

## ORDINANCE 2013-14

### AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING CHAPTER 34 OF THE LAND DEVELOPMENT CODE ZONING REGARDING OFF STREET PARKING AND LOADING; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City provided legal notice in accordance with Chapter 166.041(3) (c) F.S. and the City of Bunnell Land Development Code; and

**WHEREAS**, the Land Development Code provides for regulations for off-street parking and loading; and

**WHEREAS**, said regulations are in need of revision; and

**WHEREAS**, Section 163.3174(4)(c), Florida Statutes, requires the local planning agency to review proposed land development regulations and amendments, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof; and

**WHEREAS**, the Planning, Zoning and Appeals Board reviewed this Ordinance at its March 19, 2013 meeting and recommends adoption.

**NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BUNNELL, FLAGLER COUNTY, FLORIDA THAT:**

#### **Section 1.**

Chapter 34, Article V, Division 2 of the City of Bunnell Land Development Code is hereby amended as follows:

#### **Sec. 34-201. - Off-street parking requirements.**

(a) Purpose. The purpose of this section of the land development code is to provide for the safe and convenient access for the public to utilize the various uses within the city by providing suitable off-street parking facilities, to ensure the safe movement of traffic on the public streets, to protect adjacent residential and institutional uses from adverse impacts of vehicular traffic, to minimize parking congestion generated by various uses, and to establish minimum standards for the development of parking areas.

(b) ~~(a)~~ Off-street parking requirements; general.

- (1) In all districts, there shall be provided at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces for automobiles, and where appropriate bicycles and motorcycles ~~in accordance with the following requirements:~~
- (2) Off-street parking for other than residential use shall be either on the same lot or within ~~200~~ 300 feet of the building it is intended to serve measured from the nearest point of the off-street parking lot, without crossing any major thoroughfare; ~~provided, however,~~
- (3) ~~e~~Churches may establish joint parking facilities not to exceed 50 percent of the required spaces with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located not to exceed 400 feet from the church sanctuary. This shall be approved as a special exception by the process outlined in the land development code.
- (24) Residential off-street parking spaces shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot they are intended to serve.
- (5) In the case of a use not mentioned, the requirements for off-street parking shall be the same as for the most similar use specifically mentioned.
- ~~(3) For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the city commission.~~
- ~~(4) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.~~
- ~~(5) Off-street parking existing on January 31, 1992, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.~~
- ~~(6) Two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.~~
- ~~(76) The required off-street parking shall be for occupants, employees, visitors, patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited in any required spaces.~~
- ~~(87) Every company car, truck, tractor and trailer normally stored at the plant on-site shall be provided with an off-street parking space in an area reserved for the use of all company vehicles and shall be in addition to the number of required number of parking spaces as determined by the city commission.~~
- (98) In cases of dual functioning of off-street parking where operating hours do not overlap, the city commission may grant an exception.

~~(109)~~ The minimum number of off-street parking spaces shall be determined in accordance with the following table of parking spaces required.

(10) Drive-aisles and maneuverability areas behind the required parking spaces shall be provided to ensure safe access and exit.

(c) Off-street parking requirements; special provisions.

(1) Nonconforming uses. No use of land, lawfully existing as of May 23, 2013, shall be deemed to be nonconforming solely because of the lack of off-street parking facilities prescribed in this chapter.

(2) Expansion of uses. For additions or enlargements of any existing building or use, or any change of occupancy or manner of operation of such building or use that would increase the number of parking spaces required, the additional parking shall be required only for such addition, enlargement or change and not for the entire building or use.

(3) Multiple uses (two or more uses on the same site). Parking for multiple uses shall be based on the type of uses comprising the multiple use. Where the uses comprising the multiple use are intended to operate or need the use of parking during the same time period, parking shall be based on the requirements for each proposed use. Where the uses comprising the multiple use do not have overlapping hours of operation or need the use of parking during the same time period, parking shall be based on the use requiring the greatest number of parking spaces, plus 25% of the total number of parking spaces required for all the uses.

(4) Multiple or Joint use agreement. A copy of an agreement between multiple or joint uses shall be filed with the application for a building or business permit, whichever is applicable. The agreement shall include a guarantee for continued use and maintenance of the parking facility by each party to the multiple or joint use.

a. The multiple or joint use parking area must comply with the provisions of this parking chapter and the landscaping section of the land development code.

b. The term of the multiple or joint use agreement for the parking area shall be for the life of the participants with a minimum one-year cancellation clause; and,

c. The multiple or joint use agreement shall expressly provide that the use of the principal structure is expressly contingent upon the parking facilities of the agreement area, and if the agreement is terminated for any reason the owner or operator of the principal structure shall immediately cease operations and terminate the use of the principal structure unless and until additional required off-street parking facilities are provided in accordance with provisions of this article. The community development department shall be notified.

(5) Leased parking facilities. Required off-street vehicle parking areas may be leased (the “leased area”) with boundaries clearly delineated in the lease by the owner or operator of the principal structure to be served, provided the owner or operator enters into a written lease agreement, which shall be subject to the approval of the city attorney, and approved as a special exception under the following terms and conditions:

a. The leased area is within 400 feet of the main entrance of the principal structure measured to the nearest point of the leased area;

b. The leased area shall be clearly marked with appropriate signage indicating that the area is for the exclusive use of the principal structure, except in the original downtown district (as defined by the attached map), wherein the leased area may be jointly used with another principal structure provided the uses in such principal structures do not normally or regularly operate during the same hours of the day or night.

c. The leased area must comply with the provisions of this parking chapter and the landscaping section of the land development code.

d. The term of the lease for the leased area shall be a minimum of three (3) years with a minimum one-year cancellation clause; and,

e. The lease shall expressly provide that the use of the principal structure is expressly contingent upon the parking facilities of the leased area, and if the lease is terminated for any reason the owner or operator of the principal structure shall immediately cease operations and terminate the use of the principal structure unless and until additional required off-street parking facilities are provided in accordance with provisions of this article. The community development department shall be notified.

(b) (d) Table of parking spaces required.

Type of Business	Parking Requirement	Space
<u>Commercial nurseries</u>	<u>4 spaces, plus 1 space for each 150 square feet of inside sales area over 1,000 square feet, and 1 space per 2,000 square feet of outside sales area open to the public.</u>	
Automobile wrecking, junk, or salvage yard which offers for sale to the public any new or used merchandise	<del>1 space for each 2 employees, plus 1 space for each 10,000 square feet of lot area, or 21 spaces for each 4,000</del> <u>500 square feet of office floor area, whichever is greater.</u>	
Banks, business or professional offices	<u>1 space per 300 square feet of usable total floor area, plus 1 per each 3 employees.</u>	
Barber shop or beauty parlor	<del>2 per barber or 3 beauticians based on the design capacity of the structure</del> <u>barber chair or beautician station.</u>	
Boarding or rooming house	<del>1 space for each 3 boarders not rooming on the premises. 1 for each 2 guests provided overnight accommodations</del> <u>Minimum of 2 spaces, plus one space per 2 guestrooms.</u>	
Bowling alleys	<del>5</del> <u>3 per alley.</u>	
Churches	<u>1 per 4 seats; or 1 per 30 square feet of usable floor area of auditorium assembly room, whichever is greater, plus as per any customary ancillary uses operated by the church.</u>	
Commercial recreation uses	<u>1 per 3 patrons, based on the design capacity of the facility.</u>	
Country club	<u>1 per 5 members, plus as per any customary ancillary uses, such as restaurant, bar/lounge, or retail area.</u>	
Dwellings (single- and two-family)	<u>2 per dwelling unit. The spaces for these units may be tandem parking spaces.</u>	
Dwellings (multiple-family)	<u>1½ spaces per dwelling unit for the first 20 units, plus 1 space for each dwelling unit exceeding 20 units.</u>	
Establishments for sale and consumption, on the premises, of beverages, food, or refreshment	<del>1 per 3 spaces employees, plus 1 per 200</del> <u>300 square feet of usable floor space, or 1 per 3 4 fixed seats, whichever is the greater.</u>	
<u>Gasoline service stations and vehicle repair shops or mechanical garages.</u>	<del>1 parking space for each employee, plus 2</del> <u>1 per 300 square feet of usable floor area, plus 2 stacking spaces for each gas pump, and 3 stacking spaces for each service bay including 1 for the work or lift area.</u>	
<u>Golf courses</u>	<u>3 spaces per hole, plus spaces for any ancillary uses, such as clubhouse, bar or restaurant.</u>	
Governmental office building	<u>1 per 300 square feet of usable floor area, plus 1 per each 3 employees. Every governmental vehicle shall be</u>	

	provided with a reserved off-street parking space.
Homes for the aged, sanitariums, convalescent or nursing homes	<del>1 per 3 employees, plus 1 per 200</del> <u>300</u> square feet of usable floor space, and as per any secondary uses included in the facility, <del>or plus 1 per 3 fixed seats</del> <u>resident beds, whichever is the greater.</u>
Hospitals	<del>1 per 3 patient beds, exclusive of bassinets, plus 1 space for each staff doctor, plus 1 space for each 2 employees including nurses on the maximum working shift</del> <u>1.5 spaces per bed, plus adequate area stacking spaces for parking emergency vehicles.</u>
Hotels	<del>1 per 2 each rooms or suites, plus 2 per 3 employees</del> <u>75% of required spaces for any restaurants, retail outlets, and other ancillary uses.</u>
Hotels (apartments)	<u>1 parking space for each 2 individual rooms or apartments is required.</u>
Industrial establishments, manufacturing establishments, mechanical garages	<del>2 per 3 employees on the combined 2 largest successive shifts, plus adequate parking space for customer and visitor vehicles as determined by the city commission</del> <u>1 space per 500 square feet of floor area, plus 1 space per 300 square feet for retail trade area.</u>
Laundromat and other self service activities	<u>1 space for each 3 washing or drying machines for Laundromat or 1 space per 300 square feet for general self service type use.</u>
Library	<u>1 space for each 400 square feet of floor area.</u>
Manufacturing and industrial concerns with no retail trade	<u>1 space per 500 square feet of floor area.</u>
Medical and dental offices and clinics, veterinary hospitals and clinics	<del>3 patient's parking spaces per staff doctor, plus 2 per 3 employees, plus 1 per staff doctor</del> <u>1 space per 300 square feet of office and waiting area, plus 1 per exam room.</u>
Mortuaries or funeral parlors	<u>5 spaces per parlor or chapel unit, or 1 per 4 seats based on occupancy provisions established by the fire marshal, whichever is greater.</u>
Motels and tourist courts	<u>1 per guest bedroom.</u>
Private clubs, lodge, or union headquarters	<u>1 per 3 members based on the design capacity of the facility.</u>
Retail stores and personal service establishments except as otherwise specified herein	<u>1 per 200</u> <del>300</del> square feet of retail floor space.
Schools shall be provided with parking spaces under the following schedule: elementary, junior high and the equivalent private or	<del>2 spaces per 3 teachers and employees normally engaged in or about the building or grounds, plus 1 space for each 150 square feet of seating area, including aisles in any auditorium.</del> <u>30 spaces, plus 2 per classroom</u>

parochial schools	
Senior high schools and the equivalent private or parochial schools	2 spaces per 3 teachers and employees normally engaged in or about the building or grounds, plus 1 space per 5 students, or 1 space for each 150 feet of seating area, including aisles, in any auditorium, gymnasium or a cafeteria intended to be used as an auditorium, whichever is greater.
Trade, vocational and business, not otherwise classified as professional schools	1 space per employee, plus 1 space per 3 students of design capacity.
Kindergartens, day schools, and the equivalent private or parochial schools	2 parking spaces per 3 employees normally engaged in or about the building or grounds, plus 1 off-street loading space per 8 pupils.
Stadiums and sports arenas	1 space per 30 seats or 12 feet of benches.
Swimming pools	1 space per 30 square feet of water area.
Theaters, auditoriums, and places of assembly without fixed seats	1 space per 3 people based on the seating design capacity of the structure.
Tradesman offices, contractor offices, subcontractor offices, and other similar uses	Minimum of 2 parking spaces in addition to adequate parking for each company vehicle.
Transportation (railroad, bus or air terminals)	1 space per each 5 seats of seating capacity in a waiting terminal
Wholesale establishments and business services, cold storage and frozen food lockers, laundromat and other self-service activities	1 for every <del>50</del> 500 square feet of customer service area, plus 1 space per 1,000 square feet of general floor area <del>2</del> per 3 employees based on the design capacity of the largest shift.
Warehouse concerns with no retail trade; warehouses under 10,000 sf	1 space per 1,000 square feet of floor area.
Warehouses over 10,000 sf	2 spaces plus, 1 space per 1,000 square feet of floor area.

(c) Flexibility of off-street parking requirements in the original downtown district (as defined by the attached map).

The City recognizes that due to the unique layout and design of the original downtown district that the parking requirements of this section may not be able to be met. When the layout, design, deed restriction or unique condition of an existing lot or building in the original downtown district creates a hardship which affects the ability to meet the required number of parking spaces, the following may be allowed:

- (1) The number of required spaces may be reduced by the Community Development Director or designee.

a. A reduction of 50% for required parking spaces may be applied to changes of use or re-model projects to existing buildings within the original downtown district only; provided that the site plan includes proposed bicycle and/or motorcycle parking for the equivalent of the reduced number of parking spaces. This reduction will not apply to new construction in the original downtown district.

b. New construction in the original downtown district may have the number of required parking spaces reduced by 25% if the lot is considered a nonconforming lot; provided that the site plan include proposed bicycle and/or motorcycle parking for the equivalent of the reduced number of parking spaces.

(2) The Community Development Director or designee may permit a proposal of the following off-site parking situations to count toward the number of required spaces based on a proposed site plan in the original downtown district:

a. Leased parking spaces available within 400 feet of the property or building; and/or

b. Joint use parking as stated in a written agreement regarding the availability of shared parking with neighboring locations within 300 feet.

(3) Due to the unique layout or design of existing lots in the original downtown district, the Community Development Director or designee may permit up to 50% of the required parking to be of an alternative surface material such as shell, turf block or other stabilized surface if more than 50% is proposed the application shall be reviewed according to the site plan review requirements in the land development code. If an alternative surfacing material is used, such parking spaces shall be located further from the primary pedestrian entrance to the structure than those parking spaces paved with impervious materials, and designed to retain the alternative material on-site. Any provided handicap parking spaces must be a hard surface as per ADA requirements.

(4) Existing nonconforming sites within the original downtown district may continue to back out into the right-of-way without any drive-aisle or maneuverability area; provided no changes are made that increase the nonconforming situation.

(d) Off-street parking requirements in the remaining areas of the developed or developing city within a 1/2 mile radius of the original downtown district as defined.

The City recognizes that due to the unique layout and design of the existing commercial area of the city that the parking requirements of this section may not be able to be met based on the existing development or nonconforming lots. When the layout, design, deed restriction or unique condition of an existing lot or building in the existing commercial area of the city creates a hardship which affects the ability to meet the required number of parking spaces, the following may be allowed:



(1) The number of required spaces may be reduced by the variance process outlined in the land development code.

a. A reduction of 50% for required parking spaces may be applied to changes of use or re-model projects to existing buildings within the existing commercial area of the city; provided that the site plan includes proposed bicycle and/or motorcycle parking for the equivalent of the reduced number of parking spaces, and provided that the proposed site plan include meeting the current requirements of the landscaping code of the City of Bunnell. This reduction will not apply to new construction in the existing commercial area.

b. New construction in the existing commercial area of the city may have the number of required parking spaces reduced by 25% if the lot is considered a nonconforming lot; provided that the site plan include proposed bicycle and/or motorcycle parking for the equivalent of the reduced number of parking spaces, and provided that the proposed site plan include meeting the current requirements of the landscaping code of the City of Bunnell.

(e) Off-street parking requirements in the agricultural and rural areas west of US1.

The City recognizes that there may be unique circumstances related to development in the agricultural area on the “Westside” of the city. The Community Development Department, Planning, Zoning and Appeals Board and the City Commission shall work together through the site plan review process with an applicant to establish the required number of parking spaces based on evidence brought forward by the applicant related to actual use, number of employees, trips in and out of the proposed project, delivery schedules, and other evidence relevant to the proposed site plan.

(f) Off-street parking requirements for cluster developments.

The City recognizes that there may be unique circumstances related to cluster developments, including rural preservation developments within the city limits. The Community Development Department, Planning, Zoning and Appeals Board and the City Commission shall work together through the appropriate planned unit development (PUD) process, and the site plan review process with an applicant to establish the required number of parking spaces based on evidence brought forward by the applicant related to actual uses, number and types of residences and businesses proposed, trips generated by the proposed project or captured internally, and other evidence relevant to the proposed development plan as articulated by the applicant.

**Sec. 34-202. - Off-street parking lot layout, construction and maintenance.**

Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed and maintained in accordance

with the following regulations:

(1) Except for parcels of land devoted to one- and two-family uses, all areas devoted to off-street parking shall be so designated and be of such size that no vehicle is required to back into a public street to obtain egress, unless considered an existing nonconforming situation in the original downtown district.

(2) Each parking space shall be not less than ~~nine~~ 10 by 18 feet in area and shall be a ~~definitely~~ designated, and marked as stalls adequate for one motor vehicle. Additionally, 25% of the required parking may be designated compact spaces, which can be as small as 8 by 15 feet in area.

(3) In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, a fraction less than one-half may be dropped and any fraction of one-half or more shall be counted as one parking space.

(4) Bicycle parking facilities shall be designed, constructed and maintained to include provisions for the secure storage and locking of bicycles on a hard surface at least seven (7) feet in length. Fixed objects which are intended to serve as bicycle parking facilities shall be clearly labeled as available for bicycle parking.

(5) Motorcycle spaces shall be a minimum of three (3) feet in width. Concrete or suitable asphaltic or other material that will not be damaged by the motorcycle kickstands is required for the motorcycle parking spaces. Motorcycle parking shall be labeled as such.

(46) Clearly designed two-way driveways used for ingress and egress shall be confined to and shall not exceed 25 feet in width, exclusive of curb returns unless designed using one-way driveways specifically for ingress and egress, which are at least 13 feet wide exclusive of curb returns. Driveways and maneuverability aisles behind or between parking space rows shall be 24 feet wide for two-way traffic and 15 feet wide for one-way traffic.

(57) All areas devoted to permanent off-street parking as required under this section shall be of a sealed surface construction and maintained in such a manner that no dust will result, unless the proposed parking area meets the criteria for alternative surfaces listed in this section.

(8) All handicap parking shall be of a sealed surface construction, and meet ADA requirements.

(9) Reduction of impervious pavement surface material is encouraged by the city. It is intended that this provision only apply to uses which customarily utilize their total parking requirements on an occasional basis and/or experience has shown that 20 percent or more of the spaces requested for alternative surfaces are occupied less than 50 percent of the time during normal use periods. In all cases where alternative

surfacing materials are used, such parking spaces shall be located further from the primary pedestrian entrance to the structure than those parking spaces paved with impervious materials. Alternative parking materials shall include, but not be limited to grass, shell, turf block, or other stabilized surface materials. Alternative surface parking may be allowed for the following uses provided that the surface is maintained in such a manner that no dust will result:

a. Commercial uses. For commercial uses, such as furniture stores and recreation uses with peak seasonal or weekly usage, up to 30 percent of the required parking may be designed to alternative surface parking standards.

b. Outdoor recreation uses. All parking spaces except handicap spaces may be grass, shell or other stabilized pervious surface.

c. Historic preservation mixed-use or bed and breakfast inn. A minimum of two parking spaces shall have a paved surface. The remaining required parking spaces may be ~~turf block, shell, or other stabilized pervious surface~~ of an approved alternative surfacing material.

d. Auto sales lots. Outdoor vehicle display areas may be on grass, shell, turf block or other stabilized surface. Customer and employee parking shall be on paved surface.

e. Industrial uses. For industrial uses, up to 25% of the required parking may be grass, shell or other stabilized pervious surface.

f. Where the number of off-street parking spaces provided exceeds the minimum number required, any additional spaces may be surfaced with alternative surfacing materials.

g. Company vehicle parking. Spaces allotted for parking company cars, trucks, tractors, trailers, and other vehicles normally stored on-site may be of an approved alternative surfacing material.

h. Storage facilities may have up to 25% of the required parking be grass, shell or other stabilized pervious surface

~~e~~ i. Additional uses that do not fall under the above listed categories must be approved by the planning, zoning, and appeals board as determined by evidence and testimony provided to the planning, zoning and appeals board per site plan review procedures. It is intended that this provision only apply to uses which customarily utilize their total parking requirements on an occasional basis.

(~~6~~ 10) The parking lot shall be drained to eliminate surface water in accordance with applicable stormwater retention and detention requirements.

(~~7~~ 11) Where the parking lot abuts a side lot line of a residential district, there shall be established a set back line ~~ten~~ (10) 15 feet from such side lot lines.

(8 12) Where the parking lot abuts rear property lines of a residential district, there shall be established a set back line five (5) feet from the rear lot line.

(9 13) Where parking is to be provided in the front yard of a multiple-family dwelling, there shall be established a setback line ten (10) feet from the street lot line. The land between the setback line and the lot line in a parking lot is for the purpose of this chapter called a buffer strip. The ground ~~in the front~~ within the buffer strip shall be prepared and shall be planted with trees, shrubs and grass per the landscape code.

### **Sec. 34-203. - Storage and parking of trailers and commercial vehicles.**

Commercial vehicles and mobile home trailers of all types, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

(1) Not more than one commercial vehicle per family living on the premises shall be permitted for more than 40 hours; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted. Overnight parking of commercial vehicles with three or more axles or a two-ton rating or more shall be prohibited.

(2) Recreational vehicles may be stored in a residential district as long as they are not connected to utilities or used for dwelling purposes and maintain a current Department of Motor Vehicles registration tag.

(3) Recreational vehicles may be used as emergency residential units on private property or in mobile home parks or designated shelter areas within the city based on a declared emergency and recovery order issued by the appropriate governmental agency; such as, the City of Bunnell, Flagler County, the State of Florida and the federal government in the event of a catastrophic event. This is for temporary emergency purposes only, during recovery and reconstruction phases per an emergency order for a declared emergency, upon expiration of such order the residential use of the recreational vehicle shall end.

### **Sec. 34-204. - Off-street loading and unloading requirements.**

In all districts, and on the same premises, with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, a wholesale store, a market, a hotel, a hospital, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys. Off-street loading and unloading space shall be provided as follows:

(1) One off-street loading and unloading space shall be provided for buildings up to and including 20,000 square feet of floor area, plus one additional off-street loading and unloading space for each additional 20,000 square feet of floor area up to and including 100,000 square feet.

(2) Where tractor trailer trucks are involved such loading and unloading space shall be a minimum of an area 12 feet by 45 feet with a 14-foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area. Regular loading and unloading spaces shall be a minimum of 12 feet by 25 feet with a 14-foot height clearance with appropriate means of truck access to a street or alley as well as adequate maneuvering area.

(3) All areas devoted to permanent off-street loading and unloading as required under this section shall be of a sealed-surface construction and maintained in such a manner that no dust will result from continuous use. Reduction of impervious pavement surface material is encouraged by the city. Any permeable loading surface including substructure must be approved by the ~~planning, zoning, and appeals board as determined by evidence and testimony provided to the planning, zoning and appeals board~~ site plan review procedures in the land development code.

**Exhibit “A”**

**LEGAL DESCRIPTION**  
**DOWNTOWN DISTRICT**

**N.E. 1-4 and E. 1-2 of W. 1-4 Section 15.**  
**S.E. 1-4 and E. 1-2 of S.W. 1-4 Section 10.**  
**W. 1-2 of S.W. 1-4 Section 11.**  
**W. 1-2 of N.W. 1-4 Section 14.**  
**T. 12 S Range 30 East.**

**Contains 640 acres as recorded in**  
**Plat Book 1, Page 2.**

**EXHIBIT "B"**

**LOCATION MAP  
DOWNTOWN DISTRICT**



**Section 2. Conflicting Provisions**

All conflicting Ordinances and Resolutions, or parts thereof in conflict with this Ordinance, are hereby superseded by this Ordinance to the extent of such conflicts.

**Section 3. Severability and Applicability**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**Section 4. Effective Date**

That this Ordinance shall become effective upon its final adoption.

Approved on First Reading May 13, 2013.

Adopted on Second Reading May 23, 2013.

**CITY COMMISSION, City of Bunnell, Florida.**

By: \_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved for form and content by:

\_\_\_\_\_  
Sidney M. Nowell, Esq., City Attorney

Attest:

\_\_\_\_\_  
Sandra Bolser, Acting City Clerk

Seal: