

**ORDINANCE NO. 97-15**

06/26/1997 13:12  
Instrument # 97105511  
BOOK: 4213  
PAGE: 1574

**AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM C-2, GENERAL COMMERCIAL DISTRICT, TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED BETWEEN WEST NEW YORK AVENUE AND RICH AVENUE, RUNNING EAST OF BOUNDARY, FRONTING NEW YORK, RICH, BOUNDARY AND ELSASSER AVENUES; APPROVING A DEVELOPMENT PLAN FOR CREATIVE AWARDS & NAMEPLATES, INC., A COMMERCIAL, OFFICE AND RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 5.9 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, John S. Carter, applicant for the owners, Ronald and Barbara Baugh (hereinafter referred to as "Applicant"), own a 5.9 acre parcel of land located between West New York Avenue and Rich Avenue, running east of Boundary, fronting New York, Rich, Boundary and Elsasser Avenues, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

**WHEREAS**, Applicant has applied for a change of zoning from the present zoning classification of C-2, General Commercial District, to PD, Planned Development District; and

**WHEREAS**, said rezoning as a PD District is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

**WHEREAS**, Applicant has submitted an application for approval of a development plan for the Creative Awards & Nameplates, Inc. PD to encompass all of the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

**WHEREAS**, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

**WHEREAS**, the proposed development plan is consistent with the Mixed Commercial land use designation which: encourages intensified development in outlying or newly developed areas for a variety of commercial and office needs; encourages clustering of new development to promote shared facilities and access and to discourage linear development along collector and arterial level roadways; permits energy and cost effective delivery of services; and, requires properly designed ingress and egress to avoid undue traffic hazards or congestion;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:**

**Section 1.** The City Commission has held a public hearing to approve the change of zoning from C-2, General Commercial District, to PD, Planned Development District.

**Section 2.** Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as PD, Planned Development District.

**Section 3.** The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Report, Narrative, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

**Section 4.** The approved Development Plan for the Creative Awards & Nameplates, Inc. PD, including the Development Plan Report, Narrative, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and shall be amended to include the conditions as set forth in the document entitled "Conditions for the Approval of the Creative Awards & Nameplates, Inc. PD," which is attached hereto as Exhibit "B" and by this reference made a part hereof.

**Section 5.** The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

**Section 6.** At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

**Section 7.** Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

**Section 8.** The City Commission may rezone any portion of the Project which has not obtained a certificate of occupancy within five years from the date of adoption of this Ordinance.

**Section 9.** Prior to the issuance of a building permit for any nonresidential development, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities and stormwater.

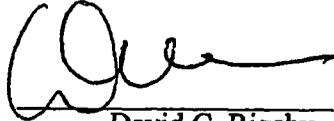
**Section 10.** The City Engineer, Planning Director and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

**Section 11.** No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to, subdivision and site plan approval shall be subject to a determination of concurrency.

**Section 12.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 13.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 17th day of March, 1997.



David C. Rigsby  
Mayor-Commissioner

**ATTEST:**



Viola H. Balleentine  
City Clerk - Auditor

Passed on first reading:      March 3, 1997  
Adopted on second reading:    March 17, 1997

**APPROVED AS TO FORM AND LEGALITY:**

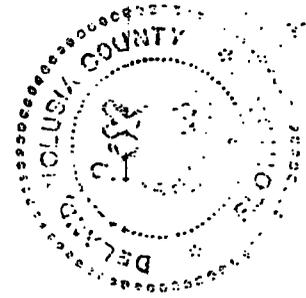
  
Mark A. Zimmerman  
City Attorney

EXHIBIT A LEGAL DESCRIPTION

CREATIVE AWARDS AND NAMEPLATES, INC.

The property consists of:

Lots 7 through 17 inclusive, STEWART HOWARTH RE-SUBDIVISION, according to Map Book 19, Page 169, of the Public Records of Volusia County, Florida, on which the Express Printing building is presently located, and

Lots 3 through 6 inclusive, STEWART HOWARTH RE-SUBDIVISION of Block 13, Rich's Addition to DeLand, according to Map Book 19, Page 169, of the Public Records of Volusia County, Florida, which is presently vacant land, and

The property includes the vacated Right-of-Way of Elsasser Street commencing at the Southwest corner of Lot 3, STEWART HOWARTH RE-SUBDIVISION of Block 13, Rich's Addition to DeLand, and running North +/- 450 ft. to its intersection with the Right-of-Way for Rich Avenue, and

Lots 1 through 9 inclusive, ISAAC STEWART'S SUBDIVISION, Block 13, Rich's Addition to DeLand, according to Map Book 19, Page 169, of the Public Records of Volusia County, Florida, which is partially developed with two residential structures, and

Lots 16, 18, the North 15 ft. of Lots 19 and 20, and the North 15 ft. of the East 20 ft. of Lot 21, Block 13, Rich's Addition to DeLand, which are owned by Creative Awards and Nameplates, Inc., have been excluded as part of this plan.

Exhibit B  
List of Conditions for Approval of the  
Creative Awards and Nameplates, Inc.  
Proposed Development Plan

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PAGE: 1578

1. Revise the narrative, deleting all references to subdivision of the subject property.

2. Revise Section 10, F. of the narrative as follows:

Setbacks for existing development shall be deemed to be "grandfathered". Minimum building setbacks and spacing between buildings for new development shall be as follows:

From New York Avenue = 35'\*\*

From Boundary and Elsasser Avenues = 30'\*\*

From Rich Avenue = 30'\*\*\*

From Residentially Zoned Property = 30'\*\*

From Nonresidentially Zoned Property = 10'\*\*

Minimum Spacing Between On-site Buildings = 30'

\*\* = Areas outside of landscape buffer may be used for parking associated with the commercial land uses.

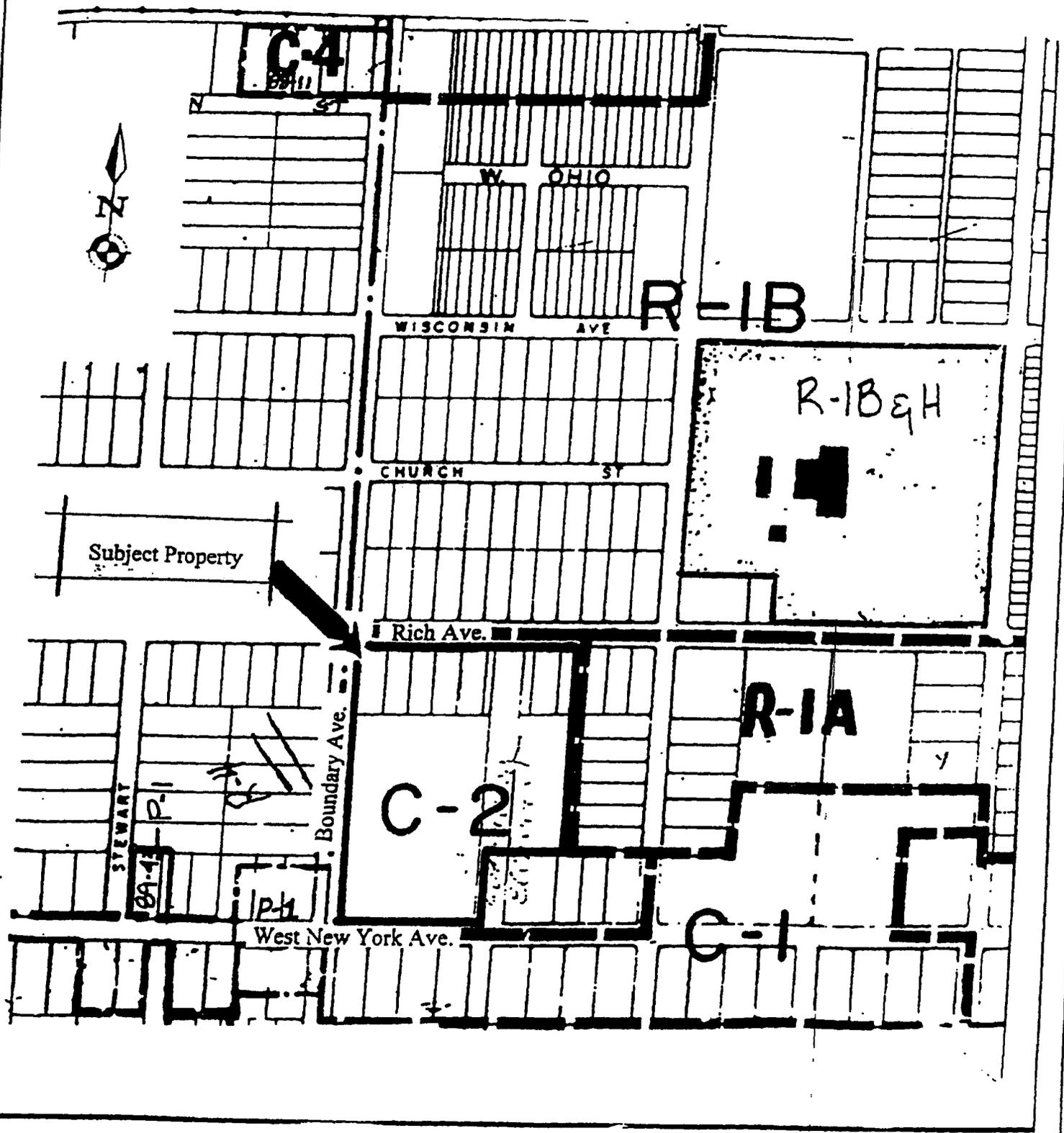
\*\*\* = Only parking which is accessory to the single family residential use and will comply with the same parking requirements as all other single family residences will be permitted.

3. Prior to the issuance of a building permit for any nonresidential development, submit an easement document, acceptable to the City, permitting shared access, parking and utilities.
4. Revise the narrative to include a statement that, except from the three residential properties fronting on Rich, there shall not be any driveways onto Rich Avenue.
5. Revise the narrative to include the wording, "The combination and recombination of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as required by the zoning ordinance of the City of DeLand".
6. Revise the narrative to state that, Although the location of existing lot lines may be revised, all property which is proposed for sale, will conform to all relevant regulations, including having frontage on a platted street or road.

CITY OF DELAND  
PLANNING BOARD

February 19, 1997

File No. Z-97-01-01



APPLICATION NO.: <sup>2</sup> 97-01-01  
Revised 4/16/97

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PLANNED DEVELOPMENT  
for the  
CREATIVE AWARDS AND NAMEPLATES, INC.  
(dba Express Printing)

COMMUNITY DEVELOPMENT

1. **Purpose and Intent of the Project**

The proposed Planned Development (PD) is for a 5.90 acre tract, located along the East side of Boundary Avenue extending from New York Avenue on the South and Rich Avenue on the North. The property is partially developed with one commercial structure and two residential structures. The developed area is served by an internal roadway network and parking for the associated commercial structure.

**The property consists of:**

- Lots 7 through 17 inclusive, STEWART HOWARTH RE-SUBDIVISION, according to Map Book 19, Page 169, of the Public Records of Volusia County, Florida, on which the Express Printing building is presently located, and
- Lots 3 through 6 inclusive, STEWART HOWARTH RE-SUBDIVISION of Block 13, Rich's Addition to DeLand, according to Map Book 19, Page 169, of the Public Records of Volusia County, Florida, which is presently vacant land, and
- The Property includes the vacated Right-of Way of Elsasser Street commencing at the Southwest corner of Lot 3, STEWART HOWARTH RE-SUBDIVISION of Block 13, Rich's Addition to DeLand, and running North +/- 450 ft. to its intersection with the Right-of-Way for Rich Avenue, and
- Lots 1 through 9 inclusive, ISAAC STEWART'S SUBDIVISION, Block 13, Rich's Addition to DeLand, according to Map Book 19, Page 169, of the Public Records of Volusia County, Florida, which is partially developed with two residential structures, and
- Lots 16, 18, the North 15 ft. of Lots 19 and 20, and the North 15 ft. of the East 20 ft. of Lot 21, Block 13, Rich's Addition to DeLand, which are owned by Creative Awards and Nameplates, Inc., have been excluded as part of this plan.

The owners of the subject property are proposing to expand the existing Express Printing building and to construct three 4,000 s.f. free standing structures. In addition, they would like to provide flexibility to construct one single-family residential structure on the corner of Rich and Boundary in keeping with the neighborhood along Rich Avenue.

Since the original development was not constructed to current land development standards, a number of nonconformities exist on the property. The intent of this PD is to permit the subject property while safeguarding the public interest by addressing the nonconforming development,

by establishing standards for future development, by implementing standards which require infrastructure improvements as set forth in the City's land development regulations, and by identifying the necessary parking and access easements and other requirements which may be necessary for the subject property.

2. **Planned Development Compliance with the City's Comprehensive Plan**

The land use of the subject property is mixed commercial. The PD zoning category and the proposed residential, office, mercantile, and manufacturing uses are compatible with the land use designation.

3. **Statement of Internal and External Land Use Relationships and Compatibility**

The internal land use relationships of the Planned Development shall meet the requirements of the City's Land Development Regulations. The development of heavy commercial, office and residential structures is consistent with the Mixed Commercial Land Use.

The proposed uses for the Planned Development address the context of the surrounding neighborhood. The existing residential structures along Rich Avenue are proposed to be complemented with additional residential structures creating a buffer to the heavy commercial development. This is an improvement to the current C-2 zoning which will not allow the construction of residential structures. The proposed office structures are residential in scale in an attempt to blend with the residential neighborhood to the east of the subject property. The proposed office structure along New York Avenue is compatible with other commercial and professional office buildings on adjacent properties. The proposed addition to the heavy commercial structure is internal to the subject property with no direct relationship to external properties.

4. **Plan for Pedestrian, Bikeway and Vehicular Circulation**

All interior vehicular circulation pathways are associated with off-street parking and loading. As a condition of recording the final plat Elsassser Street shall be improved from its intersection with New York Avenue to its terminus at City Standards per the requirements of the Land Development Regulations.

Sidewalks and bikeways are not required along the improved portions of Elsassser Street.

5. **Statistical Information**

A. Total Site Area: +/- 5.90 acres

6. **Utility and Drainage Plan**

Currently, the existing development is being served by City potable and wastewater utilities. New development shall comply with applicable standards and regulations for potable water service and wastewater service.

Existing development shall be deemed "grandfathered" from stormwater management regulations. New development shall comply with the applicable standards and regulations relative to stormwater management as set forth in the City of DeLand Land Development Regulations. It is the intent of the PD to provide on-site stormwater retention for the subject property. This shall be accomplished with a master stormwater retention area. These provisions include, but are not limited to, maximum impervious area, and minimum pervious area.

7. **Generalized Landscaping Plan**

Existing development shall be exempt from Section 33-92, Landscaping, of the City's Land Development Regulations. New development shall comply with the requirements of Section 33-92 of the City of DeLand Land Development Regulations.

8. **Design Standards for Streets and Off-Street Parking**

All development within the PD shall comply with Section 33-91, Off-Street Parking and Loading, of the City of DeLand Land Development Regulations.

1. An easement document, acceptable to the City, permitting shared access, parking and utilities will be submitted prior to the issuance of a building permit.
2. Except from the three residential properties fronting on Rich, there shall not be any driveways onto Rich Avenue.
3. "The combination and recombination of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as required by the zoning ordinance of the City of DeLand".
4. Revise the narrative to state that, Although the location of existing lot lines may be revised, all property which is proposed for sale, will conform to all relevant regulations, including having frontage on a platted street or road.

9. **Development Schedule**

Development within the said property shall be market driven. Therefore, there is no set schedule for development. All development within the subject property shall be developed in a manner consistent with the City of DeLand's Land Development Regulations.

10. **Development Plan for the Planned Development**

- A. Exhibit A is a site plan of the subject property including all existing and proposed improvements.
- B. Development of the subject property shall meet the provisions of the City of DeLand's Land Development Regulations.

- C. If there should be a conflict between the adopted Planned Development and the City's Land Development Regulations and other ordinances and regulations, the adopted development plan shall have precedence. Otherwise, the City of DeLand Land Development Regulations and all other applicable requirements shall apply to the proposed development.
- D. No Site Plan shall be approved unless all relevant infrastructure, called for in the Planned Development, is approved by the city engineer.
- E. With the exception of off-street parking and loading, all activities on the site shall take place within a building or shall be screened within the building envelope. Parking shall comply with the City of DeLand Land Development Regulations.
- F. Setbacks for existing development shall be deemed to be "grandfathered". Minimum building setbacks and spacing between buildings for new development shall be as follows:
- From New York Avenue = 35' \*\*
  - From Boundary and Elsasser Avenues = 30' \*\*
  - From Rich Avenue = 30' \*\*\*
  - From Residentially Zoned Property = 30' \*\*
  - From Nonresidentially Zoned Property = 10' \*\*
  - Minimum Separation Between On-site Buildings = 30'
- \*\* = Areas outside of landscape buffer may be used for parking associated with the commercial land uses.
- \*\*\* = Only parking which is accessory to the single family residential use and will comply with the same parking requirements as all other single family residences will be permitted.
- G. Prior to the recording of the plat, the applicant shall provide surveys for all improved lots in a form acceptable to the City of DeLand.
- H. Commensurate with the recording of the plat for the subject property, the existing underlying plat will be vacated and Section 10-G shall be recorded.
- I. Development standards shall be considered for the subject property as a whole. Individual lots may not meet the provisions of the Land Development Regulations. The Development Standards for the subject property as a whole shall be as follows:
- a. Maximum Impervious Area: 60%

## MIXED COMMERCIAL DESIGNATION

### Description:

The City of DeLand has several areas which are characterized by a mixture of primarily single family residential, office, and retail/service land uses. Although there is a tendency for the residences to convert to nonresidential land uses (office, service, and retail), residential land uses are compatible with the nonresidential land uses and comprise a significant portion of the land uses. Residential land uses include single family, and multiple family, having densities not exceeding 10 DU/A.

The retail, office, and service land uses vary greatly in both size and impact. Although some of the nonresidential land uses may serve a broad market area, most provide retail and related goods and services to local markets. Maximum coverage of impervious surface shall not exceed 60%.

### General Type of Development:

1. Residential development, both single family and multiple family.
2. Conversion of residential structures into office, service and/or retail uses.
3. Office complexes.
- 3.5. High schools
4. Neighborhood Convenience - goods which are needed immediately and often, and which are purchased where it is most convenient to the shopper. Generally characteristics include: 3,000 - 5,000 square feet; access to adjacent residential area.
5. Neighborhood Shopping Center - a neighborhood shopping center is compatible with all types of residential development, recreation, and open space use. The following description presents the general characteristics of neighborhood shopping centers.

Small Neighborhood Shopping Center. Major tenants include a variety or outlet store with a personal service or convenience store serving as the anchor. The travel time is up to three minutes, since the radius of the market is approximately .5 mile and the gross leasable area is 5,000 to 30,000 square feet on .5 to 3 acres. The number of stores range from 2 to 5.

Typical Neighborhood Shopping Centers. A supermarket or drug store serves as a major tenant with other stores serving convenience goods and personal service needs.

Policy

Guidelines -

Neighborhood convenience centers shall be located so as to be easily accessible to both automobiles and to the pedestrians who live within the immediate area. They will be compatible with the character of the surrounding area without disruption of said areas and discourage strip commercial developments.

Neighborhood commercial areas are frequently located in older areas of the city and may be comprised of a mixture of both residential and nonresidential land uses. Functionally, they tend to serve adjacent residential areas or varying sizes. Although some retail, service, or office land uses may serve a regional or subregional market area, land uses with this designation tend to have a relatively small market area. Such developments shall be located along and have their access from collectors or arterial roadways, or local streets immediately adjacent to arterials or collectors.

New neighborhood commercial developments shall be clustered to promote shared facilities and access. Local commercial uses, located adjacent to residential uses shall utilize significant buffering and landscaping to minimize negative impacts.

Residential land uses may either be freestanding or share structures with nonresidential land uses. Conversion of residences to office, retail, or service land uses is common. When residential and nonresidential land uses share the same structure, the residential land use usually occupies the upper floor(s) or the rear of the first floor.

*Mixed commercial facility.*

- (A) Development is less than two acres in size.
- (B) Uses can be located in the same building or separate buildings. Allowable uses must be listed under primary uses for that particular zoning category.
- (C) The appropriate number of parking spaces must be provided for each use in the facility.
- (D) Only one ground sign allowed per facility meeting the requirements of article 7.

(Ord. No. 2007-12, § 3, 2-5-07)

**33-17.13. C-1—Limited Neighborhood Commercial District.**

- (a) *Statement of intent.* The purpose of this district is to provide for the retail and service needs of adjacent residential areas. It permits both residential and nonresidential land uses, either freestanding or combined in a shared structure.
- (b) *Primary uses and structures.* The following primary uses and structures are allowed in this district:
  1. Abstractors, accountants, bookkeeping, and other business services.
  2. Art, antique, gift china, glassware, jewelry, and luggage shop.
  3. Bakeries, retail only.
  4. Beauty salons, barbershops and day spas.
  - ~~5. Bed and breakfast inn.~~
  6. Book and stationery stores, news stands.
  7. Child day care facilities.
  8. Communication towers, per section 33-24.
  9. Copy, mailbox or shipping shops.
  - ~~10. Golf courses and apartment structures connected thereto, including but not limited to the clubhouse, storage rooms and locker rooms.~~
  11. ~~Hospitals, clinics, laboratories,~~ medical and dental offices, nursing homes, congregate living facilities.
  12. Interior decorators.
  13. Investment, insurance, real estate and bank offices.
  14. Men's, women's and children's clothing.
  15. Mini and neighborhood parks.
  16. Music, dance, or art school or studio, but not a discotheque.
  17. Offices: General, professional, architectural, engineering, surveying, legal and other professional services.
  18. Photographic supplies, studios, art supplies, and music shops.

19. Printing and lithography establishments.
  - ~~20. Private clubs and lodges.~~
  21. Public or governmental buildings and land uses.
  22. Radio and television sales and service.
  23. Restaurants, except fast food restaurants and restaurants with drive-through facilities.
  24. Telephone answering service.
  25. Travel agencies.
  26. Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.
- (c) *Conditional uses.* Certain uses are allowed in this district with restrictions. The restrictions are specified below, after use of a comma (,).
1. Apartment dwelling. (max 10 du/ac)
  2. Apothecary shop, but not a general drug store, confectionery, sundries, tobacco shops.
  - ~~3. Bakeries wholesale and up to 1,000 square foot of floor area.~~
  4. Communication towers, per section 33-24.
  5. Single-family dwellings, development must comply with R-1 standards, and cannot be located within the highway commercial (HC) land use designated areas.
  6. Two-family dwellings and duplexes, development must comply with R-2 standards.
  - ~~7. Multiple-family dwellings, development must comply with R-12 standards.~~
  8. Package sales, where beer and/or wine (not liquor) are sold for consumption off premises. The use shall be consistent with the Department of Business and Professional Regulation's 2APS license.
  9. Florist shops, the products of which are displayed and sold wholly within the building.
  10. Residential dwelling unit as accessory use to a primary office or commercial use.
  11. Restaurants and other establishments serving alcoholic beverages, with the exception of those requiring a "3 PS" or "4 COP" liquor license issued by the Department of Business and Professional Regulation.
  12. Laundry and dry cleaning pickup stations, where no such work is done on the premises.
  13. Pet grooming shops, provided that there will be no outside runs, kennels, or no overnight boarding of animals.

14. ~~Hotels or motels, not to exceed a total of 100 rooms and accessory uses normally associated with hotels and motels including restaurants and conference facilities.~~

(d) *Special exceptions.* Certain uses are allowed by special exception only in this district. For further details see section 33-18 below.

1. All land uses requiring either a Department of Business and Professional Regulation "3 PS" liquor license (package sales) or "4 COP" liquor license (bars, lounges, etc.).
2. Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.
3. Communication towers, per section 33-24.
4. Community and regional parks.
5. Microwave, radio, telephone, and television facilities and transmission towers.

(e) *Density.* The maximum density allowed in this district shall be 12 dwelling units per gross acre.

(Ord. No. 2004-62, § 6, 12-20-04; Ord. No. 2000-10, § 1, 4-17-00; Ord. No. 2007-12, § § 3, 5, 6, 2-5-07)

33-17.14. C-2—*General Commercial District.*

(a) *Statement of intent.* The purpose of this zoning district is to provide for the general retail and service needs of the DeLand area. The uses that are permitted will draw from a wider area than the uses allowed in the neighborhood commercial zoning district.

(b) *Primary uses and structures.* The following primary uses and structures are allowed in this district:

1. Abstractors, accountants, bookkeeping service and business services.
- ~~2. Ambulance service.~~
3. Apothecary shops, drugstores, and pharmacies.
4. Art, antique, china, flower, gift, glassware, jewelry, and luggage shops.
5. Bakery (retail), pastry, and gourmet shops.
6. Beauty salons and barber shops.
- ~~7. Bed and breakfast inn.~~
- ~~8. Boarding houses.~~
9. Book stores, stationery stores, and news stands.
- ~~10. Bowling alleys, billiard parlors, skating rinks, and indoor recreation and amusement facilities.~~
- ~~11. Business colleges or commercial schools.~~
12. Catering service and cafeterias.

13. Churches, houses of worship, and religious institutions, with their customary accessory educational and recreational uses and buildings.
14. Communication towers, per section 33-24.
15. Commercial parking lots.
16. Convenience stores, without gas pumps.
17. Copy, mailbox or shipping shops
18. Day care facilities.
- ~~19. Department and discount stores.~~
20. Dry cleaning and laundry retail service and self-service establishments.
21. Furniture stores.
22. General professional offices, architect, engineer, surveyor, lawyer and other professional services.
23. Governmental and public buildings and land uses.
24. Grocery, vegetable, fruit, fish, meat, milk, dairy, and poultry products retail sales.
25. Gymnasium, dance studio and martial arts studios or compatible organized physical activities where the predominate use is for organized scheduled instruction.
26. Hardware, bicycle, sporting goods, hobby shops, and locksmiths.
27. ~~Hospitals, clinics, laboratories,~~ and medical and dental offices, nursing homes and congregate living facilities.
- ~~28. Hotels, motels, may include restaurants or conference facilities.~~
29. Interior decorators.
30. Investment, insurance, finance, real estate, and bank offices.
31. Men's, women's, and children's clothing and accessories.
32. Mini and neighborhood parks.
- ~~33. Mobile vendors or retail push-carts.~~
34. Mortuary, funeral homes, and crematoriums.
35. Office equipment sales and service.
- ~~36. Outdoor advertising signs.~~
37. Paint, glass, ~~home improvement,~~ hardware, and nursery sales.
38. Pawn shops.
- ~~39. Pest control and exterminating service.~~
40. Photographic, art, dance, music supplies, studios, and shops.
41. Printing and lithography establishments.
42. Public or governmental buildings and land uses.

43. Radio and television sales and service.
- ~~44. Restaurants, including drive through facilities and fast food.~~
45. Sundries, tobacco, candy and confectionery shops.
46. Swimming pool sales and service.
47. Tailor shops and shoe repair.
48. Telephone answering service.
- ~~49. Theaters and assembly halls.~~
50. Travel agencies.
51. Trophy and awards, sales and assembly.
- ~~52. Upholstering and reupholstering.~~
53. Other uses approved by the city commission after review and recommendation by the planning board, which are substantially similar to those uses permitted herein.

(c) *Conditional uses.* Certain uses are allowed in this district with restrictions. The restrictions are either stated below or discussed in section 33-19, as indicated by the asterisk (\*).

1. Apartment dwelling. (max 10 du/sc)
- ~~2. Automobile service station.~~
3. Bakery, wholesale up to 1,000 square feet of floor area.
4. Communication towers, per section 33-24.
5. Convenience stores, with gas pumps. This use must comply with the provisions of section 33-19.08, "Convenience stores with gas pumps."
6. ~~Electrical, gas, plumbing, heating and air conditioning sales, and/or service, with the condition that, in addition to the requirements of section 33-27.04, all materials, wares and equipment shall be stored within a roofed structure.~~
7. ~~Flea markets and merchandising barns or marts.\*~~
8. Mixed commercial facility. \*
9. ~~Multiple family dwellings, development must conform to R-16 standards.~~
10. Package sales, where beer and/or wine (not liquor) are sold for consumption off premises. The use shall be consistent with the Department of Business [and Professional] Regulation's 2APS license.
11. ~~Private clubs and lodges. Private clubs and lodges shall have at least a Class C landscape buffer between itself and adjacent residential land uses.~~
12. Utilities, excluding microwave, radio telephone, and television towers.

- 13. Residential dwelling units above the first floor of office or commercial uses, or one residential dwelling unit on first floor that is an accessory use to the office or commercial use.
- 14. Restaurants and other establishments serving alcoholic beverages, with the exception of those requiring a "3 PS" or "4 COP" liquor license issued by the Department of Business and Professional Regulation.

~~15. Tattoo parlors and related uses.~~

- 16. Veterinary clinics and pet grooming shops provided that there would be no outside runs, kennels, or no overnight boarding of animals.

(d) *Special exceptions.* Certain uses are allowed by special exception only in this district. For further details see section 33-18 below.

- 1. All land uses requiring either a Department of Business and Professional Regulation "3 PS" liquor license (package sales) or "4 COP" liquor license (bars, lounges, etc.).
- 2. Automobile repair.
- 3. Communication towers, per section 33-24.
- 4. Community and regional parks.
- 5. Golf courses and appurtenant structures connected thereto, including, but not limited to, the clubhouse, storage rooms and locker rooms.
- 6. Microwave, radio, telephone, and television facilities and transmission towers.
- 7. Rental of trailers and trucks, not to exceed 24 feet in length.
- 8. Retail sale of storage sheds.
- 9. Second primary use on parcels containing an outdoor advertising sign
- 10. Shade structure, over 800 square feet.
- 11. Storage—Personal, mini-warehouses, commercial.
- 12. Truck stops.
- 13. Veterinary clinics, animal hospitals and pet grooming with overnight boarding of animals and/or outdoor boarding facilities and runs.
- 13. Boat and marine repair
- 14. Vehicle sales and rental, including new or used automobiles, boats, motorcycles, trailers, and trucks.

(e) *Density.* The maximum density allowed in this district is 16 dwelling units per gross acre.

(Ord. No. 2005-65, §§ 4, 5, 12-19-05; Ord. No. 2007-12, §§ 3, 7, 8, 2-5-07)