

ORDINANCE 2019-15

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE ARTICLE 7 LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is committed to a fair and uniform application of its codes and ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA THAT:

NOTE: Language contained within this ordinance that is ~~struck through~~ is proposed to be deleted, language which is underlined is proposed to be added, and **** denotes a section or sections of the existing Code that have been omitted and are to remain unchanged.

SECTION I - AMENDING

7.13.04 *Industrial Activities*: These uses are not permitted within the City:

C. Junk Yards and Salvage Parts Yards

~~D. Waste tire facility defined by Florida Administrative Code 62-711~~

7.15.03 (B) *Permitted Uses*: The C-1 limited commercial district provides for the following uses within any C-1 limited commercial district wherein any building, structure, land or water shall not be used except for one (1) or more of the following:

1. Condominiums, apartments, hotels, guest cottages and motels;
2. Apothecary shops;
3. Art, antique and gift shops;
4. Beauty salons and barbershops;
5. Book and stationery stores; newsstands;
6. Churches, schools, child care facilities and other community facilities, as defined above. This does not constitute authority for automatic reclassification of zoning for such facilities that are located within a residential area;
7. Finance, investment and insurance offices, including banks and small loan establishments and real estate offices;
8. Florists;
9. Furniture stores;
10. Clinics, medical and dental;
11. Interior decorating and home furnishings;
12. Music conservatory, dancing schools, art studios;
13. Photographic supplies and studios;
14. Private clubs and lodges;
15. Professional and business offices, such as that of a physician, dentist, lawyer, music or art

teacher, engineer, architect and such others as are consistent with these professions, but not including fortunetellers or psychics;

16. Restaurants and lounges, but no drive-in restaurants;
17. Parks, playgrounds and recreational facilities under the supervision of the City. This does not constitute authority for automatic reclassification of zoning for these facilities that are located within a residential area;
18. Boardinghouses, lodging and guest houses; tourist homes; transient homes
19. General Retail sales and services stores wherein the goods, wares and merchandise are housed within the building;
20. ~~Medical marijuana treatment centers.~~ Restricted sales and service
21. Wholesale trade and services
22. Medical services, hospitals, extensive care, immediate care, veterinary medical services
23. Trade service and repair and limited vehicle service and maintenance conducted within an enclosed building.
24. Funeral homes
25. Marinas
26. Parking garages

7.15.03 (I) Setbacks

2. Front Yard: On every lot or parcel, there shall be a front yard (setback) of not less than fifty (50) feet. No building, structure, accessory structure, fence, wall, seating or other use is permitted within the front setback or forward of the building unless otherwise authorized by this code. Parking is permitted in the setback but not including parking garages.

6. Storage:

a. All storage of parts; supplies; raw materials; ~~used or new tires~~; items for disposal, equipment, vehicles, vessels and trailers being serviced or repaired; or products, other than used or new vehicles, vessels or trailers for sale or lease, shall not be located within the front setback.

b. (1) For all other areas of the property, all storage of parts; supplies; raw materials; items for disposal, equipment, vehicles, vessels and trailers being serviced or repaired; or products shall be screened with a masonry wall or fence of solid-faced construction and sufficient in height to screen from view by a person off premises and shall not be less than six (6) feet in height or more than eight (8) feet in height; or

(2) Stored in a permitted fully enclosed building or structure.

c. In the C-2 general commercial zone, merchandise may be displayed daily for sale outdoors or incidental temporary use of the property may be authorized, up to 10 feet from the storefront or side of the business. This does not authorize outdoor storage of merchandise in the C-1 limited commercial zone.

7.15.04

B. Uses permitted, in addition to those listed under C-1, above, include:

4. Vehicular sales and service
5. Commercial amusement
6. Other similar uses, but not including heavy manufacturing or those uses listed in Section 7.13.04, above.

SECTION II - SEVERABILITY

Should any part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, the remaining parts shall remain in full force and effect.

SECTION III - CONFLICT

This Ordinance shall prevail over all prior Ordinances or Resolutions or parts thereof in conflict herewith.

SECTION IV - EFFECTIVE DATE

This ordinance shall become effective upon adoption according to law on March 1, 2020.

SO DONE THIS 4th day of November, 2019.

By:


Margaret McLemore, Mayor

ATTEST:


Dana L.S. Williams, CMC
City Clerk

1st Reading: 11/04/2019
Published: 11/22/2019
2nd Reading: 12/02/2019

