

# Titusville, Florida

## Central Business District Zoning Regulations

### DIVISION 4. CENTRAL BUSINESS DISTRICT (CBD)

#### **Sec. 59-661. Purpose and intent.**

- (a) The Central Business District (CBD) is established to promote the health, safety, social and economic welfare of the residents of the City by increasing the City's tax base and promoting the long-term economic growth of the downtown area. By implementing this district, the City desires to encourage development that will be compatible with the character of the downtown area and conform with the Community Redevelopment Plan. It is intended that this district will foster the activity expansion of commercial office development so that the City will enhance its position as a center for economic and business affairs and provide an expanding source of employment opportunities for the City's inhabitants while encouraging the development of a desirable working environment. It is further intended that this district will implement a plan for improved pedestrian and vehicular circulation and parking management and retain and generate the establishment of a variety of retail consumer and service business to ensure that the needs of the area's residential and working population will be satisfied. The District is designed to encourage excellence in urban design, preserve the unique character and historic fabric of the downtown, and reinforce the role of the downtown as a community center and meeting place for people from all walks of life and all economic groups.
- (b) The boundaries of the Central Business District (CBD) are the same as the Community Redevelopment Area as created by City Council under Ordinance 66-1982 pursuant to the powers conferred by section 163.330 Florida Statutes entitled "the Community Redevelopment Act of 1986" and any amendments thereto, specifically those powers granted in section 163.330 et seq. and as refined within this subsection. The boundaries of the Community Redevelopment area are as follows:

North. The northwest property line of Parcel 28, section 33, running southwest-northeast and extending from FEC Railroad on the west to the center of the navigable portion of the Indian River on the east.

South. An east-west line running parallel with the center line of Grace Street and extending from FEC Railroad to the west to the center of the navigable portion of the Indian River on the east.

East. A line running generally north and south but continuous to the center of the navigable portion of the Indian River and extending from the intersection with the south boundary as described above intersection with the north boundary as described above.

West. A line running generally north and south and parallel to the FEC Railroad and extending from the intersection of the north boundary to the center line of Grace Street on the south.

Except the following: Beginning at the confluence of the west mean high water line of the Indian River and the east terminus of the River View Place right-of-way; thence west along the north right-of-way line of Indian River Avenue; thence south along the west right-of-way line of Indian River Avenue to the south right-of-way line of Palmetto Street; thence west along the south right-of-way line of Palmetto Street 125 feet; thence south and parallel to the west right-of-way of Indian River Avenue to the south right-of-way line of Bayview Street; thence east to the west lot line of Lot 13, Block 11, Bayview Manor (PB 5-16); thence south parallel to the east right-of-way line of U.S. #1 to the west property line of Casa Del Rio Condominium; thence south along the west property line of Casa Del Rio Condominium to the southwest corner of said Casa Del Rio Condominium; thence south to the southwest corner of Lot 11, Riverside Park (PB 4-9); thence east along the south property line of said Lot 11 to the west right-of-way of Riverside Drive; thence east across Riverside Drive to the southwest corner of Lot 10, State Tree Shores (PB 8-49); thence east along the south property line of said Lot 10 to the west mean high water line of the Indian River; thence north along the west mean high water line of the Indian River to the point of beginning. (See Community Development Department for any question pertaining to boundaries.)

- (c) Within the Central Business District (CBD), all applicable laws pertaining to the CRA and including the goals and objectives of the Community Redevelopment Plan shall be adhered to.
- (d) The regulations established in the Central Business District (CBD) have been established in accordance with the Community Redevelopment Plan with reasonable consideration among other things to prevailing land uses, growth opportunities, the elimination of slum and blight and to encourage the development and redevelopment of land in the community redevelopment area. Therefore, the district provides regulations to implement applicable goals, objectives and policies of the City's redevelopment efforts so as to be consistent with the applicable goals, policies and objectives of the City's Comprehensive Plan.
- (e) *Severability.* If any part or provision of this section or application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provisions or application directly involved in the controversy in which such judgment shall have been rendered. That judgment shall not affect or impair the validity of the remainder of this section or the application thereof to any other persons or circumstances.
- (f) *Repeal of conflicting ordinances.* The provisions of this section shall supersede any ordinance in conflict herewith. The procedure for processing development within the redevelopment area shall be in accordance with this ordinance and shall supersede conflicting provisions.

- (g) *Enactment.* This section shall take effect as provided by law; provided, that when any provisions of this ordinance [section] are amended, the effective date of such amendment shall apply for the purposes of deciding any question directly controlled by such amendment.

*(Ord. No. 7-1992, 4-16-92; Ord. No. 6-1993, § 3, 2-9-93)*

**Sec. 59-662. Permitted principal uses.**

- (a) Single family detached dwellings.
- (b) Family day care homes.
- (c) Neighborhood group homes.
- (d) Townhouses.\*
- (e) Duplex, triplex, quadraplex, and other forms of multifamily units.\*
- (f) Retail sales and outlets (this use category includes all types of retail sales excepting those in section 59-665, Prohibited Uses).\*
- (g) Business, personal and professional services.
- (h) Professional, business, medical and dental offices and clinics.
- (i) Banks and financial institutions.
- (j) Veterinarians, provided all activities are contained within an enclosed air conditioned building.
- (k) Restaurants including carry out establishments, delicatessens, ice cream parlors and similar establishments.
- (l) Churches.
- (m) Health studio, spa and similar establishments.
- (n) Commercial parking lots and off street parking lots in association with other permitted uses and conditional uses in the district.
- (o) Nursing homes, convalescent homes and extended care facilities.
- (p) Pharmacies.
- (q) Nightclubs, bars, taverns, and cocktail lounges.
- (r) Retail food markets and supermarkets.
- (s) Florists.
- (t) Coin operated laundry and dry cleaning.
- (u) Photography studios, dance, art, music schools and similar uses.
- (v) Public use (exclusive of storage yards) and government uses.
- (w) Hotels, motels.
- (x) Taxi cab, limousine and other similar vehicles for hire establishments.
- (y) Employee credit unions.
- (z) Post office.
- (aa) Passenger terminal facilities.
- (bb) Public park.
- (cc) Mixed use buildings.
- (dd) Pennant signs in conjunction with permitted outside sales and display areas (subject to the requirements of section 39-171(e)).
- (ee) Bed and breakfast inns--See section 59-40.5, Article III, Division 1--Residential Uses "Bed and breakfast inns", for specific regulations and performance criteria that bed and breakfast inns shall be required to meet.

*(Ord. No. 7-1992, 4-16-92; Ord. No. 9-1999, § 4, 4-27-99; Ord. No. 20-1999, § 22, 10-*

12-99; Ord. No. 21-2001, § 3, 8-28-01; Ord. No. 45-2003, §13, 9-23-03: Ord. No. 61-2007, §1, 10-23-07)

**Sec. 59-663. Accessory uses.**

- (a) Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building structure or use.
- (b) Uses and structures which are in keeping with the character of the district.
- (c) Any hotel or other tourist accommodation containing fifty (50) rental units or more shall be permitted to establish accessory uses within the principal building designed to primarily serve the guests of the facility, such as: drug and sundry shops, florists, gift and souvenir shops, confectionery store, newsstands, personal service, etc.
- (d) Home occupations subject to the provisions of section 59-35.
- (e) Ice vending buildings as defined in Section 27-11 provided that the ice vending building is located on property adjacent to an arterial road.

(Ord. No. 7-1992, 4-16-92; Ord. No. 38-2006, §5, 10-10-06)

**Sec. 59-664. Conditional uses.**

- (a) Schools--Public and private elementary, junior high and senior high schools. (See Chapter 59, Article X, Division 3--Conditional Uses Performance/Development Criteria "Schools Performance Criteria", for specific regulations and performance criteria that schools shall be required to meet).
- (b) Outdoor recreational and commercial amusements (miniature golf, tennis facilities, driving ranges, batting cages and similar amusements).
- (c) Indoor recreational and commercial amusements (bowling, pool, billboards, video game arcade and similar amusements).
- (d) Child care facility.
  - (1) No certificate of occupancy shall be issued until a license has first been obtained from the state department of health and rehabilitative services and any other permitting agency as required by law including the provisions of these regulations.
  - (2) A landscape buffer in accordance with section 35-38 shall be required on nonstreet property lines.
  - (3) Such facility shall provide a passenger dropoff zone adjacent to the facility providing clear ingress and egress from parking and access areas.
  - (4) All structures, playgrounds and outdoor recreation areas be set back a minimum of fifty (50) feet from any abutting residential zoning district or residential use.
- (e) Adult congregate living facility.
  - (1) The storage and preparation of food shall be accomplished at a central kitchen. Each separate room or group of rooms shall not be designed, altered, maintained or used for this purpose.
  - (2) All adult congregate living facilities shall provide sufficient staff to operate the facility in a proper manner as required by the minimum

- standards of the state department of health and rehabilitative services.
- (3) No certificate of occupancy shall be issued unless a license has first been obtained from the state department of health and rehabilitative services and any other permitting agency as required by law including the provisions of this chapter.
  - (4) Each living unit within the facility shall have a minimum living area of four hundred fifty (450) square feet.
  - (5) All facilities containing more than one (1) story shall have an elevator large enough to carry a stretcher.
- (f) Semi-public body.
  - (g) Transient accommodations, boarding house, and other tourist accommodations not noted as a permitted use of this zoning district.
  - (h) Convenience stores (with or without gas pumps).
    - (1) All gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to setback requirements for the district except that no such pumps, tanks, vents, pump islands or pump island canopies shall be located closer than twenty-five (25) feet to any side property lines.
    - (2) The proposed store shall be free of all obstructions of view from the adjacent street to the main store windows giving a clear and unobstructed view of the cashier's station including obstructions of landscaping and gasoline service islands.
    - (3) The proposed convenience store shall be subject to all special requirements for retail gasoline sales establishments if the proposed store is to include such use.
    - (4) The proposed convenience store shall have appropriate security systems to include, but not be limited to, the following: convenience store shall be equipped with cameras with video retrieval capabilities. This requirement shall be exempted if the convenience store employs two (2) or more employees at the same time between the hours of 11:00 p.m. and 7:00 a.m. or if the convenience store closes on a permanent basis by 11:00 p.m.
    - (5) The proposed convenience store shall not have as a part of its operation coin operational amusement devices.
  - (i) Retail gasoline sales (including full service fuel stations).
    - (1) All gasoline pumps, tanks, vents, pump islands, and pump island canopies shall conform to setback requirements for the district except that no such pumps, tanks, vents, pump islands or pump island canopies shall be located closer than twenty-five (25) feet to any side property lines.
    - (2) All outdoor display of merchandise is prohibited.
    - (3) Off street loading spaces which are provided for the delivery of materials, merchandise, fuel oils or any similar accessory or product shall be located in such a manner on the site in order to completely separate these off street loading areas from customer parking areas and access lanes and aisles thereto.

- (j) Retail sales and service of automobiles.
  - (1) All servicing (excluding washing, cleaning and waxing) and repair of vehicles shall be conducted in a completely enclosed building.
  - (2) All parts and supplies shall be located within a completely enclosed building.
- (k) Repair and service for small equipment items.
- (l) Bridge structures.
  - (1) The vertical plane of the building which faces the street must be at or outside the required setback from that street.
  - (2) A clearance of at least twenty (20) feet from the surface of the roadway to the underside of the bridge must be maintained. Signs shall be provided on bridges to indicate the vertical clearances from the street.
  - (3) Distances between bridges shall be provided on bridges to indicate the vertical clearances from the street.
- (m) Marinas.
- (n) Private clubs.
  - (1) All buildings shall be set back fifty (50) feet from any street and one hundred (100) feet from all other lot lines.
  - (2) Such use shall be operated for the benefit of members only and not as a business entity.
- (o) Self-service car wash, full service car wash and automatic exterior drive thru car wash (See Chapter 59, Article X, Division 2 for specific regulations of car wash facilities).
- (p) Additional residential density (not to exceed a total of 20 units per acre).
  - (1) Additional density per acre may be allowed based upon the following design features or combination thereof:

Design Feature	Maximum Allowable Additional Density
All required residential parking provided in an enclosed structure	1
<b>Right of Way Improvements (Details must be provided for CUP application):</b>	2
Landscaping (as permitted by approved landscape plan)	
Historic Lighting	
Benches, trash cans	
Underground utilities	3
(2) Requests for additional density shall be reviewed on a case by case basis and this provision shall not be construed to automatically allow additional density or to allow the maximum density in the zoning district.	

*(Ord. No. 7-1992, 4-16-92; Ord. No. 21-1998, § 8, 7-28-98; Ord. No. 9-1999, § 5, 4-27-99; Ord. No. 20-1999, § 23, 10-12-99; Ord. No. 17-2003, § 1, 4-23-03; Ord. No. 45-2003, §14, 9-23-03; Ord. No. 87-2005, §1, 1-10-06)*

**Sec. 59-665. Prohibited uses.**

- (a) Any use or structure not specifically or by reasonable implication permitted herein or permissible by conditional use.
- (b) Mobile home parks.
- (c) Commercial kennels.
- (d) Drive-in theater.
- (e) Mini warehouse.
- (f) Large scale repair and heavy equipment repair and related service facilities.
- (g) Contractor storage yard or open storage.
- (h) Bulk storage of gas and oil.
- (i) Salvage and junk yards.
- (j) Chemicals, explosives, exterminators.
- (k) Foundry and steel or metal fabrication/ manufacturing.
- (l) Asphalt and concrete mixing or manufacturing.
- (m) Outdoor storage or display of any retail/wholesale items excepting existing automotive sales dealers, except, however, in the area bounded by Garden Street to the north, Pine Street to the south, Indian River Avenue to the east and Palm Street to the west, outside display of merchandise shall be permitted on the property and not in the public rights-of-way.

*(Ord. No. 7-1992, 4-16-92; Ord. No. 30-2002 §1, 6-9-02)*

**Sec. 59-666. Maximum residential density.**

- a) The maximum number of residential dwelling units per acre in the Central Business District (CBD) shall be fifteen (15) units per acre. See section 27-11, Definitions.
- b) Transient accommodations--fifteen (15) units per acre. If fifty (50) percent or more of the units do not have cooking facilities, thirty (30) units per acre may be allowed subject to conditional use permit approval.
- c) Hotels and motels shall have no maximum density restrictions.

*(Ord. No. 7-1992, 4-16-92; Ord. No. 6-1993, § 3, 2-9-93; Ord. No. 9-1999, § 6, 4-27-99)*

**Sec. 59-667. Height, yard and area requirements.**

- (a) Maximum building height none, except that any building over fifty (50) feet in height may be allowed through the variance process. See [Urban Design Manual \(UDM\)](#).
- (b) Minimum yard requirements.
  - (1) Residential uses.
    - Front - twenty-five (25) feet.
    - Side - ten (10) feet.
    - Side corner - twenty (20) feet.
    - Rear - twenty-five (25) feet.
  - (2) All other uses.
    - a. Function of [UDM, streetscape design](#). Subject to landscape ordinance and UDM.
    - b. These setbacks can be eliminated if developed as one or if developed as part of a condominium type project that is part of the Downtown Redevelopment Plan.

- c. When a commercial or other use abuts a residential use, the residential setback shall apply to the abutting portion of the commercial/other use.
  - d. Subject to visibility requirements of section 39-42(e).
  - e. When a structure is erected next to an existing building and is attached to said existing building, then such setback will match the existing building, excluding subparagraph (d) above.
  - f. Improvements permitted in setbacks.
    - 1. Open-air pedestrian malls.
    - 2. Planter landscaping and any accessories in compliance with [Streetscape](#) and [Urban Design Manuals](#).
    - 3. Paving and associated curbing that is in conformance with [Urban Design Manual](#).
    - 4. Architectural projections such as eaves, signs, canopies and columns in conformance with [UDM](#).
    - 5. Bus shelters.
- (c) Minimum lot size.
- (1) Single family dwelling seven thousand five hundred (7,500) square feet.
  - (2) Townhouse two thousand five hundred (2,500) square feet.
  - (3) Duplex, triplex, quadraplex and other multifamily units two thousand five hundred (2,500) square feet per dwelling unit.
  - (4) Other uses none, except as needed to meet other requirements set out in these regulations.
- (d) Minimum lot width.
- (1) Single family--seventy-five (75) feet.
  - (2) Townhouse--twenty-five (25) feet.
  - (3) Duplex, triplex, quadraplex and other multifamily units--none, except as needed to meet other requirements set out in these regulations.
  - (4) Other uses--none, except as needed to meet other requirements set out in these regulations.
- (e) Maximum lot coverage by all buildings.
- (1) Single family--thirty-five (35) percent.
  - (2) Townhouse--fifty (50) percent.
  - (3) Duplex, triplex, quadraplex and other multifamily units--the combined area of all buildings shall not exceed forty (40) percent except that permitted accessory uses may cover an additional ten (10) percent of the development lot area.
  - (4) Other uses--none, except as needed to meet other requirements set out in these regulations.
- (f) Minimum living area.
- (1) Single family--one thousand (1,000) square feet



- (2) Townhouse--eight hundred (800) square feet.
- (3) Condominium units—eight hundred (800) square feet.
- (4) Duplex, triplex, quadraplex, and other apartment units—six hundred (600) square feet.
- (5) Properties along the riverfront and marina basin must have a minimum live area of 1,200 square feet for all unit types.

*(Ord. No. 7-1992, 4-16-92; Ord. No. 87-2005, §1, 1-10-06)*

**Sec. 59-668. Minimum offstreet parking requirements.**

- (a) The required parking, including properties located in the Central Business District (CBD) shall conform to Chapter 39, Article III.

*(Ord. No. 7-1992, 4-16-92; Ord. No. 6-1993, § 3, 2-9-93; Ord. No. 1-2005, § 2, 1-11-05)*

**Sec. 59-669. Mixed use development requirements.**

- (a) All residential developments on properties that are 2 acres or more must provide a component of commercial development that will encompass at least ten percent (10%) of the building square footage.
- (b) The commercial component shall be a recognizable part of the residential development, sharing similar architecture and design and shall be accessible to the general public.

*(Ord. No. 43-2004, §13, 7-13-04)*

**Sec. 59-670 General provisions.**

- (a) *Landscaping.*

- (1) A minimum of ten (10) percent of the lot is required for each site. A transfer of required landscape area may be made at one to one value to a public site approved by the community redevelopment agency within the community redevelopment area.
- (2) All landscaping shall conform with Chapter 35, Article II, of the Land Development Regulations where not in conflict with the Titusville [Urban Design Manual](#) and the [Streetscape Manual](#). The UDM and Streetscape Manual shall prevail where in conflict with Chapter 35, Article II, of the Land Development Regulations. Special landscaped streets as noted in the Streetscape Manual will be developed in accordance with said manual.
- (3) All parking lots to conform to landscaping ordinance.

- (b) *Shoreline.*

- (1) Twenty-five (25) percent of the width of the lot to be developed must be left as breezeway in conformance with section 59-941 et seq. of the Land Development Regulations.
- (2) Placement of structures shall be reviewed by the community redevelopment agency in relation to structures on surrounding lots.

- (c) *Signs.*

- (1) Subject to [Urban Design Manual](#) criteria. However, the sign surface area criteria as noted in Chapter 39, Article V, sections 39-172 and 39-173 shall apply.

- (2) Deviations from the Urban Design Manual (UDM) must go through the BAA variance process.
- (3) All other signage issues not addressed in the Urban Design Manual shall be governed by the signage regulation as noted in this chapter (Chapter 39, Article V Signage).
- (4) Each property in the area bounded by Garden Street to the north, Pine Street to the south, Indian River Avenue to the east and Palm Street to the west shall be permitted to display one (1) sandwich-type sign, not to exceed sixteen (16) square feet in area (counting both sides). Such signs shall be displayed on the property, and not in the public right-of-way, and only during operating hours of the establishment.

(d) *Fences.* Subject to Urban Design Manual and section 67.3.

**Editor's note** -- Section 67.3 of the former Land Development Regulations is not included herein. See Division 1 of this article for regulations regarding fences pertaining to this zoning district.

(e) *Screening.* Where non-single family residential uses abut a single family residential zoning district or a single family residential use, screening shall be required pursuant to section 35-38(b) of these regulations.

(f) *Lighting.* Subject to [Urban Design Manual](#) criteria.

(g) *Addition area and yard requirements for Single Family Residential.* Any new construction on vacant lots in the district shall conform to the following standards:

- (1) If lot size is at least seventy five (75) feet by one hundred (100) feet or seven thousand five hundred (7,500) square feet, the structure shall conform with the setbacks outlined in section 59-87(b)(1).
- (2) If lot size is smaller than (1) above, structures shall conform to the setbacks of surrounding properties. Any rehabilitation, excluding expansion of existing structures, may be accomplished without conforming to present setbacks, landscaping, parking and drainage requirements. If an existing structure is destroyed by fire, flood or other calamity, the owner may rebuild without penalty of zoning code requirements to the extent of the structure that was destroyed. If the structure has been declared historical, it should be rebuilt to the original configuration to the extent possible. If the original historical configuration is not maintained, it must conform to (1) or (2) above.

(h) *Conditional uses.* Applications for a conditional uses permit (available from the City Clerk's office) shall be reviewed as follows:

- (1) Copies of the application shall be distributed to the directors of the planning department, code administration and public works department and CRA staff.
- (2) A workshop meeting of staff, during which the applicant may be present, will be held to review the project.
- (3) The applications shall be processed and advertised in accordance with the same procedure as set forth in section 47-116, Article VII of the Land Development Regulations except that the community redevelopment agency (CRA) is substituted for City Council. The

applicant shall pay the filing fee specified in section 47-298, Article XIV of the Land Development Regulations.

- (4) Each application shall comply with applicable ordinances and regulations, and if the CRA finds either that the project fails to meet City ordinances, or that the proposed use creates adverse impacts on surrounding properties, or threatens the overall health, safety and welfare of the public, the application shall be denied.
  - (5) The CRA may impose restrictions and conditions on the approval as it determines are required to protect the neighborhood and the general health, safety and welfare of the redevelopment area. All conditions on the approval shall be set forth in the resolution granting the conditional use permit. The violation of a condition shall be a violation of this section.
  - (6) General use standards. No application for a conditional use permit shall be approved unless the CRA shall specifically find the conditional use appropriate in the proposed location based on the following:
    - a. The proposed use shall be in harmony with the general purpose, goals; objectives and standards of the Community Redevelopment Plan and the City of Titusville.
    - b. There shall be a community need for the proposed use at the proposed location: (a) the use in the proposed location shall not result in a detrimental over concentration of a particular use within the redevelopment area or within the immediate area of the proposed use; and (b) the area shall not be better suited for uses which are permitted with that district.
    - c. The use at the proposed location shall not result in an adverse impact on adjacent property: the character of the neighborhood shall be preserved; traffic conditions, parking, public improvements, public sites or rights-of-way shall not be impacted; or other matters affecting the public health, safety and general welfare shall be provided or not impacted by the development.
    - d. The use in the proposed area will be adequately served by and will not impose an undue burden on the improvements, facilities, traffic conditions, utilities and services of the area. If this occurs the applicant shall, as a condition to approval, be responsible for providing these items.
  - (7) Amendments to permits for conditional uses. Following the issuance of a conditional use permit, the permit may be amended, varied or altered only pursuant to the standards and procedures established by this section for its original approval. All development shall be substantially in accordance with the conditional use permit.
- (i) *Review of projects.* Any development that occurs within the boundaries of the community redevelopment area of the City of Titusville must first be reviewed and approved as provided in this section. "Development" is defined as any new

construction on vacant and any improvement or remodeling of existing structures that requires changes in the building facade, landscaping, signs, parking or change in use of the property. The approval process of the development will be as follows:

- (1) *Less than five thousand dollars (\$5,000.00) value.* Any development shall be reviewed and approved by the City Manager or his designee.
- (2) *More than five thousand dollars (\$5,000.00) and less than fifty thousand dollars (\$50,000.00) value.* Any development in this category shall require review and approval by the community redevelopment board (CRB). The applicant shall submit to the City Clerk ten (10) copies of a layout of the proposed development not later than fifteen (15) days prior to the next regularly scheduled meeting of the Planning and Zoning Commission. The Planning and Zoning Commission will review the plan for compliance with the redevelopment plan and applicable ordinances. Based upon its review, the Planning and Zoning Commission shall take appropriate action.

Upon request, the community redevelopment agency (CRA) shall review decisions of the Planning and Zoning Commission involving development of less than fifty thousand dollars (\$50,000.00), if the decision of the Planning and Zoning Commission is appealed to the CRA within fifteen (15) days after receipt of the decision, and the CRA may at such meeting affirm or reverse the decision of the Planning and Zoning Commission.

- (3) *More than fifty thousand dollar (\$50,000.00) value.* For redevelopment not covered by subsection (1) or (2) above, the following procedures shall apply:
  - a. The applicant shall submit to the City Clerk ten (10) copies of layout of the proposed development not later than fifteen (15) days prior to the next regularly scheduled meeting of the Planning and Zoning Commission. The Planning and Zoning Commission will review the plan for compliance with the redevelopment plan and applicable ordinances. Based upon its review, the commission shall make the appropriate recommendation to the CRA.
  - b. After receipt of the recommendation from the Planning and Zoning Commission, the applicant will file for final approval. The application shall be accompanied by a fee of two hundred fifty dollars (\$250.00). Such application will be made with the City Clerk not later than the fifteenth of any month and shall be reviewed at the next regularly scheduled meeting of the CRA and shall be processed according to the procedures contained in chapter 47, article III. The City Council shall be supplanted for the CRA in the review process. At the time of submission of the application for final approval, the applicant shall submit ten

(10) copies of a final site plan containing all information as is required by Chapter 47, Article III of the Code, in addition to any other exhibits needed to show compliance with the redevelopment plan and applicable ordinances. The CRA shall review the site plan and either approve, approve with conditions or disapprove.

- (j) *Variations within community redevelopment area.*
- (1) Any property owner within the community redevelopment area may apply to the Board of Adjustments and Appeals for a variance in accordance with Chapter 47 of the Land Development Regulations.
  - (2) The grounds for granting variances from any provision of the Code of Ordinances, other than the standard building code, fire safety code and life safety code, shall be as follows:
    - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved;
    - b. That the granting of the variance will preserve the spirit of the ordinance and remain in harmony with the general purpose and intent of the downtown redevelopment plan;
    - c. That in granting the variance the public safety and welfare must be assured;
    - d. That in no case shall the granting of a variance result in a change of use which would not be permitted in that zone.The grounds for granting variances from the standard building code, fire safety code and life safety code shall be in accordance with Chapter 47, Article VIII of the Land Development Regulations.
- (k) *Existing uses.* Nothing contained in this section shall be intended to prohibit the continued use of any building or structure which use is otherwise prohibited or conditional within the community redevelopment area for which use a valid occupational license has been obtained prior to the effective date of this section provided that:
- (1) Such use may not be reestablished after discontinuance for six (6) consecutive months.
  - (2) Such buildings or structures may not be extended enlarged or expanded, except through the variance process in section 67.39(i).

**Editor's note--** Section 67.39 was repealed by Ord. No. 7-1992. See Division 1 of this article for specific requirements.

- (3) The right to continue such a prohibited or conditional use restrictions contained in (1) and (2) above have not been violated prior to the date of such transfer.

*(Ord. No. 7-1992, 4-16-92; Ord. No. 26-1993, §§ 3--6, 8-24-93; Ord. No. 11-1999, § 19, 7-13-99; Ord. No. 30-2002 §2, 6-9-02; Ord. No. 43-2004, §13, 7-13-04)*

**Secs. 59-671--59-680. Reserved.**