

# *City of Davenport*

*Polk County, Florida*



*"Gateway to the Ridge"*

## *Unified Land Development Regulations*

Adopted: April 15, 2019

via Ordinance 874

Updated: August 3, 2020

via Ordinance 944

Updated: March 2, 2026

via Ordinance 1396

Prepared By:

The Central Florida Regional Planning Council



**CITY OF DAVENPORT  
UNIFIED LAND DEVELOPMENT REGULATIONS  
AMENDMENT HISTORY**

<b>Ordinance</b>	<b>Adoption Date</b>	<b>Topic</b>
874	04/15/2019	Adoption of Updated Land Development Regulations
907	11/04/2019	Deleting Article 14 Pass Thru Fees and Adding as Code of Ordinances chapter 13.5
909	10/21/2019	Amending Irrigation Design and Installation Standards
924	01/06/2020	Removing LDR appendices
926	02/20/2020	Adoption of R-5 zoning district
938	08/03/2020	Amendments for requirements for fences and walls
939	06/01/2020	Amending requirements in the LDRs and Code of Ordinances related to commercial vehicle parking
940	06/01/2020	Updating the Land Development Regulations to correct scrivener's errors from the adoption of Ordinance 874 adopting the update to the Land Development Regulations
944	08/03/2020	Addressing pharmacies and medical marijuana dispensing facilities
1172	06/20/23	Addressing external and internal access requirements to incorporate apartment complexes.

**CODE OF ORDINANCE AMENDMENT HISTORY**

<b>Ordinance</b>	<b>Adoption Date</b>	<b>Topic</b>
907	11/04/2019	Deleting Article 14 Pass Thru Fees and Adding as Code of Ordinances chapter 13.5
923	12/16/2019	Chapter 13.5 amendment to requirements for Land Development Regulations and Comprehensive Plan requirements.
930	04/06/2020	Update requirements related to chickens
931	04/06/2020	Update Code Enforcement requirements
932	04/06/2020	Update references to Building Inspector
934	04/06/2020	Update Tree and Tree protection language
939	06/01/2020	Amending requirements in the LDRs and Code of Ordinances related to commercial vehicle parking
1396	03/02/2026	Amending requirements in the LDRs for all Articles in the LDR's including scrivener errors

**COMPREHENSIVE PLAN AMENDMENT HISTORY**

<b>Ordinance</b>	<b>Adoption Date</b>	<b>Topic</b>
918	03/16/2020	Deleting Minimum density requirements for Residential Medium (RM) and Residential High (RH)
919	01/06/2020	Sheppard Future Land Use Map amendment
920	01/06/2020	Sheppard Zoning Map amendment
921	01/06/2020	City Park Future Land Use Map amendment
922	01/06/2020	City Park Zoning Map amendment

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UNIFIED LAND DEVELOPMENT REGULATIONS  
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## **ARTICLE 1 GENERAL PROVISIONS**

### **SECTION 1.01.00 TITLE**

These Regulations shall be entitled the “Unified Land Development Regulations” and may be referred to herein as these Regulations, the Land Development Regulations, or the LDRs.

### **SECTION 1.02.00 AUTHORITY AND PURPOSE**

The Land Development Regulations are enacted pursuant to the requirements and authority of Chapter 163.3202, Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter, and, the general powers for municipal corporations in Chapter 166, Florida Statutes (City Government) for the purpose of promoting the general health, safety, and welfare of present and future inhabitants of the City of Davenport.

The Land Development Regulations are adopted to:

- (A) Promote and protect the public health, safety, and general welfare of the residents and property owners of the City of Davenport;
- (B) Implement the adopted Comprehensive Plan through a set of specific and detailed land development provisions;
- (C) Combine various City regulations and laws pertaining to the development of land into one comprehensive Land Development Regulations;
- (D) Guide the future growth, development, and redevelopment of the City;
- (E) Maintain and improve the quality of life in the City;
- (F) Establish a development review process to ensure compliance with these Regulations and consistency with the Comprehensive Plan; and
- (G) Provide that the needed public utilities and facilities are available concurrently with the impact of development at a level of service established by the City.

### **SECTION 1.03.00 CONSISTENCY WITH COMPREHENSIVE PLAN**

The Unified Land Development Regulations shall be consistent with and implement the adopted City of Davenport Comprehensive Plan. The Unified Land Development Regulations shall be amended as necessary, by ordinance, to assure consistency with the City of Davenport Comprehensive Plan.

All requests for development order approval must comply with the Land Development Regulations, must further the adopted Comprehensive Plan, and shall be reviewed for consistency with the goals, objectives, and policies contained within the elements of the adopted Comprehensive Plan.

## **SECTION 1.04.00 APPLICABILITY**

### **1.04.01 General Applicability**

With the exceptions listed in Section 1.04.03, all development within the corporate limits of the City of Davenport, Florida shall be subject to the provisions of these Land Development Regulations, and no development shall be undertaken without prior authorization pursuant to these Regulations. Please see Section 1.13.00 for the Rules of Transition.

No building, structure, or land shall hereafter be used or occupied, no land shall be altered or developed, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered and no existing use, new use, or change of use of any building, structure, or land, or part thereof, shall be made or continued, except in conformity with the regulations specified for the zoning district in which it is located, and in conformity with all other applicable provisions of these Regulations. With the exceptions listed below, all development in Davenport shall be subject to the provisions of these Regulations, and no development shall be undertaken without prior authorization pursuant to these Regulations.

### **1.04.02 Exceptions**

- (A) The provisions of these Regulations and any subsequent amendments shall not affect the validity of any lawfully issued and effective development order, construction permit or site plan approval if:
- (1) The development activity authorized by the development order has commenced or been authorized prior to the effective date of these Regulations or an application for building permit has been made and said permit is granted and does not expire prior to the effective date of these Regulations. Extensions to said permit or site plan shall not be granted if there is a conflict with any of the provisions of these Regulations; and
  - (2) The development activity continues without interruption until the development is complete. If the construction permit expires, any further development activity shall occur only in conformance with the requirements of these Regulations. Interruption shall be defined as a cease in construction activity for a period greater than one year or a cease of construction activity which does follow an approved phasing plan.
- (B) Any development activity that is exempted from the provisions of these Regulations pursuant to Section 1.04.03 must meet only the requirements of the regulations in effect at the time the development order was approved. If the development order expires for any reason, any further development activity shall occur only in conformance with the requirements of these Regulations.

## **SECTION 1.05.00 RULES OF INTERPRETATION**

### **1.05.01 Generally**

The interpretation and application of these Regulations including all standards, criteria, requirements, and provisions shall be considered as the minimum requirements necessary to protect the public health, safety, and welfare; shall be liberally construed in favor of the City; and shall not be deemed to limit nor repeal any other powers granted by State statute.

### **1.05.02 Delegation of Authority**

Whenever a provision appears requiring the Administrative Official, head of a department, or some other City officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

### **1.05.03 Responsibility for Interpretation**

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of these Regulations, the Administrative Official, or designee, shall be responsible for interpretation. Responsibility shall not be construed to substitute for any rights or responsibilities assigned to any commission, board, or official named in other Sections or Articles of these Regulations. The Administrative Official shall look to the City of Davenport Comprehensive Plan for guidance. Interpretation of the adopted Florida Building Codes or any City of Davenport building ordinance(s) shall be the responsibility of the Building Official.

### **1.05.04 Abrogation**

These Regulations are not intended to repeal, abrogate, or interfere with any existing legally enforceable easements, covenants, or restrictions duly recorded in the public records of Polk County. These LDRs are not intended to repeal any lawful approval by official City action of any planned development, planned unit development, or subdivision.

### **1.05.05 Conflicts**

Where the provisions of these Regulations conflict with the requirements of any other regulation or provision of the law, whichever imposes the more stringent provision shall prevail.

### **1.05.06 Rules of Interpretation**

- (A) *Relationship of Specific to General.* The more specific provisions of these Regulations shall be followed in lieu of more general provisions that are more lenient and conflict with the more specific provisions.

- (B) *Computation of Time.* Unless specifically indicated otherwise, all time requirements shall be computed by excluding the first day and including the last day; except that if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
- (C) *Gender.* Words imparting the masculine gender include the feminine and neuter.
- (D) *Number.* Words in the singular shall include the plural, and words in the plural shall include the singular.
- (E) *Shall, May.* The word "shall" is mandatory; the word "may" is permissive.
- (F) *Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.
- (G) *Year.* The word "year" shall mean a calendar year, unless otherwise indicated.
- (H) *Day.* The word "day" shall mean a calendar day, unless business day is indicated.
- (I) *Boundaries.* See Section 3.04.00.
- (J) *Relationship to Specific/General Provisions.* The more specific provisions of these Regulations shall be followed in lieu of more general provisions that are more lenient and conflict with the more specific provisions.

#### **1.05.07 Image Disclaimer**

The photographs, drawings, and other images included in these Regulations are intended merely to be examples of designs that may be allowed under the provisions of these LDRs under certain circumstances which include compliance with all other applicable provisions of these Regulations. The images are not intended to depict designs that are allowed under all circumstances. In situations in which there is a conflict between an image or any portion thereof and the textual requirements of these LDRs, the provisions of the text shall control.

#### **SECTION 1.06.00 REFERENCES THROUGHOUT THESE REGULATIONS**

References throughout these Regulations to the Florida Statutes, Florida Administrative Code, and any standards established by specific organizations identified in these Regulations, shall include any amendments and amendments hereafter, including Chapter, Article, and Rule renumbering. References to specific regulating agencies, and organizations which establish standards, shall include any changes in the identifying name of said agencies or organizations.

#### **SECTION 1.07.00 REPEAL OF PRIOR PROVISIONS AND CONFLICTING LOCAL LAWS**

Upon the effective date of these Regulations, any and all other City ordinances, resolutions, or general laws, or any part thereof, which conflict with any provision or provisions of these

Regulations are hereby repealed, except as otherwise provided for herein. In the event any portion of these Regulations is declared invalid, the comparable provision or portion of the immediately preceding development regulations shall be in full force and effect, notwithstanding anything to the contrary contained in these Regulations.

#### **SECTION 1.08.00 SEVERABILITY**

If any chapter, article, subsection, paragraph, sentence, clause, phrase, or combination thereof in these Regulations is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of these Regulations shall continue in full force and effect, and the comparable provision or portion of the immediately preceding development regulations shall be in full force and effect, notwithstanding anything to the contrary contained in these Regulations.

#### **SECTION 1.09.00 EFFECTIVE DATE**

These Regulations are hereby enacted and shall be the Unified Land Development Regulations for the City, and shall be in full force and effect from and after its passage via Ordinance 874, the effective date being *[April 15, 2019]*.

#### **SECTION 1.10.00 COPY ON FILE; DISTRIBUTION**

A copy of these Regulations, as may be amended from time to time, shall be kept in the office of the City Clerk. Copies in full or by Article shall be made available for public sale.

#### **SECTION 1.11.00 VIOLATIONS**

- (A) A violation of the Land Development Regulations or failure to comply with any of the requirements contained therein, including violations of conditions and safeguards established in connection with grants of variances or special approvals, shall constitute a misdemeanor.
- (B) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.
- (C) Any person who, in connection with a subdivision of lands, shall do or authorize any clearing and grubbing, or shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or drainage structure, or shall erect any building or transfer title to any land or building without having first complied with the provisions of these regulations, or who performs any of such actions contrary to the terms of an approved subdivision plat, or who otherwise violates these Regulations shall be guilty of a misdemeanor. Each day that the violation continues shall constitute a separate violation.
- (D) It shall be a misdemeanor for any person to destroy, move, remove, deface, or obscure any sign or notice erected or posted pursuant to the requirements of the Land Development Regulations.

- (E) Pursuant to Section 2-64 of the Code of Ordinances, the Code Enforcement Special Magistrate shall enforce every other code, ordinance, and Land Development Regulation of the City as permitted by F.S. ch. 162, as amended from time to time.
- (F) Nothing contained herein shall prevent the City from taking any other lawful action necessary to prevent or remedy any violation.

### **SECTION 1.12.00 PENALTIES FOR VIOLATIONS**

Any person, firm, partnership, or corporation who violates any of the provisions of the Land Development Regulations or fails to comply with any of its requirements, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine up to the maximum permitted by state law, as exists or as may hereinafter be amended, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

### **SECTION 1.13.00 RULES OF TRANSITION**

The following rules shall apply to all properties in the City on the effective date of these Regulations:

- (A) *Violations Continue.* Any violation of the Land Development Regulations previously in effect (June 14, 1999 Land Development Regulations with all amendments through the effective date of this Land Development Regulations) will continue to be a violation under these Regulations and shall be subject to the penalties and enforcement provisions provided in Section 1.12.00 (Penalties for Violations), unless the use, development, construction, other activity, or violation issue complies with the provisions of these Regulations.
- (B) Developments with Approvals or Permits.
  - (1) *Building Permit Issued Prior to Effective Date.* Any building, structure, or sign for which a lawful Building Permit is issued or for which a complete Building Permit or Sign Permit application as determined by the Building Official or Administrative Official has been filed at least one day prior to the effective date of these Regulations, may be constructed and completed in conformance with the permit and other applicable approvals, permits, and conditions, even if such building, structure, or sign does not fully comply with these Regulations. If construction is not commenced in compliance with the applicable permit terms, the Building Official or Administrative Official may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the building, structure, or sign is not completed in conformance with the building permit and any granted extension, then the building, structure, or sign shall be constructed, completed, or occupied only in compliance with these Regulations.
  - (2) *Final Site Plan Review and Approval Prior to Effective Date.* An applicant whose development has received Site Plan Review and Approval prior to the effective date of these Regulations may file an application for a building permit in compliance with the approved site plan and any conditions of approval, even if

the development does not comply with the provisions of these Regulations. Upon approval of construction plans for the development, a building permit may be issued. Site Plan Review and Approval for developments approved prior to the effective date of these Regulations shall be valid for one year from the date of approval. No time extensions shall be permitted.

- (3) *Certified Subdivision Plat Approved Prior to Effective Date.* An applicant who has received Certified subdivision plat approval for a proposed subdivision prior to the effective date of these Regulations may file an application for final plat approval, even if the subdivision does not fully comply with the provisions of these Regulations. If an application for final plat approval is not filed within one year of the date of the certified plat's approval, the certified plat shall expire. No time extensions shall be permitted. Subsequent certified plat applications shall comply with the City's subdivision regulations.
- (4) *Special Approval Use Approved Prior to Effective Date.* An applicant for a use for which a special approval has been approved prior to the effective date of these Regulations may file an application for a building permit, even if the use does not fully comply with the provisions of these Regulations. If the special approval does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire. No time extensions shall be permitted.

(C) Applications Filed Prior to the Effective Date

- (1) *Applications for New Developments.* Complete applications for new developments including, but not limited to, Site Plan Review and Approval, Special Approval Use, and preliminary plats, filed prior to the effective date of these Regulations may be approved under the provisions of the Land Development Regulations previously in effect (1999 Land Development Regulations with all amendments through the effective date of this Land Development Regulations). Applicants may also elect to develop in compliance with the provisions of these Regulations, and in that case shall comply with all provisions of these Regulations. If a building permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.
- (2) *Applications for Amendments to the Zoning Map.* Applications for amendments to the Zoning Map filed prior to the effective date of these Regulations shall be governed by the provisions of the regulations previously in effect (1999 Land Development Regulations with all amendments through the effective date of these Land Development Regulations) unless the applicant elects to comply with these Regulations.

(D) Applications Filed on or After the Effective Date.

- (1) *Applications for New Developments.* All applications for new developments including, but not limited to, Site Plan Review and Approval, Special Approval Use, preliminary plats, as well as amendments to the Zoning Map, filed on or

after the effective date of these Regulations, including modifications and amendments, shall conform to the provisions of these Regulations.

**ARTICLE 2**

**GENERAL REGULATIONS FOR ALL ZONING DISTRICTS**

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## ARTICLE 2

### GENERAL REGULATIONS FOR ALL ZONING DISTRICTS

#### SECTION 2.01.00 NEWLY ANNEXED LAND

##### 2.01.01 Annexation

In accordance with Florida Statutes, Chapter 171.062:

- (A) An area annexed to a municipality shall be subject to all laws, ordinances, and regulations in force in that municipality and shall be entitled to the same privileges and benefits as other parts of that municipality upon the effective date of the annexation. However, the provision of municipal potable water and wastewater services shall be contingent upon service and facility availability to the annexed property, and/or subject to specific written agreements.
- (B) If the area annexed was subject to a Polk County Land Use Plan and County zoning, land development, or subdivision regulations, these regulations remain in full force and effect until the City adopts a Comprehensive Plan amendment that includes the annexed area.

##### 2.01.02 Greenbelt Tax Exemption

An Agricultural Classification, more commonly known as "Greenbelt", only applies to the valuation of land. Only lands primarily used for bona fide agricultural purposes (commercial) shall receive an Agricultural Classification from the Polk County Property Appraiser. "Bona fide agricultural purposes" means a good faith commercial agricultural use of the land.

The intent of the Greenbelt Law is to provide a means by which agricultural land may be protected and enhanced as a viable segment of the state's economy and as an economic and environmental resource of major importance.

#### SECTION 2.02.00 STATE BUILDING CODE ADOPTED

The City of Davenport hereby adopts and incorporates as the Construction Codes of the City, the latest edition of the Florida Building Code, as adopted by the State of Florida; and all construction codes mandated by and subject to and including by references, such additions, amendments and modifications that may be adopted by City ordinance or required to be added or enforced by any of the authorized boards, departments, rulemaking authorities, or Legislature of the State of Florida. The Building Official administers the Codes. All persons wishing to construct any structure or improve any property within the City must abide by all construction codes and standards adopted and/or enforced by the City, as well as these Unified Land Development Regulations. In the event of a conflict between Code provisions, the more stringent provisions shall apply.

#### SECTION 2.03.00 USE OF LAND AND BUILDINGS

No building or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations specified in the Unified Land Development Regulations and the zoning district in which it is located.

**SECTION 2.04.00 EXISTING SINGLE-FAMILY HOMES IN NON-RESIDENTIAL DISTRICTS**

Per the Table of Uses (Table 3.07.00(A) and (B)), certain non-residential zoning districts permit existing-single family dwellings. In these districts, the existing single-family dwelling units, whether occupied or vacant, are considered allowed, legally conforming uses that may be renovated, remodeled, repaired, or expanded. The existing single-family dwelling unit must meet the following provisions:

- (A) Existing single-family dwellings that are destroyed or demolished may be rebuilt within the building footprint as it existed immediately prior to the destruction/demolition or they may be expanded up to 50% of the total building area existing immediately prior to the destruction/demolition.
- (B) No other new single-family residences are permitted.

**SECTION 2.05.00 ALTERATION OF LOT SIZE**

For the purpose of building, no existing lot, even though it may consist of one or more adjacent lots of records, shall be reduced in area or dimension so that lot width or depth, front, side, or rear, are below the minimum requirements applicable to such lot under the provisions of these Regulations. This shall not apply when a lot is reduced in dimension or total area by 20 percent or less by the voluntary dedication and acceptance of a portion of such lot for a public use. In such case, the lot shall be considered to contain the dimensions and area it contained prior to such dedication. However, for purposes of measuring compliance with setback requirements of these Regulations, the dimensions and area of such lot as it exists after the voluntary dedication shall apply.

Where the front, rear, or side of a lot is not reduced by a voluntary dedication or eminent domain action, the setback requirements of these Regulations shall apply.

**SECTION 2.06.00 LOTS OF RECORD**

- (A) A lot of record is a lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat, either prior to the effective date of these Regulations or after the effective date of these Regulations.
- (B) If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of these Regulations, and such lots individually are less than the lot width requirements for the district in which they are located, such groups of lots shall be combined and considered a single lot or shall be grouped into several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of these Regulations.
- (C) All development permitted on lots of records shall be subject to normal setbacks and all other requirements of these Regulations.

**SECTION 2.07.00 REQUIREMENTS FOR LOTS DIVIDED BY A RIGHT-OF-WAY OR EASEMENT**

Where a single lot or parcel has been recorded in the public records of Polk County, under a unified legal description, is subsequently divided by a public or private right-of-way, road, alley or easement, the following standards shall apply:

- (A) Where the land area on each side of the right-of-way or easement meets the minimum lot width and area required the applicable zoning district, the property shall be considered two (2) lots for the purposes of these Regulations.
- (B) Where the land area on one (1) or both sides of the right-of-way or easement fails to meet the minimum size requirement, then the property shall be considered one (1) lot for the purposes of these Regulations. The principal structure shall be located on the larger portion of the property, if it meets the minimum lot width, and area requirements of the applicable zoning district.
- (C) No subdivision plat that includes a lot divided by a right-of-way or easement shall be approved unless such lot meets the applicable minimum lot size requirements on at least one (1) side of the right-of-way or easement required by the applicable zoning district.

**SECTION 2.08.00 NONCONFORMITIES**

Nonconformities are land uses, structures, lots, and other elements of development that do not conform to the provisions of these Unified Land Development Regulations but were created in accordance with those Land Development Regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful and in existence on the date of adoption of these Regulations (6/14/99). The casual, intermittent, temporary, or illegal use of land or structures prior to the effective date of these Regulations shall not qualify such use or structure for the privileges outlined in this Section.

**2.08.01 Nonconforming Use of Buildings and Land**

Nonconforming uses shall not be:

- (A) Enlarged, increased, or expanded to occupy a greater land or floor area than at the effective date of these Regulations or amendment to these Regulations, whichever date created the nonconformity.
- (B) Enlarged or intensified through the erection of any additional structure or use that is not permitted under the provisions of these Regulations.
- (C) Re-established if 50% or more of the assessed value of the structure, as established by the Polk County Property Appraiser, is destroyed or if use is discontinued for 180 consecutive days.
- (D) Buildings that are nonconforming by use shall not be moved in whole or in part to any other portion of the lot or parcel that it occupies.

- (E) Changed to another nonconforming use.
- (F) A nonconforming use of a building or land, once changed to a conforming use, shall not be permitted to revert to a nonconforming use.

Nonconforming uses of land where no principal structure exists, other than agricultural uses and structures, shall be discontinued within two (2) years of the adoption of these Regulations (6/14/99) or amendment thereto, whichever date rendered the use nonconforming.

### **2.08.02 Nonconforming Lots of Record**

Lots not meeting the standards established in these Regulations for minimum width, depth and area but recorded in the public records of Polk County prior to the date of original adoption of these Regulations (6/14/99) or amendment thereto may be used for building purposes. All development permitted on nonconforming lots of record shall be subject to normal setbacks and all other requirements of these Regulations. If adjacent lots are undeveloped and owned by the same property owner, they may not be sold or built on individually if nonconforming, but must be made conforming for building purposes and meet all setbacks and other requirements of these Regulations.

Lots of record may be used for building purposes with the following provisions:

- (A) Single family dwelling units shall not be built on lots of less than 50 feet in width and 5,000 square feet in area unless the Board of Adjustment grants a variance.
- (B) All other structures shall be built on lots of no less than 60 feet in width and 6,000 square feet in area unless the Board of Adjustment grants a variance.
- (C) Contiguous lots that are of single ownership, and do not separately meet width, depth, and area requirements of the applicable zoning district, shall be considered a single lot for development purposes.
- (D) Nonconforming lots of record shall not be reduced in size, width or depth without a variance authorized by the Board of Adjustment.
- (E) All development that is allowed on nonconforming lots of record shall meet the requirements of (A) and (B) above and shall be subject to normal setbacks and all other requirements of these Regulations.

### **2.08.03 Nonconforming Structures**

Structures qualifying as nonconforming shall not be:

- (A) Moved in whole or in part, if nonconforming by use, to another location on the same parcel or lot that it occupies.
- (B) Transported to any other parcel of land unless such transport would render the structure conforming to all applicable provisions of these Regulations.

- (C) Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of these Regulations.
- (D) Rebuilt, repaired, or renovated in excess of 50% of the assessed value of the structure, as determined by the Polk County Property Appraiser.

Structures that are nonconforming by size, but not by use, may be enlarged if the addition will reduce the nonconformity of floor area and will meet required setbacks. Structures that are nonconforming by setback, but not by use, may be enlarged if all new construction meets required setbacks.

### **2.08.03.01 Existing Single-Family Homes in Non-Residential Districts**

See Section 2.04.00

### **2.08.04 Nonconforming Manufactured Home Parks**

Existing manufactured home parks that are nonconforming by use shall not be redesigned, expanded in area, or modified to accommodate additional manufactured homes. Replacement of existing manufactured homes in such parks shall be prohibited.

Manufactured home parks that are nonconforming by design only (for example do not meet development/design standards, such as setbacks, area requirements, etc.) may be expanded in area and/or modified so as to reduce or eliminate those aspects of design that render it nonconforming. The Administrative Official, upon approval by the Polk County Health Department, may authorize additional manufactured home sites in such parks upon submission of a site development plan showing a redesign of the park that substantiates the following:

- (A) Overall density of the park will not exceed the allowable density established in the Comprehensive Plan and the appropriate section of these Regulations.
- (B) An area comprising 20% of the development site or five (5) acres, whichever is less, shall be set aside as common open space as defined in Article 13, "Definitions and Acronyms".
- (C) No new manufactured home shall be placed within 20 feet of any property line.
- (D) Where possible, all development standards of the zoning district have been met, or the degree of nonconformity reduced. In no case shall the degree of nonconformity of any design aspect be increased.
- (E) A redesign proposal that does not include the addition of new manufactured home spaces shall not be subject to conditions (A) and (B) above.
- (F) Manufactured homes within the manufactured home park shall comply with Florida Building and Life Safety Codes for building separation.

### **2.08.05 Nonconforming Manufactured Homes**

The replacement of an existing manufactured home on property that is not designated for manufactured home use on the Official Zoning Map shall be prohibited.

### **2.08.06 Amortization of Nonconforming Uses**

- (A) Certain nonconforming uses which, by their nature, would present a substantial likelihood of detrimental effect on adjoining uses and, on the health, safety, and welfare of the community at large, may continue only for a period of two years from the date of this ordinance, date of annexation or any amendment thereto specifically including the use as an amortized nonconforming use. Amortized nonconforming uses shall include:
- (1) Construction debris or other landfills located within or adjacent to residential districts or uses;
  - (2) Construction debris or other landfills located within or adjacent to agricultural districts or uses;
  - (3) The housing, pasturing, or grazing of Livestock, and;
  - (4) Nonconforming signs and billboards that are in existence at the time of adoption of this ordinance.
- (B) The decision of an Administrative Official determining that a certain use constitutes an amortized nonconforming use and the length and duration of any amortization may be appealed to the Planning Commission. In determining whether a certain use constitutes an amortized nonconforming use and the duration of any such amortization, the Planning Commission shall consider the following factors:
- (1) The exact nature and extent of the amortized nonconforming use;
  - (2) The type of uses adjacent to the amortized nonconforming use;
  - (3) The potential for disruption or environmental contamination of adjacent uses by the amortized nonconforming use;
  - (4) The length of time that the amortized nonconforming use has existed;
  - (5) Improvements and investments made by the property owners in the development of the amortized nonconforming use; and
  - (6) The realistic investment backed expectations of the property owners in the development of the amortized nonconforming use.
- (C) It shall be the property owner's burden to prove, by the substantial competent evidence, including the provision of detailed financial statements, that the schedule of amortization does not allow for the realization of the land owner's realistic investment backed expectations and that the land cannot be used consistent with the provisions of the City's Comprehensive Plan.

- (D) Notification of Nonconforming Use and Expiration of Use
- (1) The Administrative Official shall identify nonconforming uses, when initiated by City staff operating under normal job duties and responsibilities, a Property Owner inquiry or Citizens inquiry and shall notify the owner/manager/operator by registered letter of the existence of this provision and its requirements; and, the specific date the business shall cease or file an appeal to the Administrative Officials determination.
  - (2) The Owner/Operator/Manager of the nonconforming use shall apply for a certificate of use within three months after the initial notification.
  - (3) The Administrative Official shall inspect each identified, nonconforming use annually to determine the progress of the owner/manager/operator toward conformity with these Regulations.
  - (4) The Administrative Official shall determine by his/her inspection that the scope of operations has been reduced by 50%, on or about the first anniversary of the initial notification.
  - (5) The Administrative Official shall notify the owner/manager/operator by registered letter the date by which all operations shall cease, six (6) months prior to the second anniversary of the initial notification.

**Section 2.09.00. Home Occupations (Home-based Businesses)**

A home occupation (home-based business) may be conducted within a residential dwelling that is zoned for residential use under the following conditions:

- A. *Accessory to a Residential Use.* The home occupation shall be conducted within the principal residential dwelling that is the residence of the home occupation practitioner and shall be clearly incidental and secondary to the use of the dwelling for residential purposes. A home occupation may also be permitted in an accessory residential dwelling unit that is clearly subordinate to the principal residential dwelling on the lot.
- B. *Employees.* Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except up to a total of two (2) people or independent contractors who do not reside at the residential dwelling may work at the business. The business may also have remote employees who do not work at the residential dwelling.
- C. *Residential Character.* Under no circumstances shall the residential character of the property be changed by the home occupation. As viewed from the street the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications to the residential dwelling to accommodate a home occupation shall conform to the residential character and architectural aesthetics of the neighborhood.

- D. *Signage.* A non-illuminated sign, not to exceed four (4) square feet in area, may be displayed provided the sign is affixed flat against the exterior wall of the residential dwelling.
- E. *Retail Transactions.* The business shall not conduct retail transactions at a structure other than the residential dwelling; however incidental business uses and activities may be conducted at the residential property.
- F. *Parking.* The home occupation shall not generate parking needs in greater volume than would normally be expected to serve a similar residence where no business is conducted. No additional parking spaces shall be provided in excess of those required to serve the residential unit. Vehicles and trailers associated with a home occupation business shall be parked in legal parking spaces and not within the right-of-way, on or over a sidewalk or on any unimproved surfaces at the residence.
- G. *Parking or Storage of Heavy Equipment.* Parking or storage of heavy equipment shall comply with the standards under Section 4.03.19 "Trucks, Trailers, and Vehicles (Parking/Storage)". For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.
- H. *Performance Standards.* No home occupation shall involve equipment or processes that may create or cause to be created, noise, odors, vibration, glare, fumes, electrical interference, or hazards dangerous to the public health, safety, and welfare as provided in the standards of performance under Section 5.06.00. In case of electrical interference, no equipment or process shall be used that creates visual or audible interference in radio, camera, computerized equipment, or television receivers, or causes fluctuations in line voltages off the premises.
- I. *Licensing.* All home occupation practitioners shall obtain a business tax receipt.

### **SECTION 2.09.01 MOVING OF BUILDINGS**

No structure shall be moved from one (1) development site to another unless such structure shall, at the new location, comply with all applicable provisions of these Regulations.

### **SECTION 2.10.00 TEMPORARY OFFICE OR CONSTRUCTION TRAILER**

Temporary buildings used solely in conjunction with construction work may be permitted in any zoning district but shall be removed immediately upon completion of construction. The temporary structure shall not be installed prior to issuance of a building permit.

- (A) The Building Official may authorize the use of a manufactured home or other temporary structure not meeting the requirements of the Florida Building Code(s) at

- the construction site of an approved Preliminary Site Plan or construction/engineering plans.
- (B) The temporary structure may be used only as an office, tool shed or other facility in support of construction work, and shall not be used for living accommodations, for sales/rental of lots or offices, or for any other purpose.
  - (C) The applicant shall designate the exact location of the temporary structure on the Preliminary Site Plan or construction/engineering plans, and shall place it only in the approved location.
  - (D) The temporary structure shall not be installed prior to issuance of the building permit for the development site, and shall be removed upon expiration of the building permit or issuance of the Certificate of Occupancy, whichever comes first.
  - (E) If a manufactured home is to be used, the wheels and axles shall not be removed.

### **SECTION 2.11.00 MODEL HOMES AND TEMPORARY SALES OFFICES**

Prior to final plat approval by the City Commission and subsequent to the developer's receipt of the City's written approval of a concept plan, model homes and temporary sales offices may be permitted within residential subdivisions, for the sale of lots/homes. The following requirements shall apply to all model homes and temporary sales offices constructed prior to final plat approval:

- (A) Each subdivision shall be allowed at least one (1) model home.
- (B) The total number of model homes within a subdivision shall not exceed five (5) units or 10% of the subdivision, whichever is more. One or more of the model homes, or a separate modular unit, may also be permitted as a temporary sales office for the project developer, builders, or their agents. Developers shall receive approval from the City prior to starting construction on any model homes.
- (C) All model home units shall meet all lot area, setbacks, parking, and unit separation requirements of the zoning district in which they are located. Failure of a model home to comply with the required setbacks shall result in a refusal to issue a certificate of occupancy for that home.
- (D) Fire hydrants and a stabilized road base and fire protection facilities shall be constructed and approved for use prior to the issuance of any building permits for model homes and the temporary sales office. The developer shall be responsible for maintaining the stabilized road base in a manner that allows for the safe passage of fire/rescue equipment. Should the road surface be found in an unsafe condition, the Building Official shall issue a "Stop Work" order on all model homes under construction until such time the roadway is brought back to a safe condition.
- (E) Should the fire hydrants and a stabilized road base not be in place, model homes may be constructed according to standards established in the latest edition of NFPA (National Fire Protection Association) Publication 1141, Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas, and as may be amended.

- (F) To receive/seek final subdivision approval, a scaled drawing of the subdivision showing the locations of all model homes, shall be submitted to the Office of the Building Department.
- (G) Model homes and temporary sales offices may continue operation until all lots or houses within that subdivision are sold. Certificates of Occupancy may not be issued for model homes until the subdivision plat has been approved by the City and recorded with the Clerk of the Courts.
- (H) Signs used for model home and temporary sales offices shall conform to the requirements of Article 7. All signs shall be reviewed for placement, design, and duration by the Building Official.

### **SECTION 2.12.00 MODULAR BUILDINGS**

A modular home or building shall be permitted in all zoning districts provided their use satisfies the definition of "Modular Home or Building" as contained in Article 13, Definitions and Acronyms. In addition, modular homes or buildings shall also satisfy the following requirements:

- (A) Any modular home or building shall be of the type that is consistent with the certification requirements of the Florida Department of Economic Opportunity which shall be demonstrated to the satisfaction of the Building Official prior to issuance of a building permit.
- (B) Modular homes or buildings shall be constructed on a finished slab or block stem wall. If constructed on a raised block stem wall the exterior of the stem wall shall be finished with stucco, brick, or other material of similar aesthetic appearance.

### **SECTION 2.13.00 TEMPORARY TENTS**

Temporary tents include canopies and tents with sides. Tents may be erected temporarily on property in a commercial and industrial zoning districts where a commercial structure is already established, and on property occupied by a public assembly area (see table of uses), regardless of its zoning district, subject to the following requirements:

- (A) Tents may not be erected more than two times per year, for periods not exceeding two weeks.
- (B) Tents 120 square feet or less do not require a permit.
- (C) Tents exceeding 120 square feet require a permit and a permit fee in the amount adopted by the City Commission.
- (D) Tents over four hundred (400) square feet shall require a special limited time building permit, to be obtained by a contractor who is registered with the City. All tents shall be erected as required by the manufacturer's installation instructions. A site plan showing the location of the tent, on-site parking, and access must be submitted by the permittee. No tent may block ingress and egress to a site. The plan need not be to scale, but distances should be accurately depicted and noted on the plan. For large sites, the parking may also be indicated by a statement of how many total parking spaces exist and how many are blocked and/or occupied by the tent.

- (E) Tents shall be allowed for a maximum of 15 days; the time limit may be extended up to 30 days by the City Administrator. Tents shall be completely removed upon the expiration of the time limit stated in the permit.
- (F) Tents shall not be erected on City streets, sidewalks, or rights-of-way unless the City Commission has granted approval to close such streets, sidewalks, or rights-of-way to accommodate the tent. All tents/temporary structures require flame resistance certification. Fire extinguishers shall be provided as determined by the Fire Prevention Code. Any electrical service shall be installed by a licensed electrical contractor and approved by the City Building Division. Open flames or cooking shall not be permitted in tents. Any sanitary facilities that may be required on site shall comply with Polk County Health Department standards.
- (G) No more than 10 percent of the existing parking area is used, and the tent does not block any point of ingress or egress to the development site.
- (H) All electrical connections must be inspected and approved by the Building Department.
- (I) The tent must be inspected and approved by the Davenport Fire Department as being in compliance with all relevant Fire Code regulations.
- (J) A user must have written notarized consent from the owner or authorized agent of the property on which the tent is to be located prior to issuance of the permit. All parking shall be on-site and the tent shall not reduce the existing number of parking spaces by more than 20%.
- (K) Except for the purpose of recreational camping, no tent shall be erected, used, or maintained for living quarters.

#### **SECTION 2.14.00 USE OF TENT AS DWELLING**

No tents shall be erected, used, or maintained for living quarters except for camping or recreational activities.

#### **SECTION 2.15.00 TEMPORARY USES**

Temporary uses are defined as those types of activities that are not regularly conducted from a permanent structure or location, and are conducted for only a short period of time.

- (A) Categories of Temporary Uses
  - (1) Garage or yard sales;
  - (2) Booths, platforms, food trucks, and stands used for the production and sale of prepared or processed food products, such as hot dog and portable barbecue stands, also known as "Food Stands;"
  - (3) Booths, platforms, and stands used for the selling flowers, fruits, vegetables, and firewood, (Flowers, firewood, fruits, and vegetables that are grown or

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- cultivated on-site are exempt from the requirements of this Section), also known as "Produce Stands";
- (4) Sales of retail products not classified as Produce Stands, such as fireworks, crafts, and Christmas trees, also known as "Retail Sales";
  - (5) Sales of vehicles to include, cars, trucks, boats, recreational vehicles, and other similar type vehicles;
  - (6) Other similar uses or activities as determined by the Administrative Official or designee.
- (B) *Review Criteria.* Temporary Use applications shall be submitted in accordance with Section 2.15.00(C), through the Administrative Official or designee, and evaluated for;
- (1) Whether there is a legally established non-residential land use on the property;
  - (2) Whether the proposed temporary use is incidental and subordinate to the legally established non-residential land use;
  - (3) Whether the property is appropriately sized to accommodate all activities without infringement into public rights-of-way;
  - (4) Whether all setback requirements and off-street parking and loading are consistent with the applicable district requirements;
  - (5) Whether the proposed temporary use is compatible with surrounding properties;
  - (6) If the proposed temporary use will attract 250 people or more at any given time during the event or will involve amplified music, whether it is appropriately sized to ensure that noise, odor, lighting, and traffic impacts to surrounding properties will be minimized and is compatible with surrounding properties;
  - (7) Whether proposed strategies for mitigating noise, odor, lighting, and traffic impacts adequately protect the surrounding property owners;
  - (8) Whether the hours of operation of the proposed temporary use are compatible with surrounding properties;
  - (9) Whether adequate measures have been taken to ensure the safety of participants and customers, including but not limited to crowd control, fire safety, and emergency access;
  - (10) Whether adequate plans exist to ensure that trash and debris are removed from the site within 24 hours of the conclusion of the proposed temporary use;
  - (11) Whether consumption, distribution, or sale of alcoholic beverages comply with these Regulations and all other Federal, state, and local regulations;

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- (12) Whether proposed temporary signage is compatible with surrounding areas, not intruding into the public right of way, or otherwise posing a safety hazard;
  - (13) Whether appropriate measures have been made to avoid the repeat of any previous violations or infractions of prior temporary uses.
- (C) *Application Requirements.* Except as provided herein, no person or entity shall stage, conduct, manage or authorize a Temporary Use without first obtaining a Temporary Use Permit from the City.
- (1) Garage or yard sales require no permit from the City and shall be permitted in any district, notwithstanding the following:
    - A. The property where the sale is to be held must also contain a principal structure and,
    - B. Frequency of sales is limited, as noted in Section 2.15.00(E).
  - (2) All temporary use requests, with the exception of garage or yard sales, shall be required to apply for a Temporary Use permit, which is an administrative review. Application requirements include, at a minimum:
    - A. Identification of legally established non-residential principal land use on the property to be used for the temporary use.
    - B. Description of the temporary use proposed;
    - C. The hours of operation and anticipated duration of the temporary use,
    - D. The number of persons expected to attend the temporary use on a daily basis and over the duration of the temporary use together with the highest anticipated attendance at any time.
    - E. A site layout plan that addresses location of temporary uses, access, parking area, pedestrian and vehicular travel patterns and distance from surrounding properties;
    - F. Description of any amplified sound or music to be provided including the location of speakers and measures to be implemented to minimize noise impacts on surrounding properties.
    - G. Description of potential impacts (e.g. noise, odor, traffic, lights) to surrounding properties and mitigation efforts to minimize such impacts.
    - H. Description of safety and security measures to be followed, as well as a waste management plan;
    - I. Description of temporary uses on the properties within the current calendar year;

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- J. Description of any planned advertisement and marketing strategies;
  - K. Description of any activities that require permitting from other agencies, such as the Florida Department of Health and the status of such permitting.
  - L. Provision of necessary permitting from the City or applicable agency if utilization of or closure of any public rights-of-way are being proposed, and
  - M. Provision of any other additional information as requested by the City or reviewing agencies which is deemed necessary to evaluate the application.
- (D) *Review Procedures.* Upon receipt of completed application packet and appropriate fees, (to be received no later than 15 business days prior to Meeting Place and Special Event type temporary uses), the Administrative Official or designee, will administer the review in accordance with the following:
- (1) For Special Events and Meeting Place temporary uses, the application packet will be distributed for review to the Development Review Committee and any other affected division or agency.
  - (2) Each reviewing agency or division shall review the application to determine if it is in compliance with applicable laws, rules, and regulations within each reviewing agency's purview and if the health, safety, and welfare of the participants, as well as that of the surrounding community are reasonably protected.
  - (3) In the event that an agency or division determines that it cannot support the proposed temporary use or can only do so with conditions, the agency or division shall notify the Administrative Official or designee, of such objections or conditions.
  - (4) Upon receipt of responses from each agency the of the Administrative Official or designee, or his or her assign shall approve the application, approve the application with conditions, or deny the application for failure to meet the standards of approval.
- (E) *Frequency Limitations.* An applicant may apply for a new temporary use permit or apply for renewal of an existing temporary use permit on the same lot(s) or parcel(s), in accordance with the following limitations:
- (1) *Food Stands.* Maximum of 60 days per calendar year per parcel.
  - (2) *Retail Stands.* Maximum of 60 days per calendar year per parcel.
  - (3) *Produce Stands.* Maximum of 60 days per calendar year per parcel.

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- (4) *Meeting Places.* Maximum of 30 days, renewable with application after use has ceased for 60 days.
  - (5) *Special Events.* Maximum of 14 days per calendar year per parcel.
  - (6) *Garage or Yard Sales.* Although permits are not required, limited to four times a calendar year with a limit of three days per sale per parcel.
  - (7) *Vehicle Sales.* Maximum of four (4) four-day permits per calendar year per parcel.
  - (8) *All Other Uses Not Specifically Addressed:* maximum of 30 days per calendar year per parcel.
  - (9) Applicants may not obtain a permit for a temporary use for the same parcel if that site has exceeded the time limitation for that calendar year. In the event that an applicant requests a temporary use permit for a parcel that has previously received a permit for an activity that is different from the current permit request, the most restrictive time limitation for the applicable temporary use shall apply.
- (F) *Signage for Temporary Uses.* Signs for Temporary Uses shall be in accordance with Article 7 except the time limit for signs for Food Stands, Produce Stands, Special Events, and Meeting Place temporary uses may be for the duration of the temporary use approval.
- (G) Performance Bond Requirements
- (1) For Special Events or Meeting Places types of temporary uses with expected attendance greater than 250 people, the applicant shall obtain a performance bond on behalf of the City of Davenport in the sum of \$10,000, conditioned that the applicant shall conduct the approved temporary use in accordance with the approval and any imposed conditions and that any damages to public infrastructure, demands for removal, or other failure on the part of the applicant, the amount thereof shall be recoverable by the City for any damages resulting from the failure.
  - (2) The performance bond provisions may be waived or modified by the Administrative Officer or designee, upon written request accompanied by evidence of financial responsibility, an estimate demonstrating coverage less than \$10,000 is sufficient to cover any damages or failure to comply with approval, or demonstration of the successful execution of prior temporary uses.

## **SECTION 2.16.00 SPECIAL EVENTS**

- (A) Special Events are defined as those types of activities that are not regularly conducted from a permanent structure or location, and are conducted for only a short period of time:

Typical Special Events include, but are not limited to:

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- Circuses, fairs, carnivals, festivals, rodeos, farmers market and similar types of activities that are unlike the usual activities associated with the properties or designated areas where the events are to be located, and which are intended or likely to attract substantial crowds of the general public;
- (1) Booths, platforms, and stands used for the production and sale of prepared or processed food products, such as hot dog and portable barbecue stands;
  - (2) Booths, platforms, and stands used for the selling of products such as crafts;
  - (3) Tents, bleachers, and similar types of facilities intended for use by congregations of people, and;
  - (4) Other similar uses or activities as may be determined by the Administrative Official.
- (B) Special Events are permitted where there is a legally established non-residential use and the special event is incidental and subordinate to the primary non-residential use.
- (C) The following specifies the permit requirements for special events:
- (1) Special events places shall be required a permit and approval by the Administrative Official;
  - (2) The applicant for the special event shall provide the following information:
    - A. The hours of operation and anticipated duration of the special event.
    - B. A written certification by the applicant that the special event is authorized by the property owner.
    - C. The expected number of daily customers/attendance.
  - (3) The applicant shall post the permit issued by the City in a conspicuous location on the site.
- (D) An applicant may renew, or receive a new permit for the same activity on the same lot or parcel, in accordance with the following limitations:
- (1) Special events: maximum of 14 days per calendar year per parcel. An extension of a maximum of seven (7) days may be authorized by the Administrative Official or his/her designee.
  - (2) Applicants may not obtain a permit for a special event for the same parcel, if that site has exceeded the time limitation for that calendar year. In the event that an applicant requests a permit for a parcel that has previously received a permit for an activity that is different from the current permit request, the most restrictive time limitation for the applicable special event shall apply.
- (E) All special events shall comply with the following development standards:

- (1) Side and rear setbacks, and off-street parking and loading, shall comply with the applicable district requirements. Parking areas are not required to be paved; however, they shall not be located in any buffer area.
  - (2) Display, sales, and other use-related activities shall be conducted on private property; and not on public land or rights-of-way unless specifically permitted in writing by the City, County or State.
  - (3) Vehicular access points, public roads and rights-of-way, and pedestrian or bicycle paths shall not be damaged or obstructed. Public roads may be closed for a special event where specifically permitted in writing by the responsible public body/agency.
  - (4) Hours of operation shall be compatible with the uses adjacent to the activity and shall be determined by the Administrative Official.
  - (5) Structures shall be of a temporary nature, movable, and shall not block visibility for vehicles or pedestrians on or off the parcel in a way that would create a safety hazard.
  - (6) The applicant shall guarantee that all trash and debris generated by the temporary activity shall be removed within 24 hours at no expense to the City.
  - (7) Only temporary Banner Signs shall be permitted that comply with the requirements of Article 7. These signs may be located within City right-of-way, as approved by the Administrative Official and shall not block visibility for vehicles or pedestrians on or off the parcel in a way that would create a safety hazard.
- (F) Applicants for all special events, and any other temporary use regulated by this Section when deemed necessary by the City, shall post a bond to ensure compliance with the requirements and standards listed in this Section.

#### **SECTION 2.17.00 RECREATIONAL VEHICLE USE FOR LIVING OR SLEEPING PURPOSES**

Unless otherwise provided in this Article, it shall be unlawful for any person, whether owner, relative, friend or otherwise, to use any recreational vehicle for living, habitation or sleeping purposes, including but not limited to making any temporary or permanent electrical, plumbing, water, or other utility hookup, while such vehicle is located and situated on property in the City.

#### **SECTION 2.18.00 TEMPORARY MANUFACTURED HOME, RECREATIONAL VEHICLE, OR TINY HOUSE FOR USE DURING POST-DISASTER RELIEF**

During post-disaster rehabilitation or reconstruction of a single-family dwelling made unfit for human habitation, the Development Director or Building Official may authorize the use of temporary emergency housing on a single-family parcel for temporary occupancy by residents of the same parcel who have been displaced by natural or manmade disaster damage such as fire, flood, or hurricane, regardless of the zoning district requirements, subject to the following conditions:

- (A) The applicant must apply for such permit within six months of the date of the disaster;
- (B) The applicant must submit proof that the property is unfit for human habitation;
- (C) A building permit must be issued within 90 days of placement of the temporary emergency housing for repair of damages caused by the casualty event to make the dwelling unit habitable;
- (D) A separate, no-fee building permit must be issued for the placement of the temporary emergency housing, linked to the building permit issued for damage repair. The building permit shall require approval by the Building Official of the unit's siting location.
- (E) The temporary emergency housing unit may remain on the property for a period not to exceed 180 days from the date of building permit issuance or until the final inspection or certificate of occupancy is issued on the repairs made to the dwelling unit, whichever comes first. A single extension of up to an additional 180 days may be granted by the Building Official if he determines that good cause has been shown for the need for an extension and that the temporary emergency housing unit is adequately tied down and secured so as not to present an undue hazard to persons or property in a high-wind or flood event. Expiration of the building permit for damage repairs shall require immediate removal of the temporary emergency housing unit from the site. However, nothing in this Section shall prevent the county or any state or federal authority to terminate without notice the authority to keep any temporary emergency housing units otherwise authorized under this Section should it be deemed required for the public safety.
- (F) No more than one such temporary structure or vehicle may be permitted per lot (two per lot for duplexes);
- (G) The resident(s) of the damaged dwelling must occupy it;
- (H) The temporary unit shall be a minimum of 10 feet from the footprint of any damaged structure and any other existing or planned structure and shall be located in the side or rear yard or parked in the driveway of the front yard. The temporary unit shall be placed in a manner that does not impede the debris removal process;
- (I) The manufactured home or recreational vehicle unit must be connected to a public sewer system or, upon approval of the Development Director, have received a septic tank permit from the Polk County Health Department; Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the City.
- (J) Wheels and axles shall not be removed;
- (K) The manufactured home or recreational vehicle shall be removed from the site within 10 days of completed rehabilitation of a residence, within 30 days of the Certificate of Occupancy for a reconstructed residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first.

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**SECTION 2.19.00 PLACEMENT OF TEMPORARY EMERGENCY HOUSING ON NONRESIDENTIAL PROPERTIES**

Temporary emergency housing may be placed on a non-residential or mixed-use property or on publicly-owned lands, excluding lands designated for conservation and resource protection for temporary occupancy by City residents displaced by natural or manmade disaster damage, subject to the following conditions:

- (A) A no-fee building permit must be issued for the placement of the temporary emergency housing unit(s). The building permit shall require approval by the Building Official and the Planning Director of a site plan indicating the location of the temporary emergency housing unit(s) on the parcel, and a Department of Health permit authorizing the connection of the unit(s) to an on-site wastewater treatment and disposal system(s) or to an existing community wastewater treatment system; and
- (B) The temporary emergency housing unit(s) may remain on the property for a period not to exceed 180 days from the date of building permit issuance. A single extension of up to an additional 180 days may be granted by the Building Official if he determines that good cause has been shown for the need for the extension and that the temporary emergency housing unit is adequately tied down and secured so as not to present an undue hazard to persons or property in a high-wind or flood event. However, nothing in this Section shall prevent the county or any state or federal authority to terminate without notice the authority to keep any temporary emergency housing units otherwise authorized under this Section should it be deemed required for the public safety.

## **SECTION 2.20.00 MINIMUM MAINTENANCE OF COMMERCIAL BUILDINGS**

This Section is not intended to apply to any existing single-family detached or duplex residential uses that may legally exist in any zoning district. However, mixed-use occupancies must meet these requirements. All commercial buildings, located within the City, shall meet the following minimum requirements which are in addition to any other requirements imposed by law. See Code of Ordinances, Chapter 5 Building and Building Regulations, Article XI Property Maintenance Code that addresses existing residential and non-residential properties.

- (A) Windows, Glass, Signs, Miscellaneous.
  - (1) Every broken or missing window glass of a vacant or occupied structure shall be repaired or replaced. It shall be prohibited to replace the glass with plywood or other non-translucent materials except on an emergency basis for up to thirty (30) days unless the Administrative Official extends this time limit. Plywood may be used to secure openings on vacant buildings or portions of vacant buildings. The plywood must be painted to blend with the structure that it is applied to and installed according to requirements of the Building Code. If windows are eliminated on buildings, they shall be closed in with construction that is of the same type as the construction used in the exterior wall of that building, and all Fire Codes shall be met.
  - (2) Display windows, entrances, signs, lighting, sun protection, awnings, porches, security grills, etc., shall be maintained and kept in good repair. Any elements that are in disrepair shall be brought into compliance by repair or removal. Awnings that are torn, badly faded, or structurally compromised shall be removed, repaired, or replaced. Existing miscellaneous and nonfunctional elements on the building, such as empty electrical conduit, unused sign

brackets, unused awning brackets, unsecured signs, etc., shall be removed and the building surface repaired or rebuilt.

- (B) *Walls and other Structural Elements.* The exterior of all structures shall be maintained in good repair. This shall include the painting of wood, masonry or other building materials that are not designed to otherwise exist naturally without a weather-proofing system. A structure shall be considered to be in violation of this Section if more than ten percent (10%) of the painted surface or weather-proofing system is exposed to the elements as a result of the wear, peeling, dirt, mold, mildew, or deterioration of the material.
- (C) *Temporary Coverings.* No temporary covering of any part of a structure may remain more than 30 days, except in the event of damage caused by natural disasters.
- (D) *Failure to Maintain.* Should the owner fail to properly maintain the commercial building, a Code Enforcement Officer shall give written notice, by first class mail, to the owner of record as appears on the latest property tax rolls. The notice shall state the nature of the violation and order the corrective action necessary. Should the owner fail within 30 days from the date of the notice to take corrective action to the satisfaction of the Code Enforcement Officer, or file an appeal of the notice, the Code Enforcement Officer may issue a citation to the property owner.

#### **SECTION 2.21.00 BOATS, UTILITY TRAILERS, SPORTS VEHICLES, AND RECREATIONAL VEHICLES**

Vehicles such as unoccupied boats, air boats, or personal watercraft with or without trailers; sports vehicles such as dune buggies, racing vehicles, off-road vehicles, hunting vehicles; unoccupied recreational vehicles (excluding recreational vehicles located in zoning districts which expressly permit such vehicles as a principal use); or utility trailers shall meet the following criteria:

- (A) *Vehicle Registration.* Vehicles shall be operative and currently registered or licensed where required by State law.
- (B) *Connection to Utilities.* No recreational vehicle shall be connected to utility services except in preparation for departure and for vehicle preservation and maintenance purposes.
- (C) *Residential Use.* It is strictly prohibited to reside in a vehicle parked in a residential district or residential development other than for use as a temporary emergency shelter.

#### **SECTION 2.22.00 BOAT SLIPS/RAMPS, DOCKS, BOAT HOUSES, AND FISHING PIERS**

Boat slips/ramps, docks, boat houses and fishing piers are permitted in all Residential zoning districts as an accessory use. Private boat slips/ramps and docks may be constructed by the owner on any lot bordering any canal, waterway or lake providing they comply with the following:

- (A) Docks shall not extend into the waterway or lake for a distance greater than 50 feet measured from the established high-water line and that no boathouse or other enclosed structure shall exceed a height above the ground or high-water mark of 12

feet or contain a square feet area exceeding 300 square feet.

- (B) No permit shall be issued for a boat slip/ramp, dock, or boat house, except by the Administrative Official. The applicant shall provide to the Administrative Official complete plans, specifications, and details, at least 30 days prior to the Commission meeting at which it is to be considered. The Administrative Official shall determine if such plans meet all requirements of this ordinance, any state, county or other governmental rules or regulations. The applicant shall post a cash/surety bond, as the Administrative Official may determine, to assure that the work proposed will be completed in a manner not inconsistent with the public interest.

### **SECTION 2.23.00 LOCATION OF STRUCTURES NEAR BODIES OF WATER**

- (A) No building or structure, other than a boat house or dock, shall be erected within 50 feet of the shoreline of any lake or other body of water that has a width of 10 feet or greater at its normal water level.
- (B) In all districts, no building for human habitation shall be erected on a site where the grade level is less than the 100-year flood level of the nearest lake. In all districts, no building for human habitation shall be erected with floors less than one foot above the 100-year flood level of the nearest lake.

### **SECTION 2.24.00 SCREENING OF STORAGE AREAS**

- (A) Any area used for the storage of rags, scrap paper, scrap metal, any collection of inoperable or distressed motor vehicles or motor vehicles which are awaiting repair (amounting to more than one (1) such vehicle), equipment, appliances and materials, or a combination thereof, or a collection of machine parts, salvaged or used building materials, used material or scrap objects representing a volume occupying more than six (6) cubic feet shall be enclosed so that all portions of the area that face or can be seen from public streets or adjoining property shall be screened from view. Openings for ingress and egress shall have solid gates or doors which screen the interior from view.
- (B) The required screening may be accomplished by any of the following methods, or by any combination of such methods:
- (1) Construction of a solid masonry wall of at least six (6) feet in height, and which shall meet the requirements of these Regulations.
  - (2) Erection of an opaque fence, at least six (6) feet in height, and which shall meet the requirements of these Regulations.

### **SECTION 2.25.00 STORAGE OF JUNKED AND INOPERABLE PROPERTY**

- (A) No motor vehicle, part thereof, or trailer that is inoperable and/or is unlicensed, may be stored on any zoning lot unless either completely inside an enclosed structure or pursuant to a licensed junkyard and/or recycling business/salvage yard on the zoning lot.
- (B) No discarded objects, including but not limited to appliances, building parts, vehicle parts, or equipment parts, may be stored on any zoning lot unless either completely

inside an enclosed structure or pursuant to a licensed junkyard and/or recycling business/salvage yard on the zoning lot.

### **SECTION 2.26.00 STORAGE OF BUILDING MATERIALS OR CONSTRUCTION EQUIPMENT IN RESIDENTIAL DISTRICTS**

No land which is zoned residential shall be used for the storage of building materials or construction equipment except when incidental to construction operations for which a building permit is in effect.

### **SECTION 2.27.00 STORAGE OF FLAMMABLE LIQUIDS**

The storage of flammable liquids in aboveground storage tanks, having a capacity in excess of 300 gallons, is hereby declared to be unlawful and is prohibited, except within the I-1, Manufacturing and Warehousing district and the I-2, Heavy Industrial district, and except those installations approved under the safety code of the state fire marshal's office.

### **SECTION 2.28.00 OUTDOOR SALES AND DISPLAY**

Unless specifically addressed in another location, the following requirements pertain to outdoor sales and display.

#### **(A) General Requirements**

- (1) Is limited to items normally sold or produced in the respective business.
- (2) Must be brought insides when the business is closed (excludes propane tanks, vending machines, and approved short-term, seasonal agricultural products).
- (3) Must be accessory to business in an enclosed building. Sales must be conducted by employees of the principal business.
- (4) Cannot be used for storage purposes.
- (5) Such areas shall be accurately delineated on applicable site plans for new development.

#### **(B) Location Requirements**

- (1) Outdoor sales and display shall be limited to 10 percent of the floor area of the primary structure.
- (2) Such sales and display shall be limited to 1/3 the length of the façade on which it is located within.
- (3) Such sales and display shall not extend more than 5' from the wall of the principal structure.
- (4) Such sales and display shall not exceed 5' in height.

- (5) Any material located within 3' of any building entry shall not exceed 3.5' in height.
- (6) Sales and display must be adjacent to the principal building(s) of the business.
- (7) Such sales and display shall not block windows, entrances, or exits.
- (8) Items shall be located on a hard, durable surface.
- (9) Items for sales and storage cannot be located in public right-of-way without the required permits.



(C) Safety

- (1) Outdoor sales and display shall not impair pedestrian use of the building.
- (2) Outdoor sales and display shall not be located in or block fire lanes, emergency access ways, maneuvering aisle, driving aisles, driveways, unloading/loading areas, or a parking space necessary to meet the minimum parking requirements of the use(s) on the property.

(D) Specific Uses

- (1) Short-term, Seasonal Agricultural Products.  
Produce, nursery stock, pumpkins, farmers markets and similar items, are subject to the approval of a Temporary Use Permit.
- (2) Outdoor Vending Machines (excludes newspaper racks, payphones, air pumps, vacuum machines, and ATMs).
  - A. Outdoor Vending Machines shall be located within a clearly delineated, contained, architecturally screened area.

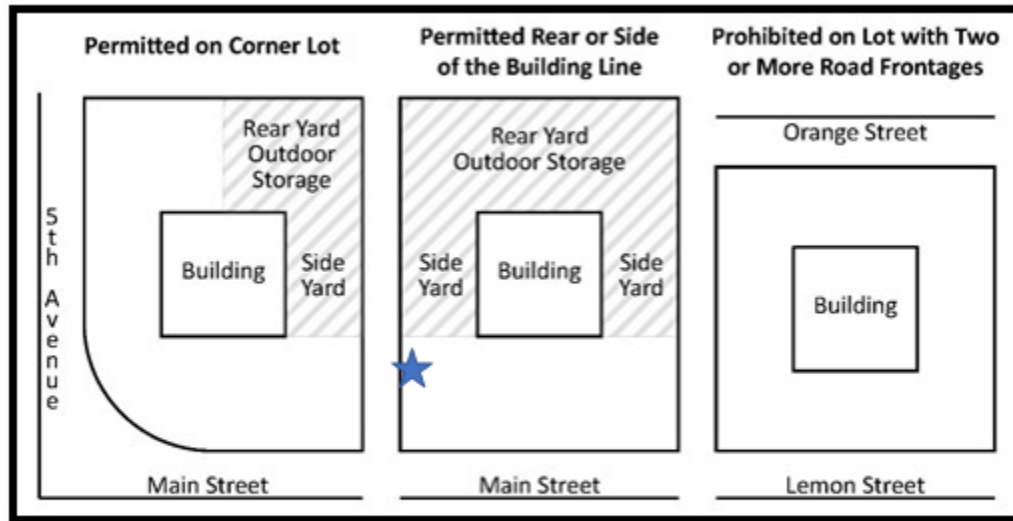
- B. Decorative structures, such as, but not limited to, screen walls, trellises, columns, and roof covers, shall be used to contain the vending machine area if the existing architecture or building form does not already contain a location.
- C. Such use shall be coordinated with the architectural features of the building when possible.
- D. Outdoor vending machines shall not cover up or obscure existing architectural features such as but not limited to, windows, landscape planters, and decorative trim.

### **SECTION 2.29.00 OUTDOOR STORAGE**

To maintain the aesthetic character of the City, all outdoor storage shall meet the following standards. Figure 2.29.00(A) provides illustration of outdoor storage options for various lot configurations.

- (A) Outdoor storage shall be allowed to the rear and sides of the lot.
- (B) Outdoor storage may be located in one side yard, not both side yards.
- (C) Outdoor storage forward of the front building line is prohibited.
- (D) On corner lots, outdoor storage shall not extend toward the road frontage by more than one half the length of the building structure in the rear yard or forward of the front building line in the side yard.
- (E) Outdoor storage shall be prohibited on through-lots.
- (F) Outdoor storage for multiple buildings, within a project or on a parcel, shall be permitted in a manner consistent with the intent of Figure 2.29.00(A). Outdoor storage for multiple buildings shall only be permitted behind the front building line of the building that is farthest from any street.
- (G) All outdoor storage shall be screened from off-site view.

#### **Figure 2.29.00(A): Outdoor Storage**



★ *Outdoor storage may be located in one side yard only but not in both side yards. This graphic is intended to indicate side yard storage may be in either yard.*

**SECTION 2.30.00 RECORDING OF COMMON AREAS, EASEMENTS**

The following procedure shall be required after development approval by the City Commission, Planning Commission, Board of Adjustment or Administrative Official as appropriate to the specific case:

- (A) Any development that contains commonly owned areas, whether in the form of easements, drainage ways, open space, recreation space, buildings, or other structures, shall not be issued a building permit until all such common areas have been recorded in the office of the Polk County Clerk.
- (B) Evidence in the form of certified copies of the Homeowner’s Association shall be required for permit issue, and shall be made a part of the permit file until completion thereof.

**SECTION 2.31.00 CHANGE OF USE**

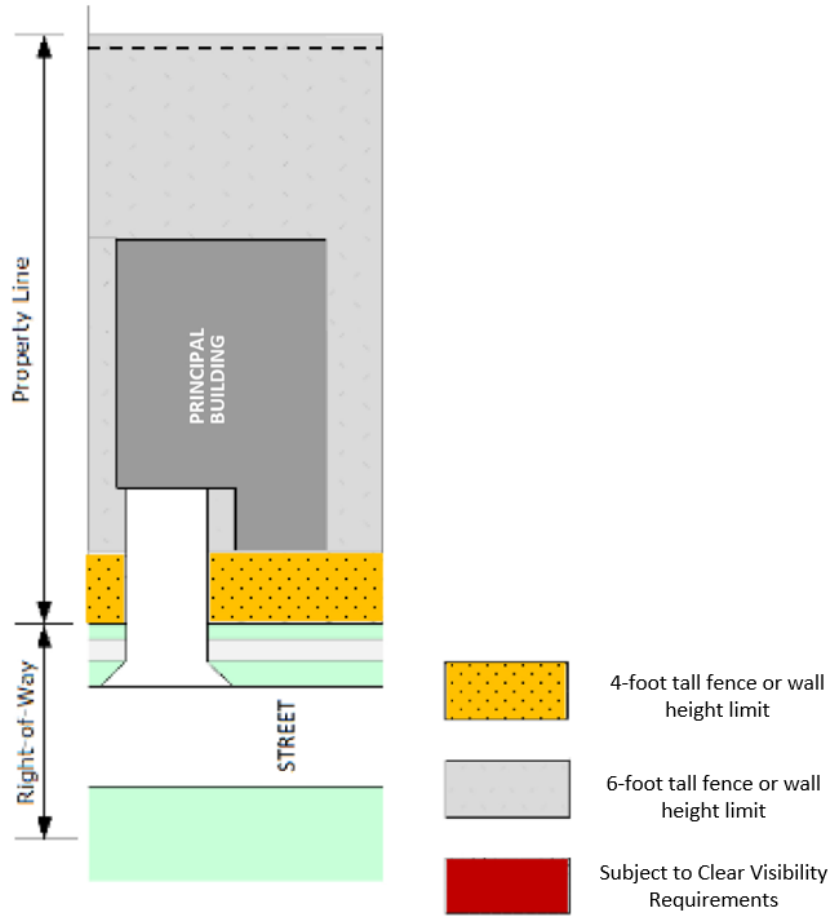
- (A) A use is established when land has been declared to be usable, or permitted, for a particular use or activity, as identified within each zoning district. A “change of use” is a change from one permitted land use to another permitted land use.
- (B) A change of use may require more restrictive development standards than those required of the original permitted use. Such conditions for which this may occur include, but are not limited to, the following:
  - (1) The new use is completely different in character than the present use;
  - (2) The new use is regulated in a different manner than the present use; and/or

- (3) There is an intensification of use from the present use.
- (C) The Administrative Official shall determine when the Technical Review Board (TRB) review is required for a change of use.
- (D) Landscaping and buffering requirements may apply for any change of use which results in the property becoming a higher impact/higher intensity use. Buffer yards are required with a change of use to a more intense use.
- (E) If the change of use triggers a change in occupancy or square footage by ten percent (10%) or more, then the parking requirements of these regulations shall apply.

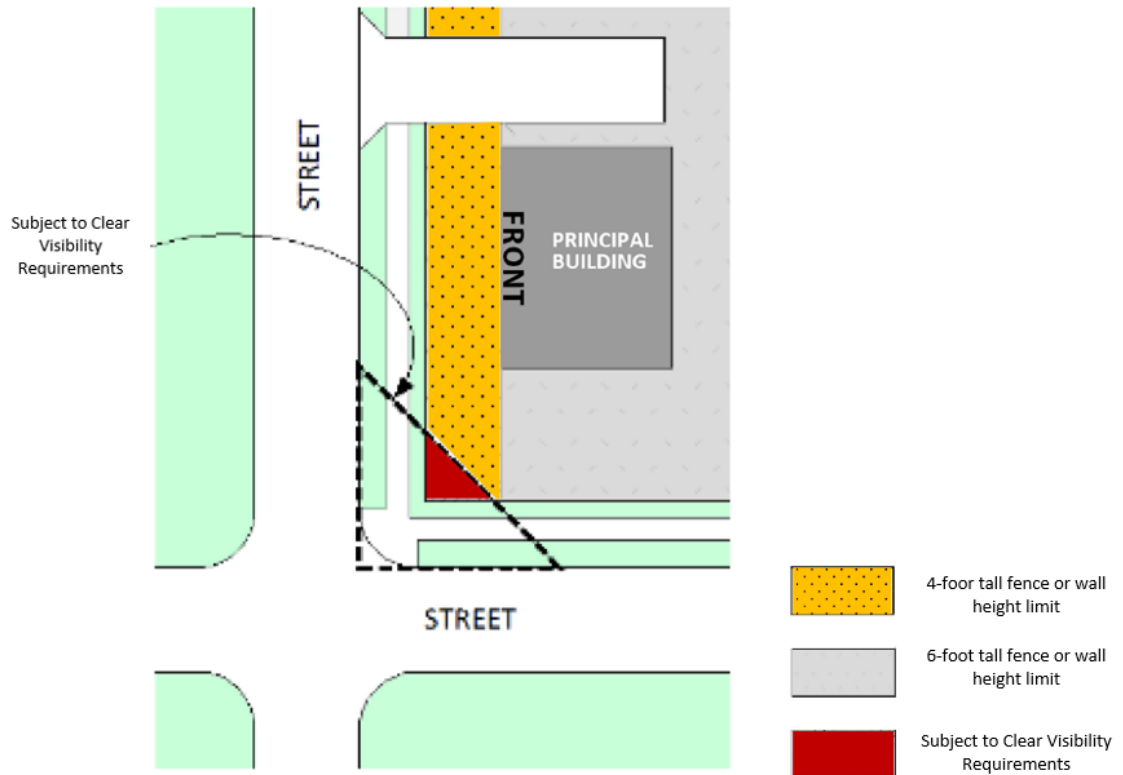
### **SECTION 2.32.00 FENCES, WALLS, HEDGES AND ARCHITECTURAL FEATURES**

- (A) *Permit.* Existing residence shall not require a fence permit, but fence construction must comply to City standards per the land development regulations (per Section 2.32.00). On new subdivisions, a wall shall require a permit and comply to City standards per Section 5.07.05.09. A fence in a new subdivision shall be determined for approval by the administrative official.
- (B) *Location.* Fences and walls must meet the clear visibility requirements as outlined in Section 5.02.08.
- (C) *Height.* Unless required through a special use, administrative approval, or approved as a variance, the height requirements below must be followed.
  - (1) *Residential Zoning Districts.* No fence or wall above four (4) feet in height shall be allowed in front or side setback areas forward of the front building line of the principal structure. Side yard fences, including those within a side yard which abuts a street, shall be permitted to a height of six (6) feet from the rear property line to a point parallel to the front building line of the principal structure. See Figure 2.32.00(A).

#### **Figure 2.3.2.00(A): Interior Lot Fence Requirements**



**Figure 2.3.2.00(B): Corner Lot Fence Requirements**



**Figure 2.3.2.00(C): Illustration of Fencing on Corner and Interior Lots**



- B. *Exemptions.* The following uses shall be exempt from these requirements:
1. Utility and power substations;
  2. Water and wastewater facilities;
  3. Public swimming facilities;
  4. Stormwater retention ponds.

(2) Non-Residential Uses and Zoning Districts

- A. Fences shall be a maximum of eight (8) feet in height in front, rear, and side yards in Commercial, I-1, and I-2 zoning districts.
- B. Fences located in any residential district, OF or CN zoning district or within the DBD, shall be a maximum height of six (6) feet in the rear yard and in the side yard from the rear property line to the front of the principal building.
- C. Fences placed on property that is located in an office, commercial, or industrial zoning district, and is presently being utilized for residential purposes, shall have a maximum fence height of six (6) feet in the front, rear, and side yards.

(3) *Height Measurement.* Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. Posts or columns may include a cap piece which may extend up to 12 inches above the allowable fence height. The finished grade shall be that as shown on the approved grading plan for the site at the time of initial development of the residential subdivision, multifamily development, or nonresidential development. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the City Engineer.

- A. *Landscape Walls.* When a fence or wall is placed atop a landscape wall, the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.
- B. *Retaining Walls.* When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade

(D) Materials and Design

- (1) No fences shall be installed, constructed, or erected without complying with the following regulations:

- 
- A. Fences must be constructed of new materials designed for that purpose or aged for proper architectural effect. Fences having a side with exposed or irregular structural components, and a more finished, uniform and aesthetically attractive side, shall be constructed and installed so that the more finished side faces outward from the fence's property toward the adjoining property.
  - B. No fence shall contain any substance designed or reasonably likely to inflict injury to any person or animal, including, but not limited to, razor or barbed wire, glass or electrically charged wire; with the exception that barbed wire and electrically charged wire may be used in the agricultural district and up to three (3) strands of barbed wire may be used on top of a six-foot fence in the I-1 and I-2 zoning districts.
  - C. Notwithstanding the provisions of this Section, the use of security fencing may be used at sites, such as electrical substations and communications facilities, where such fencing is required by Federal, State, or local law, or other sections of these Regulations. Further, temporary security fencing may be utilized for construction sites while a permit for the work is active for the construction site. All temporary fences shall be removed prior to the issuance of a Certificate of Occupancy.
- (2) Vertical elements (posts) should be incorporated into the design of the fence or wall and shall be spaced at six (6) to twelve (12) foot intervals depending on the material and overall length of the wall or fence.
  - (3) All fences shall have their finished side facing outward.
  - (4) Fences shall be constructed with the twist facing down and the knuckle facing up.
- (E) *Swimming Pools.* Swimming pools shall be fenced as required by State statute.
  - (F) *Gates.* All gates or double gates intended for the use for vehicles, trailers, boats, RVs, and other recreation equipment for ingress/egress purposes shall be setback a minimum of ten (10) from all property lines. If there is a natural or physical obstruction and visibility is not impaired, a reduction in the ten (10) feet may be administratively approved by the Administrative Official.
  - (G) *Architectural Features.* Architectural features, eaves, chimneys, fireplaces, balconies, stoop, steps, handicapped ramps, and the like may not project more than five (5) feet into the required front yard setback or two and half feet (2½) into the side or rear yards in all residential zoning districts.
  - (H) **Decorative Subdivision Perimeter Walls**
    - (1) Single family subdivisions with more than 10 lots and multifamily developments shall provide decorative perimeter or screening walls as defined in Section 5.07.05.09(B) along the entire length of all roadways, streets, and platted rights-of-way 60 feet wide or larger and decorative fences along all other adjacent property boundaries.
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- (2) Decorative walls and fences with required landscaping must be installed in an easement to be maintained by the Home Owner's Association and included on the recorded plat.
- (3) These perimeter walls and fences shall include canopy trees and landscaping on the exterior side of the wall/fence. See Section 5.07.05.09.
- (I) *Fences in the Downtown Business District (DBD).* Property located in the Downtown Business District must meet the fence requirements as outlined in Section 6.03.01(J).
- (J) *Maintenance.* The property owner shall maintain any fence or wall to its original designed condition. Missing boards, pickets, posts, gates, etc. shall be replaced in a timely manner with material of the same type, quality, and finish as the existing fence.

**ARTICLE 3**

**ZONING DISTRICTS, DIMENSIONAL REQUIREMENTS, AND DESCRIPTIONS**

**ARTICLE 3 – ZONING DISTRICTS, DIMENSIONAL REQUIREMENTS, AND DESCRIPTIONS**

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## ARTICLE 3

### ZONING DISTRICTS, DIMENSIONAL REQUIREMENTS, AND DESCRIPTIONS

#### SECTION 3.01.00 PURPOSE

The Davenport Comprehensive Plan establishes various Future Land Use classifications and contains a Future Land Use Map indicating the location of lands to which each of the classifications applies. These Unified Land Development Regulations establish zoning districts to implement the Comprehensive Plan through detailed regulations and design standards that apply generally to residential, commercial, industrial, public, recreation, and conservation land uses. The purpose of this Article is to set forth the general provisions concerning the use of land, buildings, and structures. The provisions herein regulate land use, density, and intensity, establish zoning districts that identify the location of land uses in the City of Davenport, and provide for a map locating the zoning districts in the City. More than one permitted use may be co-located on a single parcel of land in any zoning district within the City.

#### SECTION 3.02.00 ESTABLISHMENT OF ZONING DISTRICTS

The City hereby establishes the zoning districts listed in this Article in order to classify, regulate, and restrict the uses of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings; and to regulate the intensity of land uses within the City. Each zoning district established herein is consistent with the Davenport Comprehensive Plan, particularly with the goals, objectives, policies, and map of the Future Land Use Element.

The Future Land Use designation of the property shall be the first consideration when designating a specific zoning classification on a parcel or parcels of land. However, a property owner shall not necessarily be entitled nor be automatically permitted the most dense or intense (highest and best) use or zoning for his or her property. The appropriate zoning district among the range of eligible zoning districts within a specific future land use classification shall be decided on a case by case basis dependent upon the location and characteristics of the subject property and upon determining that such zoning would promote the public health, safety, general welfare, convenience, aesthetics, and economic order.

Section 3.05.00 includes the Future Land Use districts and their density and intensity requirements as of the effective date of this ordinance. The Future Land Use Element should be consulted for any amendments.

#### SECTION 3.03.00 OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES

- (A) *District Boundaries and Map Adoption.* The boundaries of each district are hereby established as shown on a map entitled "Official Zoning Map, City of Davenport, Florida". The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk under the following words: "This is to certify that this

is the Official Zoning Map referred to in the Unified Land Development Regulations, City of Davenport, Florida, together with the date of the adoption of the Unified Land Development Regulations". Said map and all explanatory matter thereon accompanies and is hereby made a part of this Unified Land Development Regulations and will hereinafter be referred to as the "Zoning Map". Said map shall be retained in the Office of the City Clerk.

- (B) *Map Amendment.* No changes or amendments to the Official Zoning Map shall be made except in compliance and conformity with all procedures set forth in the Unified Land Development Regulations. If changes or amendments are made to district boundaries or other subject matter portrayed on the Official Zoning Map, such changes or amendments shall be made promptly after official adoption of the change or amendment as provided for herein. The Administrative Official, shall be responsible for assuring that the physical updating and amendment of the Official Zoning Map is carried out.

The Official Zoning Map may correct drafting and clerical errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the Regulations or any subsequent amendment thereto without duly noticed public hearings as provided in Article 11 of these Regulations.

When any Official Zoning Map is replaced, the prior Map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption and amendment.

### **SECTION 3.04.00 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

When uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) *Center Lines.* Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed to follow such lines.
- (B) *Lot, Section, and Tract Lines.* Boundaries indicated as approximately following platted lot lines, section, or tract lines shall be construed as following such lines.
- (C) *Railroad Lines.* Boundaries indicated as following railroad lines shall be construed to be following the centerline of the railroad right-of-way.
- (D) *Shorelines.* Boundaries indicated as following shorelines shall be construed as following such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- (E) *Parallel Lines.* Boundaries indicated as parallel to or extensions of features indicated in Letters (A) through (D) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

- (F) *Uncertainties.* Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in case any other uncertainty exists, the Administrative Official shall interpret the intent of the Official Zoning Map as to the location of district boundaries.
- (G) *Vacated Property.* Whenever any street, alley, or other public way is vacated by official action of the City Commission, the use, district, and area regulations governing the property that abuts each side of the street, alley, or public way shall be automatically extended to the center of such vacated area and all of the property included within the area shall be subject to all appropriate Future Land Use, zoning, and development regulations. In the event abandoned property is not divided at the centerline for abutting properties, the property ownership line, as determined by the abandonment, shall serve as the boundary line.
- (H) *Excluded Areas.* Where parcels of land and water areas have been inadvertently excluded from a zoning district classification in any manner, said parcels shall be classified in conformance with the most restrictive zoning district which abuts the excluded area until or unless changed pursuant to amendment procedures contained within Article 9 of these Regulations.

### **SECTION 3.05.00 FUTURE LAND USE DISTRICTS**

All real property within Davenport has a Future Land Use designation, which are described and mapped in the Future Land Use Element of the Davenport Comprehensive Plan. The designation explains what types of uses can be built at that location and how many houses (dwelling units/DU) or how much nonresidential use is allowed (Floor Area Ratio/FAR measured in square feet). The Future Land Use districts shall be used to establish the density and intensity of development. The Future Land Use designation generally guides the type of use and the maximum density and intensity allowed within each designation. The zoning classification explains how those uses can be built.

The following Future Land Use categories, as established through the Future Land Use Element of the Davenport Comprehensive Plan, are delineated on the Future Land Use Map. Future Land Use is the basis for zoning and other land use and development decisions and guides land use for every parcel in the City. Any changes to the use of land must be consistent with the guidance of the Future Land Use Element and Map.

Tables 3.05.00(A) and 3.05.00(B) list the Future Land Use districts, their purpose, and their density/intensity requirements.

**TABLE 3.05.00(A)  
FUTURE LAND USE MAP DESIGNATIONS AND COMPATIBLE ZONING DISTRICTS**

<b>FUTURE LAND USE CATEGORIES</b>	<b>COMPATIBLE ZONING DISTRICTS</b>
Residential, Low Density (RL)  0 - 4.99 dwelling units per acre	Agriculture (AG) Traditional Neighborhood-1 (TN-1) Traditional Neighborhood-2 (TN-2) Residential Estates -1 (RE-1) Residential Estates-2 (RE-2) Residential Single Family (R-1) Residential Single Family (R-2) Residential Single Family (R-3) Low Density Residential/Duplex, Triplex (R-4) Low Density Residential/Duplex, Triplex (R-5) Downtown Business District (DBD) Planned Unit Development (PUD)
Residential Park (RP)  0 -7.99 dwelling units per acre	Manufactured Home – 1 (MH-1) Manufactured Home – 2 (MH-2) Planned Unit Development (PUD)
Residential, Medium (RM)  5.0 – 9.99 dwelling units per acre	Residential Single Family (R-3) Low Density Residential/Duplex, Triplex (R-4) Low Density Residential/Duplex, Triplex (R-5) Multi-Family (MF) Downtown Business District (DBD) Planned Unit Development (PUD)
Residential, High (RH)  10.0 – 20 dwelling units per acre	Multi-Family (MF) Planned Unit Development (PUD)
Mixed Use (MU)	Downtown Business District (DBD) Planned Unit Development (PUD)
Commerce Activity Center (CAC)	Downtown Business District (DBD) Neighborhood Commercial (C-1) General Commercial (C-2) Highway Commercial (C-3) Planned Unit Development (PUD)

<b>FUTURE LAND USE CATEGORIES</b>	<b>COMPATIBLE ZONING DISTRICTS</b>
Office Park (OP)	Office (OF)
Manufacturing Warehouse (MW)	Manufacturing Warehouse (I-1) Planned Unit Development (PUD)
Industrial (I)	Manufacturing Warehouse (I-1) Heavy Industrial (I-2) Planned Unit Development (PUD)
Governmental/Institutional (GI)	Public Institutional -1 (PI-1) Public Institutional -2 (PI-2) Planned Unit Development (PUD)
Recreation (REC)	Parks and Recreation (PR) Planned Unit Development (PUD)
Conservation (CON)	Conservation (CN)

**TABLE 3.05.00(B):  
FUTURE LAND USE DISTRICT DENSITY AND INTENSITY\***

<b>Future Land Use District</b>	<b>Development Potential</b>	
	<b>Density (du/gross acre)</b>	<b>Intensity – Floor Area Ratio (FAR)</b>
Residential Low (RL)	Maximum 4.99	
Residential Park (RP)	Maximum 7.99	
Residential Medium (RM)	Maximum 9.99	
Residential High (RH)	Maximum 20.0	
Mixed-Use (MU)	Maximum 20.0	2.0 FAR
Commerce Activity Center (CAC)		2.0 FAR
Office Park (OP)		1.0 FAR
Manufacturing/Warehouse (MW)		1.0 FAR
Industrial (IND)		1.0 FAR
Recreation (REC)		0.01 FAR
Government/Institutional		2.0 FAR
Conservation	Maximum 1 du/20 acres	

\* The Future Land Use Element

**SECTION 3.06.00 ZONING DISTRICTS**

In order to classify, regulate, and restrict the uses of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings; and to regulate the intensity of land use, all the area of the City of Davenport is classified into one of the following districts:

**TABLE 3.06.00(A):  
DAVENPORT OFFICIAL ZONING DISTRICTS**

<b>Abbreviation</b>	<b>Zoning District Name</b>
AG	Agriculture
TN-1	Traditional Neighborhood
TN-2	Traditional Neighborhood
RE-1	Residential Estates
RE-2	Residential Estates
R-1	Residential Single Family
R-2	Residential Single Family
R-3	Residential Single Family
R-4	Low Density Residential /Duplex, Triplex
R-5	Low Density Residential /Duplex, Triplex
MF	Multi family
MH-1	Mobile Homes
MH-2	Mobile Homes
OF	Office
DBD	Downtown Business District
C-1	Neighborhood Commercial
C-2	General Commercial
C-3	Highway Commercial
I-1	Manufacturing/Warehousing
I-2	Industrial
PR	Parks and Recreation
PI-1	Public Institutional
PI-2	Public Institutional
CN	Conservation District

**SECTION 3.07.00 ZONING DISTRICT SUMMARY TABLES**

The tables on the following pages present, in a quick-reference form, information regarding permitted, Permitted with Conditions, and Special Approval land uses, and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section 3.08.00 and the supplemental standards and regulations as prescribed in Section 4.03.00. The Administrative Official may permit in a particular zone a use not listed in these Regulations, provided the use is of the same general type as the uses permitted there by these Regulations (See 2.01.02). The key to the tables are as follows:

**P = Permitted Use:** The proposed use is permitted by right. The Applicant/Property Owner may proceed with the site plan, subdivision plans and/or submittal of Engineering/Construction Plans and/or Building Permit(s), as required.

**PC = Permitted with Conditions:** The proposed use is permitted by right provided that the use adheres to the standards prescribed for the zoning district and is in accordance with supplemental standards and regulations as prescribed in Section 4.03.00. Upon determination that the proposed use can meet the required conditions, the Applicant/Property Owner may proceed with the site plan, subdivision plans and/or submittal of Engineering/Construction Plans and/or Building Permit(s), as required.

**SA = Special Approval:** Special Approval Uses are not allowed as a matter of right in a zoning district, but are allowed only upon a review by the Planning Commission and a determination by the City Commission that such use is in accordance with the standards specifically prescribed by Section 4.03.00 and otherwise set forth in these Regulations. Special Approval uses are designated by the letters "SA" in Tables 3.07.00(A) and 3.07.00(B).

\* See Table 3.07.00(C) for uses that require approval of a Planned Unit Development including conditions as outlined in Section 4.03.00.

<b>TABLE 3.07.00(A): USES PERMITTED IN RESIDENTIAL ZONING DISTRICTS</b>													
	AG	TN-1	TN-2	RE-1	RE-2	R-1	R-2	R-3	R-4	R-5	MF	MH-1	MH-2
<b>Agricultural Activities</b>													
Agricultural Activities (but excluding the care and handling of farm animals)	P												
Plant Nursery with greenhouses, wholesale & noncommercial as accessory uses only	P			P	P								
Road Side Stands/Vendors for sale of ag products	P												
Sale & storage of hay & straw	P												
<b>Residential Uses – Single Family</b>													
Single-family, Standard Construction and modular (FL Building Code Standards)	P	P	P	P	P	P	P	P	P	P		P	P
Single-family, Manufactured Home (a.k.a. mobile home) (HUD labels)												P	P
Manufactured Home/RV Subdivision												PC	
Mobile Home/RV Park													PC
Duplex, two family						P	P	P	P	P			
<b>Residential Uses – Single Family Attached</b>													
Triplex or Quadplex									P	P			
Town House									P	P			
<b>Residential Uses – Accessory Residential</b>													
Caretaker or Watchman’s Dwelling (Accessory to the Principal Use)												PC	PC

<b>TABLE 3.07.00(A): USES PERMITTED IN RESIDENTIAL ZONING DISTRICTS</b>													
	AG	TN-1	TN-2	RE-1	RE-2	R-1	R-2	R-3	R-4	R-5	MF	MH-1	MH-2
<b>Residential Uses – Multiple-Family</b>													
Apartment Building									P	P	P		
<b>Group Care Facilities</b>													
Family Care Homes		P	P	P	P	P	P	P	P	P	P		
Adult Family Care Home													
Community Residential Home or Assisted Living Facility (up to 6 residents)		P	P	P	P	P	P	P	P	P	P		
Family Day Care Home		P	P	P	P	P	P	P	P	P	P		
Family Foster Home		P	P	P	P	P	P	P	P	P	P		
Care Facilities													
Adult Day Care Center									SA	SA	SA	SA	
Child Care Facility									SA	SA	SA	SA	
Community Residential Home or Assisted Living Facility (7-14 residents)									SA	SA	SA	SA	
Assisted Living Facility (15 or more residents)									SA			P	
Nursing Home Facility									SA	SA	SA	P	
Hospice Freestanding Inpatient Facility									SA	SA	SA	P	
<b>Lodging</b>													
RV Park & Campgrounds													PC
Short Term Rentals (Vacation Rentals)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
<b>Educational Facilities</b>													
Schools, Grades K-12	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Private (kindergarten,		P	P	P	P	P	P	P	P	P	P	P	P

<b>TABLE 3.07.00(A): USES PERMITTED IN RESIDENTIAL ZONING DISTRICTS</b>													
	AG	TN-1	TN-2	RE-1	RE-2	R-1	R-2	R-3	R-4	R-5	MF	MH-1	MH-2
nursery schools)													
<b>Cultural Facilities and Places of Public Assembly</b>													
Community Center		P	P			P	P	P	P	P	P		
Places of Worship		P	P			P	P	P	P	P	P		
<b>Recreation and Conservation Uses</b>													
Recreation – Outdoor Public	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Public/Semi-Public Service Facilities</b>													
Electric Power or Telephone Substation/Switching Station		P	P	P	P	P	P	P	P	P	P	P	P

<b>TABLE 3.07.00(B): USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b>												
<i>Note: Mixed-Use District (MU) permitted uses described in text</i>												
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN	
<b>Residential Uses – Single Family</b>												
Existing Single- Family	P	P	P	P	P						P	
<b>Residential Uses – Multiple-Family</b>												
Apartment Building	PC											
Townhouse	PC											
<b>Residential Uses – Accessory Uses</b>												
2nd or 3rd floor living units above retail	PC		PC	PC	PC							
Caretaker or Watchman’s Dwelling (Accessory to the Principal Use)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	
<b>Group Care Facilities</b>												
Family Care: Adult Family Care Home	P											

<b>TABLE 3.07.00(B): USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b>											
<i>Note: Mixed-Use District (MU) permitted uses described in text</i>											
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN
Community Residential Home or Assisted Living Facility (up to 6 residents)	P			P	P						
Family Day Care Home	P			P	P						
Family Foster Home	P			P	P						
<b>Care Facilities</b>											
Adult Day Care Center	PC	PC	PC	PC	PC				PC		
Child Care Facility	PC	PC	PC	PC	PC				PC		
Community Residential Home or Assisted Living Facility (7-14 residents)	PC		P	P	P						
Assisted Living Facility (15 or more residents)	P		P	P	P						
Nursing Home Facility	PC		P	P	P						
Hospice Freestanding Inpatient Facility	PC		P	P	P						
<b>Lodging</b>											
Hotel/Motel	P		P	P	P						
RV Park & Campground								SA			
<b>Office/Financial/Medical Facilities</b>											
Bank/Financial Institution	P	P	P	P	P						
Clinic	P	P	P	P	P						
Mortuaries, Funeral Home, Crematories	P	P	P	P	P	P					
Hospital	P	P		P	P				P		
Laboratory, Medical/Dental, Research/Development	P	P	P	P	P						
Medical/Dental/Health Care Office	P	P	P	P	P						

<b>TABLE 3.07.00(B):                      USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b> <i>Note: Mixed-Use District (MU) permitted uses described in text</i>											
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN
Office Park		PC									
Pharmacies including Medical Marijuana Dispensing Facilities	PC	PC	PC	PC	PC						
Professional Office	P	P	P	P	P						
Real Estate/Business Office	P	P	P								
Veterinarian & Animal Hospital (No Outdoor Kennels)	P	P	P	P	P						
Veterinarian & Animal Hospital (Indoor and/or Outdoor Kennels)			P	P	P	P					
<b>Personal Services</b>											
Barber and Beauty Shops	P	P	P	P	P						
Body Art Shop (Tattoo Parlor)			P								
Fitness Center/Health Club/Spa (no overnight accommodations)	P		P	P	P						
Laundromat	P		P	P	P						
Laundry/Dry Cleaning Drop-Off and Pick-Up	P		P	P	P						
Nail & Tanning Salons	P		P	P	P						
Pet Groomer, No Boarding	P		P	P	P						
Seamstress/Tailor	P		P	P	P						
Shoe Repair	P		P	P	P						
Theatre, dance studio	P	P	P								
Watch, Clock, Jewelry Repair	P		P	P	P						
<b>Retail Commercial, No Outdoor Storage or Activities</b>											
Adult Entertainment Establishment					SA	SA	SA				
Alcohol Package Sales	P		P	P	P	P					
Antique Store	P		P	P	P						
Auto Parts, Sales (Indoors)	P		P	P	P	P					

<b>TABLE 3.07.00(B): USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b>											
<i>Note: Mixed-Use District (MU) permitted uses described in text</i>											
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN
Bakery, Retail (Bakeshop)	P	P	P	P	P						
Bars, Lounges, Taverns	SA		P	P	P						
Convenience Store (No Gas)	P		P	P	P	P					
Copies and office services & Mailing/Shipping Stores	P	P	P	P	P	P					
Craft Shop	P	P	P	P	P	P					
Florist	P		P	P	P						
General Retail Store	P		P	P	P						
Grocery Store	P		PC	P	P						
Maintenance & Repair of Appliances & Small Equipment			P	P	P		P				
Medical Equipment Sales/Rentals	P	P	P	P	P	P					
Mini-warehouse (Self-Storage) no outdoor storage					P	P	P				
Package Delivery Service	P			P	P	P					
Resale Shops	P		P	P	P						
Restaurant (Sit Down/Table Service)	P	P	P	P	P	P					
Restaurant (Take Out/Short Order)		P	P	P	P	P					
Restaurant w/ live entertainment	P			P	P						
Restaurant, drive through				P	P						
Shopping Center (less than 150,000 GLA)				P	P						
Shopping Center (more than 150,000 GLA)					P	P					
Tea Room	P		P								
<b>Retail Commercial, Outdoor Storage or Activities</b>											
Automobile, Truck, and Boat Sales and/or Rental/Leasing				P	P						

<b>TABLE 3.07.00(B):                      USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b> <i>Note: Mixed-Use District (MU) permitted uses described in text</i>											
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN
Establishment											
Big Box Retail				P	P						
Building Supply Sales				P	P						
Car Wash & Detailing				P	P						
Commercial Parking Lot or Parking Structures (e.g., parking garages)	PC			PC	PC	P	P				
Convenience Store w/ Gas Pumps	SA		P	P	P						
Equipment Sales and Rentals			P	P	P	P	P				
Farmers' Market	SA	SA	PC					SA			
Feed Store					P	P	P				
Flea Market				SA	SA						
General Retail w/ outdoor storage					P						
Mini-warehouse (Self-Storage) with outdoor storage					PC	PC	PC				
Mobile Home/RV Sales				P	P						
Nurseries and Garden Centers, Commercial Retail				P	P	P					
Tire & Automotive Accessory Sales (indoor and/or Outdoor)					P	P	P				
<b>Nonretail, Service Commercial</b>											
Automotive Repair (Major)					PC	P	P				
(Minor)				PC	PC	P	P				
Boat/Vehicle Repair					P	P	P				
Contractor's Shops & Storage Yard						P	P				
Equipment & Material Storage					PC	P	P				

<b>TABLE 3.07.00(B): USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b>											
<i>Note: Mixed-Use District (MU) permitted uses described in text</i>											
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN
Yard											
Sales/Repair of Heavy Equipment (Includes construction equipment, farming equipment and machinery, and lawn and garden equipment, etc.)					PC	P	P				
Landscaping Services Establishment No Outdoor Activities and/or Storage				P	P	P	P				
Landscaping Services Establishment Outdoor Activities and/or Storage					P	P	P				
<b>Light Industrial</b>											
Food & Beverage Manufacturing, Processing & Packaging						P	P				
Laundry & Dry-Cleaning Plant							P				
Manufacturing of Finished Products						P	P				
Printing/Publishing						P	P				
Recycled Materials Collection and Processing Facility - Indoor						P	P		SA	SA	
Recycled Materials Collection and Processing Facility - Outdoor							SA			SA	
Truck & Motor Freight Terminals Light Motor Freight					PC	PC	P				
Heavy Motor Freight						PC	P				
Sales/Minor Storage of Propane Gas							P				

<b>TABLE 3.07.00(B):                      USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b> <i>Note: Mixed-Use District (MU) permitted uses described in text</i>											
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN
Truck Stop					PC	PC	PC				
Warehousing						P	P				
Wholesaling, Storage and Distribution						P	P				
<b>Heavy Industrial</b>											
Construction & Demolition Disposal Site							SA			SA	
Food & Beverage Manufacturing, Processing & Packaging							P				
Commercial Incinerator							PC				
Junkyard							SA				
Excavation, Borrow Pits							PC				
Manufacture of building materials						PC	P				
Processing of raw materials							P				
Storage & Processing of Flammable Materials and/or Manufacture of Explosives							SA				
Storage of Sand/Gravel/Blocks							P				
<b>Educational Facilities</b>											
School, Private (kindergarten, nursery schools)	P	P	P	P	P	P					
Schools, Grades K-12	P	P	P	P	P	P			P		
School, College/University	P	P		P	P	P			P		
School, Vocational/ Technical/Trade	P	P	P	P	P	P	P		P		
<b>Cultural Facilities and Places of Public Assembly</b>											
Civic Center/Auditorium	P	P	P	P	P						
Club, Private		PC	P	P	P						

<b>TABLE 3.07.00(B): USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b>											
<i>Note: Mixed-Use District (MU) permitted uses described in text</i>											
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN
Community Center	P	P	P	P	P				P		
Museum	P	P		P	P				P		
Places of Worship	P	P	P	P	P				P		
Public Library	P	P		P	P				P		
<b>Recreation/Conservation Uses</b>											
Golf Course			P					P	P		
Recreation, Passive	P	P	P	P	P	P	P	P	P	P	P
Recreation - Indoor Public	P	P	P	P	P	P	P	P	P	P	
Commercial	PC		PC	P	P	P					
Recreation – Outdoor Public	P	P	P	P	P	P	P	P	P	P	
Commercial	SA		PC	P	P						
<b>Public/Semi-Public Service Facilities</b>											
Auto License/Tag Facility	P	P	P						P		
Cemetery			P					P	P		
City Hall/Municipal Building	P	P	P						P		
Communication & Telecommunication Towers						P	P	PC	PC	P	
Electric Power Plant							P			P	
Electric Power Substation						P	P		P	P	
Government Uses, Facilities & Structures	P	P	P	P	P	P	P		P		
Fire Station	P	P	P	P	P	P	P		P		
Maintenance Facilities & Storage Yards for Schools, Government Agencies, Telephone and Cable Companies.						P	P			P	
Police Station	P		P	P	P				P		

<b>TABLE 3.07.00(B): USES PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS</b>											
<i>Note: Mixed-Use District (MU) permitted uses described in text</i>											
	DBD	OF	C-1	C-2	C-3	I-1	I-2	PR	PI-1	PI-2	CN
Post Office	P	P	P	P	P				P		
Telephone Substation/Switching Station	P	P	P	P	P	P	P		P	P	
Wastewater Disposal Facility							P			P	
Wastewater Treatment/Water Treatment Plant							P			P	

**TABLE 3.07.00(C):  
USES THAT REQUIRE APPROVAL VIA A PLANNED UNIT DEVELOPMENT  
(PUD)**

Airports/Aviation Uses
Auto Salvage Yard/Wholesale Parts
Correctional Facility
Jail

\*Requires approval with Conditions as Outlined in Article 4.

**TABLE 3.07.00(D)  
RESIDENTIAL ZONING - DIMENSIONS TABLE**

Proposed District	Minimum Lot Size	Minimum Lot Width (Feet)	Minimum Living Area (Square Feet)	Setbacks – Principal Structures				Max Lot Cover %	Max Impervious Surface Ration %	Max. Building Height (Feet)
				Front	Street-side (Corner Lots)	Side*	Rear			
AG (Agriculture)	5 acres	200	1,000	30	30	20	30	10	10	40
TN-1 (Traditional Neighborhood)	9,000 s.f.	90	1,500	30	30	10	15	30	50	35
TN-2 (Traditional Neighborhood)	8,000 s.f.	60	1,000	30	30	7.5	15	30	55	35
RE-1 (Residential Estates)	40,000 s.f.	100	2,000	30	25	20	25	35	50	40
RE-2 (Residential Estates)	20,000 s.f.	100	1,500	30	25	20	20	30	50	35
R-1 (Single Family Residential)	10,000 s.f.	100	2,000	25	20	10	15	40	55	35
R-2 (Single Family Residential)	8,000 s.f.	80	1,750	25	15	7.5	10	45	55	35
R-3 (Single Family Residential)	6,000 s.f.	60	1,500	20	10	7.5	10	50	55	35
R-4										
R-4 (Single Family Homes)	5,000 s.f.	60	1,250	25	10	7.5	10	55	55	35

Proposed District	Minimum Lot Size	Minimum Lot Width (Feet)	Minimum Living Area (Square Feet)	Setbacks – Principal Structures				Max Lot Cover %	Max Impervious Surface Ration %	Max. Building Height (Feet)
				Front	Street-side (Corner Lots)	Side*	Rear			
R-4 (Duplexes)	8,000 s.f.	60	750/unit	25	20	7.5	15	40	55	35
R-4 (Triplexes and Quadplexes)	12,000 s.f.	100	750/unit	25	20	20	20	50	60	35
R-5										
R-5 (Single Family Homes)	5,000 sf	50	1,000	25	10	5	10	55	55	35
R-5 (Duplexes)	8,000 sf	50	750/unit	25	20	7.5	15	40	55	35
R-5 (Triplexes and Quadplexes)	12,000 sf	100	750/unit	25	20	20	20	50	60	35
MF (Multi-Family)			750/unit	25	20	20	20	50	60	70
MH-1 Subdivision	10 acres			25	20	20	20			
Single-wide lots	6,000	60	1,000	20	15	7.5	15	45	55	35
Double-wide lots	12,000	100	1,400	20	15	10	20	45	55	35
Park Model Units	4,000	40	560 per unit	20	10	7.5	10	50	55	35
MH-2 (Park)	10 acres			25	20	20	20			
Single-wide lots	4,000	40	750	20	10	7.5	15	45	55	35
Double-wide lots	5,500	55	1,400	20	10	7.5	15	45	55	35
RV/Seasonal/Short term units	2,500	35	N/A	20	5	5	5	45	55	35

\* In all residential zoning districts, the minimum side setback for a 2.5-story home or taller is 15 feet.

**TABLE 3.07.00(E): NON-RESIDENTIAL ZONING DISTRICTS DIMENSIONS TABLE**

District	Setbacks – Principal Structures				Floor Area Ratio %	Max Impervious Surface Ratio %	Max. Building Height (Feet)
	Front	Street-side (Corner Lots)	Side	Rear			
DBD (Downtown Business District)	0	5	0	15	85	70	50
(OF) Office	15	15	10	15	70	70	70
(C-1) Commercial Neighborhood	15	10	10	10	70	70	70
(C-2) Commercial General	25	20	20	20	60	70	55
(C-3) Commercial Highway	30	25	25	25	55	70	70
(I-1) Manufacturing Warehouse	25	25	20	20	50	70	55
(I-2) Industrial	25	25	20	20	50	70	70
(PR) Parks and Recreation	25	25	20	20	5	10	35
(PI-1) Public Institutional	15	15	10	10	85	70	50
(PI-2) Public Institutional	25	20	20	20	35	50	50

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## **SECTION 3.08.00 DESCRIPTION OF ZONING DISTRICTS**

This Section contains a description of each of the zoning districts established by the City and identifies: 1) the intended purpose of each zoning district; and, 2) specific provisions that apply within a particular zoning district. The following zoning designations are hereby established within the City of Davenport.

### **3.08.01 Agriculture (AG)**

- (A) *Purpose.* To provide for agricultural activities within the City of Davenport and to provide for the continuation of the agricultural tax-exempt status established by Florida Statutes, on property that is at the perimeter of the City, is used for agricultural activities and does not have any established urban land uses. In general, agricultural pursuits and single family detached dwelling units.
- (B) Other Requirements
- (1) Aquaculture, composting, landfill, and recycling activities conducted on non-mandatory reclamation lands shall be subject to, and require evidence of, all relevant state and federal permits, and shall be appropriately buffered from existing or future adjacent residential development.
  - (2) Excess produce and other products that are agricultural in nature and harvested from orchards, vineyards, nurseries, ornamental horticultural areas, groves, noncommercial greenhouses, etc., as well as excess produce, etc., harvested from any commercial farm, may be sold on the premises to the general public by the means of a roadside stand or similar structure. All setbacks must be observed from rights-of-way and property lines as is required for an accessory structure.
- (C) Prohibited Uses
- (1) Agricultural activities such as feed lots and egg production are not allowed within the City limits unless they are pre-existing uses of land prior to annexation.
  - (2) Keeping and raising venomous reptiles.

### **3.08.02 Residential Districts**

#### **3.08.02.01 Traditional Neighborhood (TN-1 and TN-2)**

- (A) *Purpose TN-1 District.* The purpose of this district is to encourage and protect low density single-family development.
- (B) *Purpose TN-2 District.* The purpose of this district is to encourage and protect low density single-family development and allow for the development of

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smaller lots and homes than is allowed in TN-1.

(C) Other Requirements

- (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and maintained by a homeowner's association. Appropriate development standards will be determined by the Administrative Official.
- (2) Private golf courses are permitted in conjunction with platted subdivisions of 50 lots or more.
- (3) Except on active construction sites, the parking of vehicles or motorized equipment exceeding 35 feet in length or 14,000 pounds in capacity is prohibited.
- (4) Conventional/Standard Construction Only (Green Building Construction Standards and Practices are strongly encouraged, however are optional).

**3.08.02.02 Residential Estates (RE-1 and RE-2)**

(A) *Purpose.* The purpose of these districts is to encourage and protect low density single-family development and allow for the development of larger lots and larger single-family homes in the more rural areas of City.

(B) Other Requirements

- (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and maintained by a homeowners' association. Appropriate development standards will be determined by the Administrative Official.
- (2) Private golf courses are permitted in conjunction with platted subdivisions of 50 lots or more.
- (3) Except on active construction sites, the parking of vehicles or motorized equipment exceeding 35 feet in length or 14,000 pounds in capacity is prohibited.
- (4) Green Building Construction Standards and Practices are strongly encouraged, however are optional.

**3.08.02.03 Residential Single Family (R-1, R-2, R-3, and R-4)**

(A) *Purpose.* The purpose of these residential districts is to encourage and provide low to medium density single-family development and allow for developments with smaller lots than is allowed in TN-1, TN-2, RE-1, and RE-2 districts.

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### 3.08.02.04 Low Density Residential, Duplex, Triples (R-5)

- (A) *Purpose.* The purpose of the R-5 Low Density Residential, Duplex, Triplex zoning district shall be to locate and establish areas within the City of Davenport that are deemed to be suited for the development and maintenance of moderately low density residential living of an urban character on minimum 50-foot wide lots; to designate those uses and services appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development in a moderately low density residential environment.
- (B) *Common Properties.* For subdivision projects 5 acres or larger in size, common properties that serve as amenities to the residents of a subdivision shall be provided. For subdivision projects under 5 acres in size, common properties that serve as amenities to the residents of the subdivision are encouraged. Common properties and classified as below:
- (1) *Designated Open Space.* Designated open space shall be defined as the total area within an R-5 subdivision that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown in the Concept Plan Review. The minimum open space required shall be 30% of the gross site area, and may include, but shall not be limited to, the following:
- A. Common Recreation Areas, as defined in subparagraph (2) below;
  - B. Areas equivalent to no more than 50% of the total acreage of wetlands, lakes, stormwater management retention/detention areas, and other permanent or semi-permanent water bodies;
  - C. Scrub or other natural areas to be set aside for the preservation of endangered plant or animal species;
  - D. Stormwater retention/detention areas, but not ditches and swales; and
  - E. Designated open space shall **not** include the following:
    - 1. Lands designated for residential or commercial use (regardless of density or intensity of these uses);
    - 2. Parking areas except those accessories to recreational uses;
    - 3. Utility easements and road rights-of-way;

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4. Perimeter setback areas, unless developed with bicycle or pedestrian trails;
  5. Sewer and/or water treatment plant sites; or
  6. Land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding stormwater management facilities).
- (2) *Common Recreation Area.* Common recreation area shall be designated as such on the Subdivision Plans, shall be distributed throughout the subdivision, and shall be integrated into its overall design. Common Recreation Area shall constitute not less than one-half of the total area qualifying as designated open space as defined in (1) above.
- A. Recreation areas shall be usable and accessible, and shall be improved with facilities to allow a specific use or range of uses. Types of recreation facilities and the acreage assigned to each shall be shown in tabular form on the Plan.
  - B. Common Recreation Area may include the following uses and associated facilities: swimming pools, tennis courts and playing fields; playgrounds; picnic areas and pavilions (up to 20% of total required Common Recreation Area acreage); golf courses (up to 50% of total required Common Recreation Area acreage); rights-of-way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas).
  - C. The following shall not be included in Common Recreation Areas:
    1. Streets, road right-of-way, and parking areas;
    2. All easements, including conservation easements (Section 8.11.00), as long as they are not built on or paved;
    3. Water bodies and wetlands, except within designated right-of-way for nature trails;
    4. Ditches, swales, retention areas and other stormwater management facilities; and
    5. Areas of less than 50 feet in width and 5,000 square feet in size, unless incorporated into a pedestrian or bicycle circulation system.

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- (C) *Density.* The total number of permitted dwelling units within a R-5 subdivision shall be based on the gross acreage of the overall development site, including all open space, recreation areas, stormwater management facilities, road rights-of-way, and areas proposed for commercial use.
- (D) *Ownership and Maintenance of Common Property.* If the R-5 subdivision includes common property, the developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, stormwater management facilities and other community facilities designated on the subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Davenport for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase and subject to approval of the City Commission.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the approval of the final plat fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with final development plans, the City may serve written notice upon such organization and/or the owners or residents of the subdivision and hold a public hearing. If deficiencies of maintenance are not corrected within 30 days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the subdivision that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners' association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (1) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (2) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;

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- (3) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
  - (4) To create an administrative vehicle, the owners' association, to manage those elements shared in common and to enforce standards;
  - (5) To provide for the operation and financing of the association;
  - (6) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
  - (7) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the final development plans of the R-5 subdivision.

#### **3.08.02.05 Multi-Family (MF)**

- (A) *Purpose.* The purpose of this district is to provide areas for multiple family dwelling uses with a higher density standard and lower restrictive regulations than single-family districts, along with the necessary and incidental accessory uses, and uses characteristic with, but not detrimental to, the principal use. In no case shall a density be permitted that exceeds the rate listed on Table 3.07.00(D).
- (B) *Accessory Uses.* Permitted as accessory uses in connection with multiple-family dwellings having a minimum of 100 dwelling units are: establishments for sale of convenience goods, personal and professional service establishment, and eating and drinking establishments, provided that all such establishments shall be designed and scaled to meet only the requirements of occupants and guests, and that there shall be no external evidence of the existence of such establishments. Floor area devoted to such uses other than parking shall not exceed 20% of the total residential floor area.

#### **3.08.02.06 Manufactured Homes (MH-1 and MH-2)**

- (A) *Purpose.* To establish and provide locations suitable for Manufactured Home and Recreational Vehicle (RV) Subdivisions and Parks:
  - (1) Manufactured Home Subdivisions (Single-wide or Double-wide Mobile Homes, not including RV "Park Models" or any other type of RV) that are permanently sited and occupied year-round,
  - (2) RV Subdivisions that allow RV "Park Model" manufactured homes may be permanently sited and may be occupied year-round,
  - (3) RV Parks and Camps that allow only RVs (no Park Models) and only for

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overnight or limited vacation-season type usage, and

- (4) To provide open space and other amenities for the common use of residents; to designate those uses and activities which are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a Manufactured Home and RV subdivision or park setting.
- (B) Accessory Uses
- (1) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.
  - (2) No more than one single-family conventionally built home is allowed, at least 900 sq. ft. in size, for the use of a resident manager.
- (C) Development Standards
- (1) *Maximum Density for Manufactured Home and RV Subdivisions, RV Parks or RV Campgrounds:* Up to 7.99 units per acre with an approved sanitary sewer system.
- (D) Other Requirements
- (1) *Ownership.* Manufactured home parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned, or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. The City of Davenport shall not be responsible for maintenance and/or repair of common facilities within a manufactured home park.
  - (2) *Nonconformities.* No new mobile homes may be added to an existing mobile home subdivision or park in an MH-1 or MH-2 zoning district which does not comply with applicable requirements of these Regulations. However, previously installed units may be moved, additional property and common facilities may be incorporated into the site, if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity consistent with Article 2.
  - (3) *Existing Park.* Where an existing manufactured home park in an MH-1 or MH-2 district has no preliminary site plan approval, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement, or replacement of park facilities or mobile homes.

### **3.08.03 Office District (OF)**

- (A) *Purpose.* This district is to meet the transition between residential and commercial zones in a manner that will not be detrimental to the health, safety and welfare of

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persons residing in adjacent residential zones. The Office District allows limited commercial activity that is primarily service oriented. The Office District is intended to encourage the compatible development of professional and related offices with service oriented commercial activity.

(B) Other Requirements

- (1) Conventional/Standard Construction Only (Green Building Construction Standards and Practices are strongly encouraged, however are optional).
- (2) No Metal Buildings shall be permitted to be constructed within the Office Districts.

**3.08.04 Downtown Business District (DBD)**

(A) *Purpose.* The purpose of the district is to meet and recognize the unique existing configuration of the traditional existing downtown business area; to provide for office and commercial uses in the central business district with no off-street parking required and zero side setbacks allowed. Commercial uses that require excessive amounts of parking are not appropriate in this district unless a parking lot can be constructed in the area.

(B) Existing Single-family Residential Dwelling Units

- (1) All existing Single-family residential dwelling units located within the new DBD boundaries, as of the date of the adoption of this amended Land Development Regulations, shall be permitted to remain and are to be considered grandfathered uses. These single-family residential dwelling units shall be permitted to have additions and accessory structures in accordance with the previous zoning district standards (R-1 or R-2) that applied to the effective date of these amended Land Development Regulations. The grandfathered use expires, once a change in use or occupancy occurs to a commercial, retail or office use and shall comply with DBD zoning district standards as outlined in these Regulations. The City shall then initiate a Future Land Use Map amendment on the property to Commerce Activity Center (CAC).

(C) Permitted Principal Uses and Structures

- (1) Residential units above commercial buildings with store fronts are allowed. The minimum square footage allowed is 900 square feet.

(D) Accessory Uses

- (1) Where commercial and residential uses share a development site, no residential accessory uses shall be permitted.

(E) Design Standards.

- (1) See the design standards in Section 6.02.00.

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### **3.08.05 Commercial Districts (C-1, C-2, C-3)**

#### **3.08.05.01 Neighborhood Commercial (C-1)**

- (A) *Purpose.* The Commercial Neighborhood District is intended to apply to small-scale and medium-scale neighborhood shopping centers and small pedestrian-oriented retail districts. Typical uses include corner stores or convenience stores, restaurants, bakeries, small supermarkets or drug stores, dry cleaners, video stores, and similar uses that serve the immediately surrounding neighborhood.

#### **3.08.05.02 General Commercial (C-2)**

- (A) *Purpose.* The Commercial General District is intended to apply to arterial streets and traffic ways where business establishments, primarily not of a neighborhood or community service type, may properly be located to serve large sections of the City and/or beyond the City limits. Typical commercial uses include supermarkets, larger drug stores, department stores and variety stores, clothing stores, banks, offices, restaurants, movie theaters, hotels, and similar uses that draw from multiple neighborhoods. Where buildings contain both residential and commercial or retail uses, the residential units shall be located above the ground floor commercial/retail uses.

#### **3.08.05.03 Highway Commercial (C-3)**

*Purpose.* The Highway Commercial District is intended to apply to arterial streets and traffic ways where business establishments, including Big Box Stores, Power/Outlets Centers, Home Improvement Stores, Retail Outdoor Storage, Dealerships (Auto, Boat and Recreational Vehicles), Hotel, Motel and Lodging facilities, Movie Theaters, Bowling Alleys, and other Entertainment Venues.

### **3.08.06 Manufacturing/Warehousing (I-1)**

- (A) *Purpose.* This zoning district is intended for manufacturing, processing, fabrication, assembly, treatment, and/or packaging of finished products or parts, predominantly from previously prepared materials that do not involve materials, processes, or machinery likely to cause undesirable effects upon nearby or adjacent business and residential property. This district also includes storage and warehousing, wholesaling, and distribution. Service and commercial activities relating to the character of the district are permitted. Outdoor storage is prohibited, except for the parking of commercial vehicles and trailers, which are associated with the principal use of the site.
- (B) Other Requirements
- (1) All activities, including but limited to: manufacturing, processing, loading, unloading or similar activities shall occur within enclosed structures/buildings.

### **3.08.07 Industrial (I-2)**

- (A) *Purpose.* This zoning district is intended for manufacturing of materials or products,

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which are predominately from extracted or raw materials, processing, storage and warehousing, wholesaling, and distribution. This type of manufacturing and processing has the potential to cause undesirable effects upon nearby residential or business property because of its appearance and/or potential for generating noise, vibration, odor, glare, fire, explosion, or air or water quality threats. Uses may include storage or manufacturing processes using flammable or explosive materials; storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; and uses engaged in the recycling of recoverable resource materials, such as paper products, glassware, steel, or metal cans reprocessed into new products. Service and commercial activities relating to the character of the district are permitted. Outdoor storage is permitted.

### **3.08.08 Parks and Recreation (PR)**

- (A) *Purpose.* The purpose of this district is to establish locations for publicly-owned and privately-owned recreation facilities, and properties reserved for open space.

### **3.08.09 Public/Institutional (PI-1, PI-2)**

- (A) *Purpose.* The purpose of this district is to establish locations for existing and future publicly owned properties such as local, state, and federal government buildings, facilities and schools, and locations for existing and future privately owned facilities that provide or serve a public benefit.
- (B) Permitted Principal Uses and Structures
- (1) The PI-1 uses are typically small-scale and large-scale government buildings, hospitals, government campus type facilities, schools, etc.
  - (2) The PI-2 uses are typically public facilities, such as, water treatment facilities, wastewater treatment facilities, landfills, prisons, airports, etc.
  - (3) Where residential uses are established, allowable density shall not exceed that of the underlying land use designation, as depicted on the Future Land Use Map of the City of Davenport Comprehensive Plan.

### **3.08.10 Conservation (CN)**

- (A) *Purpose.* To preserve the proper functioning of natural resources, such as wetlands, floodplains, and groundwater recharge areas.
- (B) Permitted Principal Uses and Structures
- (1) *Permitted by the authority of the Comprehensive Plan.* One single family dwelling unit per 10 acres, contingent upon a permit from FDEP and/or SWFWMD. The Floor Area Ratio is 0.001 for public conservation areas.
  - (2) *Permitted.* Single family dwelling units, docks, nature trails, boardwalks and lake access not exceeding six parking spaces per use. Construction within conservation areas shall occur with minimal disruption to the natural environment and abide by all related habitat protection standards.

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- (C) *Accessory Uses.* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Customary uses that are secondary and incidental to principal uses, including restrooms, caretakers' residences, pavilions, boardwalks, and pedestrian/bicycle paths.

### **SECTION 3.09.00 GENERAL REGULATIONS FOR ACCESSORY STRUCTURES**

Accessory Structures, as defined in Article 13, "Definitions and Acronyms", are those that are incidental and secondary to a principal use that is permitted within a given zoning district. It is the purpose of this Section to regulate the construction, placement, and use of accessory structures, in order to ensure that they do not adversely affect nearby residents and/or surrounding properties. In addition to the standards provided below, accessory structures shall meet all requirements set forth in individual zoning districts and other applicable provisions of these Regulations. One or more accessory structures may be permitted on a development site, provided that the following requirements are met:

- (A) Accessory structures shall not be constructed prior to the principal structure.
- (B) Accessory structures shall not be located in a required landscape buffer; or within a public utility easement.
- (C) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- (D) All accessory structures shall be shown on a Preliminary Site Plan when such plan is required for the principal use.
- (E) Accessory structures shall not be located forward of the front building line or, on a corner lot, forward of either front building line.
- (F) Except where otherwise provided, accessory structures shall be separated from each other and from the principal structure by no less than five feet in all residential zoning districts and 15 feet in all commercial, professional, and industrial zoning districts.
- (G) Manufactured homes, trailers, or vehicles of any kind shall be strictly prohibited as accessory buildings or structures on any lot, platted lot, parcel, tract, or development site.
- (H) Storage Containers (Container Box, Convex, Railcar Box, PODs, SAMs, or similar type unit) of any kind shall be strictly prohibited from being utilized as accessory buildings or structures on any lot, platted lot, parcel, tract, or development site.
- (I) Surface constructed uses, such as a pool deck, patio, or similar features, when not greater than 30 inches in height above the median grade covered by such proposed use, shall be permitted within the required side and rear yards, but not closer than five feet to the property line.

- (J) The total allowable square feet for an accessory structure vary for each zoning district. Refer to the table below:

**TABLE 3.09.00(A)  
ACCESSORY STRUCTURE SQUARE FEET**

<b>Zoning District</b>	<b>Maximum Square Feet (sq.ft.) – Cumulative Total</b>
CN	600 sq. ft.
TN-1, TN-2 (Lot Width – 60 feet or less)	600 sq.ft.
TN-1, TN-2 (Lot Width – More than 60 feet)	1,200 sq.ft. or 50% of size of principle structure, whichever is less. With a minimum of 600 sq. ft. allowed regardless of square footage.
AG, RE-1, RE-2	1,200 sq.ft. or 50% of size of principle structure, whichever is less.
R-1, R-2, R-3, R-4, R-5	720 sq.ft. or 50% of size of principle structure, whichever is less.
MF	300 sq.ft. (Privately owned lots)
MH-1	600 sq.ft.
MH-2	300 sq.ft.

**3.09.01 Swimming Pools**

Swimming Pools are permitted in all Residential districts as an accessory use. Pools located in any residential district shall meet the following requirements:

- (A) Swimming pools shall be permitted accessory to a residential use only, and shall be at least ten (10) feet from any property line, as measured from the edge of the water.
- (B) Swimming pools shall not be permitted to encroach into any access (ingress/egress), utility or drainage easements.
- (C) Swimming pools, including all decking and screen enclosures, shall be located to the rear of the front building line, and shall not encroach into side-street (corner lots) setback areas.
- (D) Screen enclosures over and around swimming pools shall be erected so as to conform to setback requirements for accessory buildings; however, such enclosures may be attached to the principal building. Lighting for pools shall be located and installed such that no direct light or reflected light is visible on adjoining property.
- (E) Swimming pools shall not be located within public utility or drainage easements alongside and/or rear lot lines. For purposes of setback

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measurement, the term "swimming pool" shall include all surrounding decking and vertical supports for screen enclosures.

- (F) All swimming pools shall be completely enclosed by a fence/wall not less than four feet high or secure enclosure.
- (G) No pool in Residential districts may be used for commercial purposes.

## **SECTION 3.10.00 PLANNED UNIT DEVELOPMENT**

### **3.10.01 Intent and Purpose**

The Planned Unit Development (PUD) district is established to provide for well-planned and orderly development on a small scale and large scale in any area of the City. Generally, PUDs are intended to:

- (A) Promote flexibility in development design;
- (B) Promote the efficient use of land;
- (C) Preserve, as much as possible, existing landscape features and amenities;
- (D) Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided;
- (E) Combine and coordinate architectural styles, building forms and building relationships within the planned development;
- (F) Lessen the burden of traffic conflict on streets and highways;
- (G) Provide for a balanced land use mixture;
- (H) Use at least one (1) unique/innovative design technique within the development. Examples of unique/innovative design techniques may include, but are not limited to the following: clustered lot layout, boulevard/landscaped entrances and streets, recreational facilities, natural resource/lakefront preservation, multiple vehicles, and pedestrian connections to adjoining developments, various housing types, and mixed uses where permitted by the Comprehensive Plan.

### **3.10.02 Relationship of PUD Regulations to the Comprehensive Plan, Land Development Regulations, or Other Applicable Regulations – Consistency**

- (A) The development of land uses within a PUD shall be consistent with the pattern of land use designations established on the Future Land Use Map of the Comprehensive Plan.
- (B) Where there are conflicts between these special PUD provisions and other regulations in these Regulations, these special regulations shall apply. Where

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no standard is designated in this Section for a particular element of a PUD, appropriate regulations set forth in other regulations shall apply. In a unique situation where no standard is specified, the City Commission shall determine the appropriate standards.

### **3.10.03 Design**

- (A) Lot area, setbacks or common areas, height, density/intensity, and other development regulations applicable to individual lots within a PUD shall be established by the governing PUD ordinance and the overall development plan. All PUDs shall provide a minimum of 30% of the total project area to open space and vegetation cover shall equal, at minimum, 15% of the site.
- (B) Mixed use residential PUDs are allowed to include commercial uses, to serve the existing and proposed residential community, and public facilities. The commercial uses shall not exceed more than ten percent (10%) of the land area and public facilities shall not exceed five percent (5%) of the total land area. A maximum of seven-and one-half percent (7½%) of the development may be allowed for commercial land uses for PUDs of less than 50 dwelling units.
- (C) Mixed use commercial PUDs are allowed to include residential development, including multi-family. Such residential uses may be located above, or may adjoin, the commercial use.
- (D) The City Commission may require that the project be developed as a PUD due to the housing product being offered, site topography, vehicular access, recreation and commercial needs in the area or other areas of concern that can best be mitigated through the design flexibility offered by PUD zoning.
- (E) Where there are conflicts between these special PUD provisions and other regulations in these Regulations, these special regulations shall apply. Where no standard is designated in the PUD, the appropriate regulations set forth in other sections of these Regulations shall apply. In a unique situation where no standard is specified, the City Commission shall determine the appropriate standard.

### **3.10.04 General Requirements**

The following requirements shall apply to all Planned Unit Developments:

- (A) *Minimum Site Area.* While the PUD site may include water bodies, wetlands, and areas within the 100-year floodplain, no such areas may be counted toward individual minimum lot sizes within the PUD.
- (B) *Perimeter Setback.* No structure shall be located less than 35 feet from the perimeter of the PUD development site where commercial use is planned adjacent to residential use.
- (C) *Public Easements.* The City of Davenport shall be granted easements allowing access to and use of tracts designated for open space, recreation, stormwater

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management facilities, sewer and water facilities and private roads, should public maintenance and/or repair become necessary.

- (D) *Access.* All residential and commercial properties shall have direct frontage on a public right-of-way or private right-of-way dedicated to common use by all residents of the development.
- (E) *Landscaping*
- (1) Landscaping requirements shall be as set forth in Article 5.
  - (2) The City Commission shall be permitted to impose any additional landscaping requirements that it determines are necessary, either within the PUD or along its perimeter, to prevent or minimize adverse impacts between potentially incompatible land uses.
- (F) *Common Properties.* Common properties that serve as amenities to the residents of a PUD shall be provided and classified as follows:
- (1) *Designated Open Space.* Designated open space shall be defined as the total area within the PUD that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown on the Master Development Plan. The minimum open space required in a PUD shall be 30% of the gross site area, and may include, but shall not be limited to, the following:
    - A. Common Recreation Areas, as defined in subparagraph (2) below.
    - B. Areas equivalent to no more than 50% of the total acreage of wetlands, lakes, stormwater management retention/detention areas, and other permanent or semi-permanent water bodies.
    - C. Scrub or other natural areas to be set aside for the preservation of endangered plant or animal species.
    - D. Stormwater retention/detention areas, but not ditches and swales.
    - E. Designated open space shall **not** include the following:
      1. Lands designated for residential or commercial use (regardless of density or intensity of these uses);
      2. Parking areas except those accessories to recreational uses;
      3. Utility easements and road rights-of-way;

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4. Perimeter setback areas, unless developed with bicycle or pedestrian trails;
  5. Sewer and/or water treatment plant sites; or
  6. Land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding stormwater management facilities).
- (G) *Common Recreation Area.* Common recreation area shall be designated as such on the Master Development Plan, shall be distributed throughout the PUD, and shall be integrated into its overall design. Common Recreation Area shall constitute not less than one-half of the total area qualifying as designated open space as defined in (1) above.
- (1) Recreation areas shall be usable and accessible, and shall be improved with facilities to allow a specific use or range of uses. Types of recreation facilities and the acreage assigned to each shall be shown in tabular form on the Plan.
  - (2) Common Recreation Area may include the following uses and associated facilities: swimming pools, tennis courts and playing fields; playgrounds; picnic areas and pavilions (up to 20% of total required Common Recreation Area acreage); golf courses (up to 50% of total required Common Recreation Area acreage); rights-of-way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas).
  - (3) The following shall not be included in Common Recreation Areas:
    - A. Streets, road right-of-way, and parking areas;
    - B. All easements, as long as they are not built on or paved;
    - C. Water bodies and wetlands, except within designated right-of-way for nature trails;
    - D. Ditches, swales, retention areas and other stormwater management facilities; and
    - E. Areas of less than 50 feet in width and 5,000 square feet in size, unless incorporated into a pedestrian or bicycle circulation system.
- (H) *Density.* The total number of permitted dwelling units within a PUD shall be based on the gross acreage of the overall development site, including all open space, recreation areas, stormwater management facilities, road rights-of-way, and areas proposed for commercial use. These units may be clustered or otherwise arranged according to sound planning principles throughout the

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PUD site, providing a mixture of housing types, densities, and price ranges in a creative development design that is appealing to residents and beneficial to the City as a whole.

Where a PUD site lies within two or more land use designations, as shown on the Future Land Use Map (such as Low Density Residential and Medium Density Residential), separate dwelling unit calculations shall be made, using the appropriate permitted density value for each.

- (I) *Development in Stages.* Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:
- (1) Developer must submit a construction schedule covering all phases of the PUD to the Administrative Official. This schedule may be revised from time to time as necessary.
  - (2) All roads, stormwater management, and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any building permits.
  - (3) At least 30% of the total acreage of each stage shall qualify as Designated Open Space, unless the entire project's Open Space is provided in the first phase. No less than one-half of this acreage shall be developed as Common Recreation Area. All recreation facilities shall be completed and available for use prior to issuance of building permits.
  - (4) No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.
- (J) *Ownership and Maintenance of Common Property.* If the PUD includes common property, the developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, stormwater management facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Davenport for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase and subject to approval of the City Commission.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans,

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the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within 30 days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners' association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (1) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (2) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (3) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (4) To create an administrative vehicle, the owners' association, to manage those elements shared in common and to enforce standards;
- (5) To provide for the operation and financing of the association;
- (6) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
- (7) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.

- (K) *Private Roads.* Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of paragraph (J) above. However, such roads must be designed and constructed to meet all

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standards applicable to a public road serving the same function, including right-of-way widths; except, curbs may be deleted if drainage is accomplished by a minimum of a 12" deep swale and approved by Southwest Florida Water Management District and City of Davenport requirements. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

The City of Davenport shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the City shall not accept the dedication unless the roads are in good repair and in conformity with all regulations and standards in effect at the time of dedication. If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be responsible for ensuring entry to the property for emergency vehicles.

The City shall have no liability for injury or loss of life resulting from restricted access to the development.

- (L) *Model Homes.* All model dwelling units shall be subject to the following restrictions:
- (1) Model dwelling units shall not be used for a period of longer than one year; however, the City Commission may grant an extension for a period not to exceed one year.
  - (2) The number of model dwelling units shall not exceed eight (8) in number, and shall not be connected to water and sewer facilities until a plat of record has been provided for the subdivision area in which the models are located.
  - (3) At least two off-street parking spaces per model unit shall be provided on the same lot as the model dwelling unit or on contiguous lots, and shall be maintained as long as the model dwelling unit is used as such.

**ARTICLE 4**

**REGULATIONS FOR SPECIFIC USES**

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## **ARTICLE 4**

### **REGULATIONS FOR SPECIFIC USES**

#### **SECTION 4.01.00 GENERAL PROVISIONS**

The purpose of this Article is to set forth the general provisions concerning land use. The provisions established herein shall regulate and establish minimum standards for land uses in the City. All land in Davenport shall be subject to the provisions of this Article, its Sections, Subsections, and other applicable regulations of these Regulations.

#### **SECTION 4.02.00 PURPOSE AND INTENT**

These Specific special uses have unique characteristics that require the imposition of development criteria in order to ensure that they are not harmful to the health, safety, and welfare of residents, surrounding uses and surrounding properties. These criteria may be applied in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations. The uses are listed in this Section together with the specific criteria that apply to each specific use. They are listed in alphabetical order and these criteria/minimum standards shall be met in addition to all other standards of these Regulations, unless specifically exempted, and all applicable regulations of other governmental agencies.

These Uses are included in the Table of Uses along with their required level of approval.

##### **4.02.01 Additional Criteria**

For uses required as Permitted with Conditions or Special Approval, The Administrative Official, Planning Commission, or City Commission may impose additional criteria or conditions if warranted to further the intent and purpose of these Regulations. Such criteria shall be based upon and consistent with the conditions applicable to similar uses and shall be supported by stated reasons in the records.

##### **4.02.02 Failure to Comply**

Failure to comply with conditions and safeguards, when attached to a grant of special use permit, shall be deemed a violation of these Regulations.

##### **4.02.03 Conditions and Safeguards Binding**

The conditions and safeguards shall be binding on the original applicant as well as all successors, assigns, and heirs.

##### **4.02.04 Conditions and Safeguards Duration**

The conditions and safeguards shall run with the land, unless a specific time frame is applied by the City.

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## SECTION 4.03.00 SPECIFIC USES AND REQUIRED MINIMUM STANDARDS

The following land uses are arranged in alphabetical order for presentation purposes and contain the minimum standards for each use listed:

### 4.03.01 Adult Entertainment Establishments

(A) *New Establishments.* New adult entertainment establishments are subject to the following standards:

- (1) No adult entertainment establishment shall be located within 500 feet of any property residential zoned, or property within unincorporated Polk County zoned for agricultural or residential use.
- (2) No adult entertainment establishment shall be located within 2,000 feet of any day care center or public recreation facility.
- (3) No adult entertainment establishment shall be located within 2,500 feet of any church or school.
- (4) No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.

(B) *Nonconforming Establishments.* Adult entertainment establishments legally in operation prior to the effective date of these Regulations may continue to operate as a nonconforming use in accordance with Article 2, "Nonconforming Uses".

Adult entertainment businesses established under paragraph (A) above shall not be rendered nonconforming by any of the following subsequent occurrences:

- (1) The rezoning of property within the City of Davenport or unincorporated Polk County for agricultural or residential use.
- (2) The placement of a day care center or public recreation facility within 2,000 feet.
- (3) The establishment of a church or school within 2,500 feet.

(C) *Measurement of Distances.* Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

(D) *Applicability of Other Laws and Ordinances.* Nothing in this Subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other Section of these Regulations or other applicable law or regulation. Additionally, nothing in these Regulations shall be construed to authorize, allow, or permit the establishment of any business, the

performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

#### **4.03.02 Agricultural Uses**

The following regulations apply to agricultural uses within the City of Davenport:

- (A) Citrus groves, plant nurseries with greenhouses and similar agricultural uses and structures are permitted in the AG Zoning District, provided that only minor and incidental sales shall be permitted, and that no roadside stands or signs shall be erected.
- (B) Whoever shall establish, keep, feed, herd, or maintain within the corporate limits of the City any livestock, cats, dogs, any fowl (chickens, turkeys, geese, ducks or any other domestic fowl or poultry), reptile, or other animals domestic or otherwise, of whatsoever nature or kind, in manner which tends to annoy and disturb or does annoy and disturb the community or injures the health and welfare of the citizens, or becomes manifestly noisome or injurious to the tranquility or peace of the community, or which becomes objectionable or offensive through the escape of noxious gases or offensive odors from waste matter deposited thereby, shall be deemed guilty of maintaining a nuisance: and the same is hereby declared to be a nuisance injurious to the health and welfare of the community and the same is hereby declared to be unlawful.
- (C) It shall be unlawful for any owner or other persons having possession or custody of any chickens, ducks, geese, turkeys, guineas or any other kind of domestic fowl or poultry within the City to permit, suffer or allow any fowl or poultry to run at large upon the roadways, streets or alleys of the City or upon the premises of any other person, or permit the same to stray beyond the confines of the premises of the owner or persons having charge of the same.
- (D) It shall be unlawful (prohibited) for any property owner or any persons to pasture, stable, house or keep any domestic farm livestock within the City Limits. Livestock shall be defined as horses, goats, cattle, hogs, pigs, lamas, ostrich, or similar type animals as determined by the Administrative Official.

#### **4.03.03 Apartment Building Containing Twelve (12) or More Residential Units**

This Section applies to multifamily developments containing twelve (12) or more residential units.

- (A) Private Residential Outdoor Areas.
  - (1) Each ground-level residential living unit shall have an outdoor private area (patio, terrace porch, yard) containing at least forty-eight (48) square feet and a width of at least four (4) feet.
  - (2) Private outdoor areas for multifamily residential units shall be screened from view from other residential units, abutting land uses, and public or

private streets to the extent practicable using the orientation and location of structures, windows, and private outdoor spaces, landscaping and screening, natural features such as topography and open space, and built features such as windowless walls; provided, an applicant is not required to reduce the otherwise permitted density of a proposed development or to increase the cost of a proposed development by more than five percent (5%) per unit to comply with these standards.

- (B) Shared Outdoor Recreation Areas for Multifamily Residential Uses.
- (1) Usable outdoor recreation space shall be provided in residential development for the shared or common use of all residents in the following amounts:
    - A. One and two-bedroom units, two hundred (200) square feet per unit; and
    - B. Three (3) or more bedroom units, three hundred (300) square feet per unit.
  - (2) The required recreation space may be all outdoor space or part outdoor space and part indoor space and all public or common space or part common space and part private; provided, all public and common outdoor recreation spaces shall be readily observable from residential units and/or public or private streets to allow for surveillance that contributes to greater public safety.
  - (3) Designated open space shall not include the following:
    - A. Parking areas except those accessories to recreational uses.
    - B. Utility easements and road rights-of-way.
    - C. Perimeter setback areas, unless developed with bicycle or pedestrian trails.
    - D. Sewer and/or water treatment plant sites.
    - E. Land which has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding drainage facilities).
- (C) The boundaries of public areas, such as streets or public gathering places, semipublic areas, such as transition areas between streets and dwelling units, and private outdoor areas shall be clearly defined so that a person can readily determine where the public space ends and the private space begins, such as by using one (1) or more of the following:

- (1) A deck, patio, low wall, fence, or other suitable structures;
- (2) Landscaping, such as a hedge or draping vine on a trellis or arbor;
- (3) A change in the texture of the path material;
- (4) Signs; or
- (5) Substantial natural features, such as a drainageway or tree grove.

#### **4.03.04 Commercial Parking Lot**

- (A) *Lighting.* All lights shall be shielded to focus and direct light onto the commercial parking lot, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 5.06.00, Performance Standards, for applicable glare and lighting standards.
- (B) *Fencing.* Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.

#### **4.03.05 Communication Towers**

Except as specifically provided in this Section, these provisions shall apply throughout the City limits of Davenport and no communication tower or antenna shall be permitted except in compliance with these provisions and the requirements in Chapter 20 of the Code of Ordinances.

- (A) This Section shall not apply to the following:
  - (1) Any communication tower or antenna that is placed in response to an emergency, as declared by the City, Polk County, the State of Florida or any other agency with the authority to declare an emergency (this exemption shall apply only for the duration of the emergency and for such period of time following the emergency as is reasonably necessary to remove the tower or antenna);
  - (2) Any communication tower or antenna that is operated solely by an amateur radio operator licensed by the FCC; and,
  - (3) Antennas placed on alternative support structures and antennas placed on communication towers which do not add to the height of an existing communication tower.
- (B) General guidelines and requirements shall include the following:
  - (1) Communication towers and antennas, including their equipment buildings and other supporting equipment, may be considered both principal uses and accessory uses such that, notwithstanding the provisions of this Section, the existence or non-existence of a principal

use or structure on a lot or parcel shall not preclude the installation of an antenna or communication tower. For the purposes of applying set back, lot coverage, buffering and other applicable development regulations, the entire lot or parcel on which a communication tower or antenna is located shall be treated as the lot, even if the communication tower or antenna is located on a leased parcel within such lot or parcel. Communication towers and their antenna, with the exception of their equipment buildings and other accessory structures, are exempt from the height regulations required by their land use district.

- (2) Aesthetics and lighting shall conform to the following:
  - A. With the exception of concrete communication towers, all communication towers shall have either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - B. To the extent possible, communication towers and their support facilities shall be designed with materials, colors, textures, screening, and landscaping that will blend the communication tower with its surrounding environment.
  - C. Communication towers shall not be artificially lighted unless required by the FAA or any other authority with jurisdiction. If lighting is required, strobe lighting shall be utilized during daylight hours only and red lighting shall be utilized at night unless another form of lighting is required by the FAA or any other authority with jurisdiction.
- (3) Notwithstanding anything herein to the contrary, all communication towers shall meet all applicable requirements of the FAA, the FCC, and any other agency of the federal government with the authority to regulate telecommunication facilities.
- (4) New communication towers and antennas, as well as modifications to existing towers, including height additions and additions of antennas, shall be designed in accordance with the Standard Building Code and all other applicable state and local construction Codes. Construction plans shall be signed and sealed by an engineer licensed to practice in the State of Florida.
- (5) Each application for the construction of a new communication tower shall include the tower manufacturer's product specifications indicating that the tower will satisfy all standards imposed by the American National Standards Institute (ANSI). Applications for modifications to existing communication towers shall include a certification as to the structural integrity of the structure, including the structures foundation, prepared by an engineer licensed to practice in the State of Florida. Upon completion of a communication tower or a modification to an existing tower, a signed and sealed statement by an engineer licensed

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to practice in the State of Florida certifying that the structure has been constructed in accordance with the engineered design and all applicable state and local construction Codes shall be submitted as a condition of final approval or issuance of Certificate of Occupancy.

- (6) No communication tower shall be approved unless the application for the structure includes a certification that no antennas to be placed on the structure will cause significant interference with a public safety system or with the usual and customary transmission or reception of radio, television and other customary services enjoyed by adjacent residential and non-residential properties.
- (7) No commercial signage or advertising shall be placed on communication towers. However, signs pertaining to trespassing may be posted on communication towers and emergency phone numbers shall be posted in a conspicuous location on the security fencing required.
- (8) Communication towers shall be enclosed by security fencing not less than six feet in height. Access to communication towers shall be through a lockable gate.
- (9) All communication towers legally existing on the effective date of these Regulations may continue in use regardless of whether or not such structures would be authorized under the provisions of this Section. Notwithstanding, antennas may be co-located on nonconforming communication towers and nonconforming communication towers which have been damaged or destroyed beyond 50 percent may be repaired or replaced.
- (10) Abandoned communication towers shall be removed within 30 days of abandonment. The owner of an abandoned tower, as well as the owner of the real property upon which the tower is situated, shall be jointly and severally responsible for its removal. A communication tower shall be considered abandoned if no licensed operator has had an antenna in use on the structure for a period of 365 consecutive days.
- (11) No communication tower shall be approved unless a lease or other contract exists between the tower applicant and a telecommunication service provider for placement of an antenna on the tower upon approval and construction of the tower. An affidavit that a lease or contract exists may be either submitted in lieu of either lease or contract.
- (12) All communication towers erected as of the effective date of these Regulations shall provide for co-location in conformance with this Section. No new communication tower shall be approved unless the applicant demonstrates that no existing structure is available or sufficient to accommodate the applicant's proposed antenna. Evidence of any of the following shall be sufficient to demonstrate that no existing

structure is available or sufficient to accommodate the applicant's proposed antenna:

- A. No existing structures are located within the applicant's search ring.
  - B. Existing structures are of insufficient height to meet the applicants engineering requirements.
  - C. Existing structures do not have sufficient structural strength to support the applicants proposed antenna and related equipment.
  - D. The applicant's proposed antenna would cause electromagnetic interference with antennas on existing structures, or antennas on existing structures would cause interference with the applicants proposed antenna.
  - E. The fees, costs or other contractual provisions required by the owner of an existing structure for co-location or the engineering costs to adapt an existing structure for co-location are unreasonable. Fees and costs which exceed the costs to design and construct a new communication tower shall be presumed to be unreasonable.
  - F. Other factors exist that render existing structures unsuitable.
- (13) The visual impacts of communication towers on nearby viewers shall be mitigated to the extent reasonably possible. At a minimum, a row of trees at least six feet tall at planting shall be planted around the perimeter of the fence to the property and a continuous hedge at least 30 inches high at planting and capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced, together providing for an opacity at planting of 60 percent and achieving 100 percent opacity within two years of planting. The required opacity shall be achieved to a height of six feet. All landscaping shall be of an evergreen variety (non-deciduous), except that existing native vegetation shall be preserved if sufficient to meet opacity requirements. The required landscaping shall be located on the outside of the fence to the property. Landscaping requirements may be waived for those sides of a communication tower that are adjacent to undevelopable property or that are not otherwise visible from off-site.
- (14) Each owner or operator of a communication tower located in the City shall submit an annual report to the Development Services Department on forms to be provided by the Building and Planning Department or other form containing the same information that may be required by any other regulatory agency no later than January 31 of each year. The annual report shall contain the following information:

- A. The name of the owner and operator of the communication tower;
  - B. The name of the owner of the site upon which the communication tower is located;
  - C. The names of all service providers with antennas on the communication tower;
  - D. The current height of the communication tower;
  - E. An affidavit indicating non-abandonment of the communication tower; and,
  - F. Such other information as indicated on the form provided by the Land Development Division.
- (C) The following shall be approved through the preliminary site plan review and/or the construction/engineering plan review processes:
- (1) Communication towers which exceed district height limitations but do not exceed 65 feet in height;
  - (2) Camouflaged structures;
  - (3) Communication towers being modified or rebuilt to accommodate the co-location of additional antennas shall be reviewed provided that:
    - A. The modified or rebuilt tower, including the added antenna, is no more than 20 feet taller than the original tower;
    - B. The modified or rebuilt tower is relocated to a location no more than 50 feet from the original tower and no closer to any off-site residential structure or residential Future Land Use Map designation than the original tower;
    - C. Any prior Conditional Use Permit or Planned Unit Development approval, if any, for the original tower does not contain a condition prohibiting relocation of or addition to the structure; and,
    - D. The original tower is removed from the site upon completion of the replacement tower in those cases where the original tower is being rebuilt rather than modified.
- (D) The following setback requirements shall apply to all communication towers constructed subsequent to the effective date of these Regulations:
- (1) Communication towers shall be set back a distance equal to one times (1x) the height of the communication tower from any off-site residential

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- Future Land Use designation or the property line of any off-site residential structure. Setbacks shall be measured from the base of the communication tower. The setback may be reduced by 50 percent, if the off-site residential structure is nonconforming with the Future Land Use Designation or if there is an intervening conforming structure of a non-residential nature.
- (2) Setbacks from off-site non-residential structures and off-site non-residential Land Use designations shall be governed by minimum district setback requirements.
  - (3) Setbacks for guy wires, equipment buildings and other facilities supporting communication towers shall satisfy minimum district structure setback requirements.
- (E) Applicants for preliminary site plan and/or construction/engineering review shall apply to the Building and Planning Department and shall provide the information set forth in this Section. Applicants shall submit three (3) hard copy sets and one (1) copy of electronic files in PDF format of the following:
- (1) A 24" X 36" and 8.5" X 11" scaled site plan, including two elevations. The site plan shall be signed and sealed by an appropriate licensed professional and shall meet the following specifications:
    - A. Each page shall be numbered.
    - B. Lettering shall be a minimum 3/32" in height.
    - C. A north arrow and legend shall be included on each sheet of the site plan.
    - D. The scale shall be 1"= 60' or larger.
    - E. Topographic contours shall be shown at one (1) foot intervals based on Mean Sea Level datum.
    - F. The location and dimensions of all existing and proposed structures and uses on the site, including driveways, fences, and parking areas, shall be indicated, as well as the setbacks of existing and proposed structures from adjacent properties and road rights-of-way. Setbacks from road rights-of-way shall be measured from right-of-way centerlines.
    - G. The geodetic coordinates of the proposed communication tower shall be indicated.
    - H. The name, location, and width of all roads adjacent to or on the site, whether existing or platted, shall be indicated. The location and width of all easements adjacent to or on the site shall also be indicated.

- I. Wetlands and water bodies located within a distance from the proposed communication tower equal to two times the height of the proposed tower shall be indicated. All communication towers and supporting facilities shall be located at minimum of 50 feet from any wetlands identified. If any wetlands are located within this distance and on the site, a wetlands survey signed and sealed by a registered Professional Surveyor and Mapper shall be included.
  - J. Floodplain management information and flood zones shall be delineated if the site is located within a flood plain.
  - K. The date of preparation of the site plan, as well as any revisions, and the name of the person who prepared the plan shall be indicated.
- (2) A landscape plan reflecting proposed buffering meeting the requirements of Section 4.03.05(B)(13) or Article 5, whichever is greater.
  - (3) A certified property boundary survey.
  - (4) A map indicating the Future Land Use designations, as well as actual uses, of property within a distance from the proposed communication tower equal to the height of the proposed tower.
  - (5) A map depicting all structures within the applicants search ring equal to or greater than 75 percent of the height represented by the applicant as being required for its proposed tower, along with an affidavit indicating whether or not such structures are available or sufficient to accommodate the applicants proposed antenna.
  - (6) An affidavit certifying that all requirements of the FCC have been satisfied and indicating the status of any FAA applications for the proposed tower.
  - (7) Such other information as the Land Development Division reasonably deems necessary to adequately review the application.
  - (8) The City may consider the following items for granting the approval.
    - A. Setbacks to residential uses;
    - B. Alternative land use districts available for the tower in the search ring;
    - C. Site issues, including parcel size, location on the parcel, natural buffers, and access; and

- D. Evidence such as photo simulation or other visual analysis that the proposed site is sited and designed to minimize any negative visual impacts on adjacent properties.

#### **4.03.06 Convenience Store with Gas (Non-Truck Stop)**

- (A) *Site.* The minimum area of a convenience store development site shall be at a minimum one (1) acre (43,560 sq.ft.) in size. Minimum lot width shall be 250 feet. The proposed site shall include no more than two pump islands per 2,000 sq.ft. of building area. At the applicant's request, the Administrative Official may approve additional pump islands based on the location of the proposed convenience store, and a market and traffic study that demonstrates the justification and need for the additional pump islands.
- (B) *Service Area.* Service areas shall be provided as follows:
- (1) *Paving.* The entire area of service station sites not covered by structures and required landscaping shall be paved; either concrete or asphalt concrete shall be used for the paved areas.
  - (2) *Curb breaks.* The number of curb breaks shall not exceed two for each 100 feet of street frontage, each having a width of not more than 40 feet and located not closer than 30 feet to the right-of-way lines of any street intersection. Such curb breaks shall not be closer than 15 feet to any other private property line and there shall be a minimum distance of 15 feet between such curb breaks. Clearance for curb breaks shall be obtained from the FDOT for any proposed service station located on a street under the jurisdiction of Polk County or FDOT.
  - (3) *Equipment.* Pits, hoists, and all lubricating, washing, and repair equipment and work space shall be enclosed within a building. Washing and lubricating service areas shall drain to an approved sand and grease trap, drain field and dry well.
  - (4) *Off-Street Parking Spaces Required.* The service area shall include no less than one employee parking space for each two employees, with a minimum of two employee parking spaces.
  - (5) *Fuel Truck Loading Areas.* Fuel Truck parking areas shall be separated from the required parking spaces and shall not block the normal traffic circulation pattern. Additional landscaping shall be utilized to screen the fuel replenishment area from off-site view and from any property zoned or designated on the Future Land Use Map for residential use.
- (C) *Bulk Storage.* Liquid petroleum fuels shall be stored in accordance with applicable State standards.
- (D) *Structures.* Structures shall conform to the following standards:
- (1) *Gas Pump Canopy.* The gas pump canopy shall be set back a minimum

of 25 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used, and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of 10 feet from interior property lines. A canopy overhang shall not project more than 10 feet from the canopy vertical supports.

- (2) *Building Location and Orientation.* All new convenience stores with or without gas island/pumps shall be located and oriented adjacent to the main roadway/street and secondary roadway/street, meeting the required setbacks. The Gas Canopy, Pump Islands and the parking spaces shall be located to the side and rear of the primary building, as may be determined by the Administrative Official. The portion of building that faces the main roadway/street or secondary roadway/street shall have the faux or false store front appearance.
- (3) *Pump Islands.* Pump islands shall be set back a minimum of 25 feet from any property line.
- (4) *Exterior Lighting.* Exterior lighting fixtures shall cast no glare beyond a property line.
- (E) *Outdoor Display.* Outdoor displays are allowed consistent with Section 2.28.00 Outdoor Sales and Display.
- (F) *Shopping Centers.* One service station may be constructed at a shopping center having a building development with a floor area of not less than 100,000 sq.ft. and having a land area of not less than 15 acres; provided, however, that such convenience store shall only be operated as an adjunct to a tenant's regular business and shall not comprise a major part thereof.
- (G) *Storage, Sale, and Rental of Vehicles, Trucks and Trailers.* The storage, sale or rental of vehicles, trucks and trailers shall be prohibited from any convenience store site within the City Limits.
- (H) Where a convenience store abuts on any property that is zoned residential or institutional, there shall be a solid wall designed and installed on all property lines, other than street lines, which will prevent auto lights, smoke, fumes, and dust from penetrating into the residential or institutional district. The solid wall shall be a minimum of six feet in height.

#### **4.03.07 Excavation, Borrow Pits**

- (A) They shall be controlled to provide reasonable and continued protection of the surrounding properties with regard to the use and cleanliness of the streets for access to the subject premises.
- (B) Hours of operation may be imposed to protect the peace, well-being, compatibility, and character of surrounding properties.

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- (C) No excavation of earth shall be within 100 feet of any road right-of-way line. No excavation of earth shall be closer than 50 feet to an adjoining lot or parcel.
  - (D) Sides of an excavation shall be sloped inwardly and not more than one-foot vertical drop for each three feet horizontal dimension measured from the edge of the excavation to a depth of two feet below the water table or to the bottom of the excavation, whichever is greater.
  - (E) In no case shall the aquifer be penetrated.
  - (F) No excavation shall be permitted which in any way interferes with natural drainage or planned stormwater management.
  - (G) Prior to issuance of site plan approval, the City engineer shall make a determination of stormwater management plan conformity. No site plan shall be approved which, in the opinion of the engineer or Administrative Official, shall be detrimental to the public health, safety, or general welfare.
  - (H) No excavation or borrow pit shall exceed 50,000 cubic yards or five acres per each site.
  - (I) As a part of the site plan review, a reclamation or restoration plan shall be required prior to approval and issue of a development order.
  - (J) The following activities and conditions are exempt from the provisions in (A)-(I) above:
    - (1) Excavation or grading incidental to the construction of a building on a lot or parcel for which a building permit has been issued. This authorization shall only apply to the land shown on the site plan submitted with the application for a building permit. Once a Certificate of Occupancy has been issued pursuant to said Building Permit that authorization shall not apply to any subsequent acquisition of land.
    - (2) The construction or maintenance of roads by or for the City, Polk County, or the State of Florida.
    - (3) Bona fide agricultural operations provided such operations have been permitted or exempted from permits by FDEP, SWFWMD, or the Environmental Protection Agencies.
    - (4) Activities incidental to the operation of public utilities.
    - (5) Any excavation of less than a total of 15 yards of dirt removed from a lot or parcel for any reason whatsoever.

#### **4.03.08 Family Foster and Day Care Homes**

- (A) Family Foster Homes, Family Day Care Homes and Adult Family-Care Homes are permitted in residential areas, in occupied homes only and are not subject

to local zoning laws when so located. Licensing, registration, occupancy, and other matters are regulated under specific provisions of the Florida Statutes. Article 13 of these Regulations defines each family care or foster home. They are included as a group in the Table of Land Uses and permitted in all residential zoning districts.

- (B) Where State Law permits such uses in residential zoning districts, no sign indicating the purpose or nature of the facility shall be permitted, except as is allowed for a home occupation.
- (C) Any violation of applicable State regulations shall be deemed a violation of these Regulations, and shall constitute grounds for termination of the use.

#### **4.03.09 Farmer's Market**

- (A) An application for the Farmer's Market shall be submitted to the Parks and Recreation Director along with a plan of the proposed site showing the location of any tents in relation to entryways to businesses and any other features that affect accessibility to the site. The plan shall show any tables, display areas, or other equipment that will not be under tents.
- (B) Parking areas must be on site and clearly marked. No parking shall be allowed on the Right of Way or Street.
- (C) Adult material is prohibited from being sold or purchased at Farmer's Markets. Adult material for purposes of this Section is: any one or more of the following regardless of whether it is new or used:
  - (1) Books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, computer digital graphic recordings, other visual representations, tape recordings, or other audio matter which have as their primary or dominant theme matter depicting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas; or
  - (2) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- (D) If canopies, tents, or other temporary facilities are utilized they shall be secured for safety and removed at the end of the day. If Fire Rated Commercial tents are used, they must be in compliance with all relevant Fire Code Regulations. Please see Article 2 for requirements for temporary tents.
- (E) The Farmer's Market must comply with the provisions concerning noise in these Regulations.
- (F) Food Stands must display all State and Health Department permits. Food Stands must meet the requirements established in Article 2 under Temporary Uses.

#### **4.03.10 Garage, Residential**

To be considered a residential garage, the following criteria shall be met:

- (1) Be part of the principal residential dwelling unit;
- (2) Shall at a minimum be attached by at least 50% or 10 feet of a common wall, whichever is more restrictive, of the principal residential dwelling unit;
- (3) Be to the size and scale of the principal residential dwelling unit;
- (4) The garage space and the habitual living area (Condition Space) shall be under the same roof area and shall have a common roof line, shall include an interior entrance between the garage space and the habitual living area (Condition Space);
- (5) Be prohibited from being solely attached by an architectural feature, such as a breezeway, carport, roof extension or similar type structure as may be determined by the Administrative Official, and
- (6) An unattached garage is to be considered as an accessory structure.

#### **4.03.11 Junkyards**

Junkyards, yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive vehicle parts, are special approval uses and may not be located closer than 25 feet to any public street.

- (A) Storage of Materials
  - (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two months.
  - (2) In no case shall material that is not salvageable be buried or used as fill on site.
  - (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be transported to a recycling firm.
  - (4) Recyclable material that cannot be stored in bins or containers, such as junk cars, may be stored in the open.
  - (5) Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site, except with the express approval of the FDEP.

- (6) In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, microwave oven or range oven or similar air-tight unit having an interior storage capacity of 1.5 cubic feet or more, from which the door has not been removed.
- (B) *Screening.* All junkyards shall comply with the following screening requirements.
- (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood, or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of six feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.
  - (2) Gates at entrance or exit shall be of a material without openings.
  - (3) The screen shall be constructed of the non-corrosive material throughout.
  - (4) Screens shall be maintained and in good repair at all times.
- (C) *Buffer in Lieu of Screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu of screening, but only for an outdoor storage yard or lot, not for a junkyard. Such buffer may be approved by the City Commission after a finding that the proposed buffer would provide screening equivalent to that required in Paragraph (B) above.

#### **4.03.12 Manufactured Home Parks**

The purpose of this Section is to establish locations suitable for Manufactured home development on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a Manufactured home park setting.

Manufactured home parks are a permitted use in the MH-1 zoning district and require a Preliminary Site Plan Approval followed by Construction/Engineering Plan approval. The development standards set forth in this Section shall supersede normal development standards applicable in MH-1.

##### **4.03.12.01 Development Standards**

- (A) Minimum Lot Requirements:
- (1) Minimum size for development site: 10 acres, with a width of not less than 150 feet and a depth of not less than 200 feet.

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- (2) Minimum size for Manufactured home site: 4,000 s.f., with a width of not less than 40 feet.
  - (B) *Maximum Building Height.* 35 feet
  - (C) *Minimum Floor Area.* for a single wide unit is 14' x 40'; for a double wide unit is 28' x 50'.
  - (D) Minimum Yard Requirements.
    - (1) No manufactured home or structure shall be placed less than 20 feet from the front lot line, 7.5 feet from the side and 15 feet from the rear. Where the development site adjoins property with a commercial or industrial zoning designation, the required side setback shall be 10 feet.
    - (2) Manufactured homes and structures shall be placed at least 25 feet from the pavement edge of private park roads.
    - (3) Manufactured homes and freestanding structures serving as common facilities shall be at least 15 feet apart. No carport or other appurtenant structure may be installed on a Manufactured home less than 10 feet from another Manufactured home or appurtenant structure. This distance shall be measured between the closest points of the units.

#### **4.03.12.02 Allowable Accessory Uses**

- (A) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.
- (B) No more than one conventionally built single family home, at least 840 s.f. in size, for the use of a resident manager.
- (C) Carports, porches, and awnings that are physically attached to Manufactured homes.
- (D) The storage area for boats, recreational vehicles, and other types of vehicles. Storage area is for the use of park residents only. The storage area shall be constructed on a stabilized surface. Storage may occur in an enclosed structure, under a carport. If the storage is proposed as a parking area, the parking area shall be surrounded by solid opaque fencing or sight-obscuring landscaping at least six feet in height. The storage area must be shown on the site development plan and shall not exceed five (5) percent of the total area of the Park. Storage of these units shall be prohibited on individual Manufactured home sites or on park roads.

#### **4.03.12.03 Other Requirements**

- (A) *Ownership.* Manufactured home parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned, or owned in common by residents of the park, and shall not occupy parcels of land that are deeded separately from the rest of the park. The City of Davenport shall not be responsible for maintenance and/or repair of common facilities within a Manufactured home park.
- (B) *Parking.* For each Manufactured home site, two paved off-street parking spaces of 10 feet by 20 feet shall be provided.
- (C) *Common Open Space.* An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space as defined in Article 13, "Definitions".
- (D) *Nonconformities.* No new manufactured home may be added to an existing manufactured home park in an MH-2 zone that does not comply with applicable requirements of these Regulations. However, previously installed units may be moved and additional property and common facilities may be incorporated into the site, if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity.
- (E) *Preliminary Site Plan Approval.* No Manufactured homes, structures or facilities shall be installed or constructed until a Preliminary Site Plan Approval meeting the requirements of these Regulations has been submitted to and approved by the City of Davenport. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved Preliminary Site Plan Approval.

Where an existing Manufactured home park has no Preliminary Site Plan Approval, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement, or replacement of park facilities or Manufactured homes.

#### **4.03.13 Manufactured Home Subdivision**

Manufactured home subdivisions are a permitted use in an MH-2 district and require a Site Plan Approval followed by Construction/Engineering Plan approval. As with any subdivision, all regulations for developing subdivisions apply. Subdivision regulations for the City of Davenport can be found in Article 10, Subdivision Regulations. Regulations for submitting a Site Plan can be found in Section 9.06.00.

##### **4.03.13.01 Development Standards**

- (A) The minimum development standards are found in the Table of Development Standards, Article 3, Table 3.07.00(D). Minimum size for

manufactured home site is 4,000 s.f., with a width of not less than 40 feet. Size for individual units is as follows: for a single wide unit is 14' x 40'; for a double wide unit is 28' x 50'.

- (B) No manufactured home or structure shall be placed less than 20 feet from the front lot line or 7.5 feet from side lot lines or 15 feet from rear lot lines. Where the development site adjoins property with a commercial or industrial zoning designation, the required side and rear setback shall be 10 feet at a minimum.
- (C) Manufactured homes and structures shall be placed at least 50 feet from the collector and arterial roads.
- (D) There shall be a 50-foot landscaped buffer between an MH-2 zoning district and any other zoning district; and between MH-2 and all collectors and other roads with a higher road classification.
- (E) Each lot in a manufactured home subdivision shall be platted.
- (F) *Site Plan Approval.* No manufactured home subdivision may proceed until a Site Plan Approval meeting the requirements of these Regulations has been submitted to and approved by the City of Davenport. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved Preliminary Site Plan Approval.

#### **4.03.14 Medical Marijuana Dispensing Facilities**

As authorized by Section 381.986(11)(a) of the Florida Statutes, medical marijuana dispensing facilities must meet the following requirements:

- (A) *Location.* A medical marijuana dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless approved by the City Commission at a public hearing at which the City determines that the location promotes the public health, safety, and general welfare of the community. The distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the nearest point of the school grounds used as a part of the school facilities.
- (B) *Other Criteria.* Medical Marijuana Dispensing Facilities shall meet all applicable State rules, regulations, and/or restrictions including but not limited to those relating to: advertising, consumption on site, exterior lighting, hours of operation, sale of other products, and security as set forth in Section 381.986 of the Florida Statutes and other applicable Florida law.
- (C) If anything in this Section is expressly pre-empted by the State Constitution or State General Law then such provision shall be of no force and effect and the

relevant State Constitutional Provision and/or State General Law, if any, shall govern.

#### **4.03.15 RV Campground/Park**

It is the purpose of these standards to provide minimum development guidelines for an RV Campground/Park designed only to accommodate pull-through recreational vehicles. For the purposes of this ordinance, a recreational vehicle campground is a development for overnight or limited vacation-season type use. These provisions are intended to protect established or permitted uses in the vicinity of such a campground, and to protect and promote the orderly growth and development of the City of Davenport.

##### **4.03.15.01 Environmental Requirements**

- (A) *General.* Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health and safety of the occupants.
- (B) *Soil and Ground Cover Requirements.* Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be paved, or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust. However, total impervious surface shown on the master plan shall be a maximum of 55% of all upland soils.
- (C) *Stormwater Management Requirements.* Surface stormwater management plans for the entire tract shall be submitted to SWFWMD and a letter of acceptance by that authority must accompany the master plan.
- (D) *Prohibited Units.* All Park Model units or similar type units are prohibited from RV Campgrounds/Parks. No permanent units shall be permitted other than a Caretaker or Watchman's Dwelling as an accessory to the Principal Use.

##### **4.03.15.02 Tract Requirements**

- (A) The tract shall have at least 200 feet of frontage on a Principal Arterial roadway, as designated on the Future Traffic Circulation Map of the Davenport Comprehensive Plan.
- (B) Minimum tract size for an RV Campground/Park development shall be fifteen acres.
- (C) Minimum width of the tract shall be 150 feet at the front building setback line.
- (D) Minimum perimeter setbacks shall be as follows:

- (1) *Front.* 25 feet, measured from property line to the most forward projection of any structure or vehicle.
  - (2) *Side and rear.* 15 feet. Where a public right-of-way abuts a side or rear property line, the minimum setback shall be 25 feet.
- (E) Where any property line of an RV Campground/Park abuts land either zoned for residential use or occupied by a residential use permitted by these Regulations, there shall be provided and maintained along, or within 10 feet of, said property line a solid face masonry wall, with a finish of stucco or other texture, no less than six feet in height, that shall be in addition to the buffer yard required by The Landscaping requirements found in Article 5.

#### **4.03.15.03 Individual RV Site Requirements**

- (A) *RV Campground/Park (Pull-through RV units only).* The minimum lot size shall be 3,000 sq. ft.; minimum lot width 25 feet; minimum lot setbacks are front 20 feet, side 7.5 feet and rear 15 feet.
- (C) Maximum density shall be 12 sites per gross acre.
- (D) The minimum distance between recreational vehicles shall be 15 feet. The minimum distance between a recreational vehicle and any structure shall be 20 feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this Section, be measured from and between the outermost structural parts or attached accessory features.
- (E) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners.
- (F) The addition or attachment of any permanent structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original recreational vehicle, shall not be permitted in an RV Campground/Park.

#### **4.03.15.04 Recreation and Open Space Requirements**

There shall be provided within an RV Campground/Park at least one area designed for recreation and open space use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 10 percent of the entire tract area or 15,000 s.f., whichever is greater.

#### **4.03.15.05 Street System and Off-Street Parking Requirements**

- (A) *General.* All parking areas shall be provided with safe and convenient vehicular access from abutting public streets and roads to each vehicle site. Alignment and gradient shall be properly adapted to topography.

Surfacing and maintenance shall provide a smooth, hard, and dense surface that shall be well drained.

- (B) *Access.* Access to an RV Campground/Park from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
- (C) *Internal Streets.* The designation of private right-of-way for internal streets is optional. Road surfacing shall meet the following minimum width requirements:
  - (1) *One-way travel.* 12 feet.
  - (2) *Two-way travel.* 24 feet.
- (D) *Off-Street Parking and Maneuvering Space.* Each RV Campground/Park shall be designed so that parking, loading, or maneuvering of vehicles incidental to parking spaces shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the RV Campground/Park parking area. Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle, if any.

#### **4.03.15.06 Service Requirements**

- (A) Utilities
  - (1) *Water Supply System.* Portable Water shall be connected to the City of Davenport System for potable water by a compound Master Meter with low flow readout and Back-Flow Preventer.
  - (2) *Watering Stations.* Each RV Campground/Park shall be provided with one or more easily accessible water supply outlets for filling RV water storage tanks in accordance with design and construction requirements established by the State of Florida.
  - (3) *Sewage Disposal System.* The collection system shall be designed, constructed, and maintained in accordance with requirements of these Regulations and by the State of Florida.
  - (4) *Sanitary Connections.* Each RV Campground/Park shall provide individual connections to each vehicle site (lot) in park.
  - (5) *Electrical and Gas Systems.* Each RV Campground/Park shall be provided with an electrical or gas system that shall be installed and maintained in accordance with applicable codes and regulations.
  - (6) *Lighting.* Adequate lighting shall be provided for all roads,

walkways, service buildings, watering and sanitary stations, and other facilities subject to nighttime use in accordance with requirements established by appropriate City departments.

- (7) *Hurricane Evacuation Facilities.* RV Campgrounds/Parks, because they contain only recreational vehicles, are not required to provide on-site hurricane evacuation facilities. RV Campgrounds/Parks must be evacuated by State Law in the event of a high wind event. The location of the evacuation facility for the campground's/park's residents must be made known to all visitors, with a map and rules of the evacuation procedures and rules of the facility kept on file in the office of the RV Campground/Park.

#### **4.03.15.07 Refuse Handling**

- (A) *General.* The storage, collection, and disposal of refuse (garbage, ashes, and rubbish) in an RV Campground/Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.
- (B) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers, that shall not be located within 150 feet of any vehicle.
- (C) *Collection.* All refuse containing garbage shall be collected at least twice weekly and shall be collected by the City of Davenport or assigned contractor, in accordance with requirements established by the State of Florida.

#### **4.03.15.08 Service Buildings and Facilities**

- (A) *General.* The requirements of this Section shall apply to service buildings, recreation buildings and other service facilities, such as:
- (1) Management offices, repair shops and storage areas.
  - (2) Sanitary facilities.
  - (3) Laundry facilities.
  - (4) Indoor recreation areas.
- (B) *Service Building for Dependent Vehicles.* A central service building containing the necessary toilet and other plumbing fixtures specified by the State of Florida shall be provided in an RV Campground/Park that provides vehicle sites for dependent vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the sites to be served.

- (C) *Service Facilities in Connection with Other Businesses.* When an RV Campground/Park requiring a service, building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in addition to those required by the public health standards for vehicle sites and shall be based upon the total number of persons using or expected to use such facilities.
- (D) *Pedestrian Access to Service Buildings and Facilities.* Surfaced, appropriately drained walkways having a width of not less than 3 feet shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- (E) *Outdoor Cooking and Incinerator Facilities.* All outdoor cooking and incinerator facilities shall be so located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance both on the property on which they are used and on neighboring property. Plans, construction, and operation of incinerators shall be carried out in accordance with requirements of the State of Florida.

#### **4.03.15.09 General Operating Requirements**

- (A) *General.* The person to whom appropriate permits and licenses are issued shall operate the RV Campground/Park at all times in compliance with applicable State and local laws pertaining to the management and operation of such a facility.
- (B) *Duration of Stay in an RV Campground/Park.* Vehicle sites (lots) are intended for overnight or limited vacation-season type use.

#### **4.03.15.10 Permit Procedures and Requirements**

- (A) *Site Plan.* Any applicant for the required permits to establish, construct, alter or extend an RV Campground/Park shall first request and receive approval of a Special Approval Use in accordance with the provisions of these Regulations.
- (B) *Health and Sanitation Permit.* After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed RV Campground/Park from the Polk County Health Department and the State of Florida in accordance with the requirements of appropriate agencies.
- (C) *Building Permit.* Upon completion of (A) and (B) above, application shall be made to the Administrative Official for the building permit to construct, alter, or extend an RV Campground/Park in accordance with the provisions of this Section. Before issuing a building permit for the construction, alteration or extension of an RV Campground/Park, the Administrative Official shall determine that all applicable review procedures and standards required under these Regulations have been

satisfactorily met.

#### **4.03.16 RV Subdivision**

It is the purpose of these standards to provide minimum development guidelines for an RV Subdivision. This type of subdivision shall be designed only to accommodate Recreational Vehicle "park model" Manufactured homes. For the purposes of these Regulations, a recreational vehicle subdivision is defined as a development in which "park model" Manufactured homes are permanently sited and occupied year-round. A recreational vehicle subdivision, on the other hand, is a development not intended for overnight or limited vacation-season type units. These provisions are intended to protect established or permitted uses in the vicinity of such a subdivision, and to protect and promote the orderly growth and development of the City of Davenport. Any proposed RV Subdivision shall comply with all applicable Sections of these Regulations, specifically the Subdivision and Zoning District Articles.

#### **4.03.17 Mini-Warehouse (Self-Storage) Facilities**

In addition to all applicable regulations self-storage facilities shall comply with the following requirements:

- (A) Parking and travel aisle design shall be consistent with the following:
  - (1) One-way travel aisles shall include one ten-foot parking/loading lane and one 15-foot travel lane. Traffic direction and parking/loading lanes shall be indicated by either pavement marking or signage.
  - (2) Two-way travel aisles shall include one eight-foot wide parking/loading lane and two 11-foot wide travel lanes.
  - (3) Aisles not serving storage spaces shall not be required to provide parking/loading lanes.
- (B) For Mini-warehouse (self-storage) with outdoor storage, outdoor storage of automobiles, boats, recreational vehicles, or other large items may be permitted as an accessory use to a self-storage facility. Storage of automobiles, boats, RVs, and other large items may be permitted if the following are met:
  - (1) The outdoor storage area shall not exceed 15,000 sf and shall be located in the rear of the subject property.
  - (2) The outdoor storage shall be completely screened from off-site view by a perimeter wall and landscaping or fence which may be black chain link with landscaping providing 75 percent opacity at planting and 100 percent opacity at maturity, and, as determined by the Administrative Official. The perimeter wall shall be constructed with similar material and finish as the proposed office building and storage units on-site.

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- (3) Storage of large items shall be prohibited within 50 feet of residential uses and residential districts.
  - (4) All outdoor storage shall be limited to a 17-foot maximum height.
  - (C) Plumbing shall not be extended to individual storage spaces.
  - (D) A caretaker or watchman's dwelling is a permitted use accessory to the self-storage facility.
  - (E) No business activity other than the rental of storage units or spaces shall be conducted on the premise. (i.e. moving truck rentals).
  - (F) In addition to the regulations required above, self-storage facilities shall comply with the following requirements:

If outdoor lighting is proposed within a self-storage facility, it shall be attached on structure walls at a height no higher than the beginning of the roofline. Rooftop lighting is permitted in order to illuminate the structure is attached to but shall be limited to five feet in height above the roofline of the structure. All lighting shall also be directed downward and inward to reduce the potential for off-site impacts. Reference Section 5.06.00, Performance Standards, for applicable glare and lighting standards.

- (1) Self-storage facilities entrances shall not be permitted within 200 feet of an intersection consisting of collector or arterial roadways.
- (2) Unless located within a building, access doors to individual storage units shall be screened from off-site and public rights-of-way view by landscaped walls or fences which may be black chain link with landscaping providing 75 percent opacity at maturity. These walls shall be located no closer to the property lines than five feet and shall provide a minimum landscape buffer, as determined by the Administrative Official.
- (3) A landscape buffer, as determined by the Administrative Official shall be provided along all property lines.
- (4) Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- (5) Self-storage facilities shall not allow any portion of the facility to be visible (in the line of site) above the landscape buffer at maturity provided along all property lines.
- (6) Self-storage facilities, to the best of ability, shall be designed to be architecturally compatible to all surrounding development.

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**4.03.18 Service Station (Major or Minor Automotive Repair)**

- (A) *Site - Service Station.* The minimum area of a service station development site shall be 20,000 s.f. Minimum lot width shall be 140 feet. Construction on the site of minimum area shall include no more than two service bays and two pump islands. One service bay and/or one pump island may be added for each additional 2,000 sq.ft. of land area.
- (B) *Service Area.* Service areas shall be provided as follows:
- (1) *Paving.* The entire area of service station sites not covered by structures and required landscaping shall be paved; either concrete or asphalt concrete shall be used for the paved areas.
  - (2) *Curb breaks.* The number of curb breaks shall not exceed two for each 100 feet of street frontage, each having a width of not more than 40 feet and located not closer than 30 feet to the right-of-way lines of any street intersection. Such curb breaks shall not be closer than 15 feet to any other private property line and there shall be a minimum distance of 15 feet between such curb breaks. Clearance for curb breaks shall be obtained from the FDOT for any proposed service station located on a street under the jurisdiction of Polk County or FDOT.
  - (3) *Equipment.* Pits, hoists, and all lubricating, washing, and repair equipment and work space shall be enclosed within a building. Washing and lubricating service areas shall drain to an approved sand and grease trap, drain field and dry well.
  - (4) *Off-Street Parking Spaces Required.* The service area shall include no less than one employee parking space for each two employees, with a minimum of two employee parking spaces.
  - (5) *Vehicle Parking Areas.* These parking areas shall be set back at least 50 feet with a landscaped buffer from any property zoned or designated on the Future Land Use Map for residential use.
- (C) *Bulk Storage.* Liquid petroleum fuels shall be stored in accordance with applicable State standards. No loading or unloading of freight shall be permitted on the site.
- (D) *Structures.* Structures shall conform to the following standards:
- (1) *Building.* The building shall be set back a minimum of 25 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used, and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of 10 feet from interior property lines. A canopy overhang shall not project more than 10 feet from the canopy vertical supports.
  - (2) *Building Orientation.* The location of the primary building on existing

sites currently varies depending on the area of the City. In the older areas of the City, the primary buildings are located closer to the street, while the newer developments typically locate the buildings toward the back of the site and the parking areas in the front. The older pattern is required for all new convenience stores with or without gas island/pumps, as it contributes to the creation of a healthier pedestrian environment and a more cohesive urban context. Any proposed Gas Canopy shall be located to the rear and/or side of the site and primary building, as may be determined by the Administrative Official.

- (3) *Pump Islands.* Pump islands shall be set back a minimum of 25 feet from any property line.
  - (4) *Exterior Lighting.* Exterior lighting fixtures shall cast no glare beyond a property line.
- (E) *Outdoor Display.* Outdoor displays shall be limited to the following:
- (1) Racks containing cans of lubricating oil may be displayed on each service island.
  - (2) One rack or pedestal for the display of no more than one tire may be placed on each service island.
  - (3) One stationary storage cabinet may be located no more than four feet from the wall of the main structure.
  - (4) The display of standards, banners, flags, and any sign not specifically authorized by City ordinance is prohibited, except that one permit for the display of standards, banners, and flags for not more than 10 days may be issued to a newly constructed service station.
  - (5) The service area shall drain into a catch basin on the site.
- (F) *Shopping Centers.* One service station may be constructed at a shopping center having a building development with a floor area of not less than 100,000 s.f. and having a land area of not less than 15 acres; provided, however, that such service station shall only be operated as an adjunct to a tenant's regular business and shall not comprise a major part thereof.
- (G) *Storage, Sale, and Rental of Vehicles and Trailers in the C-3, I-1, or I-2 Zoning District.* The storage of vehicles and trailers shall be permitted only as incidental to the customary servicing of vehicles and trailers, except that one vehicle or trailer may be stored for each 200 s.f. of land over 15,000 s.f. of lot area. The sale of vehicles and trailers shall be prohibited. The rental of vehicles or trailers shall be permitted provided that an additional 200 s.f. of lot area is provided for each rental vehicle and/or trailer.

Storage of vehicles that are used for parts or that are stored in connection with a wrecker or towing service have a maximum accumulation time of two months.

- (H) Where a service station and/or convenience store abuts on any property that is zoned residential or institutional, there shall be a solid wall designed and installed on all property lines, other than street lines, which will prevent auto lights, smoke, fumes, and dust from penetrating into the residential or institutional district. The solid wall shall be a minimum of six feet in height.

#### **4.03.19 Short-term Rental Units**

Short term rental units are allowed per State of Florida statutes.

#### **4.03.20 Trucks, Trailers, and Vehicles (Parking/Storage)**

- (A) Within any zoning district, no vehicles or trailers of any kind without applicable current license plates and in excess of 14,000 pounds capacity, including recreational equipment in excess of eight feet or more in average height above the ground or 20 feet in length, shall be parked for storage purposes, including overnight, on any public right-of-way or on private property except within and under a carport or other enclosed structure.
- (B) *Residential Districts.* Off-street parking of vehicles other than automobiles, pickup trucks, vans, and similar sized motor vehicles in residential districts is recognized as a necessity under certain conditions. However, residential districts are to be protected from the adverse effects of parking of certain vehicles on a short and long term basis. The following requirements shall apply to the parking of these vehicles in residential districts outside enclosed storage areas.
- (1) Trailers of less than one-ton capacity, including cargo trailers, may be parked on non-public residentially zoned property; provided that such vehicles are not parked or stored in any required front yard. Such equipment may be parked anywhere on residential premises for not to exceed 48 hours during loading or unloading.
  - (2) Storage of vehicles or trailers shall not be permitted in any residential zoning district except in conjunction with the principle residence. No vacant lots or parcels within any residential zoning district shall be used for storage of any such above referenced vehicles.
  - (3) Heavy industrial equipment such as trucks, tractors, bulldozers, draglines, cranes, heavy tree trimming and tree removal equipment and similar equipment may be parked on private residential property in a residential district only during periods when actually in use on such property, and for 48 hours preceding and after such use.
  - (4) The parking of tractor units (used for pulling trailers), tractor trailers, full trailers, straight, panel, dump trucks, buses and any vehicle rated greater than one ton by the manufacturer, except as provided otherwise herein, is not permitted in any residential district. Such vehicles may

- be parked on private property only in the course of making deliveries or pickups or in rendering services on the premises for the occupants.
- (5) Rental Moving Trucks may be parked on non-public residentially zoned property. Such equipment may be parked anywhere on the residential premises for not to exceed 72 hours for loading or unloading.
- (C) Other Zoning Districts.
- (1) The overnight parking of tractor trailers and similar equipment shall be prohibited on public right-of-way in any zoning district within the City except in permitted locations designated by ordinance.
- (2) The overnight parking of tractor trailers and similar equipment shall be prohibited in any commercial district except at truck stops or truck parking lots approved under the provisions of these development regulations.
- (3) The parking of public utility emergency vehicles is permitted in any zoning district.
- (4) Rental Moving Trucks may be parked on non-public property. Such equipment may be parked anywhere on the premises for not to exceed 72 hours for loading or unloading.
- (D) *Parking at Intersections.* No motorized vehicles, boat trailers or any other type trailers shall be parked on public right-of-way or on private property within the visibility triangle of any street intersections, or within 50 feet of any street intersections.
- (E) *Parking of Commercial Vehicles and Trucks.* See Section 11-29 of the Code of Ordinances.

#### **4.03.21 Truck Stops**

The minimum standards for Truck stops are as follows:

- (A) *Lot width.* 250 feet.
- (B) *Lot size.* Minimum of two (2) acres in size and shall have no less than 250 feet of frontage on an arterial roadway.
- (C) Mechanical work shall be limited to minor automotive repairs as defined in Article 13, Definitions and Acronyms.
- (D) Truck Parking Areas shall be set back at least 50 feet with a landscaped buffer meeting the requirements of landscape Buffer D in Article 5 from any property zoned or designated on the Future Land Use Map for residential use.
- (E) Long term parking of running vehicles or equipment thereon shall be prohibited

within 100 feet of any residential zoning district.

- (F) All lights shall be oriented away from residential districts. Reference Section 5.06.00, Performance Standards, for applicable glare and lighting standards.