

ARTICLE 2

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ARTICLE 2¹

LAND USE

2.00.00 PURPOSE

This Article describes the specific uses and restrictions which apply to the land use districts adopted as part of the Future Land Use Element of the City of *Lake Helen Comprehensive Plan*. These regulations are intended to ensure that the development and use of property is in conformance with the goals, objectives and policies of the Comprehensive Plan.

2.00.01 Legislative Findings, Ordinance Number 2004-13

WHEREAS, the issue of manufactured buildings versus manufactured housing has been identified by the Florida Department of Community Affairs (FDCA) as one of the biggest problems in the automated construction industry, but State law, however, provides a clear distinction between manufactured housing (which are also referred to as mobile homes) and manufactured buildings (also referred to as modular construction) both of which may function as residential dwellings; and

WHEREAS, the surest and quickest way to distinguish between the two types of structures is by the type of seal or insignia that the unit bears; and

WHEREAS, manufactured housing (mobile homes) are required to satisfy the National Mobile Homes Construction and Safety Standards promulgated by United States Department of Housing and Urban Development (HUD), this program is administered in Florida by the Department of Highway Safety and Motor Vehicles (DHSMV) and is not affiliated with the Manufactured Buildings Program and these buildings will contain a 2" x 4" metal rectangular red certification label located on the rear roadside corner of each module signifying approval by the DHSMV; and

WHEREAS, manufactured buildings are approved by the Florida Building Commission FDCA and contain a 4" x 5" heavy foil insignia generally located on or near the electrical panel. A wall component, room addition, bath or kitchen core bears an additional foil insignia as promulgated by the FDCA; and

WHEREAS, manufactured housing (mobile homes) are constructed in accordance with standards promulgated by the HUD and must be transported as a vehicle and local governments determine where mobile homes may be installed in accordance with zoning laws and other land development regulations; and

¹ (Ord. No. 2012-01; 6-14-2012)

WHEREAS, Florida's Factory Built Housing Act (FBHA) defines the term "manufactured building" as set forth at Section 553.36(12), *Florida Statutes*, and specifically includes residential structures and reads as follows:

" . . . a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes." (Emphasis added.); and

WHEREAS, Section 553.37(3), *Florida Statutes*, provides that "[a]ll manufactured buildings issued and bearing insignia of approval pursuant to subsection (2) shall be deemed to comply with the Florida Building Code and are exempt from local amendments enacted by any local government" and Section 553.37(5), *Florida Statutes*, provides that [m]anufactured buildings which have been issued and bear the insignia of approval pursuant to this part upon manufacture or first sale shall not require an additional approval or insignia by a local government in which they are subsequently sold or installed"; and

WHEREAS, Section 553.37(8), *Florida Statutes*, prescribes the powers of local governments relative to manufactured buildings in stating that:

"The department (FDCA) shall enforce every provision of the Florida Building Code adopted pursuant hereto, except that local land use and zoning requirements, fire zones, building setback requirements, side and rear yard requirements, site development requirements, property line requirements, subdivision control, and onsite installation requirements, as well as the review and regulation of architectural and aesthetic requirements, are specifically and entirely reserved to local authorities. Such local requirements and rules which may be enacted by local authorities must be reasonable and uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured building. A local government shall require permit fees only for those inspections actually performed by the local government for the installation of a factory-built structure. Such fees shall be equal to the amount charged for similar inspections on conventionally built housing." (Emphasis supplied).

(*Whereas*, Ord. No. 2004-13; 9-2-2004)

2.00.02 Legislative findings, Ordinance Number 2012-01

WHEREAS, the City Commission of the City of Lake Helen adopted, as Ordinance 2004-06, an amended Future Land Use Element (complete rewrite) of the *City of Lake Helen Comprehensive Plan* on May 23, 2005; and

WHEREAS, the City Commission adopted, as Ordinance 2007-09, subsequent amendments to the Future Land Use Element of the *City of Lake Helen Comprehensive Plan* on December 8, 2011; and

WHEREAS, said Future Land Use Element amendments must be incorporated into the City's land development regulations, which are incorporated within the *City of Lake Helen Code of Ordinances*, in order to maintain consistency between the City's Comprehensive Plan and its land development regulations; and

WHEREAS, it significant number or the Future Land Use Element amendments enacted by the adoption of Ordinances 2004-06 and 2007-09 relate directly to the regulations contained in Article 2, Land Use, of the City's land development regulations: and

WHEREAS, it is therefore necessary to amend Article 2 of the *City of Lake Helen Code of Ordinances* in order to maintain consistency between the City's Comprehensive Plan and the City's land development regulations.
(Whereas, Ord. No. 2012-01; §1, 6-14-2012)

2.01.00 LAND USE DISTRICTS/ZONING CLASSIFICATIONS

2.01.01 General

The Future Land Use Element of the Comprehensive Plan establishes land use districts and depicts said districts on a Future Land Use Map. The land use districts serve as, and as such are the same as, the City's zoning classifications. Said districts and classifications shall be the determinants of all permissible activities on any parcel of land within the City. The boundaries of the Future Land Use Districts depicted on the Future Land Use Map are graphic representations of the location of future land use districts/zoning classifications and, because of map scale and other factors, may not be a finite indication of where one district stops and another starts. For interpretation purposes, boundaries depicted on the map shall be considered to be flexible to the extent necessary to protect the environment, to accommodate property lines and property ownership, easements and rights-of-way, and to allow for a logical extension of boundaries based upon major physical or man-made features. Where uncertainty exists as to boundaries of any district shown upon said map the following rules shall apply:

- A. District boundaries follow lot/parcel lines; where a district boundary is depicted on the Future Land Use Map as including any portion of a street or

alley, such depiction reflects a graphic margin of error rather than an actual district boundary.

- B. District boundaries follow whole lot/parcel lines: where a district boundary is depicted on the Future Land Use Map as dividing a lot/parcel, such depiction reflects a graphic margin of error rather than an actual district boundary.
- C. Where further uncertainty exists in the location of a district boundary, the City Commission shall interpret the intent of the location such boundary.

2.02.00 USES ALLOWED IN DISTRICTS

2.02.01 General

This section defines and prescribes the specific uses allowed, allowed through special exception approval, or prohibited within each land use district described in the Future Land Use Element of the Comprehensive Plan and identified in this Code. Applications to include uses that are similar in character, but not specifically enumerated in the Article, shall be reviewed by the Planning and Land Development Commission and the City Commission, which after finding as a fact that said use or uses are consistent with the intent of the land use district and public interest, shall be permitted within the appropriate district.

2.02.02 Types of Uses

A. Residential Land Use Districts

- 1. Single-Family Residential - 1 du/1 ¼ ac. (R1) - This land use district provides for single-family dwelling units (and one accessory dwelling unit) at a maximum density of one (1) unit to 1 1/4 acres. This district provides for suburban development immediately outside the City's central developed core and is transitional to the RR land use district. The minimum living area square footage for a single-family residence in the R-1 land use district is 2000 square feet.

Specifically Permitted Uses

- (1) Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
- (2) Home occupations, in accordance with the home occupation provisions of this Code
- (3) Public facilities owned by the City

- (4) Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses

Uses Permitted By Special Exception Approval

- (1) Public schools as planned developments

2. **Single-Family Residential - 2 du/ac. (R2)** - This land use district provides for single-family dwelling units (and one accessory dwelling unit) at a maximum density of two (2) units to the acre. This district is located primarily around Lake Macy and Lake Helen Lake and on the west side of the City and provides for larger lot residential development immediately adjacent to the City's most densely developed residential core. The minimum living area square footage for a single-family residence in the R-2 land use district is 1850 square feet, unless, when considering the construction of an infill residence on a nonconforming buildable lot of less than one-third acre in size, the City Commission determines that the construction of a residence smaller than 1850 square feet is not adverse to the public health, safety and welfare of the City, and will serve to meet the costs of infrastructure and City services. When making said determination, factors to be considered include lot size, lot width, and depth, size of adjacent residences, and type of residence proposed for construction. Residences permitted to be constructed at less than the minimum square footage required for the land use district in which the residence will be located shall conform to a historical architectural style approved by the City Commission.

Specifically Permitted Uses

- (1) Single-family dwelling units and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
- (2) Home occupations, in accordance with the home occupation provisions of this Code
- (3) Public facilities owned by the City
- (4) Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses

USGS Permitted By Special Exception Approval

(1) Public schools as planned developments

- 3. Single-Family Residential - 3 du/ac. (R3)** - This land use district provides for single-family dwelling units (and one accessory dwelling unit) at a maximum density of three (3) units to the acre. This district is the City's central residential core. The minimum living area square footage for a single-family residence in the R-3 land use district is 1750 square feet unless, when considering the construction of an infill residence on a nonconforming buildable lot of less than one-third acre in size, the City Commission determines that the construction of a residence smaller than 1750 square feet is not adverse to the public health, safety and welfare of the City, and will serve to meet the costs of infrastructure and City services. When making said determination, factors to be considered include lot size, lot width, and depth, size of adjacent residences, and type of residence proposed for construction. Residences permitted to be constructed at less than the minimum square footage required for the land use district in which the residence will be located shall conform to a historical architectural style approved by the City Commission.

Specifically Permitted Uses

- (1) Single-family dwelling units and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
- (2) Home occupations, as permitted
- (3) Public facilities owned by the City
- (4) House of worship sanctuaries and administrative offices
- (5) Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses

Uses Permitted By Special Exception Approval

- (1) Public schools as planned developments
- (2) House of worship accessory uses
- (3) Bed and Breakfast uses located in homes that have been designated as historic homes in the Lake Helen Historic District
- (4) Child daycare and adult day care facilities

4. **Single-Family Residential - 1 du/2 1-2 ac. (RR)** - This land use district provides for single-family dwelling units (and one accessory dwelling unit) at a maximum density of one (1) unit to 2 acres in a rural residential setting, and provides for a transition from the R-1 to RE land use district on the eastern periphery of the City and establishes a residential greenbelt in other peripheral areas of the city. The minimum living area square footage for a single-family residence in the RR land use district is 2150 square feet.

Specifically Permitted Uses

- (1) Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
- (2) Home occupations, as permitted
- (3) Public facilities owned by the City
- (4) House of worship sanctuaries and administrative offices
- (5) Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses

Uses Permitted By Special Exception Approval

- (1) Public schools as planned developments
- (2) House of worship accessory uses
- (3) Child daycare and adult day care facilities

5. **Single-Family Residential - 1 du/5 ac. (RE)** - This land use district provides for single-family dwelling units (and one accessory dwelling unit) at a maximum density of one (1) unit to 5 acres in a rural estate setting and provides a greenbelt on the City's eastern periphery. The minimum living area square footage for a single-family residence in the RE land use district is 2300 square feet.

Specifically Permitted Uses

- (1) Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit

- (2) Home occupations, as permitted
- (3) Public facilities owned by the City
- (4) House of worship sanctuaries and administrative offices
- (5) Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses

Uses Permitted By Special Exception Approval

- (1) Public schools as planned developments
- (2) House of worship accessory uses
- (3) Child daycare and adult day care facilities

- 6. Residential Manufactured Housing/Manufactured Building Community (RM)** - This land use district provides for single-family manufactured housing and single-family manufactured buildings located within a planned development, with design standards as set forth in the City's land development regulations, at a maximum density of six (6) units to the acre, and located within the immediate vicinity of the City's established mobile home community. The minimum living area square footage for single-family residences in the RM land use district shall be 1000 square feet.

Specifically Permitted Uses

- (1) Single-family manufactured housing dwellings and their permitted accessory uses, when located within a planned manufactured housing residential development
- (2) Single-family manufactured building dwellings and their permitted accessory uses, when located within a planned manufactured building residential development
- (3) Community centers, club houses and similar uses integral to and supporting, the planned residential development
- (4) Home occupations, as permitted
- (5) Public facilities owned by the City
- (6) House of worship sanctuaries and administrative offices

B. Commercial Land Use Districts

- 1. Downtown Commercial (DC) -** This land use district is established to provide all area for a co-located mixture of single family, limited scale multi-family, and diverse retail, personal service and professional service commercial uses, located as an individual unit, or as multiple units in a "campus-like" manner as a planned development consistent with sound and generally accepted land use planning principles, in a centralized downtown setting. The district is designed to provide for the general retail and service needs of the community in a setting that is pedestrian oriented and aesthetically and functionally compatible with residential land uses that are located within, and adjacent to, the district. Residential land uses located on lots that front on, or abut, Lakeview Drive, Ohio Avenue and Macy Avenue shall be restricted to single-family homes or to residences located above the ground floor of a permitted non-residential land use. The maximum square footage for an individual commercial or residential building in the DC land use district is 5000 square feet. The minimum living area square footage for a non-single family residential unit in the DC land use district is 1000 square feet. The minimum living area square footage for a single-family residence in the DC land use district is 1200 square feet. The maximum floor area ratio in the DC land use district is .50.

Specifically Permitted Uses

- (1) Art, antique, gift, china, glassware, watch, jewelry, confections, florist, clothing, books, publications, and similar retail stores and specialty shops
- (2) Electronics, computers, household appliance, and similar hard goods sales stores, with servicing and repair of such products permitted as an accessory use within a fully enclosed structure
- (3) Bicycle, equestrian, track and pedestrian and sporting goods retail stores and specialty shops, with servicing and repair of products permitted as an accessory use within a fully enclosed structure
- (4) Office and paper goods supply stores
- (5) Art, photography, music, dance, and similar supply stores
- (6) Art, photography, dance, and music instruction studios
- (7) Clothes tailoring and alteration, shoe repair, and similar

personal service shops

- (8) Restaurants, coffee shops, cafes, ice cream parlors, delicatessens, and similar establishments providing food and beverages in a "sit-down" setting
- (9) Taverns and lounges, as either stand-alone facilities or restaurant accessory uses
- (10) Wine, beer and liquor stores selling such products for off premises consumption
- (11) Grocery, produce market, meat market, baked goods market, and similar food supply establishments
- (12) Drug store, pharmacy and tobacco shop
- (13) Financial, insurance, and investment institutions and offices
- (14) Real estate acquisition and sales, construction contracting, accounting, financial planning, engineering, surveying, planning, architecture, site and structure design, interior decoration and design, legal and similar office uses
- (15) Hardware, home supply, home decorating and paint stores
- (16) Beauty and hair styling salons and barber shops
- (17) Museums, art galleries, theaters
- (18) Public facilities owned by the City
- (19) Establishments offering rides by carriage, where no animals are kept overnight on premises
- (20) Laundry and dry cleaning establishments, where no cleaning or pressing of goods is conducted on premises
- (21) Child day care facilities
- (22) Exercise facilities and health spas
- (23) School tutoring and instruction facilities
- (24) Home occupations, as permitted
- (25) House of worship sanctuaries and administrative offices

- (26) Bed and Breakfast establishments
- (27) Single-family, two-family and multi-family (containing no more than 5 dwelling units) dwellings

Uses Permitted By Special Exception Approval

- (1) Medical and dental clinics
- (2) Vehicle detailing conducted in a fully enclosed structure
- (3) Vehicle audio/video equipment sales, servicing and installation in a fully enclosed structure
- (4) House of worship accessory uses
- (5) Other uses that can be conducted in a fully enclosed building, and can demonstrate, to the City's satisfaction, the ability, through design and operational standards, to be compatible with residential land uses.

Specifically Prohibited Uses

- (1) Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
- (2) Any use requiring outside storage
- (3) Any use unable to be conducted in a fully enclosed structure
- (4) Any use requiring drive-through facilities
- (5) Pawn shops, convenience stores, fuel dispensing facilities (other than public facilities owned by the City), tattoo and/or body piercing establishments

2. Neighborhood Commercial (NC) - This land use district provides for specialized convenience store and fuel dispensing commercial uses in two separate locations in the city so that such convenience services can be provided individually to neighborhoods in the northern half and the southern half of the City. Limited neighborhood personal and professional services commercial uses may also be located with this district. The NC land use district is established to provide limited commercial services that serve neighborhood needs without conflicting with residential neighborhood character, or being an attractant for traffic outside the

neighborhood. The maximum size of all individual commercial structure in the NC land use district is 3500 square feet and structures shall reflect a residential character in appearance. The maximum floor area ratio in the NC land use district is .30

Specifically Permitted Uses

- (1) Convenience stores, with or without fuel dispensing facilities, where no vehicle servicing is performed on premises and where the maximum number of fuel dispensing pump/nozzle combinations does not exceed four (4) for gasoline and one (1) each for kerosene and diesel fuels: provided, however that no non-public-owned fuel dispensing facility shall be located within one thousand feet (1000') of another non-public-owned fuel dispensing facility.
- (2) Beauty and hairstyling salons and barber shops
- (3) Professional offices
- (4) Public facilities owned by the City

Uses Permitted By Special Exception Approval

- (1) Vehicle detailing conducted in a fully enclosed structure

Specifically Prohibited Uses

- (1) Any use specifically prohibited in the DC land use district
- (2) Any retail sales use, other than convenience stores
- (3) Fuel dispensing facilities that are not integrated with convenience stores
- (4) Any use generating more traffic than a neighborhood convenience store

3. **Transitional Commercial (TC)** - This land use district provides for a limited variety of non-retail commercial uses, such as financial institutions, professional offices, adult congregate living facilities, child care facilities, local service area eco-tourism transport services, medical and dental clinics, multi-family dwelling units, light manufacturing, inside storage and contractor facilities located as an individual structure, or as multiple structures in a "campus-like" setting as a planned development consistent with sound and generally accepted land use planning principles, that can

be designed and operated to be aesthetically and functionally compatible with the residential neighborhoods to which they are adjacent. This land use district serves as a transitional buffer between residential land uses on the west side of the City and commercial land uses located adjacent to the east side of the I-4 interchange (in the Interstate Commercial Land Use District) that may be larger in size, generate large vehicle (tractor-trailer transport) traffic, have outside storage, or exhibit other characteristics that could be considered to be incompatible with residential neighborhoods. The maximum size of an individual commercial building in the TC land use district is 12,000 square feet and structures shall reflect a residential character in appearance. The maximum floor area ratio in the TC land use district is .35.

Specifically Permitted Uses

- (1) Financial, insurance, and investment institutions and offices located individually or in a "campus-like" setting as a planned development consistent with sound and generally accepted land use planning principles and practices
- (2) Real estate acquisition and sales, construction contracting, accounting, financial planning, engineering, surveying, planning, architecture, site and structure design, interior decoration and design, legal and similar office uses, located individually or in a "campus-like" setting as a planned development consistent with sound and generally accepted land use planning principles and practices
- (3) Beauty and hair styling salons and barber shops
- (4) Laundry and dry cleaning establishments, where no cleaning or pressing of goods is conducted on premises
- (5) Eco-tourism transport services utilizing historic, or historic-replica vehicles to convey passengers in the immediate vicinity of the City
- (6) Light manufacturing, contractor facilities and mini-storage and warehousing, in fully enclosed structures (except where storage is required by law to be outside a structure, whereupon such storage shall be fully screened from view), located individually or in a "campus-like" setting as a planned development consistent with sound and generally accepted land use planning principles and practices
- (7) Multi-family development with up to five dwelling units

located as a single structure, or as multiple structures in a “campus-like “setting as a planned development consistent with sound and generally accepted land use planning principles and practices

- (8) Public facilities owned by the City

Cases Permitted By Special Exception Approval

- (1) Specifically permitted uses listed above that require drive-through facilities
- (2) Self-service laundry
- (3) Child day care, nursery, and kindergarten facilities
- (4) Adult congregate living facilities
- (5) Adult day care facilities
- (6) School tutoring and instruction facilities
- (7) Medical and dental clinics
- (8) Clubs and fraternal organizations, where alcohol is not consumed on premises
- (9) Other uses that call be conducted in a fully enclosed building, and can demonstrate, to the City's satisfaction, the ability, through design and operational standards, to be compatible with residential land uses.

Specifically Prohibited Uses

- (1) Any retail sales use
- (2) Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
- (3) Any use requiring outside storage, except as provided for by law
- (4) Any use unable to be conducted in a fully enclosed structure
- (5) Pawn shops, convenience stores, fuel dispensing facilities (other than public facilities owned by the City), tattoo and/or body piercing establishments

4. **Interstate Commercial (LC)** - This land use district provides for a variety of non-retail, low traffic intensity commercial uses, such as warehousing and storage, small light manufacturing facilities, construction and trades contractors facilities that, because of the land use district's unique location in close proximity to both the east side of the I-4 interchange and adjacent residential neighborhoods, must be flexible enough to take advantage of the interchange location yet not disrupt the residential character of the area. The maximum size of an individual commercial building in the IC land use district is 25,000 square feet. The maximum floor area ratio in the IC land use district is .40.

Specifically Permitted Uses

- (1) Light manufacturing
- (2) Vehicle paint and body shops and vehicle repair facilities
- (3) Construction trades offices and operations yards
- (4) Home and business care/maintenance offices and operations yards
- (5) Mini-storage and warehousing facilities
- (6) Professional offices

Uses Permitted By Special Exception Approval

- (1) Other uses that can be conducted in a Cully enclosed building, and which can demonstrate, to the City's satisfaction, the ability, through design and operational standards, to be compatible with Transitional Commercial (TC) land uses and with residential land uses.

Specifically Prohibited Uses

- (1) Any retail sales use
 - (2) Pawn shops, convenience stores, fuel dispensing facilities (other than public facilities owned by the City), tattoo and/or body piercing establishments
5. **Employment Center/Workplace (EC)** - This land use district provides for large traffic generating employment center/workplace land uses, and appropriate supporting land uses, that are

incorporated into a planned development located on the west side of the I-4 Interchange. Such development shall be governed by the June 1999 Victoria Park DR1 Development Order, or any future amendments thereto

Specifically Permitted Uses

- (1) Professional offices, corporate offices, hotels/motels and other appropriate supporting land uses which are incorporated into a planned development, consistent with the provisions of the Victoria Park Development Order
 - (2) Public facilities owned or approved by the City
6. Redevelopment Commercial Overlay (RCO) - This land use district is an overlay district that encompasses the approximate 26-acre "Pyramax Studios" property that is located south of Ohio Avenue in the south central downtown area of the City. The underlying land use district classification for the "Pyramax Studios" property is Downtown Commercial (DC). The creation of the RCO land use overlay district recognizes the special features of the "Pyramax Studios" property as well as the need for thoughtful future redevelopment of the property to insure that usage of the property is an enhancement, rather than an impediment, to economic development in the downtown area, and that such redevelopment is compatible with, or transitional to, other permitted Downtown Commercial land uses.

Existing uses of the property shall be deemed conforming uses upon execution of, and compliance with, a Development Order outlining actions to be taken to make physical improvements to the property that would result in further compliance with the City's Gateway Corridor Standards. Existing structures on the property may be used for any permitted use in the Downtown Commercial District in accordance with the Land Development Regulations. Any future redevelopment of the property shall be as a planned development and the determination of appropriate land uses, densities and intensities shall be made as part of the planned development process, consistent with requirements for compatibility with, or transition to, other Downtown Commercial land uses.

Specifically Permitted Uses

- (1) Uses that are permitted by the City as a planned development for the redevelopment of the "Pyramax Studios" property. Such uses shall, at a minimum, be transitional to and compatible with, or consistent with the uses permitted in the

Downtown Commercial (DC) Land Use District.

- (2) Any use permitted in the Downtown Commercial (DC) Land Use District
- (3) Land uses currently existing on the "Pyramax Studios" property upon execution of, and compliance with, a Development Order specifying actions to be taken to make physical improvements to the property that shall result in furthering compliance of the property with the City's Gateway Corridor Standards

Uses Permitted By Special Exception Approval

- (1) Any use permitted by special exception approval in the Downtown Commercial (DC) Land Use District

Specifically Prohibited Uses

- (1) Any use specifically prohibited in the Downtown Commercial (DC) Land Use District

7. Light Industrial Overlay (LIO) - This land use district is an overlay district that encompasses lands, in the City's downtown area, on High and Pleasant Streets, Orange Avenue and on the south side of Ohio Avenue that have historically been, and currently are, the location of uses that would generally be considered to be inclusive of light industrial uses, such as automobile repair garages, contractor's yards, light manufacturing, storage and other similar uses. Existing uses of property, in place and operating on May 10, 2005, located within the LIO Overlay District shall be deemed as lawful conforming uses. However, the status of these properties as conforming uses shall be subject to lapsing if improvements to the parcels on which the uses are located are not accomplished by the dates set forth below. Required improvements to the parcels shall be: (a) the screening of outdoor storage, by May 31, 2006; and (b) signage conformance, by November 30, 2005, as prescribed in the City's Gateway Corridor Standards Ordinance.

Because the properties in the LIO Overlay District are located in the immediate vicinity of the City's historical downtown area, and because it is expected that the area will become less light industrial in nature as economic forces shift in the future, the underlying land use district for the LIO district shall be Downtown Commercial (DC). As such, properties located within the LIO Overlay District shall be able to be used for the full range of permitted uses in the Downtown Commercial District, but shall also be able to be used for

mini-storage and warehousing, light manufacturing, contractor facilities and other uses that currently exist in the district. Maximum building sizes and floor area ratios in the LIO Overlay District shall be consistent with those established for the Downtown Commercial District.

Specifically Permitted Uses

- (1) Existing uses of property, in place and operating on May 10, 2005, located within the LIO Overlay District shall be deemed as lawful conforming uses. However, the status of these properties as conforming uses shall be subject to lapsing if improvements to the parcels on which the uses are located are not accomplished by the dates set forth below. Required improvements to the parcels shall be: (a) the screening of outdoor storage, by May 31, 2006; and (b) signage conformance, by November 30, 2005, as prescribed in the City's Gateway Corridor Standards Ordinance.
- (2) Any use permitted in the Downtown Commercial (DC) Land Use District

Uses Permitted By Special Exception Approval

- (1) Any use permitted by Special Exception approval in the Downtown Commercial (DC) Land Use District
- (2) Combination automobile repair garage/service station having no more than two (2) gas/diesel pumps with no more than two (2) fuel dispensing nozzles per pump, so long as the automobile repair garage/service station is constructed on the premises of, or is a renovation of, an automobile repair garage that is in place and operating on Ohio Avenue on May 10, 2004, and so long as: (a) said construction or renovation is representative, in architectural style, of a pre-WWII frame vernacular-style service station, and said architectural design is approved by the City Commission; (b) the site on which the automobile repair garage/service station is constructed, or renovated from an existing structure, is brought into full compliance with the City's Gateway Corridor regulations, and said site design is approved by the City Commission; and (c) a complete application for development review for the automobile repair garage/service station is submitted to the City by July 1, 2007.

Specifically Prohibited Uses

- (1) Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
- (2) Any use requiring outside storage, except as provided for as Specifically Permitted Uses in the LIO Land Use District
- (3) Any use unable to be conducted in a fully enclosed structure, except as provided for as Specifically Permitted Uses in the LIO Land Use District
- (4) Any use requiring drive-through facilities
- (5) Pawn shops, convenience stores, fuel dispensing facilities (other than public facilities owned by the City), tattoo and/or body piercing establishments

C. Public Lands and Institutions Land Use District

This land use district provides for those lands, and uses of land, that are governmentally owned or operated and may include fire stations, schools, police stations, public works and utilities facilities, libraries, post offices, administrative centers, recreational facilities and similar properties. Public land use densities and intensities shall be consistent with the land use districts to which the public uses are adjacent (.30 - .50 FAR, depending upon adjacent land use FAR).

Specifically Permitted Uses

- (1) Public facilities, public parks and public open space

D. Conservation and Natural Resources Land Use District

This land use district provides for public and private uses of land that require preservation and conservation of natural resources. Typically, such lands would include wetlands, water bodies, conservation corridors and easements, wildlife refuges, lake and wetland protection and buffer areas and similar properties. Because of the limited ability to accurately depict the exact locations of lands within the Conservation Land Use District, the depictions of such lands on the Future Land Use Map are considered to be illustrative and exact locations shall be determined by field survey, or other scientific means, at time of development or use. Property depicted on the Future Land Use Map as having a CS designation, but subsequently determined not to meet criteria for inclusion in the CS land use district shall be assigned the land use designation that is determined to be most appropriate for the location in which the property is located.

Specifically Permitted Uses

- (1) Scenic, wildlife, historic, environmental, and scientific preserves
- (2) Catwalks, docks and trail bridges constructed of wood or City approved recycled materials
- (3) Public facilities owned or approved by the City