

Sec. 25-288. - Commercial uses.

(a) *Bed and breakfast inns.* Bed and breakfast inns shall meet the requirements of the zoning district in which they are located and shall meet the following criteria:

- (1) *Permitted locations.* Bed and breakfast inns shall be allowed as a conditional use in low density residential (R-2) and as a permitted use in the moderate density residential (R-3), neighborhood commercial (C-1), community commercial (C-2), highway commercial (C-3) and the central business district (CBD) zoning districts.
- (2) *Owner occupancy required.* Bed and breakfast inns shall be permitted only where the principal structure or accessory structure is occupied by the owner. For occupancy to occur the owner shall use the address of the principal or accessory structure as the legal voting address and shall reside in the principal or accessory structure at least one hundred eighty-three (183) days each year.
- (3) *Guest stay.* Each guest room or unit shall be rented on a daily basis. The maximum stay for an individual guest shall not exceed thirty (30) days in a twelve-month period.
- (4) *Exterior modifications.* Additions shall not be made to the external appearance of the principal structure to accommodate the bed and breakfast inn. Alterations may be required to provide accessibility in accordance with the state accessibility code and federal ADA regulations.
- (5) *Kitchen facilities.* Kitchen facilities shall be approved by the appropriate county and state departments and shall be limited to one (1) central kitchen to serve overnight guests and residents only. Kitchen facilities shall not be permitted in the guest rooms.
- (6) *Exterior lighting.* All exterior lighting shall be consistent with the style and architecture of the principal structure and shall be so designed, installed and operated so as not to adversely affect adjacent properties.
- (7) *Signs.* One (1) non-illuminated sign shall be permitted for the principal structure. The sign shall not exceed four (4) square feet in sign area and shall be located at the main entrance to the principal structure. The sign shall be permitted in accordance with the section (6).
- (8) *Number of guests rooms or units.* Maximum number of rooms for guests shall be as follows:

Building Size (Gross Floor Area)	Maximum Guest Rooms
Less than 1,200 sq. ft.	1
1,200 — 1,800 sq. ft.	2
1,801 — 2,400 sq. ft.	3
2,401 — 3,000 sq. ft.	4
3,001 — 3,600 sq. ft.	5
More than 3,601 sq. ft.	6

- (9) *Minimum size of guest rooms or units.* The minimum size of each guest room or unit shall not be less than seventy (70) square feet.
- (10) *Off-street parking.* One (1) parking space shall be required for the owner or owner's representative residence, one (1) parking space per employee and one (1) parking space shall be required for each guest unit. The parking area shall be located in the rear yard and/or screened from public view, and from the view of adjacent property owners.
- (11) *Permits.* Bed and breakfast inns shall comply with the appropriate health permits, building and fire codes, and business licenses, including but not limited to license for the Florida Division of Hotels and Restaurants applicable to such use.

- (12) *Guest register.* The owner of the bed and breakfast inn shall maintain a current guest register including names, addresses and dates of occupancy of all guests.
 - (13) *Site plan.* All bed and breakfast inns shall be required to obtain site plan approval in addition to any other requirements that may be necessary for development in accordance with city code.
 - (14) *Discontinuance of activities.* Where a bed and breakfast inn is permitted as a conditional uses, fails to operate for twelve (12) months or more, the conditional use permit shall be void.
- (b) *Building materials and supply sales.*
- (1) All storage of materials shall be within a structure.
 - (2) All storage yards shall be screened from adjacent properties, as per section 25-285
 - (3) All off-street parking shall be separate from loading areas as per section 25-327.
 - (4) Areas of the property not occupied by buildings or paving shall be landscaped and sodded, or left in natural vegetative cover where there are heavy trees stands.
- (c) *Carwashes—Automated or self.*
- (1) Dimensional requirements. All principal and accessory structures shall be located and constructed in accordance with the following requirements:
 - a. Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be twenty-five (25) feet or the distance created by the angle of light obstruction, whichever is greater.
 - b. General requirements.
 1. All bay openings shall be oriented away from any property in a residential district or from view of the public right-of-way where ever possible.
 2. All outdoor lighting shall be oriented away from any property in a residential district.
- (d) *Circus and carnival regulations.* Before any circus or carnival commences operation on any private property within the City of Leesburg, a temporary permit shall be secured from the planning manager or his designee. In determining whether to issue the temporary permit, the planning director shall take into account whether the proposed circus or carnival meets the following conditions:
- (1) Off-street parking for a carnival shall be provided in an area equal to or greater than, in size, the area devoted to carnival activities. Off-street parking for a circus shall be provided at the rate of one (1) parking space per each five (5) seats. Where parking is provided in existing parking lots serving other permitted uses, the city shall determine if both uses can utilize the same parking areas without adversely affecting each other, any other permitted uses, and the surrounding neighborhood. Paved parking is not required for a circus or carnival.
 - (2) A carnival or circus located within five hundred (500) feet of any residence shall be prohibited from setting up, taking down, or conducting any operations, between the hours of midnight and 7:00 a.m.
 - (3) A temporary permit shall not be issued for a period in excess of ten (10) consecutive days. No site may be permitted again for a circus or carnival within ninety (90) days after the expiration of the most recent permit.
- (1) Any temporary signs advertising a carnival or circus must be permitted separately under the applicable provisions of the sign ordinance. The maximum allowable sign area on-site is one hundred (100) square feet. Temporary off-site signs advertising the event are prohibited.
 - (2) The carnival or circus must submit a plan detailing how access will be provided to the site and that plan shall be reviewed to insure that reasonable and safe access is provided for both vehicles and pedestrians.
 - (3) The applicant for a temporary permit for a carnival or circus shall pay an application fee in the amount of one hundred twenty dollars (\$120.00). Payment of the fee shall not be a guarantee

that a permit will be issued. The applicant must meet all conditions of this section and any other applicable ordinances before a permit may be issued.

- (4) The applicant must comply with F.S. § 546.003 and § 546.004 regarding insurance requirements; F.S. § 616.12 regarding licensing requirements; and F.S. § 616.15 regarding permitting requirements.
- (e) *Dry cleaning, pressing or tailoring shop.*
- (1) Any dry cleaning, pressing or tailoring shop using cleaning solvents shall be required to submit a plan for hazardous waste removal for approval by the city.
 - (2) No outdoor storage of materials is permitted.
- (f) *Eating establishments.*
- (1) *Outdoor cafes.*
 - a. An outdoor cafe may be operated in conjunction with a principal use other than an eating place when all state requirements for food and beverage service are met. An outdoor cafe may include the sale of alcoholic beverages for consumption on premises when at least fifty-one (51) percent of the monthly gross revenues of the food and beverage activity is attributable to the sale of food and non-alcoholic beverages. The outdoor activity shall only include the sale of food and beverages, except as may otherwise be permitted as a special event.
 - b. Every outdoor cafe shall be defined by an enclosure or barrier of at least three (3) feet in height, unless otherwise approved by the city staff. The enclosure or barrier can be plants, screens or fencing. The outdoor cafe shall be open to the weather. The outdoor cafe shall not interfere with the circulation of pedestrian or vehicular traffic on adjoining streets, alleys or sidewalks.
 - c. All such areas shall be in the front yard when adjacent to the side or rear to property in any residential land use category.
 - d. Any music or other entertainment outside the enclosed building shall not be amplified beyond the normal acoustical range of the instrument.
 - e. Noise, smoke, odor or other environmental nuisances shall be confined to the lot upon which the restaurant is located and shall be controlled in accordance with city, state and federal regulations.
 - f. The area for the outdoor cafe shall be shown on the development plan. The area must not be in conflict with required landscaped areas and development review shall determine appropriate modifications of existing landscaped areas. Stormwater management shall be required for landscaped areas that may become compacted or be stabilized with pavers or other materials for the cafe use.
 - (2) Restaurants; restrictions on sale of alcoholic beverages. The following restrictions shall apply to the sale of alcoholic beverages by restaurants, in the C-1 and C-2 zoning districts only:
 - a. No restaurant may sell or dispense alcoholic beverages for consumption off the premises.
 - b. No restaurant may sell or dispense alcoholic beverages for on premises consumption, unless it is equipped to and does in fact serve full-course meals and unless it derives at least fifty-one (51) percent of its gross revenues from the sale of food and non-alcoholic beverages, nor shall alcoholic beverages be sold by such restaurant after the hours of serving food have elapsed.
- (g) *Essential/municipal services.*
- (1) Structures and/or outbuildings shall be designed to be compatible with the surrounding architecture where possible.
 - (2) Structures and/or out buildings shall be sited so as to provide the least environmental disturbance.

- (3) All required federal, state and county permits shall be provided prior to issuance of an occupancy permit by the city.
 - (4) All utilities shall be placed underground with a minimum easement of fifteen (15) feet.
- (h) *Flea market.*
- (1) Long-term (over six (6) months in any twelve-month period) or permanent flea markets shall be required to be within an enclosed structure.
 - (2) Outdoor spaces may be provided for use on weekends only.
 - (3) Off-street parking shall be provided at the rate of one (1) space per one hundred (100) square feet of display area.
 - (4) No outdoor storage shall be permitted.
 - (5) All applicable state and county permits and licenses must be presented prior to issuance of city permits.
 - (6) No recreational vehicles, trailers, buses, or other temporary vehicles or structures shall be used for overnight residences.
- (i) *Funeral service and crematories.*
- (1) All principal and accessory structures for funeral service and crematories shall be located and constructed in accordance with the following requirements:
 - a. Minimum lot area, CBD is twenty thousand (20,000) square feet.
 - b. Minimum lot area, all other districts is forty three thousand five hundred sixty (43,560) square feet;
 - c. All ingress and egress points shall be to or from collector and/or arterial streets as shown in the comprehensive plan, as well as designed and constructed in accordance with the access management section 25-338 of this chapter.
- (j) *kennel—Animal boarding.*
- (1) There shall be a minimum lot area of one (1) acre.
 - (2) Buildings housing animals shall be located no closer than one hundred fifty (150) feet from an adjacent residentially committed area.
 - (3) All activities, with the exception of animal exercise yards, shall be conducted within an enclosed building.
 - (4) Exercise and confinement yards shall be located no closer than two hundred (200) feet from any dwelling unit on adjacent property.
 - (5) Disposal of dead animals shall be by means approved by the department of health and rehabilitative services. No facilities for cremation of animal remains shall be permitted on the site.
- (k) *Hotel/motel.*
- (1) Within the C-3 and M-1 districts, the use shall be located within six hundred sixty (660) feet of an intersection of collector or arterial streets. The measurements shall be taken from the nearest edge of right-of-way at the nearest point of intersection.
 - (2) Industrial parks within the M-1 districts, the use shall not exceed fifty (50) percent of the acreage or square feet of the total industrial project.
- (l) *Professional offices.*
- (1) If more than one (1) structure, the minimum distance between structures shall be fifty (50) feet.
 - (2) All parking, loading and access areas shall be screened from adjacent residential properties.
 - (3) All required parking shall be in the rear of the structures, where feasible.

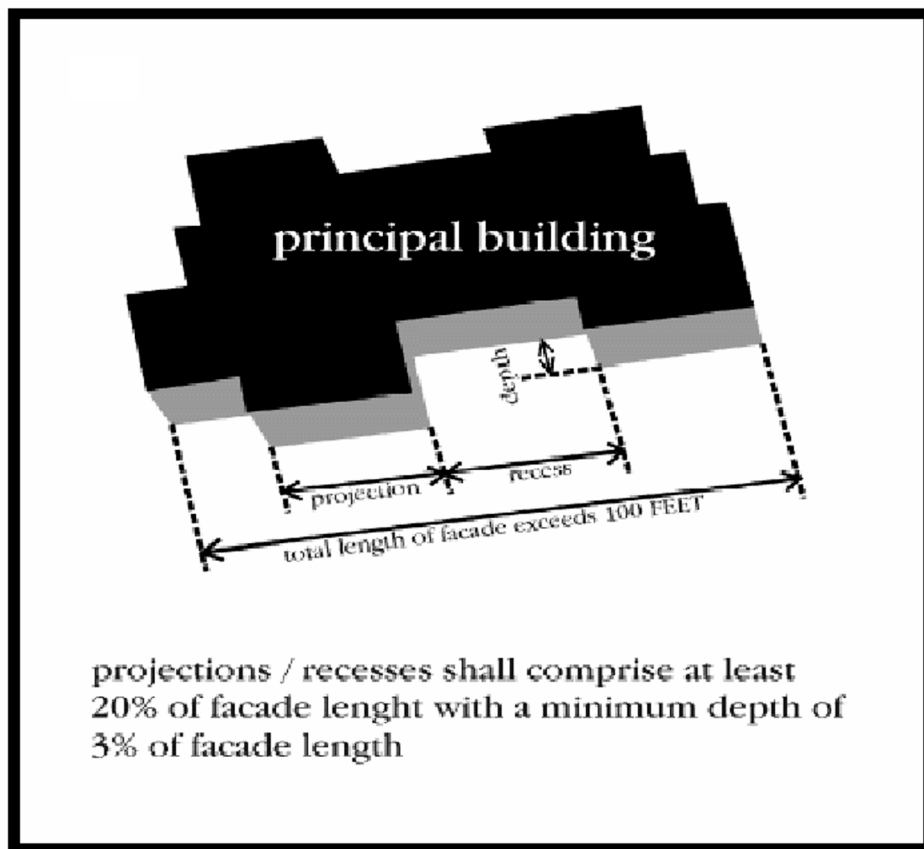
(m) *Retail—Large commercial design standards.* The following design standards are intended to be used as a design aid by developers proposing large retail developments and as an evaluation tool by city staff in the review process. These standards shall apply to all projects for commercial establishments whether single or multiple stores of more than seventy-five thousand (75,000) gross square feet or a site of ten (10) acres or more.

(1) Design standards—Aesthetic character.

a. *Façades and exterior walls.*

Intent : Façades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character, and scale. The intent is to encourage a more human scale that residents of the City of Leesburg will be able to identify with their community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

Standard : Developments with façade over one hundred (100) feet in linear length shall incorporate wall projections or recesses a minimum of three (3) foot depth and a minimum of thirty (30) contiguous feet within each one hundred (100) feet of façade length which shall extend over twenty (20) percent of the façade. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least sixty (60) percent of the



façade.

Figure 1 Building Façades

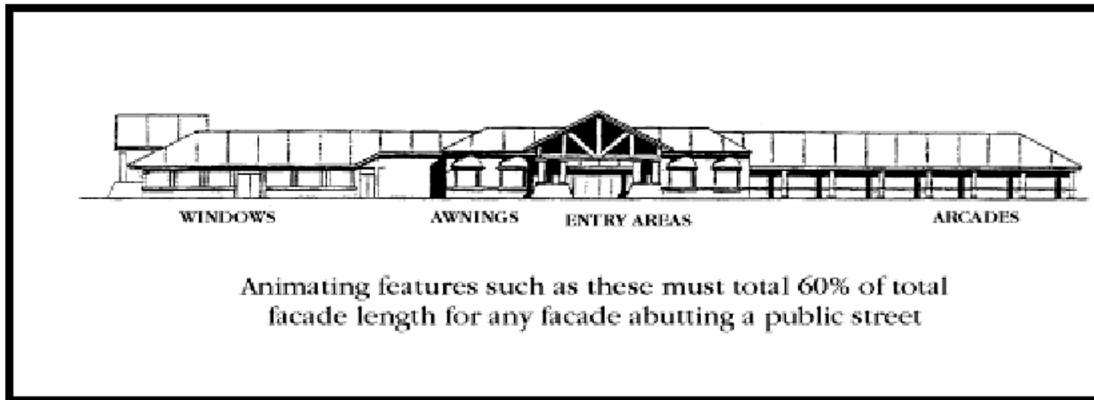


Figure 2 Animating Features

b. *Smaller retail stores.*

Intent : The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior façades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or along the perimeter of the development site.

Standard : Where principal buildings contain additional, separately owned stores, which occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

1. The street level façade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building façade of such additional stores.
2. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.



(Photo Animating Features)

c. *Detail features.*

Intent : Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

Standard : Building façades shall include a repeating pattern that shall include no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

1. Color change.
2. Texture change.
3. Material module change.
4. Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib.

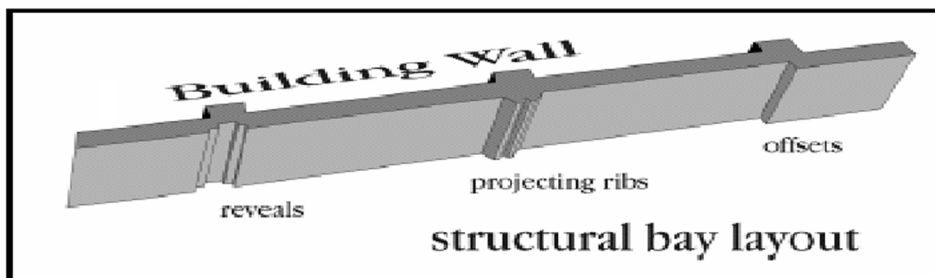


Figure 3 Expression of Architectural or Structural Bay

d. Roofs.

Intent: Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods.

Standard: Roof lines shall be varied with a change in height every one hundred (100) linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan process.

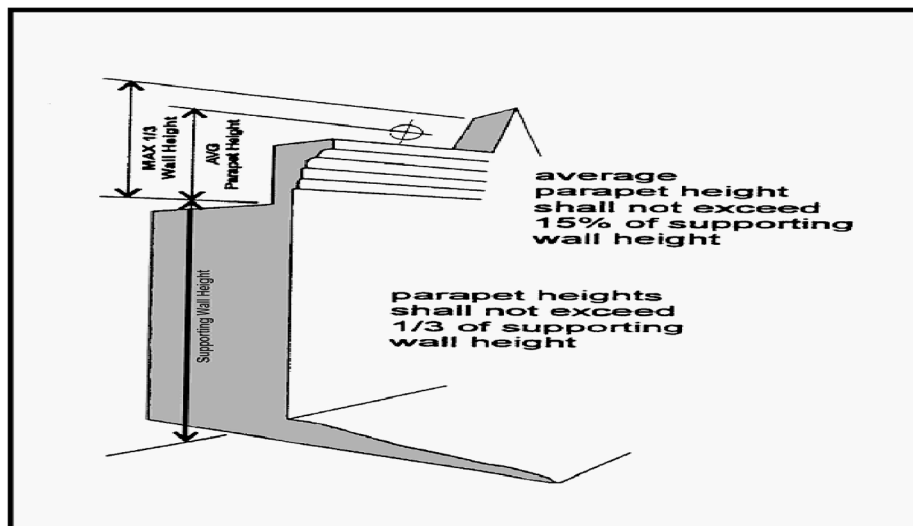


Figure 4 Parapet Heights



(Photo Parapet Heights)

e. Materials and colors.

Intent: Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

Standard:

1. Predominant exterior building materials shall be high quality materials these include, without limitation:
 - i. Stucco
 - ii. Brick
 - iii. Wood
 - iv. Sandstone
 - v. Other native stone
 - vi. Tinted, textured, concrete masonry units
2. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
3. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
4. Predominant exterior building materials as well as accents should not include the following unless covered with a textured stucco or other approved finish:
 - i. Smooth-faced concrete block
 - ii. Tilt-up concrete panels
 - iii. Pre-fabricated steel panels

f. Entryways.

Intent: Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features.

Standard Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

1. Canopies or porticos

2. Overhangs
3. Recesses/projections
4. Arcades
5. Raised corniced parapets over the door
6. Peaked roof forms
7. Arches
8. Outdoor patios
9. Display windows
10. Architectural details such as tile work and moldings which are integrated into the building structure and design
11. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting



(Photo Building Entrances)

Site Design and Relationship to the Surrounding Community

g. Entrances.

Intent: Large retail buildings should feature multiple entrances and smaller retail along the abutting public or private right-of-way and shall feature gateways or pedestrian mall at the intersection corner. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments in a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building façades that face bordering land uses.

Standard: All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one (1) customer entrance per side. Where a principal building directly

faces a row of smaller retail stores along the border of more than two (2) abutting public or private rights-of-way, there shall be only two (2) entrances required. The corner entrance shall be designed to provide a gateway or pedestrian mall that provides pedestrian access to the larger retail store in the interior of the site. The number of entrances for the buildings shall be addressed at the preliminary development plan stage. Where additional stores will be located in the principal building each such store shall have at least one (1) exterior customer entrance which shall conform to the above requirements.



(Photo of customer entrances on all sides which face a public street)

(Photo of customer entrances on all sides which face a public street)

h. Parking lot orientation.

Intent: Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance. Parking lots should be oriented between the larger principle buildings and the smaller retail/service stores required along the perimeters of the site adjacent to public streets and off site uses.

Standard: No more than thirty (30) percent of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by perimeter smaller retail store development.

i. Back and sides.

Intent: The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public or private right-of-way or a residential area shall be built in accordance with (b) *Design guidelines—Aesthetic character*. The development review committee may waive this requirement as part of the development plan review process if there are special circumstances.

Standard: The minimum setback for any building façade shall be in accordance with the Zoning Code. Where the façade faces adjacent residential uses an earthen berm shall be installed, no

less than six (6) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of ten (10) feet on center. Additional landscaping may be required by the development review committee to effectively buffer adjacent land use as deemed appropriate. All additional landscape requirements of the landscape and tree protection code shall apply.

j. Outdoor storage, trash collection, and loading areas.

Intent: Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties, residential areas and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one (1) building is located on a site and such buildings are not more than forty (40) feet apart, or on those sides of buildings that do not have customer entrances. Joint use of loading and screening areas by multiple users will be encouraged where ever possible.

Standard:

1. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.
2. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public or street, public sidewalk, or internal pedestrian way.
3. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property.
4. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
5. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.
6. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow requirements as described in the zoning code.

k. Pedestrian flows.

Intent: Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

Standard:

1. Sidewalks at least six (6) feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding interstates. The DRC may waive this requirement as part of the plan review process if there are special circumstances.
2. Continuous internal pedestrian walkways, no less than six (6) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty (50) percent of their length.
3. Sidewalks, no less than six (6) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least three (3) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade. The DRC may waive this requirement as part of the plan review process if there are special circumstances.
4. Internal pedestrian walkways provided in conformance with subsection b above, shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances, constructed parallel to the façade of the building. This is not intended to extend into the driving aisles or parking areas.
5. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

I. Central features and community spaces.

Intent: Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pickup points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. The features and spaces should enhance the building and the center as integral parts of the community fabric.

Standard: Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the city staff, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Although the City of Leesburg does not currently maintain a public bus system, Lake County does offer limited service to commercial areas; therefore, areas should be provided or designed to accommodate bus service and the growing number of private bus services (i.e., senior citizen,

nursing home/assisted living facilities, etc.).

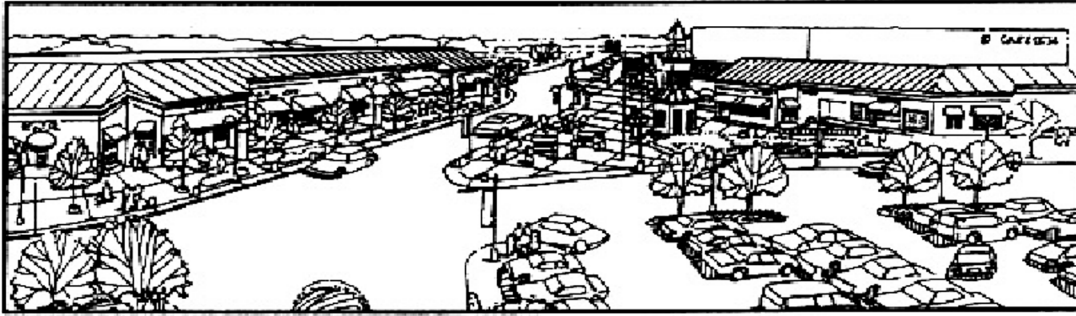


Figure 5 Special Features and Community Spaces

m. *Mixed use development.*

Intent: Mixed-use projects combine efficient use of commercial/office and residential uses as components of a single development. Mixed-uses should be considered for all projects of more than one hundred thousand (100,000) gross square feet or a site over twenty (20) acres. Residential elements of mixed use are encouraged by the city with the development incentives provided in this section. The uses may be combined either vertically or horizontally within the same structure, or can be distributed in different areas/structure on the site.

Standard:

1. *Residential density* shall be permitted up to eighteen (18) units per net acre of the residential components for the project site area.
2. *Site planning.*
 - i. Separate site access drive and parking facilities should be provided for residential uses and commercial uses.
 - ii. Security gates should be considered for access to residential uses and residential parking areas.
 - iii. Private open space areas which are intended for use by residents only should not be accessible from the commercial/office portion of the site.
 - iv. Parking lot lighting and building security lighting for commercial uses should be appropriately shielded so as not to spill over into the residential area.
3. *Building design.*
 - i. The architectural style and use of materials should be consistent throughout the entire mixed-use project. Differences in use of architectural details may occur where the intent is to differentiate between the residential and commercial/office scale and character of the structure(s).
 - ii. The design of storefronts should be consistent with the standards for commercial development. The residential portion of a mixed-use structure should be consistent with the design standards for multifamily residential development.
 - iii. Projects three (3) stories or less in height should incorporate full roofs on at least fifty (50) percent of the roof area.
 - iv. Commercial signage should incorporate architectural details of the structures. Where residential elements are included signage may exceed the maximum allowable signage for the district by ten (10) percent for the project where the scale and mass has been deemed appropriate by the development review committee.

- v. When residential and commercial uses are combined in the same structure, separate entrances should be provided for each use.
4. *Building height.* Building height shall be as per the individual zoning district, but shall be adjusted as follows if the large-scale retail development adjoins residential development:
- i. Maximum height of any structure within one hundred (100) feet of a residential zoning district property line or the property line of undeveloped residential land shall be thirty-five (35) feet or two and one-half (2½) stories. Maximum height calculation shall include a parapet.
 - ii. Structures may exceed the heights specified above where residential elements are included providing that the structure wall shall be stepped back two (2) horizontal feet for each vertical foot of additional height up to a maximum of forty-five (45) feet or four (4) stories, after the first twelve (12) feet of height.
5. *Surface parking.*
- i. No single parking area shall exceed one hundred twenty (120) spaces unless divided into two (2) or more sub-areas by a building, internal landscaped street, or landscaped pedestrian way.
 - ii. Number of spaces; exceptions. Reductions in the number of required spaces may be allowed where residential components are part of the mixture of land uses. There may be up to a ten (10) percent reduction of the nonresidential requirements and a two (2) to seven (7) percent reduction of the residential requirements. Further reductions may be considered on the basis of proximity to and availability of public transit as determined by the development review committee.
- (2) *Nonconforming uses.*
- a. *Continuation of use.* A use, building or structure, lawfully in existence at the effective date of this article, which shall be made nonconforming at the passage of this ordinance or any applicable amendment thereto may be continued except as otherwise provided in this division.
 - b. *Regulation of nonconforming uses and structures.* No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use, or when required to do so by law or as follows:
 - 1. *Restoration.* Any nonconforming structure which has less than fifty (50) percent of its previous existing floor area made unsafe or unusable may be restored, reconstructed, or used as before, provided that the floor area of such use, building or structure shall not exceed the floor area which existed prior to such damage. All repairs shall be completed within six (6) months after damages occur or such use or structure shall not be rebuilt except as a conforming use or structure.
 - 2. *Expansion.* Nonconforming uses and structures which exist at the adoption of this ordinance may be allowed expansion. An expansion of up to fifty (50) percent of the floor area maybe approved as a conditional use if such expansion is done in conformance with the design standards of this article. Such expansion must not create additional nonconformities.
 - c. *Termination of nonconforming uses and structures.*
 - 1. *Abandonment.* A nonconforming use not used for a period of twelve (12) months or the change of use to a more restricted or for any period of time shall be considered abandonment thereof and such nonconforming use shall not thereafter be revived. existing.
 - 2. *Partial destruction.* When fifty (50) percent or more of the floor area of a nonconforming structure is destroyed by fire or other casualty or act of God and as a

result becomes unsafe or unusable, the use of such structures, as a nonconforming use, shall thereafter be terminated.

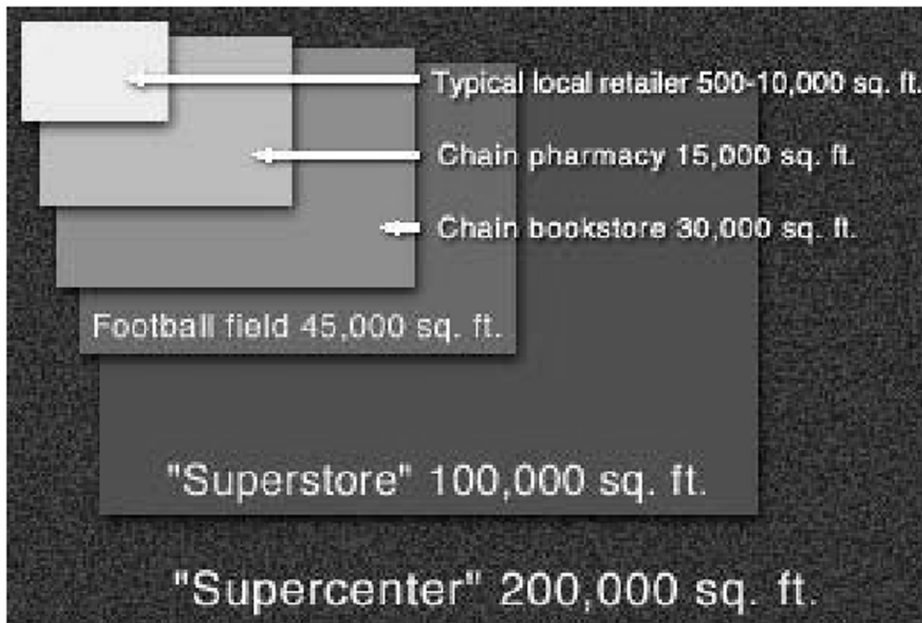


Figure 6 Typical Commercial Square Footage



(Vertical mixed use project)

Figure 7 Upper Floors with Residential Look



Figure 8 Photos Winter Park Village Mixed Use Development



Winter Park Village

(n) Real estate sales office.

- (1) The structure shall be similar to that being built within the development.
 - (2) Parking shall be provided on the same lot, for a minimum of five (5) vehicles.
- (o) *Recreational uses—Golf courses.*
- (1) General provisions.
 - a. *Legislative findings.* The city commission makes the following findings of fact:
 1. The natural environment of the city and Lake County is a unique and valuable resource enjoyed by residents and visitors alike.
 2. The unique economy of the city and Lake County is dependent upon maintaining and ensuring a high degree of environmental quality.
 - b. *Purpose and intent.* The purpose and intent of this section is to ensure that the development of golf courses shall: protect and conserve natural resources and the environment for present and future generations; be consistent with the overall economic objectives of the city; minimize the adverse impacts and maximize the positive benefits of golf course development, and; ensure that these activities will be consistent with the city comprehensive plan. It is the further intent of this section that site-specific conditions which may be in conflict with the requirements of this section shall be addressed in the initial stages of planning and design in such a manner that the final design and development shall conform to the spirit of this section.
 - c. *Construction of code provisions.* Nothing in this section shall be: Construed to limit, abridge or alter any duties, authority and responsibilities of any agency of the United States, the State of Florida or any other governmental agency having jurisdiction. Deemed to preempt any other city ordinance or provision of the City Code that imposes stricter design or development standards.
 - d. *Scope of application.* The regulations set forth in this section shall apply to the development and construction of golf courses within all incorporated areas of the city.
 - (2) General standards.
 - a. *Best management practices.* All development activities shall employ best management practices during all phases of preconstruction, post-construction, and operation.
 - b. *Compliance with other laws.* All golf course development shall be conducted in accordance with any and all applicable federal, state, regional and local laws, ordinances, rules and regulations.
 - (3) Environmental protection standards for new development.
 - a. The applicant shall incorporate environmental principles into the development of each new golf course, however, such applicant shall have flexibility in determining how to achieve this result.
 - b. The applicant shall ensure that all criteria for environmental management are incorporated into the proposed project through a resource management plan. The applicant shall submit any required modifications to such plan to the city for approval.
 - c. The applicant shall ensure that a resource management plan is prepared by professional consultant(s) with specialization in golf course design, construction, agronomy and relevant environmental expertise. The resource management plan shall be signed and sealed by a landscape architect or professional engineer registered to practice in the state. The resource management plan shall be a site specific comprehensive document submitted to the city detailing goals and best management practices including, but not limited to vegetation management, fertilizer and pesticide management, stormwater management, water quality management, irrigation management and general management.
 - d. Resource management plans shall be updated and submitted for approval if any redevelopment of the golf course occurs.
 - e. The following issues shall be addressed by the plan:

1. The applicant shall ensure that the identification of natural features (Florida Natural Areas Inventory), wildlife habitat areas and environmentally sensitive areas (as defined by appropriate state agencies) are identified and approved early in the site evaluation process. The applicant shall ensure that the preservation of these areas is a basis for site design of the golf course.
 2. The applicant shall make every effort to route the golf course in such a way as to minimize the need to alter or remove existing native vegetation and wildlife habitat. The applicant shall ensure that the golf course routing identifies areas of restoration and enhancement as mitigation for disturbed areas.
 3. The applicant shall ensure that the design retains as much existing native vegetation and habitat as possible and understands that the supplemental planting of native vegetation is strongly encouraged.
 4. The applicant shall ensure that the resource management plan identifies areas of restoration and mitigation for disturbed habitat to re-establish wildlife migration corridors and linkages between fragmented habitat areas and that such plan also describes methods of protection for such areas during construction and ongoing operation. The applicant shall ensure that the resource management plan protects natural and constructed drainage systems which support retained vegetation during construction and ongoing operation.
 5. The applicant shall ensure that, where possible, any areas out of play are utilized to retain or restore existing native vegetation. The applicant shall ensure that the design provides for protection of environmentally sensitive areas by means of establishing suitable vegetative buffers or defining buffer areas to be unmaintained.
 6. The applicant shall ensure that a plan is provided for removal and prevention of invasive and exotic plants as specified in local and state regulations.
 7. The applicant shall ensure that any trees with a diameter greater than six (6) inches DBH which are to be retained are detailed in the resource management plan. The applicant shall ensure that any trees so identified which die or are damaged during construction or by post construction activities are replaced by like kind and size.
 8. The applicant shall ensure that all roads and cartways are located and designed so as to minimize environmental impacts.
 9. The applicant shall ensure that equipment utilized in the maintenance of golf courses and associated development is designed, used, maintained and stored in such a way to eliminate or minimize potential for pollution.
 10. The applicant shall ensure that plan includes a maintenance plan for all golf course design features. Low-maintenance features that require less intensive management are preferred.
- (4) Water resources requirements. The applicant shall ensure that water resource issues are addressed throughout the planning, development, construction and life of the golf course.
- a. *Water conservation.*
 1. The applicant shall identify goals in the resource management plan for conservation of water resources.
 2. The applicant shall ensure that the use of groundwater for irrigation shall follow water management district rules.
 3. The applicant shall ensure that any wells used for irrigation purposes are installed and developed in accordance with the requirements and recommendations of the St. Johns River Water Management District, and in full compliance with City of Leesburg codes, ordinances and policies pertaining thereto. In accordance with city ordinances and policies regarding wells, unless there is no feasible alternative, no well shall be dug or used to irrigate a golf course. All wells used for this purpose shall required approval from the city manager or his designee, and such approval may be

conditioned on abandonment of the well once another appropriate irrigation water source such as, but not limited to, reclaimed water, becomes available.

4. The applicant shall ensure that, prior to approval of any new golf course:
 - i. A strategic water conservation plan is prepared for the course to minimize any adverse impact to surface water or groundwater. This plan shall utilize all available alternative water sources as primary irrigation sources, including reclaimed water and stormwater. Reclaimed water shall be utilized if sufficient capacity is available. The plan shall include a drought condition contingency plan.
 - ii. Such a plan is implemented upon opening of any new course.
 - iii. All plans are submitted and approved as part of the site plan approval process.
 5. The applicant shall ensure that construction techniques and soil amendments on greens and tees are used to reduce excessive irrigation. The applicant shall ensure that fairways are designed to minimize the need for irrigation and that non-playing areas are designed without irrigation, except as necessary to establish new vegetation for a maximum of sixty (60) days.
 6. The applicant shall ensure that all golf courses comply with all Florida Department of Environmental Protection and Water Management District water conservation requirements and shall make water conservation a critical priority in course design. These requirements include layout of turf areas and turfgrass and plant palette selection.
 7. The applicant shall ensure that irrigation system coverage is accurately mapped to determine wetted area and irrigation rates. The applicant shall ensure that irrigation system design provides that application rates are responsive to weather and soil conditions to avoid over application. The applicant shall ensure that the plan also includes programs to regularly inspect for leaks and to monitor usage. The applicant shall ensure that drawings show all irrigated areas, flow rates, actual spray patterns, etc. for all heads and zones.
 8. The applicant shall ensure that all ancillary irrigation systems not directly associated with actual course irrigation are automatic.
 9. The applicant shall, if the existing course is part of a residential development, that a best management practices document is developed for homeowners. The applicant shall ensure that the document shall addresses water conserving irrigation practices and use of drought-tolerant landscaping. The applicant shall ensure that the document is distributed free of charge to original purchasers and upon request to development residents thereafter.
- b. *Water quality.*
1. The applicant shall identify goals in the resource management plan for protection of water quality.
 2. The applicant shall ensure that a water quality plan is prepared for the course to avoid or minimize potential adverse impacts to surface water or ground water. This plan may include directing flow from underground drains to areas of permeable soils to ensure adequate filtration. The applicant shall ensure that the water quality plan includes a contingency plan to be implemented in the event that monitoring shows a developing problem.
 3. The applicant shall ensure that the project employs established best management practices (BMP's) to control non-point source (stormwater) runoff pollution. The applicant shall ensure that there is no direct runoff into any natural water body or riparian habitat.
 4. The applicant shall ensure that all impervious areas incorporate suitable stormwater structures and devices to intercept debris and grease and oils prior to discharge into any stormwater pond. The applicant shall ensure that cart paths are graded and

swales located such that runoff from them does not flow directly into any natural water body. The applicant shall ensure that the water quality plan includes a maintenance plan for all such structures and devices, as well as swales and ponds.

(5) Habitat.

- a. The applicant shall ensure that the golf course design minimizes stream and wetland crossings. The applicant shall ensure that stream and wetland crossings are designed in such a way as to minimize erosion and harmful effects to riparian and wetland habitats and recognized corridors.
- b. The applicant shall ensure that the course design incorporates vegetated buffer strips to mitigate impacts to riparian corridors and other critical habitat which may result from surface drainage of the golf course, cart paths, and other developed areas.
 1. The applicant shall ensure that any habitat for wildlife species that help control pests are protected. The applicant shall ensure that additional habitat for these beneficial species is created whenever feasible.
 2. The applicant shall ensure that natural habitat are managed to maintain healthy populations of wildlife and aquatic species.

(6) Vegetation.

- a. The applicant shall identify goals and methods in the resource management plan for the management of vegetation and landscaping.
- b. The applicant shall ensure that plant species that are best suited to the local area are selected. The applicant shall ensure that native, naturalized, or drought tolerant plants are used wherever possible. The applicant shall ensure that exotics and invasive species are not introduced.
- c. The applicant shall ensure that the design of the course and related facilities maximizes the preservation of clusters or significant stands of trees, and otherwise preserves interior habitat areas.
- d. The applicant shall ensure that irrigation systems are designed to avoid adversely impacting sensitive vegetation.
- e. The applicant shall ensure that barriers (curbs, signage, fencing, vegetation, etc.) are established to discourage cart and pedestrian travel off paths located within or adjacent to sensitive habitat areas.

(7) Pollution prevention.

- a. The applicant shall identify goals in the resource management plan for the management of pollutants.
- b. The applicant shall ensure that an integrated pesticide, herbicide and fertilizer management plan that follows state approved best management practices is incorporated into the resource management plan. State submitted BMP plans are acceptable.
- c. The applicant shall ensure that the use of proven methods for minimizing nutrient leaching, and the use of the least mobile pesticides available is required as a part of the plan. The applicant shall ensure that all chemicals are applied at the lowest rate to accomplish desired results. Pesticides include herbicides, insecticides, fungicides and nematocides.
- d. The applicant shall ensure that drought, pest, and disease resistant grass species suitable for golf are selected.
- e. The applicant shall ensure that natural buffer areas are maintained free of invasive species.

(8) Open space.

- a. The applicant shall ensure that golf courses are designed as functional linkages to create an open space network throughout the community.

- b. Golf course designs that facilitate an open space relationship with other planned or existing regional open spaces are encouraged.
- (9) Existing golf courses. Upon renewal of the consumptive use permit for any existing golf course or upon application for any modifications to existing facilities which require city permits or approvals, the existing golf course shall provide a complete resource management plan as set forth above, and shall bring all existing facilities into compliance within five (5) years from the effective date of the renewal or the city's approval of modifications, whichever is earliest.
- (p) *Recreational uses—Commercial.* Commercial recreational areas include golf courses, country clubs, fishing lakes, swimming pools, parks, playgrounds and fishing preserves, bowling alleys, skating rinks, paint ball and similar uses.
- (1) Structures shall be set back at least one hundred (100) feet from all property lines and property boundary areas if wooded areas, shall remain wooded.
 - (2) Access drives shall be located on collector or arterial roads.
- (q) *Vehicle services.*
- (1) Limited.
 - a. *General requirements.*
 - 1. All installation, sales and services must be conducted within a completely enclosed building, except as described in subsection (c) below.
 - 2. All service bay doors must not open onto property in a residential district or other existing, conforming residential use.
 - 3. All uses must comply with the requirements of article V for buffering incompatible uses.
 - b. *Services and repairs conducted outside of an enclosed building.* Services and repairs may be conducted outside of an enclosed building only on property in a C-3 highway commercial and a M-1 industrial district and with the following conditions:
 - 1. The unenclosed work space must be over one hundred (100) feet from any land designated for residential use, or developed for residential use on property designated for mixed use or office on the future land use map. Any unenclosed work space shall be separated from an abutting residential use by a continuous nonresidential building, solid masonry wall, or berm that eliminates the noise of the work space. If the work space is within two hundred (200) feet of land designated for residential use or developed for residential use, staff or the appropriate reviewing board may require the applicant to submit a report addressing noise attenuation and ambient noise levels in order to make a finding as to the adequacy of proposed attenuation measures. The report shall be prepared by a licensed engineer or architect competent in acoustics. The distance and attenuation requirements may be reduced by the appropriate reviewing board if a study of the ambient noise level indicates that continuous and impulse noise generated by the proposed use will be masked by the ambient noise level.
 - 2. Any unenclosed work space must, at a minimum, be screened by a screen wall from direct view from any land designated for residential use on the future land use map that is within two hundred (200) feet of the property line. The wall shall be eight (8) feet in height. The screen wall shall be of solid construction, maintained in good repair at all times and shall not obstruct the vision triangle. At a minimum, each limited automotive service establishment shall provide completely enclosed space for office activity and restrooms in accordance with the building code and each unenclosed work space shall have a paved surface, maintained in good condition for the protection of groundwater.
 - 3. All proposed unenclosed work spaces shall be reviewed in accordance with the LDC and shall be physically delineated on the site. The development plan shall indicate the dimensions of the unenclosed work space and shall meet all other requirements of

LDC. Unenclosed work spaces shall not eliminate required landscaping, parking, vehicle circulation area or stormwater management facilities, except as can be relocated elsewhere on the site in accordance with a development plan amendment. The number and width of existing driveways shall be reviewed. The addition of unenclosed work spaces may require existing driveways to be closed or narrowed to assure safe, efficient on-site circulation and to meet the objectives of access management, per the LDC.

4. All lifts, tools or repair facilities must be located in the principal structure or completely within the designated unenclosed workspace and may not exceed eight (8) feet in height.
5. Only low impact air guns may be used in an unenclosed work area located within two hundred (200) feet of any land designated for residential use on the future land use map.
6. *Prohibited lights.* Lights shall not be mounted on the top or sides of the canopy when not part of a permitted sign and the sides (fascias) of the canopy shall not be illuminated, unless the illumination is part of a permitted sign.

(2) Major.

- a. Vehicle body repair shall take place within a completely enclosed structure.
- b. All vehicle-dismantling activities shall be completely screened from adjacent properties.
- c. All material stored on the premises shall be removed periodically, but not less than bimonthly.
- d. All vehicle painting shall take place in an approved paint spray booth.

(3) Vehicle service station (no repairs).

- a. No structure, whether above or below ground, shall be permitted in any required front, or side yard area.
- b. Canopy structures are permitted to overhang the required yard areas, but may not be closer than twenty (20) feet to the road right-of-way and shall be placed in the rear when located in design overlay district.
- c. Service station walls shall be of masonry construction where they are within fifty (50) feet of a property line.
- d. All hoists, pits and all lubricating, greasing, automobile washing and repair equipment shall be entirely within an enclosed building. Three (3) enclosed sides with an open bay is permitted where the bay opening is not visible from the right-of-way.
- e. No derelict, damaged or unlicensed vehicles shall be stored on the premises for more than one (1) month. Vehicles waiting repair shall be kept behind a fence at least six (6) feet high, obscuring their view from adjacent properties and roads.
- f. The design and arrangement of the station shall be compatible with the surrounding residential development, if applicable.

(4) *RV service center.* This subsection shall not apply to recreational vehicle spaces, not more than fifteen (15) in number, provided by a bona fide recreational vehicle service center, on the same parcel where the service center is located, as authorized under a conditional use permit, where no rent or other direct remuneration is received by the owner or operator of the service center for the use of the spaces, occupancy of the spaces is limited to customers of the service center delivering their recreational vehicles for service, and occupancy by any individual recreational vehicle on any space is limited to no more than one (1) seventy-two-hour period in any calendar month. The planning commission may prescribe such additional conditions and restrictions in any conditional use permit authorizing such use of recreational vehicle spaces as it deems necessary and proper for the protection of the public health and safety, the general welfare, and the rights and quiet enjoyment of surrounding property owners.

(r) *Veterinary clinics.*

- (1) No animal shall be kept on the premises overnight except in case of continuing treatment or an emergency. The primary purpose of a veterinary clinic is for the care and treatment of domestic animals and not for keeping or boarding animals (may include dog grooming).
- (2) All animals shall be kept in an enclosed building at all times. There shall be no outdoor runs or pens.
- (3) Four (4) off-street parking spaces shall be provided with one (1) additional off-street parking space for each treatment or examination room.

(s) *Agricultural (temporary) uses.*

- (1) The following temporary agricultural uses may be permitted in the RE-1 Residential Estate zoning district per the following restrictions:
 - a. Agricultural uses may be permitted on a minimum of twenty (20) acres of non-platted property and per section 25-292, Supplemental district requirements, subsection (4), the keeping of domestic animals and fowl, of the Code of Ordinances.
- (2) The production for sale of crops, livestock or livestock products, which shall include but not be limited to:
 - a. Field crops, such as corn and hay;
 - b. Fruits, such as citrus, apples, peaches, grapes, tomatoes, and berries;
 - c. Vegetables, such as beans, cabbage, carrots, beets and onions;
 - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
 - e. Livestock and livestock products, including cattle, sheep, goats, horses, poultry, ratites birds such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, and eggs;
 - f. Aquaculture products, including fish, fish products, and water plants;
 - g. Woody biomass, which means short-rotation woody crops raised for bioenergy, and shall include farm woodland.
- (3) Roadside stands that are used to show and sell products all of which are raised or produced on the land on which they are located.
- (4) No "Animal Feeding Operation (AFO)" feedlots or facilities such as swine, poultry or cattle feedlots shall be permitted as defined below:
 - a. Where animals are confined for at least forty-five (45) days in a twelve-month period; and
 - b. Where there is no grass or other vegetation in the confinement area during the normal growing season;
 - c. Where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- (5) The community development director shall determine if other similar uses shall be permitted based on whether they meet the intent of this section.

(Ord. No. 04-27, § V(4.19.3), 5-10-04; Ord. No. 14-09, § I, 3-24-14)