

ORDINANCE NO. 2015-39

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 12, SECTION 4 TO REVISE THE PARKING REQUIREMENT FOR MINI-WAREHOUSE USES; AMENDING CHAPTER 17, SECTION 22.5 TO ADD MINI-WAREHOUSE AS A SPECIAL EXCEPTION USE IN THE INTERCHANGE COMMERCIAL DEVELOPMENT (ICD) ZONING DISTRICT AND TO ADD OFFICE/WAREHOUSE FACILITY AS A PERMITTED USE WITH SPECIAL DEVELOPMENT REQUIREMENTS IN THE INTERCHANGE COMMERCIAL DEVELOPMENT (ICD) ZONING DISTRICT; AMENDING CHAPTER 18, SECTIONS 3 AND 4 TO ADD SPECIAL REQUIREMENTS FOR THE MINI-WAREHOUSE USE AND SPECIAL DEVELOPMENT REQUIREMENTS FOR OFFICE/WAREHOUSE FACILITY USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has received an application from a developer requesting to amend the Land Development Code ("LDC") to add mini-warehouse and office/warehouse facility to the list of allowed uses in the Interchange Commercial Development (ICD) zoning district; and

WHEREAS, the mini-warehouse use is proposed as a special exception use, thus allowing the City to control the number of facilities and aesthetics; and

WHEREAS, the office/warehouse facilities use is proposed as a permitted use with special exceptions which imposes certain development requirements regarding aesthetics; and

WHEREAS, currently, mini-warehouse uses are a special exception use in most of the City's other commercial zoning districts (Community Commercial "CC", Highway Commercial "HC", Ridgewood Development "RD", and Planned Community - Agriculture "PC-A"); and

WHEREAS, currently, the office/warehouse facility use is a permitted use with special development requirements in the Professional Office "PO", Office/Residential Transition "ORT", and Planned Community - Agriculture "PC-A" zoning districts; and

WHEREAS, the applicant has presented documentation from a traffic engineer supporting the proposed parking ratio revision; and

WHEREAS, the Planning Commission has recommended adoption of this Ordinance to amend the Land Development Code; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~striketthrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends Chapter 12, Section 4 of the Land Development Code, to revise the parking requirements for mini-warehouse uses as follows:

Chapter 12 – ROADS AND VEHICULAR USE AREAS

Section 4: - Parking.

- (a) [Remains Unchanged]
- (b) Required off-street parking spaces.
 - (1) – (5) [Remain Unchanged]
 - (6) Matrix.

Use	Minimum Off-Street Parking Requirement	Ratio of Full Size/ Compact Spaces	Required Bicycle Spaces
Mini-warehouses	<p>1 space/10 cubicles, plus continuous loading spaces clear of through traffic access</p> <p><u>1 space per 50 cubicles, plus:</u></p> <p><u>Facility with exterior access: continuous loading spaces clear of through traffic access to be provided in front of all exterior cubical doors</u></p> <p>-OR-</p> <p><u>Facility with interior corridor access: one (1) loading space is to be provided at all public entry doors and clear of through traffic access.</u></p>	75/25	0

SECTION 2: The City Council hereby amends Chapter 17, Section 22.5 of the Land Development Code, to read as follows:

Chapter 17 - ZONING DISTRICT REGULATIONS

Section 22.5: - Interchange Commercial Development (ICD) district.

(a) *Purpose and intent.* The interchange commercial development (ICD) district is intended to provide for a variety of land uses designed to meet the commercial needs of the local community, traveling motorist, and businesses within the adjoining commercial/industrial areas. The district is designed to meet the following objectives:

- (1) Provide for land uses generally situated at interstate interchanges;
- (2) Provide for land uses necessary for the development of sub-regional commercial nodes which serve both Port Orange and surrounding communities;
- (3) Provide for land uses necessary to accommodate the neighborhood and community commercial needs of the nearby residential neighborhoods;
- (4) Provide for the establishment of employment centers which offer professional, technical and skilled opportunities in addition to service-related positions;
- (5) Provide for flexibility to accommodate mixed-use development; and
- (6) Provide for innovative site and building design.

(b) *Permitted uses.*

- (1) Antennas.
- (2) Athletic/sports facilities.
- (3) Banks.
- (4) Business services.
- (5) Camouflaged and monopole communication towers.
- (6) Clubs, lodges, and fraternal organizations.
- (7) Convenience stores with or without fuel operations.
- (8) Financial services.
- (9) Fleet-based services.
- (10) Furniture and appliance stores.
- (11) Game/recreation facilities.
- (12) Health/exercise clubs.
- (13) Hotels/motels.
- (14) Medical offices/clinics.
- (15) Motor vehicle service stations.
- (16) Offices.
- (17) Office supplies.
- (18) Personal services.

- (19) Restaurants.
- (20) Retail home building materials.
- (21) Retail nurseries and garden supplies.
- (22) Retail sales and services.
- (23) Theaters.
- (24) Veterinary clinics.
- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*
 - (1) Child care centers (subsection 4).
 - (2) Community gardens (subsection 5.1).
 - (3) Office/warehouse facilities (subsection 12.2).
- (c) *Special exception uses (chapter 18, section 3).*
 - (1) Bars, lounges, and night clubs (subsection 3).
 - (2) Guyed and lattice communication towers.
 - (3) Mini-warehouses (subsection 10.5).
 - ~~(34)~~ Motor vehicle repair facilities (subsection 13).
 - ~~(45)~~ Truck stops (subsection 21).
- (d) *Project access and location.* Any ICD district development shall have direct frontage on the roadway which accesses the interstate highway system and be located no more than one-half mile from the intersection of the centerlines of the interstate and the crossing roadway.

SECTION 3: The City Council hereby amends Chapter 18, Section 3 of the Land Development Code, to read as follows:

CHAPTER 18 - CONDITIONAL USES, SPECIAL EXCEPTIONS AND PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS

Section 3: - Special requirements for special exception uses.

- (a) *In general.* For those special exception uses listed below, the following special requirements shall apply in addition to those described in section 2(d) above.
- (b) *Special requirements.*
 - (1) – (10) [Remain Unchanged]
 - (10.5) Mini-warehouses (ICD).
 - (a) Warehouse buildings shall be screened from any public rights-of-way by a six-foot high opaque fence or wall with a type 2 bufferyard planted along the street side of the fence or wall. Bufferyard requirements may be increased in accordance with chapter 13 of this code.
 - (b) The proposed site shall be a minimum of two acres.
 - (c) The proposed site shall front on an arterial roadway.
 - (d) Mini-warehouse buildings shall be designed as a multilevel building in accordance with Chapter 14 (Architecture) of the Land Development Code. Storage cubicles shall only be accessible through an interior corridor.
 - (11) – (25) [Remain Unchanged]

SECTION 4: The City Council hereby amends Chapter 18, Section 4 of the Land Development Code, to read as follows:

CHAPTER 18 - CONDITIONAL USES, SPECIAL EXCEPTIONS AND PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS

Section 4: - Special development requirements for permitted uses.

- (a) *In general.* The following uses shall be considered permitted uses within the corresponding zoning districts, provided that proposed development, redevelopment, renovation, or reuse of any site for the subject use complies with the special development requirements set forth in subsection (b) and, where applicable, the special locational criteria set forth in subsection (c).
- (b) *Special development requirements.*
 - (1) – (12) [Remain Unchanged].
 - (12.2) Office/warehouse facilities (ICD).
 - (a) No commercial vehicles larger than one-ton capacity shall be regularly parked on the site.
 - (b) The building must be designed so that its appearance from a street will be that of an office or a commercial multi-tenant building, and with any truck loading areas associated with the use not being visible from that street
 - (c) Buffering shall be provided based on a land use intensity factor of seven for access drives and other areas specifically designed to serve the warehouse facilities, and six for the remainder of the use.
 - (d) The proposed architectural treatment shall be compatible with surrounding development with regard to building height and bulk, elevation design, colors and exterior finish materials. In particular, special architectural treatment shall be given to the warehouse elevations in order to maintain the appearance of general office development.
 - (12.5) – (18) [Remain Unchanged]
- (c) *Special locational criteria.* Where the proposed site for a permitted use with special development requirements is required to be located on or front on an arterial or major collector roadway, said requirement is intended to ensure that traffic impacts associated with the use are directed toward the arterial or major collector roadway. This frontage requirement may be met by sites without direct frontage on an arterial or major collector roadway, provided that the proposed site is located in close proximity to the designated roadway and the traffic impacts associated with the proposed use will be directed through areas of higher intensity development to reach the designated roadway.

SECTION 5: CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: CODIFICATION.

The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Port Orange and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 7: SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 8: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.



MAYOR ALLEN GREEN

ATTEST:


Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the 10th day of November, 2015.

Passed and adopted on second and final reading on the 8th day of December, 2015.

Reviewed and Approved: 

Assistant City Attorney