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*Planning, Zoning and Building Department*

**BOARD ACTION REPORT – APPEALABLE ITEM**

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**Project Name:** 4591 and 4561 West Atlantic Avenue  
**Project Location:** North side of West Atlantic Avenue, west of Barwick Road  
**Request:** City initiation of a Future Land Use Map (FLUM) amendment from TRN (Transitional) to GC (General Commercial) and Rezoning from NC (Neighborhood Commercial) to GC (General Commercial)

**Board:** Planning and Zoning Board  
**Meeting Date:** September 8, 2016

**Board Action:**

Approved on a 7 to 0 vote, the City initiation of the Future Land Use Map (FLUM) amendment from TRN (Transitional) to GC (General Commercial) and Rezoning from NC (Neighborhood Commercial) to GC (General Commercial).

**Project Description:**

The parcels contain a paint and home furnishing business known as Hessler Paints (described as Lots 1 thru 4 and the west 35 feet of Lot 5, Highland Trailer Park), and the Handy Mart, a check cashing services business [described as Lots 5 (less the west 35 feet), Lot 6 and Lot 7 (less the west 32 feet)].

The subject area was a part of an annexation action whereby the northwest corner of West Atlantic Avenue and Barwick Road, including the Highland Trailer Park (mobile home) and adjacent commercial properties fronting on West Atlantic Avenue, were annexed on June 23, 1992.

With the annexation, a Future Land Use Designation of TRN (Transitional) was assigned to the two parcels that comprise the subject proposal, and the Highland Trailer Park to the north. A GC (General Commercial) FLUM designation and zoning was assigned to the existing gasoline station at the corner. A zoning designation of NC (Neighborhood Commercial) was assigned to the subject parcels.

The zoning and FLUM designation were established upon annexation and the intent of the assigned zoning districts were primarily to accommodate the existing uses occurring on the property at that time (this is exemplified in the fact that the gasoline station to the east was zoned General Commercial versus Neighborhood Commercial).

During the recent review of the proposal to expand Hessler Paint, staff felt that the GC zoning was more appropriate as the subject properties are located along a major commercial arterial and the parcels are not a gateway to a residential neighborhood. The NC zoning is primarily intended to provide the opportunity to locate limited retail and service uses in a manner which are convenient to and yet not disruptive to residential areas. The NC district limits the total square footage to 10,000 sq. ft. Hessler Paint would like to expand the building to 13,211 sq. ft. The current restriction prohibits the building expansion without a waiver and rezoning is appropriate given the context.

4591 and 4561 West Atlantic Avenue - Appealable Item Report

**Board Comments:**

None

**Public Comments:**

None

**Associated Actions:** The Planning and Zoning Board will consider the Future Land Use Map amendment and rezoning at a public hearing to be held on September 19, 2016 and forward a recommendation to the City Commission.

**Next Action:** The PZB action of initiation of the request is final unless appealed by the City Commission.

## PLANNING AND ZONING BOARD MEMORANDUM STAFF REPORT

MEETING OF: AUGUST 15, 2016

AGENDA NO. VI. B

AGENDA ITEM: INITIATE AN AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATION FROM TRN (TRANSITIONAL) TO GC (GENERAL COMMERCIAL) AND A CHANGE OF ZONING DESIGNATION FROM NC (NEIGHBORHOOD COMMERCIAL) TO GC (GENERAL COMMERCIAL) FOR TWO ADJACENT PARCELS OF LAND LOCATED AT 4519 AND 4561 WEST ATLANTIC AVENUE

### ITEM BEFORE THE BOARD

The item before the Board is to initiate an application to amend the Future Land Use Map and the Official Zoning Map for two parcels of land located at 4591 and 4561 West Atlantic Avenue. This is being processed in accordance with Land Development Regulations (LDRs) Section 2.4.4(A) which states that "the Local Planning Agency and the City Commission may initiate a development application as it pertains to an amendment to the Comprehensive Plan or to the Official Zoning Map as it pertains to any property within the City."

The subject parcels are located on the north side of West Atlantic Avenue, west of Barwick Road. The parcels contain a paint and home furnishing business known as Hessler Paints (described as Lots 1 thru 4 and the west 35 feet of Lot 5, Highland Trailer Park), and the Handy Mart, a check cashing services business [described as Lots 5 (less the west 35 feet), Lot 6 and Lot 7 (less the west 32 feet)].

The subject area was a part of an annexation action whereby the northwest corner of West Atlantic Avenue and Barwick Road, including the Highland Trailer Park (mobile home) and adjacent commercial properties fronting on West Atlantic Avenue, were annexed on June 23, 1992.

With the annexation, a Future Land Use Designation of TRN (Transitional) was assigned to the two parcels that comprise the subject proposal, and the Highland Trailer Park to the north. A GC (General Commercial) FLUM designation and zoning was assigned to the existing gasoline station at the corner (see attached zoning map).

The uses at the time of annexation included a Handy Mart convenience store (4561 W. Atlantic Avenue) and an indoor farmers market/vegetables sales and a sit down restaurant and sale of sod (4591 W. Atlantic Avenue). A zoning designation of NC (Neighborhood Commercial) was assigned to these parcels.

During the recent review of the proposal to expand Hessler Paint, staff felt that the GC zoning was more appropriate as the subject properties are located along a major commercial arterial and the parcels are not a gateway to a residential neighborhood. The NC zoning is primarily intended to provide the opportunity to locate limited retail and service uses in a manner which are convenient to and yet not disruptive to residential areas. The NC district limits the total square footage to 10,000 sq. ft. Hessler Paint would like to expand the building to 13,211 sq. ft. The current restriction prohibits the building expansion without a waiver and rezoning is appropriate given the context.

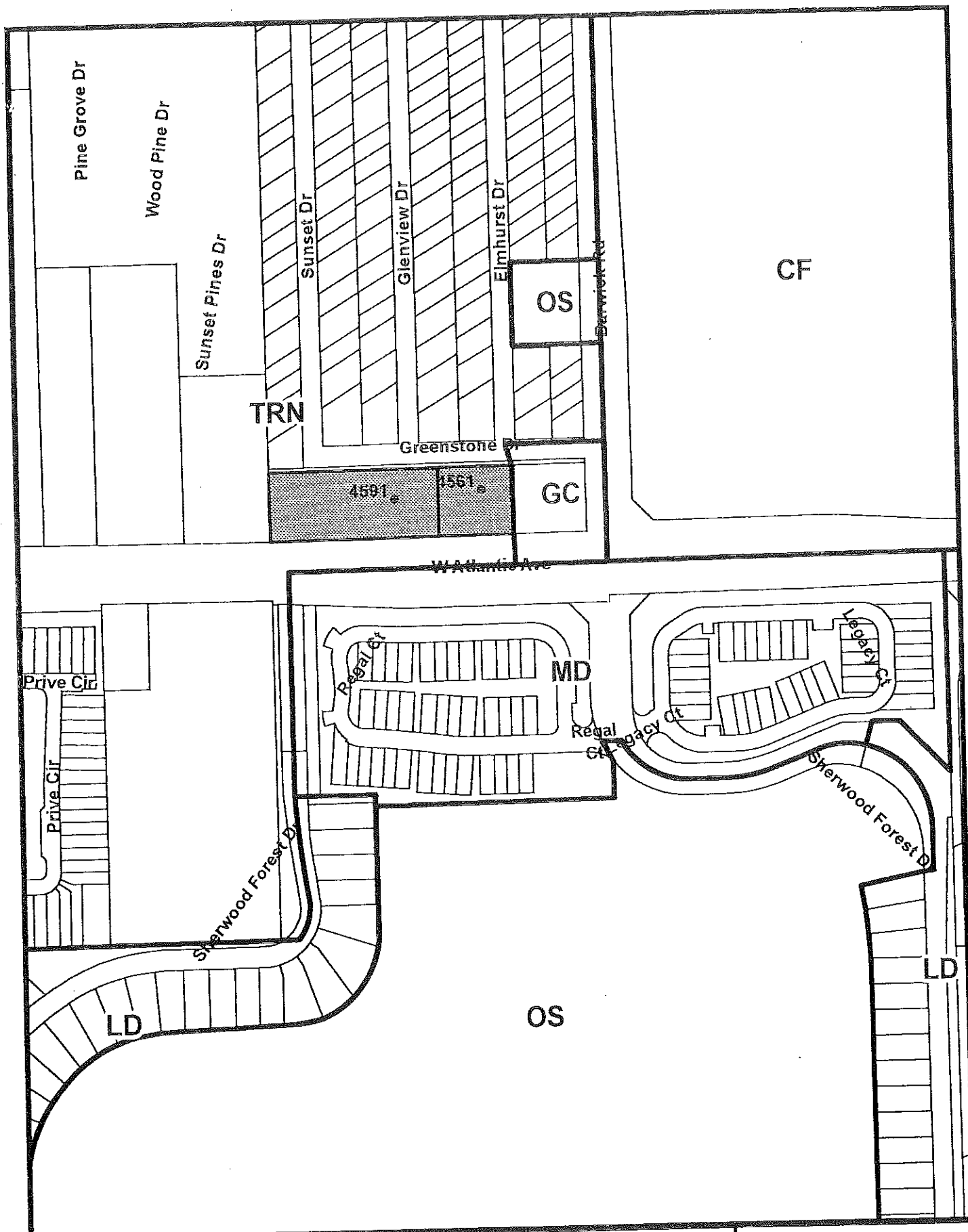
The zoning and FLUM designation were established upon annexation and the intent of the assigned zoning districts were primarily to accommodate the existing uses occurring on the property at that time (this is exemplified in the fact that the gasoline station to the east was zoned General Commercial versus Neighborhood Commercial). Given the fact that the parcels are located along a major arterial and not a gateway to a residential neighborhood it is more appropriate to assign a General Commercial FLUM and zoning designation as proposed.

#### **RECOMMENDED ACTION**


By motion, approve the initiation of a Future Land Use Map amendment from TRN (Transitional) to GC (General Commercial) and Rezoning from NC (Neighborhood Commercial) to GC (General Commercial) for the properties located at 4591 West Atlantic Avenue and 4561 West Atlantic Avenue.

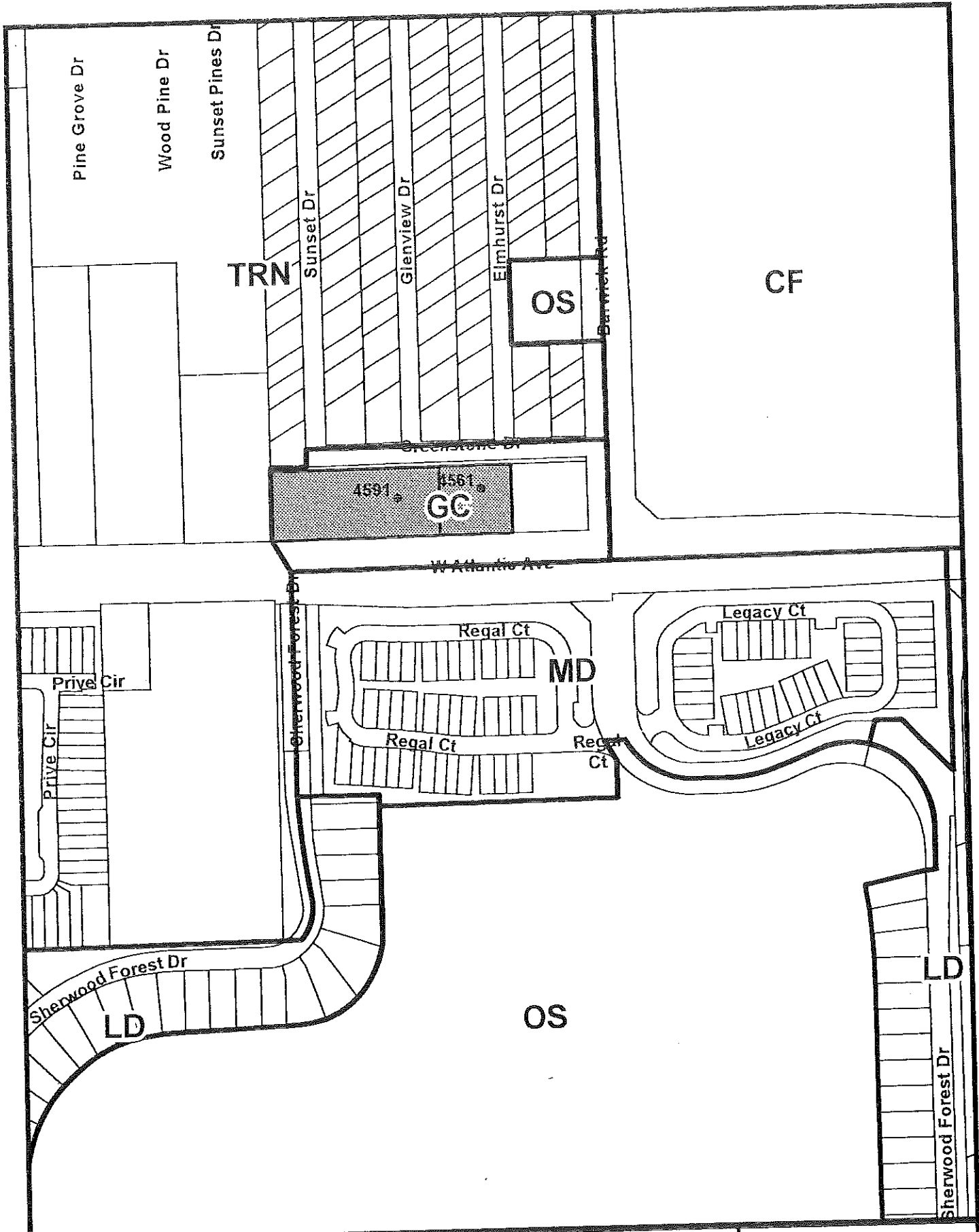
Attachments:

- Existing FLUM and Zoning Maps
- Proposed FLUM and Zoning Maps
- Map Showing Existing NC Zoned Parcels
- NC and GC Zoning Regulations



**4591 and 4561  
West Atlantic Avenue**

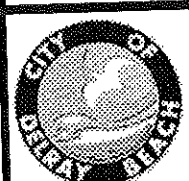
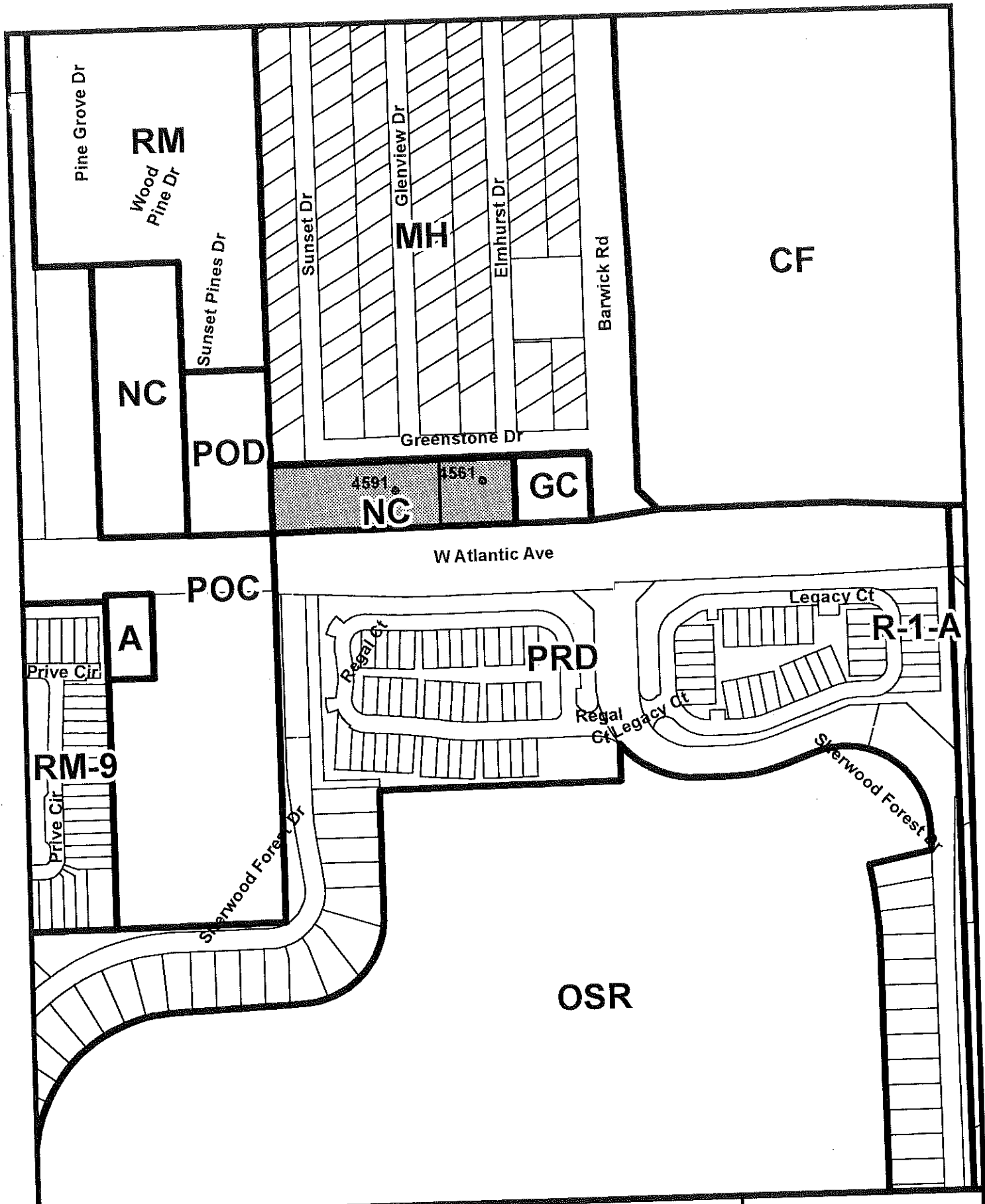
 Subject Properties




4591 and 4561  
West Atlantic Avenue

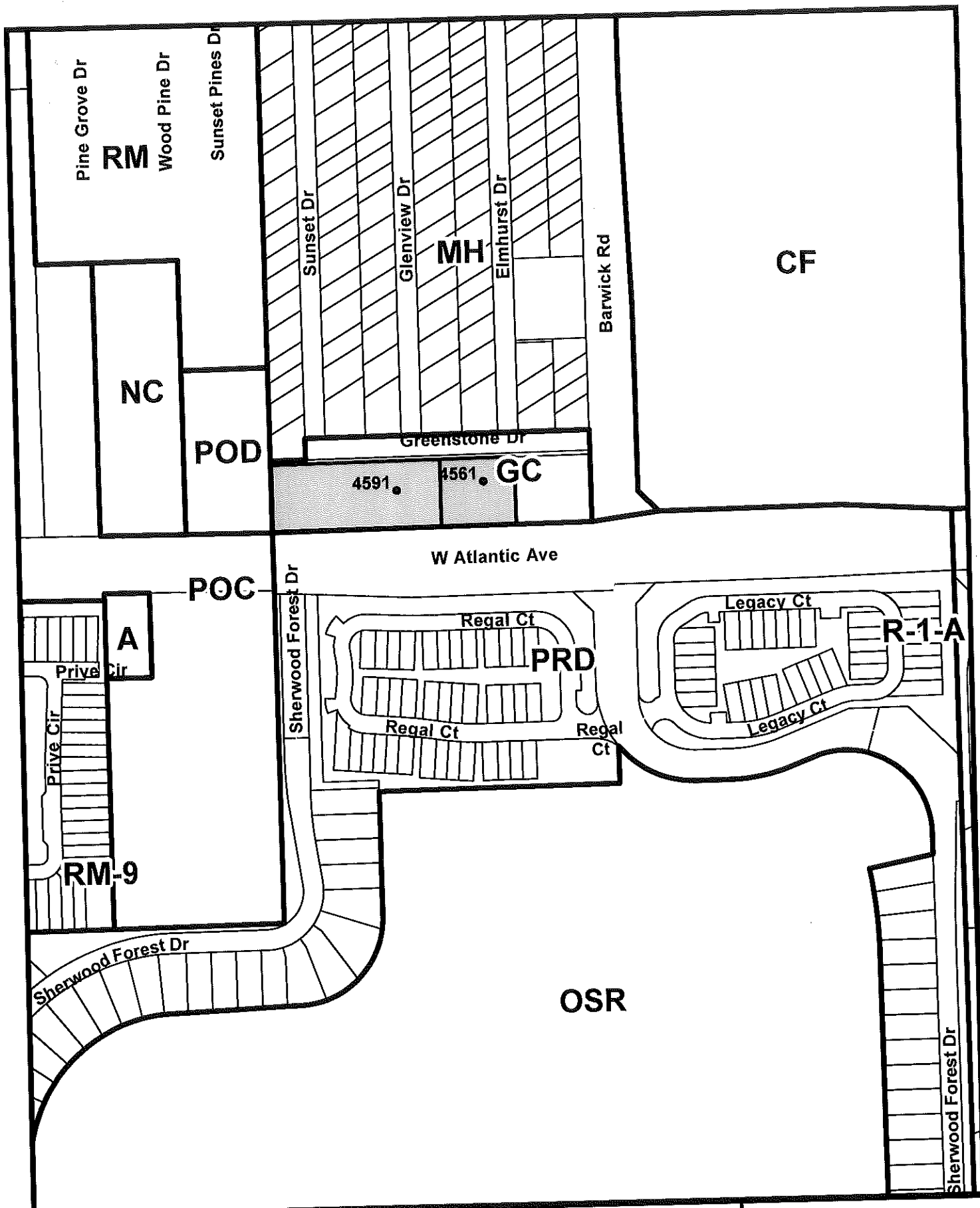


Subject Properties



**4591 and 4561  
West Atlantic Avenue  
CURRENT ZONING MAP**

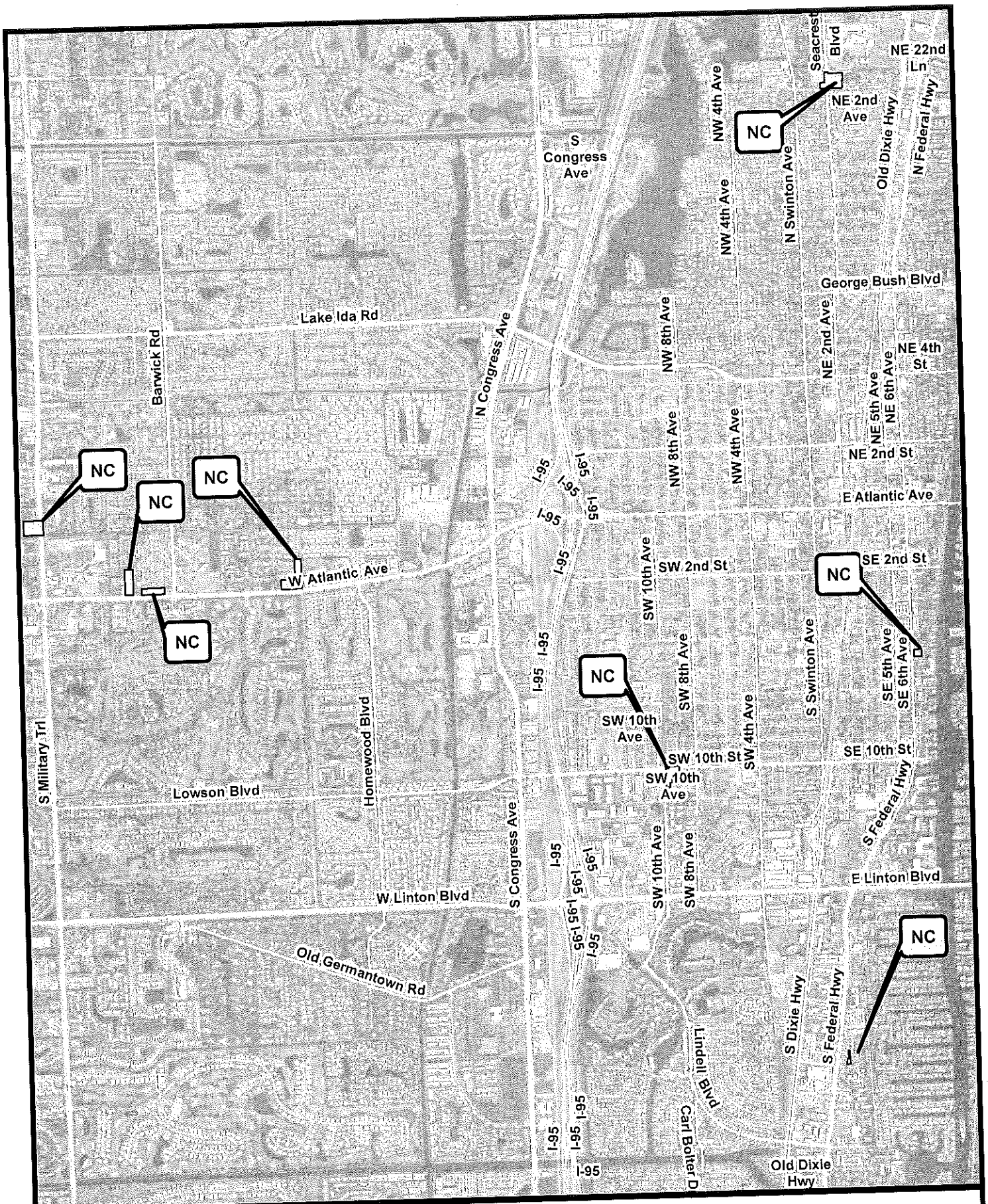
 Subject Properties



# **4591 and 4561** **West Atlantic Avenue** **PROPOSED ZONING**

 Subject Properties





# NC: ZONING DISTRICTS

NC\_Zoning

**Section 4.4.11 Neighborhood Commercial (NC) District:**

(A) **Purpose and Intent:** The Neighborhood Commercial (NC) District provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to residential areas. The NC District may be located in areas designated as Transitional on the Future Land Use Map when a nonresidential use is appropriate for the location.

(B) **Principal Uses and Structures Permitted:** The following types of uses are allowed within the NC District subject to the limitations per Subsection (H) as a permitted use: **[Amd. Ord. 22-03 8/19/03]**

(1) Retail uses and/or facilities such as: convenience foods; household supplies; garden and lawn supplies; pharmacies; small appliance sales and repairs; baked goods; delicatessen goods. **[Amd. Ord. 35-10 10/19/10]**

(2) Provision of services such as: barber and beauty shops; dry cleaning limited to on-site processing for customer pickup only; dry cleaning and laundry pickup stations; vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo; financing e.g. banks and similar institutions excluding drive-through facilities; laundromats limited to self-service facilities; dining at sit down restaurants including takeout and ice cream parlors but excluding drive-in, drive-through facilities; newsstands. **[Amd. Ord. 22-03 8/19/03]; [Amd. Ord. 1-02 2/5/02]**

(3) Business and Professional Offices. **[Amd. Ord. 22-03 8/19/03]; [Amd. Ord. 40-01 8/7/01]**

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use:

(1) Parking areas for employees and customers.

(2) Refuse and service areas. **[Amd. Ord. 40-01 8/7/01]**

(D) **Conditional Uses and Structures Allowed:** The following uses are allowed as conditional uses within the NC District subject to the limitations per Subsection (H). **[Amd. Ord. 22-03 8/19/03]**

(1) Child care and adult day care.

(2) Display and sale of lawn furniture, playground equipment, sheds and accessories. **[Amd. Ord. 65-93 12/07/93]**

(3) Veterinary clinics. **[Amd. Ord. 65-93 12/07/93]**

(4) Equipment rental and display. **[Amd. Ord. 1-02 2/5/02]**

(E) **Review and Approval Process:**

(1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.

## SECTION 4.4.11 (E) (2)

(2) For any new development, approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), (G), and (I).

(3) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).

(F) **Development Standards:** In addition to the development standards set forth in Section 4.3.4, the following shall apply:

(1) Maximum site area of two (2) acres [Amd. Ord. 65-93 12/07/93]

(2) Special Landscape Area: Within the first ten feet (10') of the front yard setback area (abutting the property line) full landscaping shall be provided. Driveways and sidewalks shall be accommodated only when generally perpendicular to the property line.

(3) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), any free-standing structure which accommodates a principal or conditional use shall have a minimum floor area of 4,000 square feet. [Amd. Ord. 17-12 6/5/12]

(4) **Wallace Drive Overlay District Development Standards:** Within the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the Development Standards depicted in the Section 4.3.4(K) Development Standards Matrix, shall be the same as those of the MIC (Mixed Industrial and Commercial) zoning district. [Amd. Ord. 17-12 6/5/12]

(G) **Supplemental District Regulations:** In addition to the supplemental district regulations as set forth in Article 4.6, the following shall apply. [Amd. Ord. 17-12 6/5/12]

(1) Within the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum Floor Area Ratio (FAR) is 0.25. [Amd. Ord. 17-12 6/5/12]

(H) **Special Regulations:**

(1) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum area devoted to a single tenant for office or service uses shall not exceed 2,000 sq.ft. in floor area. Notwithstanding the above, banks or similar financial institutions excluding drive-through bank facilities, may not exceed 6,000 sq. ft. The intent of these restrictions is to maintain the center at the neighborhood scale. [Amd. Ord. 17-12 6/5/12]; [Amd. Ord. 23-05 4/19/05]; [Amd. Ord. 65-93 12/07/93]

(2) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum floor area which can be allocated to a single retail use, or groups of similar (retail, office, services) principal uses, shall not exceed 10,000 square feet. [Amd. Ord. 17-12 6/5/12]; [Amd. Ord. 65-93 12/07/93]

(3) Outdoor storage of any kind is prohibited, except as permitted herein. [Amd. Ord. 40-01 8/7/01]

(4) 24-Hour or late night businesses as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV). [Amd. Ord. 41-01 8/7/01]

## SECTION 4.4.9

### Section 4.4.9 General Commercial (GC) District:

(A) **Purpose and Intent:** The General Commercial (GC) District provides basic regulations for small parcels which are best suited for general retail and office uses. In addition, this district has provisions in the Four Corners Overlay District which encourages mixed use development that may include retail, office, and multi-family uses. The GC designation is applied to small parcels, most of which are developed, where adherence to standard regulations is most appropriate. The GC designation is to be applied primarily along arterial and collector streets. Uses may be conducted singularly or in combination within the same structure. **[Amd. Ord. 8-07 3/20/07]**

(B) **Principal Uses and Structures Permitted:** The following are allowed within the GC District as permitted uses, except as modified in the Four Corners Overlay District by Section 4.4.9(G)(3)(a). **[Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 64-04 11/16/04]**

(1) General retail uses and/or facilities, including, but not limited to: **[Amd. Ord. 35-10 10/19/10]**

(a) Antiques, arts and crafts, automotive parts, baked goods, books, carpet and floor covering, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, draperies and slipcovers, pharmacies, electrical fixtures and supplies, fabrics, fish, flowers and plants, fruits and vegetables, food, garden supplies, gifts, glassware, hardware and paints, home furnishings, ice cream, lawn care equipment, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, pets and pet supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry. **Amd. Ord. 35-10 10/19/10]**

(2) Business, Professional, and Medical uses including, but not limited to: **[Amd. Ord. 09-10 7/20/10]**

(a) Interior decorating, medical and dental clinics, medical and dental laboratories, photographic studios, printing and publishing, business offices, professional offices, and medical offices. **[Amd. Ord. 09-10 7/20/10]**

(3) Contractor's Offices, including but not limited to:

(a) Air conditioning, general contractor, electrical, painting, and plumbing; however, any outside storage of materials is prohibited.

(4) Services and Facilities including, but not limited to:

## SECTION 4.4.9 (B) (4) (a)

(a) Auctions, barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, financing e.g. banks and similar institutions including drive-through facilities, laundromats limited to self-service facilities, pet grooming, restaurants including drive-in and drive-through, tailoring, tobacconist, vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo, small item repair, and rental of sporting goods and equipment (such as but not limited to bicycles, skates, boogie boards). With the exception of bicycles with an electric-helper motor as defined in Section 72.02, Delray Beach Code of Ordinances, all rented sporting goods must be non-motorized. [Amd. Ord. 36-11 10/18/11]; [Amd. Ord. 15-98 4/21/98]

(b) Abused spouse residence with forty (40) or fewer residents, galleries, broadcast studios, butcher shops, cocktail lounges, exercise facilities e.g. gyms and clubs, indoor shooting ranges, museums, libraries, newsstands, commercial or public parking lots and parking garages, theaters excluding drive-ins.

(5) Dwelling units, and residential licensed service provider facilities and assisted living facilities, in the same structure as commercial uses provided that: commercial uses must be provided on the ground floor; commercial uses on the ground floor must occupy no less than 25% of the total structure excluding square footage devoted to vehicular use; residential uses are not located on the ground level; residential uses and non-residential uses are physically separated and have separate accessways; and the residential density does not exceed 12 units per acre, except the Four Corners District which may have a free standing residential building as part of a multi-building unified master plan or the residential component may be a part of a single mixed use building. The density of the Four Corners Master Plan shall not exceed 30 dwelling units per acre and is subject to the provisions under Section 4.4.9 (G)(3)(d)(4). [Amd. Ord. 47-11 1/3/12]; [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 43-04 8/17/04]; [Amd. Ord. 6-00 3/21/00]

(6) Astrologists, clairvoyants, fortune tellers, palmists, phrenologists, psychic readers, spiritualists, numerologists and mental healers, subject to the locational restrictions of Section 4.4.9(H)(3). [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 27-98 8/4/98]

(7) Group Home, Type 1, pursuant to restrictions set forth in Section 4.3.3(l). [Amd. Ord. 23-01 5/1/01]

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots;
- (2) Refuse and service areas;
- (3) Provision of services and repair of items incidental to the principal use;

## SECTION 4.4.9 (C) (4)

(4) Storage of inventory either within the same structure as where the sale of goods occurs or in a separate structure on the same parcel provided that such storage facilities are not shared or leased independent of the primary commercial use of the site;

(5) Single family detached dwellings for residence by business owners, proprietors, or employees.

(6) Family day care home pursuant to Section 4.3.3(T). **[Amd. Ord. 25-10 10/19/10]**

(D) **Conditional Uses and Structures Allowed**: The following are allowed as conditional uses within the GC District, except as modified in the North Federal Highway Overlay District by Section 4.4.9(G)(2) and except as modified in the Four Corners Overlay District by Section 4.4.9(G)(3)(c). **[Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 53-01 10/16/01]; [Amd. Ord. 53-96 11/19/96]**

**DELETED NUMBERS AND RENUMBERED [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 30-98 9/8/98]; [Amd. Ord. 21-97 6/3/97]**

(1) Amusement game facilities. **[Amd. Ord. 58-04 10/19/04]**

(2) Wash establishments or facilities for vehicles.

(3) Child Care and Adult Day Care.

(4) Clubs and Lodges; social, fraternal, and recreational not exceeding 3,500 sq. ft. of gross floor area. **[Amd. Ord. 70-04 1/4/05]**

(5) Drive-in Theaters.

(6) Flea Markets, bazaars, merchandise marts, and similar retail uses. **[Amd. Ord. 51-92 10/27/92]**

(7) Funeral Homes.

(8) Gasoline Stations or the dispensing of gasoline directly into vehicles.

(9) Hotels and Motels.

(10) Free-standing multiple-family housing, including residential licensed service provider facilities, subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section. **[Amd. Ord. 10-11 4/5/11]**

(11) Recreational establishments such as bowling alleys, gymnasiums, health spas, miniature golf courses, skating rinks.

(12) Sales and service of All Terrain Vehicles and personal watercraft (waverunners, jet skis), with no outside display, outside storage or outside service. **[Amd. Ord. 1-96 1/23/96]**

## **SECTION 4.4.9 (D) (13)**

(13) Vehicle care limited to the changing of oil and filters, and lubrication with no mechanical work or outside storage of vehicles except as a part of a gasoline station. **[Amd. Ord. 1-96 1/23/96]**

(14) Veterinary Clinics. **[Amd. Ord. 1-96 1/23/96]; Amd. Ord. 14-91 02/26/91]**

(15) Group Home, Type 2 and Community Residential Homes, pursuant to restrictions set forth in Section 4.3.3(I). **[Amd. Ord. 23-01 5/1/01]**

(16) Adult Gaming Centers. **[Amd. Ord. 58-04 10/19/04]**

(17) Churches or places of worship, and their attendant Sunday school, recreational and columbarium facilities not exceeding 3,500 square feet of gross floor area. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care. **[Amd. Ord. 70-04 1/4/05]**

(18) Multiple family residential development, including residential licensed service provider facilities and assisted living facilities, may exceed twelve (12) units per acre, up to a maximum of twenty-two (22) units per acre within the Infill Workforce Housing Area, subject to the provisions of Section 4.4.6(I), and Article 4.7, and subject to the requirements of the RM District except for setback and height requirements, which shall be pursuant to this Section. **[Amd. Ord. 08-14 7/1/14]; [Amd. Ord. 47-11 1/3/12]; [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 17-06 4/4/06]**

(19) Assisted Living Facilities, Nursing Homes, and Continuing Care Facilities subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section. **[Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 20-08 4/15/08]**

(20) Large Family Child Care Home, subject to Section 4.3.3(TT). **[Amd. Ord. 25-10 10/19/10]**

### **(E) Review and Approval Process:**

(1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.

(2) For all new development, site plan approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), (G), (I), except for development in the Four Corners Overlay District which is subject to the provisions of Section 4.4.9(E)(4) below. **[Amd. Ord. 8-07 3/20/07]**

(3) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).



## SECTION 4.4.9 (E) (4)

(4) All Development within the Four Corners District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a land use map; conceptual site plan, landscaping, and utility plans; and conceptual elevations and architectural information. A MDP shall be processed pursuant to Section 2.4.5(F) with approval granted by the Planning and Zoning Board. A MDP may be modified pursuant to Section 2.4.5(G). Any new development approval must be granted by the Site Plan Review and Appearance Board with respect to Sections 2.4.5(F), (H), and (I) and be consistent with the approved Master Development Plan (MDP). A site plan modification shall follow procedures outlined in Section 2.4.5(G). **[Amd. Ord. 8-07 3/20/07]**

- (a) Applications for site plan approval pursuant to Section 4.4.13(1) must include, in addition to the standard application items of 2.4.3(A), a site and development plan (including landscaping, elevations, and floor plans) that is of sufficient detail to determine that the applicable performance standards are being met. Final approval of the detailed site plan is by the Site Plan Review and Appearance Board and is to be consistent with adopted (MDP). **[Amd. Ord. 8-07 3/20/07]**
- (b) Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board concurrent and as a part of the approval of a Master Development Plan (MDP). **[Amd. Ord. 8-07 3/20/07]**
- (c) When considering a Master Development Plan (MDP) in the Four Corners Overlay, the Planning and Zoning Board may attach suitable conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development. **[Amd. Ord. 8-07 3/20/07]**

(F) **Development Standards:** The development standards set forth in Section 4.3.4 shall apply except as modified below: **[Amd. Ord. 21-04 5/4/04]**

(1) If there is no vehicular access available to the rear of any structure, a side setback of ten feet (10') shall be provided. For a side interior lot, a ten foot (10') setback is required only on one (1) side. **[Amd. Ord. 21-04 5/4/04]**

(2) **North Federal Highway Area:** The following development standard shall apply to parcels which have frontage on North Federal Highway or the North Federal Highway one-way pairs (N.E. 5<sup>th</sup> Avenue and N.E. 6<sup>th</sup> Avenue) between N.E. 4<sup>th</sup> Street and the north City limits. **[Amd. Ord. 17-99 6/15/99]**

- (a) Parcels shall have a minimum front building setback of five feet (5') measured from the ultimate right-of-way line. The maximum setback shall be fifteen feet (15'), unless it can be demonstrated to the Site Plan Review and Appearance Board that it is not feasible to comply with this standard. **[Amd. Ord. 17-99 6/15/99]**



## SECTION 4.4.9 (F) (3)

(3) **Four Corners Overlay District:** The following development standards shall apply to parcels within the Four Corners Overlay District: **[New Subsection added by Ord. 8-07 3/20/07]**

(a) **Minimum Site Area:**

1. Minimum site area for the total development within the Four Corners Overlay District is to be four (4) acres. However, the approving body for the Four Corners Overlay may grant a waiver to the four acre requirement upon a determination that the development is consistent with the purpose and intent of the Four Corners Overlay District and attempts have been made to aggregate adjacent parcels. Evidence must be provided that aggregation is not feasible.

(b) **Minimum Floor Area:**

1. Residential units are subject to the minimum square footage per unit requirements of LDR Section 4.3.4(K) (Development Standards Matrix for Residential Zoning Districts - Subnote #1).

(c) **Lot Coverage:**

1. Lot coverage by building, pavement and hardscape site improvements shall not exceed 75% of the area of development of any individual lot.

(d) **Perimeter Buffers:**

1. A landscape buffer shall be provided around the perimeter of each parcel within the development pursuant to the applicable buffers as listed below in this section. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or 10% of the average depth of the property; however, in no case shall the landscape area be a width of less than ten (10) feet:
  - a. When adjacent to a collector or arterial street: 30 feet
  - b. When abutting residentially zoned property: 40 feet
  - c. When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park: 25 feet

## SECTION 4.4.9 (F) (3) (d) 1. d.

- d. When abutting non residentially zoned property: 25 feet
- e. When commercial and/or office uses abut residential parcels within the Four Corners Overlay master development plan: 25 feet

### (e) Building Height:

1. Buildings shall be allowed to a maximum height of sixty feet (60) on parcels of four acres or more and a maximum of 48' for parcels less than four acres.

### (f) Setbacks:

1. Atlantic Avenue / Military Trail Frontage: To the greatest extent possible buildings shall be placed at the minimum setback of thirty (30) feet to a maximum building height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.
2. If a Master Plan consists of multiple parcels, the setback from the internal parcel lines shall be 25 feet.
3. Master Development Plan (MDP) perimeter non-frontage setbacks shall be consistent with the applicable perimeter buffers as specified in Sections (F)(3)(d).

(G) Supplemental District Regulations: In addition to the supplemental district regulations set forth in Article 4.6, the following supplemental district regulations shall apply in the GC District. [Amd. Ord. 72-95 12/5/95]

*DELETED (1) AND RENUMBERED [Amd. Ord. 64-04 11/16/04]  
ADDED (1) AND RENUMBERED [Amd. Ord. 07-09 3/3/09]*

(1) The parking requirement for business and professional offices within that portion of the GC zoning district bounded by S.E. 5th Avenue on the west, S.E. 6th Avenue on the east, S.E. 4th Street on the north and S.E. 10th Street on the south is established at one (1) space per 300 sq. ft. of net floor area. [Amd. Ord. 07-09 3/3/09]

(2) North Federal Highway Overlay District: The following supplemental district regulations apply to the North Federal Highway Overlay District, as defined in Section 4.5.7. [Amd. Ord. 53-96 11/19/96]

- (a) In addition to the uses listed in 4.4.9(D), the following light industrial uses are allowed as conditional uses: [Amd. Ord. 53-96 11/19/96]

## SECTION 4.4.9 (G) (2) (a) 1.

1. Fabrication and/or assembly of manufactured materials or parts for distribution or sale, such as sheet metal, sign shops, glass shops, electronics, cabinet and furniture making. [Amd. Ord. 53-96 11/19/96]
  2. The wholesaling, storage and distribution of products and materials; [Amd. Ord. 7-03 4/15/03]; [Amd. Ord. 53-96 11/19/96]
  3. Self service storage facilities that comply with subsection (c) below. [Amd. Ord. 7-03 4/15/03]
- (b) All uses listed under subsection (a) above must: [Amd. Ord. 53-96 11/19/96]
1. Operate in conjunction with a permitted service or retail use that is located on the premises; [Amd. Ord. 53-96 11/19/96]
  2. Maintain a commercial facade along North Federal Highway, with the light industrial aspect of the business oriented toward Dixie Highway; [Amd. Ord. 53-96 11/19/96]
  3. Operate within an enclosed building, with no outside storage; [Amd. Ord. 53-96 11/19/96]
  4. Orient overhead doors away from adjacent rights-of-way, except where existing, or where the approving body determines that it is not feasible to comply; and, [Amd. Ord. 53-96 11/19/96]
  5. Along the property line adjacent to Dixie Highway, provide a landscape buffer consisting of a 4' high hedge, and trees planted 25 feet on center to form a solid tree line. [Amd. Ord. 53-96 11/19/96]
- (c) In addition to subsection (b) above, any self service storage facility shall comply with the following. The following regulations supersede Section 4.3.3(A). [Amd. Ord. 7-03 4/15/03]
1. **Lot Area:** The minimum lot area is 1.5 acres and the maximum lot area is 3 acres. [Amd. Ord. 7-03 4/15/03]
  2. **Facilities and Requirements:**
    - a. Outdoor bay type access to individual self-storage units that face a street is prohibited. The exterior loading access points shall be designed in such a way to minimize sight lines from adjacent roads. [Amd. Ord. 7-03 4/15/03]
    - b. No building shall exceed forty-eight feet (48') in height. [Amd. Ord. 7-03 4/15/03]

## SECTION 4.4.9 (G) (2) (c) 2. c.

- c. Parking shall be provided at the rates set forth in Section 4.6.9 for the permitted service, office and retail uses and for self-storage uses, parking shall be at a rate of one (1) parking space per 100 storage units or portion thereof, including: (a) a minimum of three (3) loading spaces for the self-service storage facility that must be striped and signed to limit the time for loading and unloading to one (1) hour; and in addition (b) three and one-half (3.5) spaces for each 1,000 square feet of accessory office use associated with the self-storage use. Notwithstanding the above, a minimum of five (5) parking spaces other than loading spaces shall be provided in connection with the self-storage use. **[Amd. Ord. 24-03 8/5/03]; [Amd. Ord. 7-03 4/15/03]**
- d. At least 2,500 square feet of ground floor area shall be devoted to at least one additional principal retail or service use without limiting the foregoing. The additional principal uses may be eating and drinking establishments, retail or personal service. **[Amd. Ord. 7-03 4/15/03]**

### 3. Limitation of Uses:

- a. Activities not related to the rental or lease of self-storage units shall not be conducted within the self service storage facility area, unless specifically permitted through the conditional use process. **[Amd. Ord. 7-03 4/15/03]**
- b. Except as otherwise provided in subsection (c), no business or activity other than self storage shall be conducted from any self-storage unit in the facility. Examples of prohibited uses include, but are not limited to the following: the servicing, repair and/or restoration of automobiles, boats, recreational vehicles, and/or restoration of automobiles, boats, recreational vehicles, lawnmowers and the like; moving and self-storage companies; cabinet making and wood working (whether personal or professional); personal hobbies and arts and crafts; and any other activity unless specifically permitted through the conditional use process. **[Amd. Ord. 7-03 4/15/03]**
- c. Except as otherwise provided in this subsection (c), there shall be no electrical power provided to, or accessible from any individual self-storage units. This includes the provision of lighting fixtures to the interior of a self-storage unit, unless specifically addressed in the conditional use approval. The use of portable generators is also prohibited. **[Amd. Ord. 7-03 4/15/03]**

#### SECTION 4.4.9 (G) (2) (c) 3. d.

- d. The use or storage of any hazardous materials is prohibited.  
[Amd. Ord. 7-03 4/15/03]
  - e. the terms and conditions of this section shall be clearly expressed in all self-storage rental or leasing contracts, as well as conspicuously displayed in plain view on a sign no smaller than one foot (1') by two feet (2') in the leasing office at the facility. [Amd. Ord. 7-03 4/15/03]
- 4. **On-Site Manager**: An on-site manager shall be employed at the facility during all hours of operation. [Amd. Ord. 7-03 4/15/03]
  - 5. **Hours of Operation**: Customers of the self service storage facility may not access individual self-storage units before 5:00 a.m. or any later than 9:00 p.m. Hours of operation may be further restricted when it is deemed that morning and evening traffic into and out of the facility may negatively impact the character of an adjacent residential area. In no circumstance shall customers of any self service storage facility have 24 hour access to their self-storage unit(s). [Amd. Ord. 7-03 4/15/03]
  - 6. **Landscape Requirements**: In addition to all applicable landscape requirements and other special provisions pursuant to the individual zone district, a minimum ten foot (10') landscape buffer shall be required adjacent to Federal Highway and Dixie Highway and a minimum five foot (5') landscape buffer shall be required along all property lines that do not abut a roadway. [Amd. Ord. 7-03 4/15/03]
  - 7. **Outdoor Storage of vehicles, Boats & Truck Rental**: Outdoor storage of boats and vehicles and truck rental is prohibited. [Amd. Ord. 7-03 4/15/03]
  - 8. **Architecture**: All self service storage facility buildings must comply with the following architectural standards. [Amd. Ord. 7-03 4/15/03]
    - a. Building facades visible from the public right-of-way shall have the appearance of a service and/or retail building through the use of doors, windows, awnings, and other appropriate building elements. [Amd. Ord. 7-03 4/15/03]
    - b. Exterior building material shall be stucco or a similar material. [Amd. Ord. 7-03 4/15/03]

## SECTION 4.4.9 (G) (2) (c) 8. c.

- c. Buildings that can accommodate two or more stories shall be designed where facing a street to have the appearance of a multi-story building through the use of windows, doors, awnings, canopies or other appropriate building elements. **[Amd. Ord. 7-03 4/15/03]**
  - d. Building facades facing a public right-of-way must have a 15% minimum transparency consisting of windows that provide visibility from the public right-of-way from the interior. **[Amd. Ord. 7-03 4/15/03]**
  - e. Detailed building elevations shall be submitted prior to the Conditional Use public hearing. **[Amd. Ord. 7-03 4/15/03]**
9. **Location:** A self service storage facility shall not be located within a radius of 1,000 feet of another existing self service storage facility. **[Amd. Ord. 7-03 4/15/03]**

(3) **Four Corners Overlay District:** The following supplemental district regulations apply to the Four Corners Overlay District, as defined in Section 4.5.14. **[New Subsection added by Ord. 8-07 3/20/07]**

- (a) The permitted uses shall be those uses listed in Sections 4.4.9(B)(1,2,4,5).
- (b) The accessory uses shall be those uses listed in Section (C).
- (c) The conditional uses shall be those uses listed in Sections (D)( 2, 3, 9, 11, 14, 19, and 20). **[Amd. Ord. 45-11; 1/3/12]; [Amd. Ord. 25-10; 10/19/10]; [Amd. Ord. 20-08 4/15/08]**
- (d) **Standards Pertaining to Allocation of Uses:**
  - 1. Office uses can encompass up to one hundred percent (100%) of the total building square footage within a Four Corners Overlay master development plan.
  - 2. Retail uses shall not encompass more than one hundred percent (100%) of the total building area square footage of the Four Corners Overlay master development plan.
  - 3. Hotels, motels, and residential all suite lodging shall not encompass more than 20% of the total building area square footage of the Four Corners Overlay master development plan. Notwithstanding the above, hotels, motels and residential all suite lodging can comprise 100% of the floor area of an individual building within a MDP containing multiple buildings.

## SECTION 4.4.9 (G) (3) (d) 4.

4. **Multi-family Dwelling Units:** Multi-family uses and assisted living facilities, but excluding duplexes subject to (a)(b)(c)(d)(e) below, ranging in density not to exceed 30 units per acre subject to the following: **[Amd. Ord. 47-11 1/3/12]**

- a. Residential units may comprise 75% of the total floor area of the development master plan at a maximum density of (30) units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses.
- b. Residential developments must include a minimum of 20% workforce units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing.
- c. Workforce units shall be subject to general provisions of Article 4.7.6, 4.7.7, 4.7.8, 4.7.9, and 4.7.10.
- d. For mixed-use developments, the shared parking provisions of LDR Section 4.6.9. (C)(8) shall be allowed.
- e. All residential developments shall be subject to the Performance Standards of 4.4.13(l)(2)

(e) **Standards Unique to the Four Corners Overlay District:**

Where standards unique to the Four Corners Overlay District conflict with standards contained elsewhere in the zoning, subdivision, and landscape codes, the standards of this Subsection shall apply:

1. **Lot Coverage & Open Space:**

- a. Land area equal to at least 25% of the individual Four Corners Overlay District Master Development Plan (MDP) including the perimeter landscaped boundary, shall be in open space. Water bodies and paved areas shall not be included in the meeting of this 25% open space requirement. **[Amd. Ord. 41-09 10/20/09]**

2. **Minimum Structure Size:** Any free-standing non-residential principal structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the master development plan; and shall have direct access to and from other portions of the Four Corners Overlay development.

## SECTION 4.4.9 (G) (3) (e) 3.

3. Office and Commercial Floor Heights shall be a minimum of twelve feet (12') floor to floor on the first floor and ten (10') floor to floor on all floors above. Residential uses shall have a minimum nine feet (9') floor to floor on all floors. Hotel, motel and residential all suite lodging shall have a minimum of eight feet six inches (8' 6") floor to floor on all floors. Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.

(4) **Lintco Development Overlay District:** Within the Lintco Development Overlay District, as defined by Section 4.5.19(A), non-residential development intensity in non-residential or mixed-use developments shall be limited to a maximum Floor Area Ratio (FAR) of 0.36. **[Amd. Ord. 21-12 8/7/12]**

(5) **Infill Workforce Housing Overlay District:** Within the Infill Workforce Housing Overlay District, as defined by Section 4.5.12 non-residential development intensity in non-residential or mixed-use developments shall be limited to a maximum Floor Area Ratio (FAR) of 0.75. **[Amd. Ord. 08-14 07/01/14]**

### (H) **Special Regulations:**

(1) The first ten feet of the front yard setback which is adjacent to a right-of-way shall be a landscaped area, except within the North Federal Highway Area as defined in 4.4.9(F)(2), which is subject to the special landscape setbacks of Section 4.3.4(H)(6)(b), and the Four Corners Overlay district which is subject to special landscape buffers under Section 4.4.9 (F)(3)(d).

Within the required front landscape area, no paving shall be allowed except for driveways and walkways which shall be generally perpendicular to the property line. **[Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 17-99 6/15/99]**

*DELETED (2) & (3) AND RENUMBERED* **[Amd. Ord. 64-04 11/16/04]**

(2) Any outdoor display of sporting goods and equipment for rent is subject to the restrictions set forth in Section 4.6.6(C)(3). **[Amd. Ord. 15-98 4/21/98]**

(3) Astrologists, clairvoyants, fortune tellers, palmists, phrenologists, psychic readers, spiritualists, numerologists and mental healers are limited to the geographical areas along N.E. and S.E. 5<sup>th</sup> and 6<sup>th</sup> Avenues (Federal Highway pairs), between S.E. 10<sup>th</sup> Street and S.E. 3<sup>rd</sup> Street, and between N.E. 4<sup>th</sup> Street and N.E. 7<sup>th</sup> Street, and shall be limited to no more than one of each business every three hundred feet (300'), measured in a straight line from lot line to lot line. **[Amd. Ord. 27-98 8/4/98]**

(4) 24-Hour or late night businesses as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV). **[Amd. Ord. 41-01 8/7/01]**



### **SECTION 4.4.9 (G) (3) (e) 3.**

(5) No Clubs and Lodges (social, fraternal and recreational) or Church or Places of Worship shall be located closer than seven hundred and fifty (750) feet from another such facility measured from lot line to lot line boundary along a straight airline route. **[Amd. Ord. 70-04 1/4/05]**