PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY MEETING
March 4, 2020 – 5:05 P.M.
AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PRESENTATIONS: None

5. APPROVAL OF MINUTES: August 7, 2019

6. PUBLIC HEARING:
   a. RESOLUTION NO. 2020-05: A RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2020-01 AMENDING THE LAND DEVELOPMENT CODE, ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS AND MAP, TABLE 3-C TABLE OF USES, NON-RESIDENTIAL DISTRICTS TO ALLOW MOBILE FOOD VENDING UNITS AS A CONDITIONAL USE IN THE OTD AND C-1 ZONING DISTRICTS.


7. OLD BUSINESS: None

8. DIRECTOR’S MATTERS: None

9. NEW BUSINESS: None

10. DISCUSSION ITEMS: None

11. PUBLIC COMMENTS:

12. NEXT MEETING: April 1, 2020

13. ADJOURNMENT:

Pursuant to Section 286.105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk at least 24 hours prior to the meeting at 772.646.6301 or the TDD line at 772.783.6109.
PLANNING COMMISSION/LOCAL PLANNING AGENCY
CITY COUNCIL CHAMBERS

MEETING DATES         PZ: March 4, 2020          COUNCIL: March 5, 2020

REQUEST: Resolution No. 2020-05 and 2019-29 to recommend City Council adopt Ordinance 2020-02 and Ordinance 2019-25 to allow permanent mobile food vendors in Old Town and C-1 Commercial zoning districts subject to specific design standards.

REASON FOR REQUEST: To allow permanent mobile food vendors in Old Town and C-1 Commercial zoning districts.

DESCRIPTION: The purpose of this item is to amend the LDC to allow permanent mobile food vendors by Conditional Use permit where the LDC does not currently allow such uses.

CONCURRENcy ISSUES: Not applicable.

CONSISTENCY WITH COMPREHENSIVE PLAN: All of the proposed changes are consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: NA

STAFF RECOMMENDATION: Discuss changes and approve Resolutions.

RECOMMENDED PZ/LPA MOTION/ACTION: Approve Resolutions.
RESOLUTION NO. 2020-05

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2020-01 AMENDING THE LAND DEVELOPMENT CODE, ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS AND MAP, TABLE 3-C TABLE OF USES, NON-RESIDENTIAL DISTRICTS TO ALLOW MOBILE FOOD VENDING UNITS AS A CONDITIONAL USE IN THE OTD AND C-1 ZONING DISTRICTS.

WHEREAS, the Planning and Zoning Commission/Local Planning Agency held an advertised public hearing on ______________, 2020 to consider the adoption of an amendment to the City of Fellsmere Land Development Code, Article III Establishment of Zoning Districts and Map, Table 3-C Table of Uses, Non-Residential Districts to allow mobile food vending units as a Conditional Use in the OTD and C-1 Zoning Districts; and

WHEREAS, the Planning and Zoning Commission/Local Planning Agency has determined that the proposed amendment to the Zoning Table of Uses as set forth in Ordinance No.2020-02 is consistent with the Comprehensive Plan and applicable provisions of the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, as follows:

SECTION 1. The Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, Florida, in accordance with Section 163.3174 Florida Statutes 2019, as amended, and Section 17.17 C and E Land Development Code, as amended, held a Public Hearing and heard comments from the public on ______________, 2020 regarding the proposed amendment to Article III Establishment of Zoning Districts and Map, Table 3-C Table of Uses, Non-Residential Districts.

SECTION 2. The requested amendment to the City’s Official Zoning Map for PDD-Planned Development District zoning is consistent with the Comprehensive Plan and applicable provisions of the Land Development Code of the City of Fellsmere. The following findings of fact are made:

1. The amendment is not in conflict with any applicable portions of the Land Development Code;

2. The amendment is consistent with all elements of the City of Fellsmere Comprehensive Plan;

3. The amendment is consistent with existing and proposed land uses within the area;

4. The surrounding land uses in the area of the amendment support the amendment;

5. The amendment would not result in excessive demands on public facilities, and the amendment would not exceed the capacity of such public facilities, including
but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit and emergency medical facilities;

6. The amendment would not result in significant adverse impacts on the natural environment;

7. The amendment would result in an orderly and logical development pattern;

8. The amendment would not be in conflict with the public interest and is in harmony with the purpose and interest of the Land Development Code.

SECTION 3. The Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, Florida, recommends to the City Council that they adopt Ordinance No. 2020-02 amending the Article III Establishment of Zoning Districts and Map, Table 3-C Table of Uses, Non-Residential Districts to allow mobile food vending units as a Conditional Use in the OTD and C-1 Zoning Districts.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was moved for adoption by Commission Member _________________________________. The motion was seconded by Commission Member ________________________________ and, upon being put to a vote, the vote was as follows:

Chair, Revis “Buddy” Akers
Commission Member Michael Barone
Commission Member Jose Cardozo
Commission Member Michael T. Rhueman
Commission Member Dale Beaman
Alternate Commission Member Claudia Luna
Alternate Commission Member ________________

The Chairman thereupon declared this Resolution fully passed and adopted this _____ day of ________________________, 2020.

PLANNING & ZONING COMMISSION
CITY OF FELLSMERE, FLORIDA

__________________________
Revis "Buddy" Akers, Chairman

ATTEST:

Lisa Corte, Commission/Agency Secretary
AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS AND MAP, TABLE 3-C TABLE OF USES, NON RESIDENTIAL DISTRICTS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, the City of Fellsmere, Florida is a duly constituted municipality having such powers and authority conferred upon it by the Florida Constitution and Chapter 166 Florida Statutes; and

WHEREAS, the Planning and Zoning Commission/Local Planning Agency held a duly noticed public hearing on __________, 2020, made a finding that the changes to the Land Development Code as set forth in Exhibit “A” attached hereto and by this reference made a part hereof, were consistent with the Comprehensive Plan and applicable provisions of the Land Development Code and recommended that the City Council approve the changes; and

WHEREAS, the City Council held duly advertised public hearings, made a finding that the changes to the Land Development Code as set forth in Exhibit “A” were consistent with the Comprehensive Plan and applicable provisions of the Land Development Code; and

WHEREAS, the City Council has determined that the changes made to the Land Development Code as set forth in Exhibit “A” are in the best interest of the public health, safety, environmental and general welfare of the residents of the City and that it is appropriate to adopt these amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted and incorporated herein as legislation findings of the City Council.

SECTION 2. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. The amendments to Article III Establishment of Zoning Districts and Map of the Land Development Code as set forth in Exhibit “A” are consistent with the Comprehensive Plan and applicable provisions of the Land Development Code of the City of Fellsmere. The following findings of facts are made:

1. The amendments are not in conflict with any applicable portions of the Land Development Code;
2. The amendments are consistent with all elements of the City of Fellsmere Comprehensive Plan;

3. The amendments are consistent with existing and proposed land uses within the City;

4. The changing conditions within the City will support the amendments;

5. The amendments will not result in excessive demands on public facilities, and the amendments will not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit and emergency medical facilities;

6. The amendments will not result in significant adverse impacts on the natural environment;

7. The amendments will result in an orderly and logical development pattern for the City;

8. The amendments will not be in conflict with the public interest and are in harmony with the purpose and interest of the Land Development Code.

SECTION 3. AMENDMENT. That Article III Establishment of Zoning Districts and Map of the City of Fellsmere Land Development Code is hereby amended to read as set forth in Exhibit “A” attached hereto and by this reference made a part hereof, and all of such revised, amended and new provisions are hereby adopted.

SECTION 4. AUTHORIZATION TO INCLUDE IN THE CODE. The revised, amended and new provisions of Article III Establishment of Zoning Districts and Map as set forth in Exhibit “A” shall be included and incorporated in the City of Fellsmere Land Development Code and to the extent necessary shall be numbered and titled in accordance with the numbering and titling system of the Land Development Code.

SECTION 5. SEVERABILITY. If any section, part of a sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.

SECTION 6. CONFLICT. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of conflict.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.
The foregoing Ordinance was moved for adoption by Council Member _______________________. The motion was seconded by Council Member _______________________ and, upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson
Council Member Fernando Herrera
Council Member Inocencia Hernandez
Council Member Gerald Renick
Council Member Jessica Salgado

The Mayor thereupon declared this Ordinance fully passed and adopted this _______ day of ______________________, 2020.

CITY OF FELLSMERE, FLORIDA

ATTEST:

__________________________
Joel Tyson, Mayor

__________________________
Deborah C. Krages, CMC, City Clerk

I HEREBY CERTIFY that Notice of the public hearing on this Ordinance was published in the Press Journal, as required by State Statute, that the foregoing Ordinance was duly passed and adopted on the _______ day of ______________________, 2020, and the first reading was held on the _______ day of ______________________, 2020, and the public hearing was held on the _______ day of ______________________, 2020, and the second and final reading and public hearing was held on the _______ day of ______________________, 2020.

__________________________
Deborah C. Krages, CMC, City Clerk
EXHIBIT "A"
TO
ORDINANCE NO. 2020-02
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>RPO</th>
<th>OTD</th>
<th>C-1</th>
<th>C-2</th>
<th>REAC</th>
<th>I</th>
<th>PIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Uses&lt;sup&gt;1&lt;/sup&gt;</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>C</td>
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<tr>
<td>Administrative Services (See also personal services or business services)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Adult Day Care Centers&lt;sup&gt;‡&lt;/sup&gt;</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Adult entertainment establishment or sexually oriented business&lt;sup&gt;§&lt;/sup&gt;</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>P</td>
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<td>N</td>
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<tr>
<td>Assisted Living Facility</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Banks/Financial Institutions</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>C</td>
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<tr>
<td>Bars (Eating and Drinking)&lt;sup&gt;‡&lt;/sup&gt;</td>
<td>N</td>
<td>P</td>
<td>C</td>
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<td>C</td>
<td>C</td>
<td>N</td>
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<tr>
<td>Bed and breakfast&lt;sup&gt;‡&lt;/sup&gt;</td>
<td>N</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>N</td>
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<tr>
<td>Brewpub</td>
<td>N</td>
<td>P</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Businesses/Professional Offices</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Building Material Sales and Lumberyards&lt;sup&gt;‡&lt;/sup&gt;</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>P</td>
<td>P</td>
<td>N</td>
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<tr>
<td>Carnivals and Festivals&lt;sup&gt;‡&lt;/sup&gt;</td>
<td>N</td>
<td>C</td>
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<td>C</td>
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<tr>
<td>Car wash establishments&lt;sup&gt;‡&lt;/sup&gt;</td>
<td>N</td>
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<tr>
<td>Child care facilities&lt;sup&gt;‡&lt;/sup&gt;</td>
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<td>P</td>
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<td>P</td>
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<tr>
<td>Church, convent or parish house&lt;sup&gt;‡&lt;/sup&gt;</td>
<td>C</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>N</td>
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<tr>
<td>Clubs and lodges</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Community Garden</td>
<td>C</td>
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<tr>
<td>Community Residential Homes</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Cultural or Civic Facility/Building or Use; Community Center Building</td>
<td>N</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Concrete Batch Plant / Pre cast Plant&lt;sup&gt;§&lt;/sup&gt;</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Construction related businesses&lt;sup&gt;2&lt;/sup&gt;</td>
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<td>N</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Congregate care facilities&lt;sup&gt;‡&lt;/sup&gt;</td>
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<tr>
<td>Convalescent/nursing homes</td>
<td>C</td>
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<td>Crematory</td>
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<tr>
<td>Dwellings, accessory&lt;sup&gt;‡&lt;/sup&gt;</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Dwellings, mobile home</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Dwellings, multi-family</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>LAND USE</td>
<td>Zoning Districts</td>
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<td>RPO</td>
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<td>C-2</td>
<td>REAC</td>
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<td>PIN</td>
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<tr>
<td>Dwellings, single-family</td>
<td>C</td>
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<td>N</td>
<td>N</td>
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<td>Dwellings, two-family/duplex</td>
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<td>N</td>
<td>N</td>
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<tr>
<td>Drive-through Facilities (Restaurants, Dry-cleaning, Banks, etc.)</td>
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<td>C</td>
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<tr>
<td>Dry Cleaning (Pick-up-PU)(Plants-PL)</td>
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<td>C</td>
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<td>Electronic assembly</td>
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<td>P</td>
<td>P</td>
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<td>Large family day care home</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Funeral Homes/Mortuary^</td>
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<td>C</td>
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<tr>
<td>Golf Courses/Golf Driving Ranges/Miniature Golf Courses^</td>
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<td>N</td>
<td>N</td>
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<td>C</td>
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<tr>
<td>Group care homes^</td>
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<tr>
<td>Industrial, Light^</td>
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<td>Heliport</td>
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<tr>
<td>Hospitals</td>
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<td>N</td>
<td>C</td>
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<tr>
<td>Hotels, motels</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>N</td>
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<tr>
<td>Hunting^</td>
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<tr>
<td>Kennel^</td>
<td>N</td>
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<td>N</td>
<td>C</td>
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<tr>
<td>Laboratories (research, medical and dental) and clinics</td>
<td>N</td>
<td>P</td>
<td>C</td>
<td>P</td>
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<td>Manufacturing, light</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>P</td>
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<td>Medical Clinics</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Micro-brewery</td>
<td>N</td>
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<td>C</td>
<td>P</td>
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<td>Mini-or Self Service Storage facilities^</td>
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<td>C</td>
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<tr>
<td>Mixed-Use Buildings/Projects^</td>
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<td>C</td>
<td>P</td>
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<td>Mobile Food Vending Unit</td>
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<tr>
<td>Nursing and Convalescent Homes</td>
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<td>C</td>
<td>C</td>
<td>P</td>
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<td>C</td>
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<tr>
<td>Office^</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Outside Display^</td>
<td>N</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>Outdoor Storage^</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Parking facilities as a principal use</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
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Page 2 of 4
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Zoning Districts</th>
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<tr>
<td></td>
<td>RPO</td>
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<tr>
<td>Printing/Graphic Arts</td>
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<td>Plant nurseries</td>
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<td>Planned Developments</td>
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<td>Public use</td>
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<td>Public utility service facilities</td>
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<td>Recreation, indoor</td>
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<td>Recreation, outdoor</td>
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<td>Recreational vehicle (RV) parks,</td>
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<td>Temporary or Permanent, rental or</td>
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<td>owned</td>
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<td>Residential Child Caring Agency</td>
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<td>RV and Boat Storage</td>
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<td>Restaurants (Eating and Drinking</td>
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</tr>
<tr>
<td>establishments)</td>
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<td>Retail</td>
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<td>Schools</td>
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<td>Service, business</td>
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<td>Service, personal</td>
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<td>Soup kitchens</td>
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<td>Storage of Inoperable, Unlicensed</td>
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<td>Vehicles</td>
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<td>Studios (Art, Museums, galleries)</td>
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<td>Studios-Radio and TV</td>
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<td>Telecommunications/Towers</td>
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<td>Temporary labor agency</td>
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<td>Vehicle sales and rental</td>
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<td>Vehicle major repair, servicing</td>
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<td>and maintenance</td>
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<tr>
<td>Vehicle minor repair, servicing</td>
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<td>and maintenance</td>
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<td>Veterinary clinic</td>
<td>N</td>
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<td>Warehousing and wholesaling</td>
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### Table 3C. Table of Uses, Non-Residential Districts

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Zoning Districts</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>RPO</td>
</tr>
<tr>
<td>Wholesaling from sample stocks</td>
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</tbody>
</table>

**NOTES:**

- **P** - Permitted Uses; **C** - Conditional Use approval; **N**- Prohibited;
- ^ Denotes "USES WITH CRITERIA", found in Article V of this code.
- 1 Agricultural or other uses allowed by the City’s Comprehensive Plan are also allowed in a PDD or can be developed under the allowances of the Indian River County A-1 or A-2 zoning districts existing as of May 1, 2010 to the extent such allowances are consistent with the City Comprehensive Plan.
- 2 Construction related businesses include offices, flexible use space, or buildings devoted to contractors, paint, tile, flooring, or the like. No outside storage of materials, fabricating or manufacturing is allowed.
- 3-Subject to Planned Development project regulations and conditions set forth therein
- 4 Directly associated with a profession or service
- 5 Except automotive and similar uses. See outdoor display standards contained within the OTD.
- 6 In enclosed structures, including refrigerated storage and bulk storage, excluding hazardous substances, hazardous wastes and petroleum products.
- 7. These uses are subject to the special conditions set for in Article V of this code for Non-Residential Uses within Residential Zoning Districts.
- 8. As described in the Adult Regulatory Ordinance 2015-08.
- 9. May only be approved via a Planned Development District rezoning.

*General Note: Planned Development district classification and/or planned development projects are allowed a mix of uses as approved by the City Council in the development order.
RESOLUTION NO. 2019-29


WHEREAS, the Planning and Zoning Commission/Local Planning Agency held an advertised public hearing to consider the adoption of amendments to the Land Development Code of the City of Fellsmere, Florida (“Land Development Code”); and

WHEREAS, the Planning and Zoning Commission/Local Planning Agency has determined that the proposed amendments to the Land Development Code as set forth in Ordinance No. 2019-25 are necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, as follows:

SECTION 1. The Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, Florida, held a Public Hearing and heard comments from the public on ________________, 2019.

SECTION 2. The Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, Florida, recommends to the City Council that they adopt Ordinance No. 2019-25 amending the Land Development Code.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was moved for adoption by Commission Member __________________________. The motion was seconded by Commission Member __________________________ and, upon being put to a vote, the vote was as follows:
Chair, Revis “Buddy” Akers
Commission Member Michael Barone
Commission Member Jose Cardozo
Commission Member Michael T. Rhueaman
Commission Member Dale Beaman
Alternate Commission Member Claudia Luna
Alternate Commission Member

The Chairman thereupon declared this Resolution fully passed and adopted this _____ day of __________________________, 2019.

PLANNING & ZONING
COMMISSION/LOCAL PLANNING AGENCY CITY OF FELLSMERE, FLORIDA

________________________
Revis "Buddy" Akers, Chairman

ATTEST:

________________________
Maria Vasquez, Commission/Agency Secretary
ORDINANCE
No. 2019-25

AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE V SUPPLEMENTAL USE REGULATIONS, SECTION 5.3 CRITERIA FOR SPECIFIED USES; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, the City of Fellsmere, Florida is a duly constituted municipality having such powers and authority conferred upon it by the Florida Constitution and Chapter 166 Florida Statutes; and

WHEREAS, the Planning and Zoning Commission/Local Planning Agency held a duly noticed public hearing on __________, 2019, made a finding that the changes to the Land Development Code as set forth in Exhibit “A” attached hereto and by this reference made a part hereof, were consistent with the Comprehensive Plan and applicable provisions of the Land Development Code and recommended that the City Council approve the changes; and

WHEREAS, the City Council held duly advertised public hearings, made a finding that the changes to the Land Development Code as set forth in Exhibit “A” were consistent with the Comprehensive Plan and applicable provisions of the Land Development Code; and

WHEREAS, the City Council has determined that the changes made to the Land Development Code as set forth in Exhibit “A” are in the best interest of the public health, safety, environmental and general welfare of the residents of the City and that it is appropriate to adopt these amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted and incorporated herein as legislation findings of the City Council.

SECTION 2. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. The amendments to Article V Supplemental Use Regulations of the Land Development Code as set forth in Exhibit “A” are consistent with the Comprehensive Plan and applicable provisions of the Land Development Code of the City of Fellsmere. The following findings of facts are made:
1. The amendments are not in conflict with any applicable portions of the Land Development Code;

2. The amendments are consistent with all elements of the City of Fellsmere Comprehensive Plan;

3. The amendments are consistent with existing and proposed land uses within the City;

4. The changing conditions within the City will support the amendments;

5. The amendments will not result in excessive demands on public facilities, and the amendments will not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit and emergency medical facilities;

6. The amendments will not result in significant adverse impacts on the natural environment;

7. The amendments will result in an orderly and logical development pattern for the City;

8. The amendments will not be in conflict with the public interest and are in harmony with the purpose and interest of the Land Development Code.

SECTION 3. AMENDMENT. That Article V Supplemental Use Regulations of the City of Fellsmere Land Development Code is hereby amended to read as set forth in Exhibit “A” attached hereto and by this reference made a part hereof, and all of such revised, amended and new provisions are hereby adopted.

SECTION 4. AUTHORIZATION TO INCLUDE IN THE CODE. The revised, amended and new provisions of Article V Supplemental Use Regulations as set forth in Exhibit “A” shall be included and incorporated in the City of Fellsmere Land Development Code and to the extent necessary shall be numbered and titled in accordance with the numbering and titling system of the Land Development Code.

SECTION 5. SEVERABILITY. If any section, part of a sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.
SECTION 6. CONFLICT. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of conflict.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member _________________. The motion was seconded by Council Member _________________. and, upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson
Council Member Fernando Herrera
Council Member Inocencia Hernandez
Council Member Sara J. Savage
Council Member Jessica Salgado

The Mayor thereupon declared this Ordinance fully passed and adopted this ______ day of ________________, 20____.

CITY OF FELLSMERE, FLORIDA

ATTEST: __________________________

______________________________

Joel Tyson. Mayor

Deborah C. Krages, CMC. City Clerk

I HEREBY CERTIFY that Notice of the public hearing on this Ordinance was published in the Press Journal, as required by State Statute, that the foregoing Ordinance was duly passed and adopted on the ______ day of ________________________, 20____, and the first reading was held on the ______ day of ________________________, 20____, and the public hearing was held on the ______ day of ________________________, 20____, and the second and final reading and public hearing was held on the ______ day of ________________________, 20____.

______________________________

Deborah C. Krages, CMC. City Clerk
EXHIBIT "A"
TO
ORDINANCE NO. 2019-25
Section 5.3 Criteria for specified uses. The following uses shall be subject to the minimum standards of this Code and the following specific standards.

A. Adult Day Care Centers.
   1. The facility shall be open at least five (5) days a week for a minimum of five (5) hours each day but no more than twelve (12) hours each day.
   2. There shall be a minimum of forty-five (45) square feet of useable floor area per adult in care. Hallways, stairs, closets, bathrooms and kitchen shall not be calculated as part of the useable floor area.
   3. The facility shall be located so that traffic generated will not negatively impact the surrounding road network or surrounding land uses.
   4. The design, intensity and scale of the adult care center shall be compatible with the surrounding land uses and zoning.
   5. All requirements of Florida Administrative Code (FAC) 58A-6 shall be met.
   6. Within all residential future land use categories, the facility shall be limited to no more than 50 participants.

B. Bed and Breakfast Establishment.
   1. The Bed and Breakfast Residence must be secondary to the use of the premises for a dwelling. All operators of a Bed and Breakfast Residence must occupy the building where said use will occur as their principal residence. Separate structures, accessory building and garages are not permitted to be used as living units or sleeping rooms.
   2. Bed and breakfasts shall contain no more than ten (10) guest rooms unless otherwise set forth elsewhere within this Code.
   3. On-site parking shall be provided at a ratio of one (1) space per rental room plus two (2) per residential unit. Parking areas must be located to the side or rear of the primary structure and screened with a Type B buffer when parking is within twenty-five (25) feet of conforming residential property.
   4. Only a singular sign, for the purposes of property identification, shall be permitted. Identification signage shall not exceed eight (8) square feet in area and shall not be illuminated.
   5. Noise levels shall not exceed those associated with normal household uses.
   6. The exterior appearance of the structure shall not be altered from its single family character. Buffering and screening shall be provided as required by Code.
   7. No food preparation or cooking shall be conducted within any bedroom or another individual rented room. Meals shall only be provided to overnight guests, unless a conditional use approval allows for provision of food service to the general public.
   8. Guests are limited to a length of stay no longer than thirty (30) consecutive days.

C. Brew Pub.
   1. Production capacity of malt beverages shall be limited to not more than five thousand (5,000) barrels per year.
   2. The brewery shall not occupy more than thirty (30) percent of the gross floor area of the restaurant.
   3. Shall provide exterior lighting within all parking and pedestrian areas of the site with an illumination of not less than two (2) average maintained foot candles as measured thirty-five (35) inches above the ground surface. The light shall be maintained at all times any customer or worker is present on the premises.

D. Building Material Sales and Lumberyards.
   1. All materials to be sold on the premises must be completely screened from adjacent properties and roadways unless located within an industrial zone district. Regardless of location, all materials to be sold on the premises must be completely screened from adjacent conforming residential properties.
   2. On-site vehicular storage shall be limited to those vehicles used in the operation of establishment.
   3. Such establishments shall not include the manufacture of structural wood components, roof trusses, wall units and other activities requiring the assembly of wood products.
   4. All wholesale activities shall be accessory to retail sales conducted on the site.

E. Carnivals and Festivals (Vendors).
   1. The site shall be located, except for the OTD or activities in association with a church, school or nonprofit organization, on a main collector or arterial roadway as shown on the Official Functional Classifications of Roads Map of the City. Activities located on a local street may be approved by the city council if it is determined that such activity will not have an adverse effect on the surrounding residential areas.
   2. Activities shall not be located in any public or private road or drainage right-of-way unless approved by the City Council.
   3. Parking shall be on-site if possible, or in close proximity to the proposed activity. All off-site parking plans must be approved by the City.
4. The location of activities on the property shall not block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard.
5. Hours of operation shall be designated by the City Council.
6. All trash and debris shall be removed daily and appropriate trash receptacles shall be provided.
7. Written consent from the owner, tenant, or authorized agent, of the property shall be provided at time of application.
8. A recreational vehicle may be used for security or for temporary sales only, provided it has all applicable permits.
9. Signage shall be in accordance with the sign regulations set forth in Code excluding vendor signage attached to or within the vendor's approved area. In addition, temporary or portable sign(s) announcing or advertising the temporary event or function may be erected, on the site, fifteen (15) days before the special event and such sign shall be removed within twenty-four (24) hours after completion of the special event.
10. Activities in association with a church, school or nonprofit organization, additionally, may be held in any residential district on property owned by them as long as the site of the booths, games, etc., are located as to not cause a disturbance to adjacent properties. Mechanical rides shall require specific approval by the City Council.
11. Activities may be held by organizations such as community civic groups on public property when not otherwise prohibited by law and approved by the City Council.
12. Where a tent is used, a certification of approval by the Fire Marshal and Building Official shall be required.
13. Items remaining after the event shall be removed from the premises no later than forty-eight (48) hours after the event.
14. The sponsor(s) shall be responsible for ensuring that each vendor operates their activity in a manner that is in compliance with all local regulations and protects the safety of the general public with regard to such areas as fire protection, proper access, handicap requirements, electrical systems, etc.

F. Carwash.

1. Automatic or Manned carwash operations:
   a. The car wash operation shall be located on a parcel with a minimum lot area of one-half (1/2) acre.
   b. All structures associated with the carwash operation shall be at least one hundred (100) feet from the boundary of any residential zone district.
   c. The use shall be buffered by a Type A buffer with a permanent opaque wall six (6) feet in height where abutting any residentially zoned area and said wall shall be maintained in good repair.
   d. In addition to meeting the off-street parking requirements, there shall be provided at least four (4) off-street automobile waiting spaces on the lot or in the moving lane to the automobile washing building entrance for manned carwash operations.
   e. There shall be direct access to a major collector or arterial road.
   f. The Best Management Practices for recycling and conservation of water shall be required as well as evidence of compliance with DER requirements under Chapter 17.4-003, FAC.

2. Self-Service Car Washes:
   a. The car wash operation is considered to be a drive-through facility and is subject to the site plan submission requirements of Article XIV.
   b. The property on which the car wash is to be located shall be a minimum of ten thousand (10,000) square feet in size.
   c. The car wash, and all related activity areas shall be screened with a Type A buffer with a permanent opaque wall six (6) in height where abutting any residentially zoned area and said wall shall be maintained in good repair. The wall shall be of similar composition, construction, and color and shall not include chain link fence, with or without slates, or wooden screening materials.
   d. A strip of land at least fifteen (15) feet in depth shall be located between any abutting street right-of-way and the car wash, and its related activity areas, and shall be landscaped with a Type B buffer.
   e. No more than seven (7) car wash bays and seven (7) vacuum stations shall be allowed in any one car wash facility.
   f. All car wash bays shall be enclosed on two (2) sides and covered by a permanent roof.
   g. All on-site lighting fixtures shall be directed so that adjacent residential zoned areas are not illuminated.
   h. In addition to the above mandatory standards, in considering any application for approval of a self-service car wash the city council may also consider reasonable limitations on the car wash
operations, including but not limited, the hours of business operation and the necessity for manned attendance during those business operation hours. If limitations are imposed on the hours of operation, or if manned attendance is required or if any other special limitation is imposed, the council shall expressly include in any approval Resolution or other form of Final Development Order the specific reasons that such limitations have been determined to be necessary.

G. Child Care Facility.
1. Required patron parking shall be adjacent to the facility and clearly designated by raised directional signage and pavement or wheel stop markings. Each parking space abutting a continuous sidewalk shall have a raised curb or wheel stops. All such uses shall have a continuous sidewalk leading to the building entrance.
2. A driveway shall be provided exclusively for pick-up/drop-off of children. The following shall be required in addition to paragraph one (1), above:
   a. a paved driveway, twelve (12) feet in width with a minimum inside turning radius of twenty (20) feet for one-way traffic.
   b. an area a minimum of fifteen (15) feet from the designated discharge point where the children are picked up or dropped off into which cars shall not park or back.
   c. If fire regulations require the designation of a fire lane or if two-way traffic is approved, then the width of the driveway shall be at least twenty (20) feet.
3. Employee and van parking shall be designated by raised directional signage and pavement or wheel stop markings.
4. A fenced outdoor play area for the children shall be provided. The use of the play yard shall be limited to between 8:00 a.m. and 6:00 p.m. if the fenced play area is within one hundred (100) feet of a residential zoning district.
5. Uses shall be located such that traffic generated by the child care center will not negatively impact the affected transportation network or surrounding land uses.
6. For uses designed to accommodate more than thirty (30) children, all principle buildings shall be located no closer than thirty (30) feet from any residential zoning lot boundary or the yard requirements of the district, whichever is greater.
7. Child day care centers shall, as a usual practice, be located:
   a. So that it forms part of a group of community service uses such as churches, school, parks, etc.; or
   b. At the edges of commercial, industrial or office developments where they will form a transition between these uses and surrounding residential uses; or
   c. Within a residential area and shall be of a design, intensity and scale to serve the surrounding neighborhood and to be compatible with the surrounding land uses and zoning.
8. The City Manager, upon review and recommendation of the Technical Review Committee, may approve alternative parking standards for centers with thirty (30) children or less where an applicant can sufficiently demonstrate that a particular situation is unusual, unique or poses practical difficulty, and upon submission of adequate justification. Alternatives may include use of mulch or other acceptable material for parking and drives and drop-off points at the street.

H. Club Buildings, including Riding Clubs.
1. A minimum building setback of thirty (30) feet shall be maintained from all property lines abutting residential zone districts.
2. Type B buffer must be provided along all property boundaries when the facility is located within or adjacent to a conforming residential use or residentially zoned area.
   a. The City Council may waive or reduce the buffer requirements where the community center is located next to an existing cemetery, place of worship, child care facility, adult care facility, community center, or school. Consideration shall be given to security, noise, and visual impacts. Where a waiver or buffer reduction is granted, normal perimeter landscaping requirements shall apply, and alternative requirements (such as fencing) may be required.
3. There shall be direct access to a collector or arterial road.
4. One (1) parking space shall be provided for each two hundred (200) square feet of gross floor area.
5. A fenced outdoor play area for the children when provided shall be limited to use between 8:00 a.m. and 6:00 p.m. if the fenced play area is within one hundred (100) feet of a residential zoning district.
6. Uses shall be located such that traffic generated by the club building will not negatively impact the affected transportation network or surrounding land uses.
7. Any night lighting shall be so directed or hooded to prevent any direct offsite glare.
8. Agricultural or riding clubs may be allowed to keep up to total of ten (10) farm animals or horses on site at any given time upon approval of the City Council.
9. A permanent or temporary residential unit may be allowed by the City Council for maintaining on-site security and safety. A maximum of ¾ acres of site area may be set aside for the residential use. The residential unit shall not exceed two-thousand five hundred (2,500) square feet.

I. Concrete Batch Plant/Precast Plant.
   2. Place waste concrete in suitable washout pits for re-use.
   3. Utilize dust prevention equipment (water sprays, enclosures, hoods, curtains, shrouds, moveable and telescoping chutes, fabric filters, etc.) to minimize fugitive dust.
   4. Maintain a 25' wide Type "A" buffer around the perimeter of the site.
   5. Enclose stockpiles and receiving hopper areas on at least three sides.
   6. Use silos to store all materials capable of generating dust (cement, pulverized fly ash, etc.).
   7. Provide a dust prevention and maintenance plan with the application for development approval.
   8. Provide hazardous material plan with application for development approval.
   9. Must be approved as a Planned Development.
   10. Be located within an Industrial future land use designation located North of S.R. 60 and West of I-95 Interchange within 8,500 feet of the centerline of S.R. 60 or North side of CR512 abutting Fellsmere Water Control District's eastern boundary and located a minimum of 450' off of the northern right-of-way of CR512.
       a. For projects located on North side of CR512 abutting Fellsmere Water Control District's eastern boundary and located a minimum of 450' from the northern right-of-way of CR512, concrete batch plants shall not be allowed. Precast plants shall conduct all business and operations wholly inside a fully enclosed building except for required storage facilities which shall be enclosed, at least, on three sides and a roof.
   11. Additional height for silos and supporting equipment may be authorized by City Council subject to subject to the provision of an additional 20% more landscaping incorporated into the front and sides of the project either in landscape beds, in berms, or ornamental plantings with all required canopy trees installed at 16' height with the goal to mitigate the impact of the height and mass of the propose structure.
   12. The City Council may impose more requirements upon finding that it will improve the general safety, welfare, health, appearance, or aesthetics and is in conformance with the Comprehensive Plan and this Code.

J. Eating and Drinking Establishments.
   1. The facilities and off-street parking areas must have a minimum setback of thirty (30) feet from all adjacent conforming residential properties unless such use is primarily a restaurant in which the setbacks shall be as set forth in the zoning district in which it is located.
   2. As part of any required site plan review, the City shall consider the compatibility and impact to all properties within one thousand (1,000) feet of the proposed use.
   3. Proof of compliance with all state and local licensing procedures and applicable laws shall be submitted.
   4. Outside serving areas shall be prohibited in areas adjacent to residential land use designations.
   5. Within the RPO district, restaurants containing more than 25 seats shall only be approved on contiguous lots fronting CR512 and shall contain no more than 50 seats. When containing less than 25 seats, restaurants within the RPO district are not required to be located on lots fronting CR512. All restaurants within the RPO district shall not contain drive-through facilities.
   6. Shall provide exterior lighting within all parking and pedestrian areas of the site with an illumination of not less than two (2) average maintained foot candles as measured thirty-five (35) inches above the ground surface. The light shall be maintained at all times any customer or worker is present on the premises.

K. Schools: Vocational, Business, Private, Specialty Educational Facilities. Educational Facilities – Private (K-12) shall be subject to the minimum standards of this Code and pertinent State Regulations.
   1. All educational facilities shall meet the following minimum standards:
      a. The primary access points shall be from the arterial or collector road system except for elementary schools, which may access any street type.
      b. Depending on the type facility proposed, the minimal spatial requirements for the site shall be similar to standards utilized by the Indian River County school board for a like facility.
      c. No main or accessory building shall be located within twenty-five (25) feet of any side or rear lot line.
      d. The applicant shall submit a description of anticipated service area and projected enrollment by grade level or specific program/degree attainment category if appropriate and relate the same to a development plan explaining:
         1. Area to be developed by construction phase;
2. Adequacy of site to accommodate anticipated facilities, enrollment, recreation area, off-street parking and pedestrian and vehicular circulation;
3. Safety features of development plan; and
4. Landscaped areas, especially treatment of property lines in close proximity to abutting residential properties.
   e. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to adjacent residential properties.

L. Funeral Homes.
   1. Where abutting residentially zoned areas, the property shall be buffered by a Type B buffer.
   2. All delivery areas shall be so located or screened to obscure it from view.
   3. The site shall have direct access to a major collector or arterial road as shown on the Official Functional Classification of Roads Map.
   4. Any night lighting shall be so directed or hooded so as to prevent any direct offsite glare.
   5. No crematoria or other burial facilities shall be permitted within one thousand (1000) feet of any residential zoned area or five hundred (500) feet to any commercial zoned area (except as may be authorized by Conditional Use only).

M. Community Residential Homes.
   1. When a site for a community residential home has been selected by a sponsoring agency in a multiple-family zoning district, the agency shall notify the City Manager, or designee, in writing and include in the notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the district administrator of the Department of Health indicating the need for and the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of clients in the home. The district administrator shall also provide to the City Manager, or designee, the most recently published data compiled that identifies all community residential homes in the district in which the proposed site is to be located. The City Manager, or designee, shall review the notification of the sponsoring agency in accordance with applicable zoning requirements.
   2. Pursuant to such review, the City Manager may:
      a. Determine that the siting of the community residential home is in accordance with applicable zoning requirements and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
      b. Fail to respond within sixty (60) days. If the City Manager or designee fails to respond within such time, the sponsoring agency may establish the home at the site selected.
      c. Deny the siting of the home.
   3. The City Manager or designee shall not deny the siting of a community residential home unless the City Manager or his designee establishes that the siting of the home at the site selected:
      a. Does not otherwise conform to existing zoning regulations applicable to other multi-family uses in the area; or,
      b. Does not meet applicable licensing criteria established by the Department of Health, including requirements that the home be located to assure the safe care and supervision of all clients in the home; or,
      c. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of one thousand two hundred (1,200) feet of another existing community residential home in a multiple-family zoning district shall be an over concentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of five hundred (500) feet of an area of single family zoning substantially alters the nature and character of the area. All distance requirements shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.
   4. Upon receipt of the written notice from the sponsoring agency provided for in 1. above, the City Manager or designee shall notify the city council of the pending application. The City Manager or designee shall, within twenty (20) days of the receipt of the application, review the application and provide the city council and the applicant with a written decision outlining reasons for the decision. Either the city council or the applicant may appeal the decision of the City Manager or designee by notifying the City Manager or designee within ten (10) days from the date of the City Manager's or designee's decision. The City Manager or designee shall schedule the decision for review by the city council at the next available meeting.
N. Golf Courses/Golf Driving Ranges/Miniature Golf Courses or Golf or Tennis Grounds or similar uses.

1. Golf Courses:
   a. Sites shall be located within the more highly accessible portions of the property near major thoroughfares so as to discourage traffic along local residential streets in the impacted area, except in Planned Developments.
   b. The proposed use shall not unreasonably increase traffic on local residential streets in the impacted area.
   c. Golf courses shall, to the most reasonable extent, retain and preserve native vegetation over at least thirty (30%) percent of the total upland area of the course due to their characteristically high water demand and heavy nutrient loads;
   d. Development features, including the principal and accessory building and structures, shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent properties. Similarly, residential properties shall be buffered by dense vegetation at points where such residential properties are exposed to tees, fairways or greens.
   e. No cart barn, maintenance facility club house or clubhouse parking shall be located closer than three hundred (300) feet from any lot line where the adjoining lot is designated for residential use. Type A screening shall be provided between golf maintenance facilities and adjacent residentially designated property. This provision shall not apply to any golf course which was lawfully established prior to the date of adoption of this Code, and shall not affect the expansion of any cart barn, maintenance facility, club house or clubhouse parking which may have been lawfully established prior to the date of adoption of this Code.
   f. Accessory uses to the operation of a golf course, public or private, may include, but are not limited to, pro shops, administrative offices, food and beverage service, maintenance/utility facilities, storage areas, restrooms, and unlighted golf driving ranges.
   g. The golf courses shall be designed so that any lighting is shielded and directed away from residential areas.
   h. The minimum lot area for all Public Golf Courses shall be one hundred (100) acres and there shall be no minimum lot width or depth requirements.
   i. When located within a Medium Density Residential or High Density Residential future land use, the permeable open space area of a golf course shall occupy at least 70% of a development tract.

2. Golf driving ranges, not associated with a golf course:
   a. Sites shall be located along or near major thoroughfares so as to discourage traffic along local residential streets.
   b. All areas except the range (ball landing) area, including but not limited to the parking, building, practice putting, and tee-off areas, shall be located at least one hundred (100) feet from any property having a residential land use designation.
   c. No protected trees, as defined within this code shall be removed from the range (ball landing) area unless the applicant demonstrates that removal of the tree(s) is necessary for safety reasons in the functioning of the range (such as for ball retrieval)
   d. Lighting plans shall be provided (and implemented) which demonstrate that no "spill over" from exterior light sources shall fall onto either roadways or residential zoning districts that are adjacent to the project site.
   e. At a minimum, a Type A buffer shall be provided between any non-range area and adjacent property having a residential land use designation.
   f. Such uses shall not be allowed as a stand-alone use within any land containing a residential future land use designation.

3. Miniature Golf Courses:
   a. Sites shall be located in an area of commercial or industrial land use and shall be located along or near major thoroughfares so as to discourage traffic along local residential streets.
   b. A site plan showing the location and orientation of all principal structures and facilities, the location, name and designation of all streets providing direct and indirect ingress and egress to the site and the location and specification of all landscape materials; other plans and documents as needed to demonstrate compliance with the following requirements.
   c. A buffer yard having a minimum depth of fifty (50) feet when adjacent to a single-family zoning district or twenty-five (25) feet when adjacent to a multifamily district shall be established and maintained as permanent open space where the project site parcel abuts a residential zoning district. Within the buffer yard, Type A screening shall be provided.
   d. Lighting plans shall be provided (and implemented) which demonstrate that no "spill over" from exterior light sources shall fall onto either roadways or residential zoning districts that are adjacent to the project site.
e. Where a project site is within two hundred (200) feet of a residential zoning district, the establishment shall not be operated from 11:00 p.m. to 7:00 a.m.

f. Height limitations shall apply to all structures within the project site.

g. Formed and fashioned images located outdoors, such as representations of animals, windmills, recreated scenes, and others which are visible from an adjacent roadway or residential zoning district, shall be allowed only for the playing holes and shall not allowed as signs. Any formed or fashioned images used outdoors which the developer demonstrates are not visible from an adjacent roadway or residential zoning district shall be exempted from this requirement.

h. Where a project site is within three hundred (300) feet of a residential zoning district, additional conditions may be added by the city council to address special noise impacts. Such conditions may include, but are not limited to, setbacks, noise reducing buffers, restrictions on outdoor speakers and hours of operation.

i. Such uses shall not be allowed as a stand-alone use within any land containing a residential future land use designation.

O. Independent Living Facilities.

1. Density shall be limited by the comprehensive plan future land use map, except that, for the purposes of this section, a residential unit in this facility shall be considered the equivalent of 0.5 residential units. This equivalent residential unit multiplier is provided in recognition of the likelihood of reduced impacts to public facilities inherent in this type of use.

2. In residential zoning classifications, the external appearance of the facility's structures and building sites shall maintain the general character of the area. Exterior building materials, bulk, height, landscaping, fences and walls and general site design, including, but not limited to, points of ingress/egress and parking layout, shall be compatible with those of surrounding dwellings.

3. These facilities are intended to be occupied by adults over fifty-five (55) years of age, or married adults over fifty-five (55) and their spouses. Each unit shall be occupied by no more than two (2) persons. At least one person shall be sixty-five (65) percent of the occupied units shall be occupied by at least one person who is fifty-five (55) years of age or older. The facility shall publish and adhere to policies and procedures in accordance with F.S. § 760.29(4) and 42 U.S.C. Section 3607(b) as amended. The facility shall also comply with the rules of the Secretary of the U.S. Department of Housing and Urban Development found in the Code of Federal Regulations and other applicable regulations.

4. It is the intent of this provision that services to the residents shall be a substantial portion of the total value of the lease or purchase agreement. The following services shall be provided by this facility, at a minimum:
   a. Scheduled private transportation by bus or van to local shops and medical facilities.
   b. Meal service consisting of at least two (2) meals per day per resident, prepared at the direction of a licensed dietician, shall be provided. At least one (1) of these meals shall be made available in a common dining area, at the option of the tenant.
   c. On-site management personnel shall be provided by the facility. The facility shall be staffed twenty-four (24) hours a day.
   d. Housekeeping or linen service shall be provided at least once a week.

5. The facility shall comply with the following standards:
   a. Each facility shall have one or more common dining areas adequate in size to seat the entire population of the facility, in one or more seating.
   b. The facility may consist of efficiency, one (1) or two (2) bedroom units, but the number of two (2) bedroom units shall not exceed twenty-five (25) percent of the total number of units.
   c. The minimum size of each unit shall be as follows:
      1. Efficiency: 400 sq.ft.
      2. One bedroom: 500 sq.ft.
      3. Two bedroom: 750 sq.ft.
   d. There shall be a common room or rooms with adequate capacity and construction to shelter the entire population of the facility during the event of a one-hundred and sixty (160) m.p.h. hurricane. This shall be provided at a rate of twenty (20) square feet per person at maximum capacity. In lieu of an on-site shelter, the entire building may be designed to withstand a 160 m.p.h. hurricane.
   e. Each facility shall provide for its residents' on site common recreation needs, both outdoors and indoors. At least twenty-five (25) percent of the site shall be reserved for usable common open space as defined in Article II. At least ten (10) square feet per unit of indoor recreation space shall be provided.
   f. Common dining areas which are made available for recreation during non-dining hours may constitute up to fifty (50) percent of the indoor requirement, but the remainder shall be
comprised of specific areas dedicated to indoor recreation, such as exercise rooms or activities rooms.
g. Elevators shall be provided in all structures exceeding one (1) story in height.
h. Each unit shall be wheelchair accessible and have emergency call systems with twenty-four (24) hour monitoring.
i. Individual kitchens in each unit are permitted but not required.
j. All structures shall contain fire alarms and fire protection systems satisfactory to the City.
k. There shall be installed a standby generator of sufficient capacity to service all essential services in the event of a prolonged power failure.

6. A conceptual site plan and floor plan of the structure shall be submitted and approved by the City Council prior to issuance of any required conditional use permit.

7. There shall be 1.1 off-street parking spaces per unit for resident and visitor parking, plus one (1) additional parking space for each employee at the maximum shift, rounded to the nearest whole space.

8. Conversion of an independent living facility to an adult congregate living facility may be considered at the same density of the independent living facility upon application for approval by the City Council. Independent living facilities which are converted to other uses, including other residential uses, must comply with all development regulations applicable to the new use at the time of conversion.

P. Industrial, light.
1. Light industrial uses are regulated by Table 3C.
2. Any use which the City Manager or designee believes may have a greater impact on the surrounding area or may not be compatible with the proposed site or surrounding community shall be processed as a conditional use.
3. Any accessory office, accessory commercial outlet and/or accessory restaurant must not exceed more than twenty-five (25) percent of the gross floor area of the principle building, or if no building is on-site, such supporting uses shall be no larger than three thousand (3,000) square feet except by conditional use.
4. Supporting Commercial and/or restaurant uses shall be located within two hundred fifty (250) feet of an arterial or collector roadway.
5. Additional buffering shall be required between Industrial uses and residentially used or designated lands at the discretion of the City Council or City Manager.
6. Demolition Debris Sites are prohibited in all zoning districts in the City of Fellsmere.
7. Junk and Salvage Yards or sites are prohibited in all zoning districts in the City of Fellsmere.
8. A permanent or temporary residential unit may be allowed by the City Council for maintaining on-site maintenance and security. A maximum of ¼ acres of site area may be set aside for the residential use. The residential unit shall not exceed two-thousand five hundred (2,500) square feet.
9. For projects located within an Industrial future land use designation located North of S.R. 60 and West of I-95 Interchange within 8,500 feet of the centerline of SR 60 and containing an industrial use, the principal building height may be 80' subject to the following:
   a. The project shall provide an additional 20% more landscaping incorporated into the front and sides of the project either in landscape beds, in berms, or ornamental plantings with all required canopy trees installed at 16' height with the goal to mitigate the impact of the height and mass of the propose structure.
   b. The City Council may impose more requirements upon finding that it will improve the general safety, welfare, health, appearance, or aesthetics and is in conformance with the Comprehensive Plan and this Code.

Q. Kennel/Animal Boarding.
1. There shall be a minimum lot area of one (1) acre.
2. Buildings housing animals shall be located no closer than two hundred fifty (250) feet from an adjacent residentially zoned area.
3. All activities, with the exception of animal exercise yards, shall be conducted within an enclosed building.
4. Exercise and confinement yards shall be located no closer than two hundred (200) feet from any conforming dwelling unit on adjacent property.
5. Disposal of dead animals shall be by means approved by the Department of Health and Rehabilitative Services. No facilities for cremation of animal remains shall be permitted on the site.

R. Outside display, street vending or sidewalk vending.
1. Duly licensed commercial business within zoning districts permitted to conduct outside display may display their products on the outside of their business, in a neat and orderly manner under the following requirements.
   a. All outside display areas shall be located adjacent to the main building and shall not impede pedestrian or traffic flow and shall not take up required parking areas. The defined areas shall be
well maintained, provide for walking and accessibility, be free of debris, and have proper lighting, seating, and trash receptacles. All other areas of the site shall be free of merchandise.

b. Only agricultural and/or equestrian products may be permanently stored outside a business that is duly licensed to sell such products, such as a feed store or hardware store. No such products may be located forward of the front building line of such store.

c. Outside storage and/or sales shall not be located:
   (1) Within fifteen (15) feet of any street intersection or pedestrian crosswalk;
   (2) Within five (5) feet of a primary roadway access into a parcel;
   (3) Within five (5) feet of another outside vending location;
   (4) Within five (5) feet of a building exit;
   (5) Within fifteen (15) feet of a fire hydrant;
   (6) Within an area that abuts the display windows of a permanent business location not owned by the outside vendor; or
   (7) Where in the opinion of the City’s designated representatives it represents an obstruction to traffic safety or endangers the public welfare.

(8) Prior to the use of a public sidewalk for sidewalk sales, the business owner shall file with the Community Development Director a plan depicting the area of the sidewalk to be so utilized. In no case shall the sidewalk width remaining for passage of pedestrian be reduced to less than 5' in width.

(9) All use of public streets for street vending shall require approval by the City Council as part of a special event permit.

d. Merchandise considered valid for outside sales includes, but is not limited to: small retail items; agricultural products (human consumable products); prepared foods; crafts; art works; plant materials, garden supplies (except mowers, tractors or other heavy equipment), furniture, and the like. Services would include: caricatures, face painting, massage therapy by a licensed massage therapist; nail technicians; cosmetics, and similar services.

e. Prohibited items include vehicles, auto parts, tires, heavy equipment of any kind, fireworks, and any hazardous products.

f. The City Council shall reserve the right to determine if a product is a valid material to be included in an outside sales environment.

g. For all other non-residential districts or locations where 'Outside Display' of goods is not listed as a permitted or prohibited use, such use shall be a conditional use, where the City Council shall reserve the right to determine if the site is appropriate for such use and if a product is a valid material to be included in an outside sales environment.

2. Outdoor auctions.

   a. Outdoor auctions shall not be allowed within the OTD district.

   b. Prior to commencement of any such activities, a site plan which meets the requirements specified in Article XIV shall be approved by the City Manager;

   c. No site shall be located within one hundred (100) feet of a residential use or residentially zoned area;

   d. Adequate separation of vehicular and pedestrian circulation systems shall be provided;

   e. All off-street parking and loading areas shall have stabilized surfaces;

   f. Where within five hundred (500) feet of a residential use or residentially zoned area, hours of operation shall be limited to the hours of 8:00 a.m. to 9:00 p.m.;

   g. A Type A buffer with a six-foot opaque feature shall be provided between a permanent auction site and abutting residential uses, including residential uses separated from the site by a local road.

   h. All amplified sound devices shall obtain required permits and meet all such requirements of the City.

S. Outdoor seating. An outdoor area adjoining a restaurant or other establishment, consisting of outdoor tables, chairs, plantings, and related decorations and fixtures, and where meals or refreshments may or may not be served to the public for consumption on the premises.

   1. Outdoor seating shall not encroach into the public right-of-way unless a valid revocable permit is obtained from the City Manager or designee.

   2. After placement of the tables and chairs, an unobstructed area of a minimum of six (6) feet shall be maintained.

   3. A barrier system shall be installed around the seating area so outdoor seating does not encroach into access paths and impede circulation.

T. Outdoor Storage Areas.

   1. Where allowed within a nonresidential zoning district or approved as a conditional use within a nonresidential zoning district, shall meet the following criteria:
h. Junkyards, concrete plants, automobile wrecking yards and gasoline or oil storage depots are not allowed in any zoning district.

i. Outdoor storage uses located adjacent to or across a public right-of-way from any residential zoning district shall provide a 25' Type A buffer with a solid opaque fence or wall six (6) feet in height set back at least 10' from the property line unless otherwise screened by an intervening building. The installation of this buffer shall be in accordance with Section 11.4 of this Code.

j. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except at duly licensed sales or service locations of such products.

k. Tanks or drums of fuel directly connecting with a heating device or appliance located on the same lot as the tanks or drums of fuel are excluded from this provision.

l. When viewable from a public right-of-way or an adjacent residential zoning district, all outdoor storage materials shall be maintained at a height no taller than the height of the opaque buffer screen provided by the solid fence or wall and accompanying landscaping. When located within industrial zoned land adjacent to other industrial zoned land, the outdoor storage shall be screened with a 10' Type 'B' buffer.

m. No materials or wastes shall be placed or deposited on any premises in such form or manner that they may be transferred or carried off such premises by natural causes or forces.

n. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.

2. As an allowed accessory use within a residential zoning district, shall meet the following criteria:
   a. Outdoor storage shall be limited to licensed and operable commercial vehicles owned or operated by a resident of the lot in which the vehicle is stored.
   b. The residential lot in which the outdoor storage occurs has a primary residential structure or is adjacent to a lot under the same ownership with a primary residential structure.
   c. The outdoor storage area shall be enclosed on all four sides by a solid fence or wall six (6) feet in height to conceal such facilities and the contents thereof from adjacent properties. When located on a paved road, a paved driveway with adequate radii shall be provided from the edge of the paved road to the edge of the roadway right-of-way.
   d. No flammable or explosive liquids, solids or gases shall be stored on site.
   e. There shall be no storage in the required front yard.
   f. No materials or wastes shall be placed or deposited on any premises in such form or manner that they may be transferred or carried off such premises by natural causes or forces.
   g. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
   h. Parking no more than one commercial vehicle within a legally permitted driveway of a residential lot containing a primary residence shall be allowed and shall be exempt from these requirements.

U. Open Storage of Inoperable, Unlicensed Vehicles.
   1. No inoperable or unlicensed vehicle shall be openly stored in any residential zoning district. For purposes of this Code, an inoperable motor vehicle, excluding a lawfully secured and located "parked trailer," shall be defined as a motor vehicle that is unable to move under its own power, or does not have a current state license plate. These vehicles shall be deemed to be a public nuisance.
   2. Antique or classic vehicles may be exempt from these provisions provided they are considered under Section 320.086, Florida Statutes to be an Ancient or antique motor vehicles or otherwise eligible for, and in possession of, a horseless carriage, antique, or historical license plates. Appropriately registered vehicles may be openly stored for up to eighteen (18) months. Openly stored vehicles shall be covered for screening purposes with a minimum of a custom car cover which is recognized by a classic vehicle publication source.

V. Recreation, Indoor.
   For all zoning districts where this is a permitted or conditional use, except for "I", "PD", or "REAC" zoning districts, the facility shall not exceed four-thousand (4,000) square feet or the lot coverage requirements whichever is greater, except by conditional use.

W. Recreation, outdoor.
   Reserved.

X. Recreational Vehicle, Camping-Temporary or rental parks.
   1. Shall only be allowed by Conditional Use Permit, except on City Owned lands.
   2. Minimum size of five (5) acres.
   3. Recreational vehicles or motor homes shall not exceed one-thousand (1000) sf in size.
   4. Minimum lot area for motor home sites shall be one-thousand two hundred fifty (1,250) sf, with a minimum width of twenty-five (25) feet and minimum length of fifty (50) feet.
5. Minimum lot area for tent site shall be eight hundred (800) sf.
6. Access to each lot or site for camping shall be by stabilized surface, at a minimum consisting of
coquina, marl, or other suitable surface material. Stabilized pads shall also be provided within each
recreational vehicle lot or site for parking said vehicle.
7. Animals shall be permissible at the owners’ discretion, however, they shall not be allowed to roam or
become a nuisance within the limits of the entertainment facility.
8. No campsite or lot shall be used as a permanent residence.
9. Camping sites shall have water and electricity; motor home sites shall also be equipped with sewer
connections. Primitive sites for tent camping may be proposed and approved by the City at their sole
discretion.
10. There shall be a restroom building, housing separate (male and female) shower, toilet and sink facilities
to serve each twenty-five (25) tent sites. Portable lavatories shall not be permitted in any area
approved for camping.
11. Camping areas shall be setback seventy-five (75) feet from CR 512 or any other arterial or collector
road.
12. Type A buffering and landscaping requirements shall be provided with a minimum six (6) ft solid
decorative wall or fence, constructed of wood, brick or finished concrete paced along any property line
that abuts a residentially zoned or used property and any side of the camping area which is parallel to
and visible from CR 512.
13. Other conditions as determined necessary through the conditional use permitting process, based upon
a recommendation by the Planning and Zoning Board and approved by the City Council

Y. Recreational Vehicle Planned Development.
For all Recreational Vehicle sites that are to be subdivided and platted for fee simple sale; or offered as
condominium sites with areas of common ownership and maintenance, the project shall be reviewed and
approved as a Planned Development. Such facilities are only allowed with the VOF, REAC or LDMXN land
use categories. Areas for such use may be included as part of a larger master planned community as long
as they are shown and approved as part of the preliminary development approval process. The City
Council may place additional conditions or restrictions on the project.

Z. Religious Facility/Place of Worship or Church, Convent or Parish House.
1. There shall be a minimum lot area of three (3) acres in any residential district. A minimum setback of
fifty (50) feet shall be maintained for new construction from all property lines. A columbarium or other
memorial area associated with a house of worship shall be no closer than one hundred (100) feet to a
property line. Any night lighting shall be so directed or hooded as to prevent any direct offsite glare.

AA. Retail Sales; general merchandise.
1. Department store, furniture and appliance sales, showroom or catalog stores and variety store
   a. Provide a site plan which meets the requirements specified in Article XIV;
   b. A Type A buffer with a six (6) foot opaque feature shall be provided between the showroom site
      and abutting residential uses, including residential uses separated from the showroom site by a
      local road.
2. Drug Stores.
   a. A Type A buffer with a six (6) foot opaque feature shall be provided between the drug store site
      and abutting residential uses, including residential uses separated from the site by a local road.
   b. Shall provide exterior lighting within all parking and pedestrian areas of the site with an
      illumination of not less than two (2) average maintained foot candles as measured thirty-five (35)
      inches above the ground surface. The light shall be maintained at all times any customer or worker
      is present on the premises.
3. Flea Market.
   a. Provide a site plan which meets the requirements specified in Article XIV;
   b. No site shall be located within one hundred (100) feet of a residential use or residentially zoned
      area;
   c. Adequate separation of vehicular and pedestrian circulation systems shall be provided;
   d. All off-street parking and loading areas shall have paved surfaces;
   e. Where within five hundred (500) feet of a residential use or residentially zoned area, hours of
      operation shall be limited to the hours of 8:00 a.m. to 9:00 p.m.;
   f. A Type A buffer with a six-foot opaque feature shall be provided between the flea market site and
      abutting residential uses, including residential uses separated from the site by a local road.
4. Retail stores are limited within Industrial areas-see "Industrial, Light".

BB. Self-Service or Mini- Storage Facilities.
1. No commercial activity, vehicular service or repair, or storage of hazardous materials shall be allowed
   in any Self-service storage facility and that this requirement is to be included in every tenant’s lease
   agreement;
2. Only domestic and household goods or personal and noncommercial goods are to be kept or stored on the premises;
3. Storage unit areas shall not exceed fifteen (15) feet in height;
4. Storage units shall not exceed three hundred (300) square feet in size;
5. Outdoor storage, other than for vehicles and boats, is prohibited. Where outdoor storage of vehicles is to occur, a Type A bufferyard shall be provided between the outside storage area and adjacent right-of-way and adjacent properties;
6. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage facility premises. Light and glare shall be deflected, shaded and focused away from all adjoining property;
7. Self-service storage facility sites shall not exceed three (3) acres gross area;
8. Quarters for resident managers may be included within the facility as an accessory use;
9. A Type B landscape buffer shall be required between all structures and adjacent rights-of-way;
10. A Type B landscape buffer with six-inch opaque feature shall be provided between all structures and adjacent properties zoned for single-family residential use;
11. Building(s) containing storage units shall not exceed ten thousand (10,000) square feet in floor area and shall not exceed one hundred thousand (100,000) square feet of floor area for all buildings;
12. Access shall only be to arterial or collector roadways and in no case through areas zoned for residential use;
13. No utilities (other than air conditioning) may be supplied to storage units;
14. Hours of operation shall be limited to between 6:00 a.m. and 9:00 p.m. Prior to the issuance of a certificate of occupancy, the applicant shall provide appropriate signage on the site stating the hours of operation of the facility.

CC. Soup kitchens.
1. Any soup kitchen shall comply fully with all requirements of applicable state, county, and city codes, ordinances and regulations.
2. The food preparation, service or distribution facilities in a soup kitchen shall be licensed or approved by the Indian River County Consumer Health Services.
3. No soup kitchen shall be located on a site less than five hundred (500) feet from another site on which is located another soup kitchen; or an R-1 residential zoning district. Distance as referenced in this subparagraph shall be measured by measuring from the nearest part of any existing structure utilized as a soup kitchen or from the district boundary of a residential zoning district, to the proposed location of any principal structure to be utilized as a soup kitchen.
4. The facility will not create or cause a private nuisance to adjacent properties by creating noise in violation of City Code, odor, health hazard, glare, unlawful activities, or other adverse condition.
5. The facility will implement adequate security and supervision measures to address the needs of the facility's clients as well as residents of adjacent lands and their property.
6. The facility will be of adequate size and design to reasonably accommodate its projected capacity.
7. The facility and its features are designed to be compatible with the general architectural theme, appearance, and representative building types of adjacent properties and uses.
8. Within lands containing a Medium Density Residential future land use category or a High Density Residential future land use category, soup kitchens shall be limited to a service capacity of 100 patrons or less.

DD. Mobile Food Vending Units.
1. Mobile food vending unit shall require conditional use approval as set forth in Section 17.19 of the Land Development Code.
2. All improvements on site shall be of a permanent nature except for the mobile food vending unit.
3. The mobile food vending unit may remain on the property full time or may be removed and returned to the property at the discretion of the operator.
4. If seating is provided to consume food or beverage products on site, a permanent bathroom facility is required and shall be sized as required by the Florida Building Code. Applicants may request via the conditional use approval the use of an adjacent business' bathroom facilities if such facilities are compliant with the Accessibility Standards of the Florida Building Code and such shared use is allowed by the Florida Building Code.
5. The use shall comply with the Article V, Section 5.3.J. Eating and drinking establishments and Section 5.3.S. Outdoor seating.
6. Design standards shall comply with Article VII of the Land Development Code except as otherwise set forth below.
   a. A designated off-street loading space is not required; however, the required site plan shall demonstrate that the site can accommodate the expected delivery vehicles that may serve the property.
b. Parking requirements shall be one space per employee plus five spaces for each separate mobile food vending unit placed on the property. If parking is determined by the city, at its sole discretion, to be inadequate to serve the demand, the applicant shall provide additional spaces as directed by the City within 60 days of receipt of written notice.

7. The use shall comply with Article IX of the Land Development Code except as otherwise set forth below.
   a. The mobile food vending unit shall not be required to comply with the architectural standards; however, the City shall have the sole discretion to approve the color of the mobile food vending unit and any images, applied signs and other graphics. The Applicant shall be required to provide color photos of the proposed food vending unit as part of the conditional use approval. All permanent improvements shall continue to comply with the architectural standards, if applicable.
   b. Parking shall be located to the side or rear of the placement of the mobile food vending unit; however, if placed to the side, the parking may extend beyond the extension of the front of the unit but shall maintain a minimum 15' wide parking perimeter buffer between the parking the property line.
   c. A dumpster shall not be required if the operator removes all trash at the end of each operating day. The operator may not utilize the dumpsters of adjacent establishments for their trash.
   d. Strict compliance with the building foundation landscape requirements is not required for the mobile food vending unit; however, the Applicant shall propose a landscape plan that screens any supporting utilities such as electrical transformers, propane tanks, backflow preventers, lift stations, and the undercarriage and tow hitch of the mobile food vending unit. All permanent improvements shall comply with the building foundation requirements, if applicable.

8. Signs shall comply with Article X and Section 9.3.E and 9.4.E of the Land Development Code, as applicable.


10. No alcohol shall be sold.

11. The property shall not contain any outdoor telephone, vending machines, or other machines dispensing, displaying, or storing products for sale or use unless a permanent building is constructed on the property and such uses are designed to be complimentary with the permanent building. Such uses shall be approved as part of the conditional use approval.

EE. Reserved.

FF. Temporary labor agency.
   1. Provide a lighted gathering area, screened from public view to the greatest extent possible without limiting police visibility into the area.
   2. Provide sanitary facilities available to the gathering area (one (1) unisex bathroom) in addition to the minimum sanitary facilities required by the plumbing code for the occupancy. Portable toilet facilities are prohibited.
   3. Provide garbage and cigarette disposal receptacles in the gathering area.
   4. Provide secured bicycle parking per City Code.
   5. Provide a pick-up area on the site, which does not impede traffic on public streets.
   6. Prohibit laborers loitering around the area by providing transportation away from the agency location for those not receiving employment for that day as well as for those returning to the agency at the end of the day following employment.
   7. No pay phones shall be available in the gathering area.
   8. The gathering area shall be maintained in a clean and orderly manner at all times.
   9. A full site inspection will be required prior to the opening and operation of the facility.

GG. Vehicle major/minor repair, servicing and maintenance:
   1. No driveway of an automobile service station or automobile repair shop shall be located within two hundred (200) feet of the property line of a public or private school, public library, church, hospital, nursing home, public park or public playground fronting the same street.
   2. No driveway of an automobile service station or automobile repair shop shall be located within thirty (30) feet of a street intersection.
   3. No gasoline or other fuel pump shall be located within thirty (30) feet of a street line or of an adjoining property line.
   4. All minor vehicle repairs shall take place within an enclosed building.
5. No motor vehicle shall be parked or stored out of doors on the premises for more than sixty (60) days. Vehicles parked or stored out of doors on the premises shall be located within an area screened by a minimum six-foot (6 ft) privacy fence or other opaque screen located to the rear of the principle structure.
6. The entire premises on which there is an automobile service station or an automobile repair shop shall be kept clean and free of debris such as used auto parts, tires, oil cans or drums, rags, papers or any other used or discarded materials.
7. All hydraulic hoists, pits, lubrication, repair and service work shall be conducted entirely within a building.
8. All merchandise and material for sale shall be displayed within an enclosed building.
9. When a service station dispensing flammable materials becomes vacant for a period exceeding ninety (90) days, the property owner shall be required to remove or treat in a safe manner approved by the E.P.A. (Environmental Protection Agency) all flammable materials or storage tanks on the site.
10. All gasoline or other fuel pumps shall be supported by a dedicated standby generator to ensure continuity of service after severe weather events, or acts of God, subject to approval by the City.

HH. Veterinary Clinics and Animal Hospital.
1. No animal shall be kept on the premises overnight except in case of continuing treatment or an emergency. The primary purpose of a veterinary clinic is for the care and treatment of domestic animals and not for keeping or boarding animals (may include dog grooming).
2. All animals shall be kept in an enclosed building at all times. There shall be no outdoor runs or pens.

II. Agriculture.
Agricultural or other uses allowed by the Comprehensive Plan under the Agricultural or Villages of Fellsmere future land use designation are also allowed in the PDD zoning district or can be developed under the allowances of the Indian River County A-1 or A-2 zoning districts existing as of May 1, 2010 to the extent such allowances are consistent with the Comprehensive Plan. Where conflicts between the Indian River County A-1 or A-2 zoning districts existing as of May 1, 2010 and the allowances of the Comprehensive Plan exist, the Comprehensive Plan shall govern.

Except for new towns, mixed use developments or similar Indian River County uses which shall be Conditional Use, all other uses may be administratively approved in the County A-1 and A-2 zoning districts if the following conditions are met; otherwise, such uses shall be a conditional use approved by the City Council.

1. Agricultural Industries. All such uses shall be located a minimum of 500' from the nearest residence. Buffering shall be required between Agricultural Industries and residentially used or designated lands at the discretion of the City Manager.
2. Demolition Debris Sites are prohibited in all zoning districts in the City of Fellsmere.
3. Junk and Salvage Yards or sites, concrete plants, automobile wrecking yards, and gasoline or oil storage depots are prohibited in all zoning districts in the City of Fellsmere.
4. Kennel/Animal Boarding Facilities, as defined in this Code, shall meet the specific conditions of this Section except that activities are not required to be conducted within an enclosed building. When such activities are not conducted within an enclosed building, they must be located a minimum of 500' from the nearest residence or residentially designated lands.
5. Outdoor Storage Areas shall meet the specific conditions of this Section except that flammable or explosive liquids, solids or gases may be stored in bulk above ground in accordance with State and Federal regulations. Outdoor storage facilities or areas are not required to be enclosed by a solid fence or wall and such storage shall not be regulated as to its location in front of side yards. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be managed according to best management practices.
6. Open Storage of Inoperable, Unlicensed Vehicles. No inoperable or unlicensed vehicle shall be openly stored if viewable from a residential zoning district.
7. Recreational Vehicle. Camping—Temporary or rental parks. Such uses shall abide by the use restrictions set forth in this section.
8. Stripping of Top Soil. Excavation and fill activities are regulated by Section 7.1 of this Code.
9. Vehicle major repair, servicing and maintenance and Vehicle minor repair, servicing and maintenance: shall be conducted as an ancillary use in support of other legally authorized uses. No commercial establishment may be conducted. Vehicle repair and maintenance shall not be visible from a residential zoning district.

10. Energy Production. Energy production facilities less than 1MW.
11. A temporary use or structure to be in operation or use for twelve months or less.

JJ. Non-Residential Uses within Residential Zoning Districts.
1. Supportive neighborhood commercial facilities and accessory land uses as set forth in Table 3.2.B may be located within areas designated Medium Density Residential or High Density Residential on the
Future Land Use Map and containing an R-2, R-3 or PDD zoning district on parcels developed under a final development plan in tracts of 5 acres or more.

2. Such neighborhood commercial or accessory uses shall consume no more than 10% of the total land area within the development tract and shall be limited to no more than 10% of the total building gross square footage approved as part of the final development plan.

3. Personal service establishments, Medical Clinics, Businesses/Professional Offices, Business service establishments, Administrative Services and Soup Kitchens may only be allowed within a Cultural or Civic Facility/Building or Use or Community Center Building.

4. Soup Kitchens and Medical Clinics shall only be allowed as part of a non-for-profit housing initiative wherein the provision of a soup kitchen or medical clinic is an integral component of the non-for-profit services provided to the residents of the development. Such uses may be made available to the general public only upon approval of the City Council.

5. For non-residential uses, the City Council shall prescribe standards and criteria to assure their compatibility with residential uses including, but not limited to, restrictions on specific uses that are determined to be incompatible with residential uses at the sole discretion of the City Council.

6. The design of new residential developments desiring to locate non-residential uses therein shall develop in accordance with the guidelines set forth in Policy FLUE A-2.4 of the Comprehensive Plan.

KK. Hunting.

Hunting is a permitted use upon land with a Planned Development, Agricultural, Conservation, or Public Institutional zoning designation under the following conditions:

1. Hunting shall not occur within 1,000' from the nearest residential zoning district and residential structure.

2. Property in which hunting is conducted shall be fenced on all sides.

3. All entrances to property in which hunting is conducted shall be posted with “No Trespass” signs.

4. All individuals except those who are exempt under State Statute/Rule, shall be properly licensed.

5. If hunting on City lands, all individuals shall obtain a permit from the City Manager or his/her designee.

6. If hunting on private lands, all individuals shall maintain on their possession a dated, written permission from the property owner for such use.

7. All rules and regulations of the Florida Wildlife Code, Division Number 68A of the Florida Administrative Code shall be followed.

The City may adopt administrative rules to further regulate hunting on City lands. Such rules shall be conditions of any permits issued to hunt on City lands.

LL. Accessory Dwelling.

1. Accessory dwellings within the limits of the original plat of the Town of Fellsmere according to the plat thereof recorded in Plat Book 2, Pages 2 and 3, Public Records of St. Lucie County, now lying in Indian River County or within the limits of the plats of the Hall, Carter & James Subdivision according to the plats thereof recorded in Plat Book 3, Page 31 and Plat Book 2, Page 98, Public Records of St. Lucie County, now lying in Indian River County or within the limits of the plat of the Lincoln Park Subdivision according to the plat thereof recorded in Plat Book 1, Page 60, Public Records of Indian River County, shall be governed by the following standards:

   a. locate on a minimum 1/3-acre lot or larger;
   b. locate within a zoning district as set forth in Table 3.B;
   c. provide a stabilized driveway and parking surface capable of accommodating a minimum of four vehicles;
   d. meet minimum life safety requirements of the Florida Building Code as determined by an inspection of the Building Official;
   e. maintain a properly functioning septic system permitted by the Health Department for the primary residence and accessory living unit;
   f. limit to no more than 40% of the floor area of the primary residence; and
   g. principal structure shall be a homestead residence.

Unpermitted accessory living units in existence as of January 1, 2004 not otherwise meeting the requirements of a. through g. above shall be allowed to remain as nonconforming uses subject only to items d. through e. above.

2. Accessory living units constructed as part of new residential subdivisions shall meet the following standards:

   a. The use of accessory dwelling units to provide an opportunity for dispersed housing or other accessory uses within the single-family subdivision shall be approved as part of a final development plan as a planned development.
   b. Accessory dwelling units included within or architecturally connected to the main residential structure approved as part of a final development plan shall not constitute a unit for the purposes of limiting density at the sole discretion of the City Council.
c. Accessory dwelling units shall be evaluated for concurrency purposes to determine availability of services when included within a proposed development plan.
d. The accessory living unit shall be limited to no more than 40% of the floor area of the primary residence.
e. The use of the accessory dwelling for rental purposes shall be approved as part of a final development plan as a planned development at the sole discretion of the City Council.

3. Recreational Vehicle (RV) shall not be allowed as an accessory dwelling unit.
4. No more than one accessory dwelling may be approved for any single family residence or nonresidential development.

MM. Community/Family Gardens.
A community or family garden may be a stand-alone use on any residential lot of record. The following accessory uses may be permitted in support of a community or family garden: driveway, culvert, fence, shed, greenhouse, irrigation, power, and/or compost bin under the following conditions.

1. A valid permit for installation of a driveway, culvert, fence, shed, greenhouse, irrigation, power, or compost bin must be obtained in accordance with the Florida Building Code and/or City of Fellsmere Land Development Code.
2. Any driveway, culvert, fence, shed, greenhouse, irrigation, power, or compost bin must be removed upon cessation of gardening activities, seasonal cessation excluded.
3. There shall be no outdoor storage of any kind.
4. There shall be no overnight parking or camping on the property.

NN. Adult entertainment establishment or sexually oriented business.
1. Shall be subject to the requirements of the Adult Regulation Ordinance 2015-08; the Public Nudity Ordinance 2015-09 and the Adult Locational Ordinance 2015-10.
2. Shall provide exterior lighting within all parking and pedestrian areas of the site with an illumination of not less than 2-5 average maintained foot candles as measured thirty-five (35) inches above the ground surface. The light shall be maintained at all times any customer or worker is present on the premises.
3. Shall not exceed a floor-area-ratio of 0.20.
Section 5.3 Criteria for specified uses. The following uses shall be subject to the minimum standards of this Code and the following specific standards.

DD. Reserved Mobile Food Vending Units.

a. Shall require conditional use approval as set forth in Section 17.19 of the Land Development Code.

b. Shall be allowed for a duration of no more than five years with the option to extend such duration upon approval of the City Council via an amendment to the conditional use approval subject to good cause.

c. Shall be more than 500 feet from any other mobile food vendor when located in OTD zoning district.

d. All improvements on site shall be of a permanent nature except for the mobile food vending unit.

e. The mobile food vending unit may remain on the property full time or may be removed and returned to the property at the discretion of the operator.

f. If seating is provided to consume food or beverage products on site, a permanent bathroom facility is required and shall be sized as required by the Florida Building Code. Applicants may request via the conditional use approval the use of an adjacent business’ bathroom facilities if such facilities are compliant with the Accessibility Standards of the Florida Building Code and such shared use is allowed by the Florida Building Code.

g. The use shall comply with the Article V, Section 5.3.J. Eating and drinking establishments and Section 5.3.S. Outdoor seating.

h. Design standards shall comply with Article VII of the Land Development Code except as otherwise set forth below.

i. A designated off-street loading space is not required; however, the required site plan shall demonstrate that the site can accommodate the expected delivery vehicles that may serve the property.

ii. Parking requirements shall be one space per employee plus five spaces for each separate mobile food vending unit placed on the property. If parking is determined by the city, at its sole discretion, to be inadequate to serve the demand, the applicant shall provide additional spaces as directed by the City within 60 days of receipt of written notice.

i. The use shall comply with Article IX of the Land Development Code except as otherwise set forth below.

i. The mobile food vending unit shall not be required to comply with the architectural standards; however, the City shall have the sole discretion to approve the color of the mobile food vending unit and any images, applied signs and other graphics. The Applicant shall be required to provide color photos of the proposed food vending unit as part of the conditional use approval. All permanent improvements shall continue to comply with the architectural standards, if applicable.

ii. Parking shall continue to be maintained to the side or rear of the placement of the mobile food vending unit; however, if placed to the side, the parking may extend beyond the extension of the front of the unit but shall maintain a minimum 15’ wide parking perimeter buffer between the parking the property line.

iii. A dumpster shall not be required if the operator removes all trash at the end of each operating day. The operator may not utilize the dumpsters of adjacent establishments for their trash.

iv. Strict compliance with the building foundation landscape requirements is not required for the mobile food vending unit; however, the Applicant shall propose a landscape plan that screens any supporting utilities such as electrical transformers, propane tanks, backflow preventers, lift stations, and the undercarriage and tow hitch of the mobile food vending unit. All permanent improvements shall comply with the building foundation requirements, if applicable.

j. Signs shall comply with Article X and Section 9.3.E and 9.4.E of the Land Development Code, as applicable.

k. Landscaping shall comply with Article XI and Section 9.3.C and 9.4.C of the Land Development Code, as applicable.

l. No alcohol shall be sold.

m. The property shall not contain any outdoor telephone, vending machines, or other machines dispensing, displaying, or storing products for sale or use unless a permanent building is constructed on the property and such uses are designed to be complimentary with the permanent building. Such uses shall be approved as part of the conditional use approval.
Section 5.3 Criteria for specified uses. The following uses shall be subject to the minimum standards of this Code and the following specific standards.

DD. Reserved Mobile Food Vending Units.
   a. Shall be allowed within the following zoning districts: C-1, C-2, I, PIN, and PD, and OTD.
   b. May only be located on developed properties and may not result in the loss of parking below the code required minimum parking or block any ingress/egress, building entrance or emergency exits.
   c. No more than one mobile food vending unit may be located on any developed property.
   d. Shall require administrative approval as set forth of the Land Development Code.
   e. Shall operate only during the business hours of the principal business located on the property.
   f. No outdoor seating is allowed. Food and beverages for sale are for take-away service only.
   g. No temporary of permanent furniture or improvements on site shall be allowed except for trash/recycling receptacles and an A-frame menu board.
   h. The mobile food vending unit may remain on the property full time or may be removed and returned to the property at the discretion of the operator.
   i. No alcohol shall be sold.
   j. When operating on city-owned land, a mobile food vendor must maintain insurance as set forth below naming the City of Fellsmere as additional insured.
      a._