B-3, HIGHWAY SERVICE BUSINESS DISTRICT

*Intent.* The B-3, Highway Service Business District is intended for application along highways carrying large volumes of traffic where establishments may locate to serve large sections of the city and the persons traveling in vehicles.

*Permitted uses.*

Adult congregate living facility

Ambulance service

Animal clinics (outpatient care only and no overnight boarding)

Attached dwellings

Bakeries

Banks

Boat, motor, and boat trailer sales and service

Bowling alley

Business and communications systems

Bus station

Car rental and leasing

Carwashes

Club, semi-public

College level and adult educational facilities

Convenience stores with gas pumps

Financial services

Funeral homes

Furniture showrooms

Government buildings and offices

Grocery stores

Hospitals

Mobile home sales

Multi-family dwelling units

Offices, general, professional and real estate

Offices, medical

Parking lots

Pawn shops

Personal enrichment establishments

Personal services

Restaurants, types "A," "B," "C," and "D"

Retail sales and services

Service stations, types "A" and "B"

Sport facilities

Taverns

Taxicab stands

Theaters

Transient lodging:

• "Transient lodging rooms, standard," as defined by this LDR, shall be a maximum of 500 square feet.

• "Transient lodging rooms, deluxe," as defined by this LDR, shall be a maximum of 750 square feet.

• The maximum room size does not include any balcony, porch or deck area connected to the unit.

• No more than 30 percent of the units may be deluxe.

Truck and trailer rentals (for properties in the district that front along U.S. Highway 1 and meet the conditions in [sub]section 801.18)

*Permitted accessory uses.* Any accessory use customarily incidental to a permitted principal use.

*Conditional uses.*

Pharmacies, only on parcels adjacent to Dixie Freeway (US1).

*Special exceptions.*

Automobile Sales, Recreation Vehicle Sales, and Trailer Sales New and Used including all vehicles with two wheels or more subject to the following conditions:

1.

Windows shall maintain a minimum transparent area of 65%.

2.

Sales display area is required to provide a lighting plan that meets Section 604.13.

3.

If temporary shell parking lot is proposed, City Commission approval is required by separate application.

4.

Site plan shall be submitted as per Article XI of the City Land Development Regulation to City Planning Director for review.

5.

Must meet all other City Land Development Regulations.

Building material sales and/or building material yards, provided all building materials that are stored shall be buffered by a screen designed to block the view of the building materials. The screen may include fences, walls, or vegetative landscaping. Building materials shall not project higher than the screen. Walls that are part of a building structure may substitute for the screen buffer.

Child day care facilities, subject to the following additional conditions:

(1)

The property shall be located within 500 feet of an arterial or collector roadway.

(2)

Play areas shall be fenced and landscaped. The landscaping shall have a vegetative hedge that will reach four feet in height within two years. The hedge plants must be planted three feet apart, on center.

(3)

Play areas shall be located outside all applicable setback dimensions.

(4)

The property shall have a separate vehicular drop off and pickup areas with a minimum 100-foot long drive lane outside of the public right-of-way, or sufficient parking area to provide enough space for drop off and pick up.

(5)

Play areas shall be located to the side or rear of the building, outside of the required setbacks.

Churches

Fortune telling, subject to the following condition: Shall not be established within 500 feet of an existing fortune telling establishment.

Kennels, subject to the following conditions:

1.

No kennel shall be located within 250 feet of any residence, transient lodging, hotel, motel, townhouse, timeshare unit, and any other building place where people are permitted to live. The 250 feet shall be measured from the nearest property line on the property where a kennel is proposed to the nearest part of the residential building.

2.

No kennel shall be located within 225 feet of any residentially zoned property. The distance shall be measured from the nearest property line of the proposed kennel site to the nearest property line of the residentially zoned property.

3.

Outdoor controlled environments or pet play areas shall not be used between the hours of 9:00 p.m. and 7:00 a.m.

Mini warehouse storage facilities shall require, as a condition, a frontage landscape buffer of no less than 20 feet for site boundaries fronting a thoroughfare to be extensively landscaped as an appropriate visual screening between the use and the road frontage, City staff shall have the authority to determine compliance with the thoroughfare frontage landscape design requirements provided herein. A landscaped buffer area shall be provided on all boundaries facing a residential district.

Outdoor display, storage, or sale of vehicles, or other equipment or material, provided that in the interest of safety to children and adjacent property, outdoor storage areas will be encompassed by a fence or wall at least six feet high, the bottom four feet being solid and the top two feet being open. Operative automobiles and mobile homes for sale shall be exempt from this requirement.

Tattoo parlor, subject to the following conditions:

(1)

Shall not operate on any parcel with frontage on the following streets:

a.

Flagler Avenue

b.

3rd Avenue

c.

Canal Street

d.

U.S. 1

(2)

Shall not operate on any parcel adjacent to or across the street from a single-family residential zoning district.

(3)

Shall not operate between the hours of 12:00 a.m. and 8:00 a.m.

(4)

Shall not be established within 300 feet of a church, daycare, private school, or public school.

(5)

Shall not be established within 1,000 feet of an existing tattoo parlor.

(6)

The business shall be subject to all requirements of Chapter 877, Florida Statutes.

(7)

Tattooing areas shall not be visible from the public right-of-way.

(8)

Windows shall maintain a minimum transparent area of 65 percent.

Waterfront dining and entertainment establishments

*Dimension requirements.*

*Minimum yard size*. (Properties along Canal Street and State Road 44)

Front yard: 40 feet or as required per [sub]section 504.01M. of this LDR

Side yard: Ten feet

Rear yard: Ten feet

*Corner lots.*

(1)

Parcels which front on two streets shall provide a 40-foot front yard on one street and a 20-foot front yard on the other street. The 40-foot front yard shall be adjacent to the major or most traveled roadway.

(2)

Parcels which front on three streets shall provide a 40-foot front yard on one street and a 20-foot front yard on the other two streets. The 40-foot front yard shall be adjacent to the major or most traveled roadway.

*Minimum yard size.* (Properties within U.S. 1 Corridor)

Front yard: Five feet

Side yard: Five feet

Rear yard: Ten feet

*Corner lots.* Parcels which front on two or more streets shall provide a minimum five-foot front yard along each street frontage.

*Maximum principal building height.* 35 feet.

*Maximum building coverage.* The total area covered with buildings shall not exceed 35 percent of the total lot area.

*Maximum impervious lot coverage* (Properties along Canal Street and State Road 44). The total area of the lot that may be covered with impervious material is 75 percent.

*Maximum impervious lot coverage* (Properties along U.S. 1 Corridor). The total area of the lot that may be covered with impervious material is 80 percent. City staff may permit up to five percent additional impervious surface coverage for the redevelopment of sites within the U.S. 1 Community Redevelopment District.

*Buffers.*

Properties along Canal Street and State Road 44. Landscaped buffer area(s) as defined in this LDR shall be required at property lines of nonresidential developments as follows:

(1)

All front property lines;

(2)

Along side or rear lot line abutting a residentially zoned lot, the buffer shall be 25 feet wide; and

(3)

Along side and rear lot lines not abutting residentially zoned lots, the buffer shall be seven feet wide.

Landscaped or natural vegetative buffers for multifamily development shall be provided as indicated in [sub]section 605.05 and as follows:

(1)

Along front, rear, and side lot lines where off-street parking areas are located, the buffer shall be a minimum of seven feet wide; and

(2)

Adjacent to or facing a single-family residential district or use, the buffer shall be a minimum of 20 feet wide from the property line.

Properties within U.S. 1 Corridor. Landscaped buffer area(s) as defined in this LDR shall be required at property lines of multi-family and non-residential developments as follows:

(1)

Front property lines: Five feet

(2)

Side and rear property lines (not adjacent to residentially-zoned properties): Three feet

(3)

Side and rear property lines (adjacent to residentially-zoned properties): Five feet. A ten-foot wide buffer will be required for taverns, outdoor seating areas and type "B" service stations.

(4)

In cases of a change of use or activation of a terminated use where there is no change to the building footprint, a property shall be exempt from meeting the landscape buffer requirements of this section, except that all existing on-site landscaped areas shall be maintained in good condition with a finished appearance and complete ground coverage.

The landscape buffer adjacent to residentially-zoned property must include a six-foot tall masonry wall or fence.

*Building projections.* There shall be no building projections into any required yard except for eaves with a maximum projection of 42 inches, but no closer than five feet to a property line; and those structures allowed in [sub]section 804.03.

*Maximum unit density for transient lodging units.*

Hospitality future land use designation: 48 units per acre.

Southeast Volusia Activity Center future land use designation: 60 units per acre.

Commercial future land use designations permitting transient lodging units: 24 units per acre.

*Maximum dwelling unit density.* 12 dwelling units per acre beachside and 18 units per acre mainland. No less than 3,630 square feet of lot area for each beachside dwelling unit and 2,420 square feet of lot area for each mainland dwelling unit.

*Multifamily residential standards.*

*Minimum floor area.*

450 square feet of livable area for a one-bedroom unit

550 square feet of livable area for a two-bedroom unit

700 square feet of livable area for a three-bedroom unit

*Maximum building length and width.* Building facades parallel to the street upon which the building fronts or parallel to a waterfront shall not exceed 150 feet. No building constructed after the effective date of the LDR shall have a dimension that exceeds 200 feet.

*Minimum building separation.* Where two or more multifamily dwellings, single-family dwellings attached or detached, duplexes, apartments, condominiums, or townhouses are built on one parcel, there shall be a separation of at least 20 feet between the buildings plus 1.5 additional feet for each five feet of building height over 20 feet. When buildings vary in height, said distance is to be based on the highest building. (For example: The distance between a 20-foot tall building and a 25-foot tall building shall be 21.5 feet.)

*Minimum requirements for townhouses and townhouse lots.*

All lots shall be adjacent to a public right-of-way or common area.

Lots shall have a minimum width of 20 feet where a living unit is to be located.

Lot frontage along a right-of-way or common area shall be a minimum of ten feet.

Front setbacks shall be 20 feet or as required per [sub]section 504.01M. of this LDR.

Side setbacks shall be zero feet.

Rear setbacks shall be 20 feet except if there is a landscaped common area behind the townhome and there is a minimum distance of 20 feet from the project boundary line and the dwelling unit or accessory structures.