avenue Corridor. Pole signs are prohibited.

a. **Height.** The maximum height of the entire sign structure shall be eight feet (8').

b. **Sign Area.** The sign area of ground signs shall be calculated at a ratio of one square foot (1') of sign area per two linear feet (2') of addressed building frontage, with the following maximums.

   1. **Typical Building.** Ground signs shall not exceed forty-eight (48) square feet for buildings with Ridgewood Avenue road frontage.

   2. **Intersecting Streets.** Ground signs on streets intersecting Ridgewood Avenue may be permitted up to thirty-two (32) square feet.

c. **Number of Ground Signs.** One (1) sign shall be allowed per parcel with four hundred feet (400') or less of road frontage. If a parcel's road frontage exceeds four hundred feet (400') and is less than seven hundred feet (700'), then a maximum of two (2) ground signs shall be allowed but no closer than three hundred feet (300') apart. If a parcel's road frontage exceeds seven-hundred feet (700'), then a maximum of three (3) ground signs shall be allowed, but no closer than three hundred feet (300') apart. Corner lots/parcels shall also be permitted one (1) ground sign in conformance with Section 21-650.01 (b)(2) of this Article on the intersecting street frontage, if said intersecting street frontage is two hundred feet (200') or greater. Said intersecting street ground signage shall be located no closer than two hundred feet (200') from any other ground sign.

d. **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.

e. **Ground Sign Setback.** The base setback shall be a minimum of ten feet (10') from the right-of-way.

f. **Movement.** No ground sign or its parts shall move, rotate or use flashing lights.

g. **Electronic Message Centers (EMC)/Signage.** EMC signage shall conform to the requirements contained in Article VI, however, in the event of conflicting language, the requirements of this Article shall supersede. All other requirements contained in this Article shall also apply.

21-650.02 - Business Identification Signs

Business identification signs include signs that are attached to the building wall or window. They include wall signs (designed as a sign that is to be permanently affixed flat against the building wall), projecting/hanging signs (perpendicular to the building), and window signs.

The following general design criteria shall apply to all attached signs located in Ridgewood Avenue Corridor. No sign shall cover architectural detailing. Only one (1) business identification shall be allowed per sign to reduce clutter.

a. **Wall Signs.** Wall signs should be limited to one (1) per business per façade. The total amount of wall signs allowed shall be two (2) square feet of signage per one (1) linear foot of addressed business frontage, not to exceed sixty-four (64) square feet, provided however that copy area shall not exceed fifty percent (50%) of the primary frontage (width) of the tenant space. Wall signs should be placed on the building façade and not perpendicular to the wall.

b. **Projecting/Hanging Signs.** Projecting/hanging signs should not exceed four (4) square feet and should be located adjacent to the entry to the building or to the tenant space. If located under an awning or marquis, the projecting sign should be located perpendicular to the building face.

c. **Window Signs.** Window signs should be maintained properly. Window signs shall be painted vinyl, or decal only. Window signs may be allowed on windows facing rights-of-way. Window signs shall not exceed twenty five percent (25%) of front doors. Window Signs shall not exceed seventy-five percent (75%) of all windows facing rights-of-way. Promotional posters for civic events shall be permitted on windows and should not be included in the sign area calculation.

d. **Canopy/Marquis or Awning Valance Signs.** Signs shall not be permitted on canopy/marquis or awning valance structures.

21-650.03 - Multi-Tenant Buildings/Developments

a. **Multi-Tenant Buildings/Developments less than 25,000 square feet.** Developments less than 25,000 square feet in total building square footage shall comply with Section 21-650.01(c) of this Article and shall contain no more than eight (8) separate tenant panels within the permitted ground sign(s).

b. **Multi-Tenant Buildings/Developments equal to or greater than 25,000 square feet.** Developments equal to or greater than 25,000 square feet shall be permitted one (1) ground with the name of the center/complex. Additional ground signs permitted for Multi-Tenant Buildings/Developments shall be in conformance with Section 21-650.01 (c) of this Article and shall contain no more than eight (8) separate tenant panels within the permitted ground sign(s).

c. **Directory Signs (for multi-use developments).** Sites with two (2) or more businesses on the premises are allowed a directory sign. The size of the sign should not exceed six (6) square feet. The location of directory signs should be approved at the discretion of the City.

21-650.04 - Specialty Signs

a. **Easel.** Easel signs should be limited to one (1) sign per active store entranceway. The sign should relate to the business or merchandise line of the particular place of business. Easel signs should be no larger than twenty four inches (24”) wide by thirty six inches (36”) high.

    1. Signs placed on easels should be no larger than twenty-four inches (24”) wide by twenty-four inches (24”) high.

    2. Signs shall be located directly in front of the business entrance at a distance of no greater than five feet (5’) from the building entrance and shall not block pedestrian movement.

b. **Flags.** A maximum of one (1) state, one (1) federal and one (1) local/county flag per parcel; each a maximum of thirty-five (35) square feet. Flags shall be set back from road right-of-way a minimum distance of ten feet (10').

c. **Opening Banners.** Opening banners shall be allowed from two (2) weeks prior to opening until one (1) month after opening. Banners shall be located on building walls.

21-650.05 - Signage Performance Standards

Only permanent durable materials allowed and must be maintained. Signs should be executed by a qualified, professional sign maker; homemade signs are prohibited.

21-650.06 - Exempted Signs

Feather Flag signs, Freestanding Banner signs, real estate signs, and construction signs shall meet Land Development Code standards as set forth in Article VI

21-650.07 - Prohibited Signs

a. Signs that are prohibited in the Ridgewood Avenue Corridor include animated signs, billboards, off-site signs, flashing signs, snipe signs, portable signs (trailer signs), roof signs, beacon lights, trash receptacle signs, gutter signs, signs on public property, immoral display, obstruction, streamers, spinners and pennants. Bench signs are prohibited except those placed on public transportation benches and shelters as approved through a competitive selection process pursuant to City standard procedures.

b. No advertising or signage is allowed on any exposed amenity including, but not limited to, trash containers and fences. Bench signs are prohibited except those placed on public transportation benches and shelters as approved through a competitive selection process pursuant to City standard procedures.

21-650.08 - Sign Illumination

a. Sign lights shall be focused, directed and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto residential districts or onto the abutting roadways. No objectionable glare shall be directly visible from a public right-of-way or residential zone. Illuminated signs shall provide shielding from any source of illumination other than neon.

b. Any external, above-ground light source shall be located and hidden within the sign planter bed. Light sources located outside the sign planter bed shall be in a burial fixture.

21-650.09 - Prohibited Lighting

a. No flashing or pulsating light shall be permitted on any sign. No sign shall be permitted which involves lighting or motion resembling traffic or directional signals, warnings or other similar devices, which are normally associated with highway safety or regulations. In addition, no sign shall be permitted which constitutes a safety hazard or hindrance because of light, glare, focus, animation, flashing or intensity of illumination. Lighted signs shall be designed and located so as to prevent direct glare or hazardous interference of any kind to adjoining streets or properties. High intensity lights such as beacon lights, spotlights or floodlights shall not be permitted in the Ridgewood Avenue Corridor.

b. No prisms, mirrors or polished reflecting surfaces shall be used for purpose of augmenting intensity of light sources and no hi-intensity lights or stroboscopic lights or effect is permitted.

1. No more than forty-five (45) milli-amperes on high voltage side of neon transformer shall be permitted.
2. Maximum wattage of incandescent bulbs shall be limited to eleven (11) watts.
3. A maximum of sixty (60) milli-amperes shall be permitted on neon tubing.
4. Letters or border decoration of buildings with a maximum of eleven (11) watt maximum incandescent bulbs shall be permitted.
5. Strip lighting includes lighting used to outline a structure or any part thereof and shall be prohibited. Streamer lights and/or neon strip lighting shall be prohibited above the roof level of any building. Strip lighting, as referred to here, shall not include Christmas decorations and related lights.

SECTION 21-660 – NONCONFORMING STRUCTURES

21-660.01 – Existing Nonconforming Structures

These guidelines apply to buildings and structures. Further, any structure which lawfully exists when these regulations are adopted (or amended) and which does not conform to all the provisions of these regulations may remain and be continued subject to the following regulations:

a. The intent and purpose of these nonconforming structure provisions shall be to improve and otherwise encourage such structures to be redeveloped and revitalized in ways that conform with these regulations to the greatest extent feasible. Therefore, such structures, may be used, enlarged, replaced, altered and/or expanded subject to the following:
    1. All applications shall be subject to all appropriate safeguards and conditions necessary to ensure that any such approval will not be contrary to the public interest, the intent of these Ridgewood Avenue Design Guidelines or injurious to the specific area in which the existing nonconforming structure is located.
    2. All applications shall provide complete and written justification regarding any provisions of these regulations that the applicant believes cannot be fully complied with. Such justification shall not include monetary considerations.
    3. Under no circumstances shall the provisions of this Section be construed to mean that any existing nonconforming structure may be changed, or that any provision, requirement and/or regulation contained within these regulations can be waived or reduced which can reasonably be complied with by the applicant. The provisions of this Section shall not be construed and/or applied in such a manner as to permit the enlargement, replacement, alterations, expansion and/or extension of any existing nonconforming structure without justifiable reasons based on a legally existing and nonconforming status; that would result in any undue hardship or injurious activity that would deprive adjacent individual property owners of their property rights; or that would be detrimental to the area surrounding the nonconforming premises in general.

21-660.02 – Guidelines for Nonconforming Structures

a. No nonconforming structure shall be enlarged, replaced or altered in any way which increases it’s nonconformity except in conformance with these regulations;

b. It is further stated that any alterations, replacement or modification of the exterior of a nonconforming structure shall comply with these design guidelines to the maximum extent feasible;

c. Nonconforming structures may be restored to a safe condition if declared unsafe, providing that such restoration does not constitute more than fifty-percent (50%) of the structure's appraised fair market value, with the following exception:

    1. Any existing single-family residential use considered non-conforming and permitted prior to the adoption of this Code may be permitted to restore damaged or destroyed buildings, not to exceed the existing footprint (prior to the damage or destruction), unless approval of a variance is granted by City Council to expand the footprint of the structure. City Council may also consider requests to waive the application fee.

d. If damaged by more than fifty-percent (50%) of its appraised fair market value, a nonconforming structure shall not be restored except in conformance with these regulations, with the following exception:

    1. Any existing single-family residential use considered non-conforming and permitted prior to the adoption of this Code may be permitted to restore damaged or destroyed buildings, not to exceed the existing footprint (prior to the damage or destruction), unless approval of a variance is granted by City Council to expand the footprint of the structure. City Council may also consider requests to waive the application fee.

e. Nonconforming structures may have normal repair and maintenance performed to permit continuation of the nonconforming structure.

21-660.03 – Existing Nonconforming Signs

a. No nonconforming sign shall be enlarged, replaced or altered in any way except in conformance with these regulations.

b. It is further stated that any alterations, replacement or modification of a nonconforming sign shall comply with these design guidelines to the maximum extent feasible.

c. Non-conforming signs shall be brought into conformance with this Article within a five (5) year grace period of the date of any permit issuance to modify and/or improve said non-conforming sign. No permits to modify and/or improve a non-conforming sign which heretofore grants the five (5) year grace period and does not bring said non-conforming sign into conformance with this Article shall be issued after December 31, 2015.

SECTION 21-670 -RESERVED

SECTION 21-680 -RESERVED

SECTION 21-690 -RESERVED