

ORDINANCE NO. 2019-28

AN ORDINANCE OF THE CITY OF PORT ORANGE,  
VOLUSIA COUNTY, FLORIDA AMENDING THE LAND  
DEVELOPMENT CODE CHAPTERS 2, 17, AND 18  
RELATING TO DEFINITIONS AND INTERPRETATIONS,  
ZONING DISTRICT REGULATIONS, CONDITIONAL USES,  
SPECIAL EXCEPTIONS, AND PERMITTED USES WITH  
SPECIAL DEVELOPMENT REQUIREMENTS; PROVIDING  
FOR REPEAL OF CONFLICTING ORDINANCES;  
PROVIDING FOR SEVERABILITY; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, the Planning Commission has recommended amendments to the Land Development Code; and

WHEREAS, the proposed amendments are necessary to improve the content of the existing Land Development Code ("Code") as part of an ongoing maintenance effort to make the Code and the development review process more efficient and consistent in its application.

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) 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 2, Section 2 of the Land Development Code, to read as follows:

**Chapter 2 - DEFINITIONS AND INTERPRETATIONS**

**Section 2: - Definitions.**

~~Construction contractor's yard and storage. Land or building where construction materials are kept in association with such contracting businesses and may include, but not be limited to, air conditioning and heating, aluminum, building construction, hauling, machine construction, roofing, solar energy systems, utility system installation, and wallcovering.~~

Construction and Home Improvement Contractor. Land and building where an office and construction materials are kept in association with contracting businesses or trades of a type that are specialized to assist in building construction and remodeling for residential or commercial customers and may include, but not be limited to, air conditioning/heating, landscaping, fencing, plumbing, pavers, painting, and aluminum, building construction, roofing, solar energy systems, but not including uses defined as Infrastructure construction contractor's yard and storage.

Infrastructure construction contractor's yard. Land or building where construction materials are kept in association with heavy construction contractors engaged in activities that may include, but not be limited to paving, highway construction, utility construction, road construction, hauling, machine construction, and utility system installation.

SECTION 2: The City Council of the City of Port Orange hereby amends Chapter 17, Section 23 of the Land Development Code, to read as follows:

## **Chapter 17 – ZONING DISTRICT REGULATIONS**

### **Section 23: - Commercial Industrial (CI) district.**

[No changes to subsection (a)]

#### **(b) Permitted uses.**

- (1) Adult/vocational education.
- (2) Antennas.
- (3) Appliance/electronic repair shops.
- (4) Boat repair, engine.
- (5) Business services.
- (6) Commercial/industrial equipment and supplies.
- (7) Commercial/industrial services.
- (8) Commercial/industrial warehouses.
- ~~(9) Construction contractor's yard and storage.~~
- (9) Construction and home improvement contractor.
- (10) Fleet-based services.
- (11) Greenhouses and nurseries (wholesale and retail).
- (12) Infrastructure construction contractor's yard.

- (4213) Laboratory, research and development.
- (4314) Laundry and dry cleaning plants.
- (4415) Maintenance contractors.
- (4516) Manufacturing: craftsman shops.
- (4617) Manufacturing: fabrication.
- (4718) Manufacturing: limited.
- (4819) Mini-warehouses.
- (4920) Motor vehicle and boat storage facilities.
- (2021) Motor vehicle repair facilities.
- (2122) Motor vehicle service stations.
- (2223) Motor vehicle towing and impoundment.
- (2324) Offices.
- (2425) Taxidermy.
- (2526) Transportation services.
- (2627) Truck/trailer/automobile rental.
- (2728) Wholesalers and distributors.

(c) *Permitted uses with special development requirements* (chapter 18, section 4).

- (1) Brewery (subsection 3.7).
- (2) Kennels (subsection 8).
- (3) Health/exercise club (subsection 6).
- (4) Motor vehicle sales (subsection 9.75).

[No changes to subsection (d)]

SECTION 3: The City Council of the City of Port Orange hereby amends

Chapter 17, Section 24 of the Land Development Code, to read as follows:

**Chapter 17 – ZONING DISTRICT REGULATIONS**

**Section 24: - Light industrial (LI) district.**

[No changes to subsection (a)]

(b) Permitted uses.

- (1) Airport and related activities.
- (2) Antennas.
- (3) Boat repair, body.
- (4) Boat repair, engine.
- (5) Commercial/industrial warehouse.
- ~~(6) Construction contractor's yard and storage.~~
- (6) Construction and home improvement contractor.
- (7) Crematoriums.

- (8) Greenhouses and nurseries (wholesale only).
- (9) Infrastructure construction contractor's yard.
- (910) Laboratory, research and development.
- ~~(1011)~~ Laundry and dry cleaning plants.
- ~~(1112)~~ Manufacturing, craftsman shops.
- ~~(1213)~~ Manufacturing, limited.
- ~~(1314)~~ Manufacturing, fabrication.
- ~~(1415)~~ Manufacturing, processing.
- ~~(1516)~~ Motor vehicle repair facilities.
- ~~(1617)~~ Motor vehicle towing and impoundment.
- ~~(1718)~~ Offices.
- ~~(1819)~~ Trucking terminals.

[No changes to subsections (c) and (d)]

SECTION 4: The City Council of the City of Port Orange hereby amends Chapter 17, Section 25 of the Land Development Code, to read as follows:

**Chapter 17 – ZONING DISTRICT REGULATIONS**

**Section 25: - Ridgewood development (RD) district.**

[No changes to subsections (a) and (b)]

(b) *Permitted uses with special development requirements* (chapter 18, section 4).

- (1) Assisted living facilities (subsection 1).
- (2) Brewery (subsection 3.7).
- (3) Child care centers (subsection 4).
- (4) Community gardens (subsection 5.1).
- (5) Construction and home improvement contractor (subsection 5.12).
- ~~(56)~~ Craft food and beverage producer (subsection 5.15).
- ~~(67)~~ Microbrewery (subsection 9.57).
- ~~(78)~~ Nursing homes (subsection 10).

[No changes to subsections (c) through (h)]

SECTION 5: The City Council of the City of Port Orange hereby amends Chapter 18, Section 4 of the Land Development Code, to read as follows:

**Chapter 18 – CONDITIONAL USES, SPECIAL EXECPTIONS AND PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIERMENTS**

**Section 4: - Special development requirements for permitted uses.**

[No changes to subsection (a)]

(b) *Special development requirements.*

[No changes to subsections (1) through (5.1)]

(5.12) Construction and home improvement contractor (RD)

(a) The proposed site shall front on an arterial roadway.

(b) The proposed site shall be required to include an office building on the subject property for the construction and home improvement contractor.

(c) The storage yard and all equipment and materials shall be completely enclosed and fully screened from any public or private rights-of-way or residential property with an opaque wood or PVC fence or masonry wall and a twenty foot-wide (design type 2) bufferyard planted along the street side of the fence or wall, in addition to other landscaping required by this code.

(d) The yard (not including any associated office use) shall only be allowed to operate between 6:00 a.m. and 9:00 p.m. on any particular day.

[No changes to subsections (5.15) through (9.7)]

(9.75) Motor vehicle sales (CI).

(a) Motor vehicle display areas and storage of vehicles for sale must be in enclosed buildings.

**SECTION 6:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION 7:** 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 re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**SECTION 8:** 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 9: This Ordinance shall take effect immediately upon adoption.




MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on first reading on the *20* day of *August, 2019.*

Passed and adopted on second and final reading on the *5<sup>th</sup>* day of *September, 2019.*

Reviewed and Approved:   
Shannon K. Balmer, Assistant City Attorney