Sec. 33-18. - Special exceptions.

The letter "E" under section 33-17, Zoning Districts, signifies that the use is allowed by special exception. Applications for special exceptions shall be reviewed pursuant to the procedures in article XII of this chapter. The following alphabetized footnotes provide specific regulations in addition to or supplementing standard regulations for development.

1. Accessory dwelling units are subject to the regulation set forth in Section 33-25.

2. Auto body shops shall be located only in areas where the predominant use of the surrounding property is automobile sales; provided however, that there shall be no outside storage of disassembled vehicles or auto parts, no auto salvage operations and no sandblasting; all auto body repair operations shall be conducted within an enclosed facility and have a minimum Class B* landscape buffer between itself and any street and residential land use, and no vehicle shall remain on site for repair for more than four weeks.

3. Banquet facility must meet the following requirements:

   (a) Minimum of Class C landscape buffer along the front of the property.

   (b) Parking to be provided at a rate of:

      1. One space per 100 square feet gross floor area +1 per 3 employees; or

      2. As per the requirements contained in section 33.91.02(c).

   (c) All food services at the facility must be prepared on-site by the facility operator in its cooking facility or catered by a properly licensed food service provider.

   (d) Must be located on an arterial or collector roadway.

   (e) The facility must contain sufficient kitchen facilities for cleaning purposes to properly maintain a sanitary condition.

   (f) Alcohol may only be permitted to be served if, after a hearing, the city commission determines that the consumption of alcohol at the proposed location for the facility will not adversely impact the health, safety, or welfare in the surrounding area.

4. Cemeteries shall have at least a Class B landscape buffer between adjacent land uses.

5. Churches shall have at least a Class B landscape buffer between adjacent land uses. Churches may be a maximum of 65 feet in height; however, for every one foot of height at the roof line in excess of 35 feet, there shall be

an additional one foot of side and rear yard setbacks.

6. Communication towers are subject to the regulations set forth in section 33-23 of this Code.

7. Community gardens are subject to the regulations set forth in Section 33-24 of this code.

8. Community park when adjacent to residential land uses, the parking areas of community parks shall have at least a Class B* landscape buffer.

9. Country clubs and golf courses: Other than the greens and fairway areas, all other golf course operations shall have at least a Class C* buffer between adjacent external land uses.

10. Day care facilities shall not be located within the approach and landing patterns of any airport, shall have a minimum separation of 500 feet from fuel storage and supply plants, and shall have at least a Class B landscape buffer from all adjacent land uses.

11. Governmental land uses shall have at least a Class B landscape buffer.

12. Gymnasium, dance studio and martial arts studios or compatible organized physical activities where the predominate use is for organized scheduled instruction must meet the following requirements:

    (a) Sufficient parking above required amount of parking for industrial uses to meet ratio of one space per 150 square feet.

    (b) If studio is part of a multi-use complex; parking shall be provided adjacent to studio.

    (c) Studio should not be located adjacent to an industrial use that utilizes or stores hazardous material.

    (d) Studio should be located within 500 feet of a major collector or arterial roadway to minimize traffic conflicts with industrial traffic.

13. Junk, waste or salvage yard - The operation shall be conducted either within a closed fence or when a screen planting is used. Stored materials must not exceed the height of the fence; except the fence need not exceed seven feet in height providing the materials stored in excess of seven feet must be set back five feet for each additional foot of height.

    (a) 35-foot rear setback if abutting residential.

    (b) Rear landscape buffer of at least 25 feet wide if abutting residential.

14. Marine repair must meet the following requirements:

    (a) 35-foot rear setback if abutting residential.

(b) Rear landscape buffer of at least 25 feet wide if abutting residential.

15. Medical and dental clinics. Such clinics should be built to the minimum requirements for the promotion of public health, safety, and general welfare of the community, while conforming to the provisions herein enumerated in this section, and must comply with all applicable city, county and state health regulations. Each application shall be granted only after specific review and consideration by the city commission.

16. Nursing (convalescent) homes/adult congregate living facilities shall have at least a Class B buffer when adjacent to residential land uses.

17. Package store or bar, for all land uses requiring either a Department of Business and Professional Regulation "3 PS" liquor license (package sales) or "4 COP" liquor license (bars, lounges, etc.), the following minimum separation requirements shall apply: C-2A 300 feet; BR, C-1, C-2, C-2AC, C-4 and M-1 500 feet.

18. Planing, saw mills, All activities shall be conducted indoors. Sawdust and other products cannot exceed 12 feet in height and must be located no closer to the exterior property line than 15 feet. The property must have an opaque fence. Dust, air pollution and noise shall be controlled. Noise must comply with the city's adopted noise ordinance.

19. Primary uses and structures in excess of 8,000 square feet of gross floor area, maximum impervious surface of 60 percent and located on not less than 0.5 acre of property.

20. Private airports and airport operations shall be located so as not to conflict with the operations of the DeLand Municipal Airport.

21. Private clubs and lodges shall have at least a Class C* landscape buffer between itself and adjacent residential land uses.

22. Private parks must meet the following requirements:

(a) The subject parcel must contain a minimum of 5,000 square feet.

(b) On-site parking must provide a minimum of 15 spaces or a ratio of one space per 2,000 square feet of lot area, whichever is greater.

(c) Off-site parking may be allowed, if there is an existing facility within 300 feet owned or leased by the same entity applying for the private park that meets the above minimum parking requirements.

(d) Restrooms must be provided, unless provided within 300 feet by the same entity applying for the private park.

(e) The park is allowed only one sign, which must not exceed 16 square feet and eight feet in height.

(f) When adjacent to residential areas, there must be at least a landscape

buffer area that meets the requirements of a Class "B" Buffer Zone.

(g) Additional conditions or modifications to the above requirements may be made by the city commission.

(h) The city commission will establish hours of operation in a manner consistent with maintaining the peace and quiet of the surrounding neighborhood.

(i) If the property fails to meet any of the above requirements, then the property will lose the special exception.

23. Rental of trailers, trucks, recreational vehicles and boats shall be limited to a maximum of 24 feet in length. The display of storage sheds shall be limited to a maximum size of ten feet × ten feet × 12 inches. Does not pertain to the retail sales of new cars, vans and light-duty trucks.

24. Second primary use on a parcel containing an outdoor advertising sign.

(a) The parcel had an outdoor advertising sign on January 1, 2007.

(b) The property owner is contractually obligated to allow the outdoor advertising sign to remain on the property for at least 12 months from the date of the application for the special exception, notwithstanding any option provided to the property owner to buy out the remaining term of the contractual obligation. The applicant must provide written proof of such obligation.

(c) The term of the lease, license, agreement or other contract for the outdoor advertising sign expires not more than ten years from the date of application for the special exception, notwithstanding any option provided to the property owner to buy out the remaining term of the contractual obligation.

(d) The term set forth in paragraph (c) above has not been renewed or extended since January 1, 2007.

(e) The property owner executes a written undertaking, in recordable form, agreeing to remove the sign at the expiration of the term set forth in paragraph (c) above. Such removal will be at the sole expense of the property owner. Such written undertaking will include a release of any and all claims against the city for the removal of the sign, whether in the name of taking claims or otherwise, and shall give the city the authority to enter the property and remove the outdoor advertising sign, and to place a lien against the property for the cost of such removal.

(f) The second primary use shall be allowed signs exempted by section 33-72 of this article or expressly authorized by section 33-74 or 33-75 of this article.

25. Shade structures in excess of 800 square feet must meet the following requirements:

    (a) Structure must meet requirements of section 33-28.08.

    (b) The size of the shade structure cannot exceed one-half the size of the principal building.

    (c) Appearance must be compatible with the principal building.

    (d) Structures may be allowed for the following uses: public, playground equipment, daycare, automobile display, and outside eating areas.

26. Storage facilities (personal) and mini-warehouses shall have at least a Class B* landscape buffer between adjacent land uses and shall be utilized for personal storage by individuals or businesses, but shall not be used for commercial business operations. Such land uses may include storage areas for personal vehicles.

27. Storage sheds — The display of storage sheds shall be:

    (a) Limited to specified areas identified in an approved site plan,

    (b) Prohibited in any landscape buffer,

    (c) Prohibited to display signage on outside surfaces,

    (d) Counted as impervious surface amount included in calculation for the entire site.

28. Truck stop must be located on state arterial roadway, have no driveways to a local road, shall not permit trucks or trailers to be parked for periods of more than 48 hours, and shall provide a Class D landscape buffer between the subject property and any abutting residential property.

29. Vehicles sales and rentals must meet the following requirements:

    (a) All vehicle use areas must be paved and landscaped per Articles VIII and, where applicable, per Article IV.

    (b) Landscape buffers and interior landscaping must be provided consistent with Gateway Overlay.

    (c) Parking must be provided for employees and customers in addition to display area.

    (d) Site must be at least one-half acre in size.

30. Veterinary clinics, pet grooming businesses with outdoor boarding facilities and pet runs shall have a minimum Class B* landscape buffer.