

## **SECTION 21-33 – USES AND RESTRICTIONS**

### **21-33.01 – Purpose**

This portion of Article III depicts the permitted, conditional and accessory uses by zoning district using the matrix format. The footnotes in Table III-3 refer to any applicable special criteria for that use in the particular zoning district and are described in Section 21-34 of this Article.

If a use is not present in a given square in the matrix, that use is not permitted in that zoning district. Changes to the list of uses, the zoning districts and/or the permitted, conditional or accessory use status of a given land use can only be changed by completing the Land Development Code amendment process described in Article IX.

### **21-33.02 – Permitted Uses**

The use depicted as “P” in the matrix (Table III-3) means that it is permissible in that zoning district as a matter of right, subject to satisfactory compliance with the project design standards found in the Land Development Code and any applicable site plan review requirements in the Land Development Code.

The list of permitted uses cannot be all inclusive. The uses described in Table III-3 shall be interpreted by the Development Services Director/Planning Director to include other uses that have similar impacts to those listed. Any dispute or request regarding interpretations shall be resolved by the City Manager subject to an appeal to the City Council.

All permitted uses or businesses requiring business tax receipts shall operate from within a permanent structure.

### **21-33.03 – Conditional Uses**

The use depicted as a “C” in the matrix (Table III-3) means that it is permitted in that zoning district only after satisfactory completion of the conditional use process described in Article IX or the satisfactory completion of a Planned Unit Development. Satisfactory compliance with the applicable project design standards described in Article V and the concurrency requirements described in Article XI must also be achieved prior to commencement of a project.

### **21-33.04 – Accessory Uses**

The use depicted as an “A” in the matrix (Table III-3) means a use that is incidental, related, appropriate and clearly subordinate to the existing principle permitted use.

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TABLE III – 3  
PERMITTED (P), CONDITIONAL (C), AND ACCESSORY (A) USES  
ZONING DISTRICTS

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD
Adult Entertainment (19)																	P							
Agriculture - General	P		P																	C				
Aircraft Manufacturing																	P	P	C		C		C	C
Airport Fixed Base Operations																	P	C	C	P	C		C	C
Aluminum Can Transfer Facility																	P	P	C		C		C	C
Animal Hospital									C	C			P	P		C	P		C				C	C
Antennas (1) (2)	C		C	C	C	C	P	P	P		C	C	C	C	C	C	C	C	C	C			C	C
Aquaculture	P	C																						
Auction/Flea Market Indoor Only													P				P		C				C	C
Automobile Paint & Body (7) (17)													P				P	P	C				C	C
Automobile Repair – Indoor (7)													P	P			P	P	C				C	C
Automobile Service (7)													P	P		C	P	P	C				C	C
Automobile Sales/Leasing													P	P		C	A	A	C				C	C
Bed & Breakfast (3)				C					C					P	P	C							C	C
Boat Building & Repair													C	C	C	C	C	P	C		C		C	C
Boat Sales and Leasing													P	P		C	A	A	C		C		C	C
Bulk Processing																		P	C		C		C	C
Car Wash									C				P	P	C	C	C	C	C				C	C
Chauffeur/Vehicle for Hire														P		C	C	C	C				C	C
Cemeteries	P																			P				
Containment Facilities	P		C															C	P	C				
Day Care – Children or Adult (17)			P	P	P	P	P	P	P	P	P	P	C	P	A	C						C	C	C
Dispensing Facility									C				P	P	A	C	A	A	C	A			C	C
Distribution Facilities														C		C	P	P	C		C		C	C
Financial Institute									C	C				P		C			C		C	C	C	C
Garden & Yard Supplies	P													P		C	P	P	C				C	C
Government Facilities	P	C	P	P	P	P	P	P	C	C	P	P	P	P	P	C	P	P	C	P	C	C	C	C

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TABLE III – 3  
 PERMITTED (P), CONDITIONAL(C), AND ACCESSORY (A) USES (cont'd)  
 ZONING DISTRICTS

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD
Health/Fitness Facilities									C			C	P	P	A	C	C	C	C			C	C	C
Home Occupations	P		P	P	P	P	P	P	C	C	P	P	P	P		C					C	C	C	C
Hotel/Motel														P	P	C						C	C	C
Internet/Sweepstakes Café (20)																	P							
Kennels & Boarding (4)	C		C											P		C	C	P	C	P			C	C
Laboratories									C					P		C	C	P	C		C		C	C
Lodges Fraternal/Sorority														P	C	C							C	C
Marina		C							A						P	C				P	C	C	C	C
Marina Related Industrial																		P	C		C		C	C
Machine Shop/Repair													P	P		C	P	P	C		C		C	C
Manufacturing General													C				P	P	C		C		C	C
Medical/Dental Offices									C	C			P	P		C						C	C	C
Mini-warehouse (5)													P	C		C	P	P	C		C		C	C
Mining/Excavation (18)																	P	P	P					
Mobile Home Sales														P		C					C			
Night Club / Lounge/Bar									C					P	A	C					C	C	C	C
Nursing Homes (6)														P		C	C			P		C	C	C
Outdoor Equipment Sales														P		C	P	P	C		C		C	C
Outdoor Storage (7)													A	C		C	C	P	C		C		C	C
Pain Clinic (21)														C										
Pawn Shop (20)																	P							
Personal Service Facilities									C	C			P	P	C	C	C	C	C				C	C
Pool Hall/Billiards									C			C	P	P	C	C	C	C	C		C	C	C	C
Places of Worship			C	C	C	C	C	C	C				C	P	P	C	C				P		C	C
Places of Worship Schools (14)	C		C	C	C	C	C	C	C				C	P	P	C				P	C	C	C	C
Professional Office Facilities (12)					C				C	C		C	P	P	C	C	P	P	C		C	C	C	C
Railroad Facilities																	P	P	C	P	C			
Recording Facilities										C			P	P		C	C	C	C		C	C	C	C

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TABLE III – 3  
PERMITTED (P), CONDITIONAL (C), AND ACCESSORY (A) USES (cont'd)  
ZONING DISTRICTS

USE, STRUCTURE, OR ACTIVITY	AG	CN	RT	R-1	R-2	R-3	R-4	R-5	RPUD	RP	MH-1	MH-2	B-2	B-3	B-4	BPUD	I-1	I-2	IPUD	P/SP	EC	CC	MUPUD	SCD/PUD
Recreational Uses (R*) (13)	P	C	P	P	P	P	P	P	C	C	A	A	P	P	C	C	C	C	C	P	C	C	C	C
Research Facilities										C				P		C	P	P	C		C		C	C
Residential ALF (9)	P		P	P	P	P	P	P	C					C		C						C	C	C
Residential - Community Home (8)	P		P	P	P	P	P	P	C		P	P				C					C	C	C	C
Residential - Duplex (15)							P	P	C							C						C	C	C
Residential - Multifamily (10) (15)							P	P	C							C							C	C
Residential - Manufactured/ Mobile Homes	P		P						C		P	P										C	C	C
Residential - Modular Home	P		P	P	P	P	P	P	C			P				C					C	C	C	C
Residential - Single Family (15)	P		P	P	P	P	P	P	C							C					C	C	C	C
Restaurants									C			A	P	P	A	C	C	C	C			C	C	C
Retail - General									C				P	P	A	C	A	A	C	A			C	C
RV & Boat Storage									C			A	C	C	A	C	P	P	C		C		C	C
Salvage Yards (11)																		C						
Satellite Dishes	A		A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A
Schools - Public	P		P	P	P	P	P	P	C		P	C	P	P	C	C	C	C	C	P		C	C	C
Schools - Private	C		C						C	C		A	C	P	C	C	C	C	C	P		C	C	C
Shopping Center									C				C	P	C	C					C	C	C	C
Silviculture	P		C																					
Tattoo Parlor/Body- Piercing Studio (20)																	P							
Telecommunication - Unmanned	P		P	P	P	P	P	P	C		P	P	P	P	P	C	P	P	C	C			C	C
Telecommunication Towers (2)	C		C				C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C
Theaters									C					P		C						C	C	C
Truck Freight Terminal																	P	C			C		C	C
Warehousing & Storage													P	C		C	P	P	C		C		C	C
Wholesale & Distribution													P	C		C	P	P	C		C		C	C
Wrecker/Tow Truck Service													P	P		C	P	P	C		C		C	C

\* R – Recreation Zoning District, Recreational Uses permitted only

### TABLE III-3 FOOTNOTES

The sections cited below identify special requirements for the listed land uses and are found on the following pages. In addition, many of the proposed projects must also comply with the requirements of Article IV – Natural Resource Protection, Article V – Site Design Criteria, Article VI – Signs, Article XVIII - Indian River Boulevard S.R. 442 Corridor Design Regulations and Article XX – Ridgewood Avenue Corridor Design Regulations.

1. See Satellite Dishes, Section 21-36.04 – Dishes greater than 39 centimeters in diameter are required to obtain a building permit and otherwise conform to the site development criteria.
2. See Telecommunications, Article XII for details.
3. See Bed & Breakfast, Section 21-34.08 for details.
4. See Kennels/Boarding, Section 21-34.06 for details.
5. See Mini-Warehouses, Section 21-34.07 for details.
6. See Nursing Homes, Section 21-34.09 for details.
7. See Outdoor Storage, Section 21-34.04 and 21-36.03 for details.
8. See Community Residential Homes, Section 21-34.02 for details.
9. See Adult Living Facilities (ALF), Section 21-34.03 for details.
10. Multifamily residential is permitted in BPUD only as part of a single business/residential development plan – See Article V, Section 21-57 for details.
11. See Salvage Yards, Section 21-34.04 for details.
12. Residential Professional offices may be permitted as a conditional use in the R-2 district for certain properties abutting State Road #442. See Section 21-34.10 for details.
13. No artificial lights or recreational activity within 25 feet of the perimeter of the property line shall be permitted adjacent to residential property.
14. Places of Worship – Schools/Child Care, see Section 21-36.05 for details.
15. Attached and detached aircraft hangars permitted in residential districts adjacent to airport taxiways.
16. Outside application of flammable finishes and/or environmentally sensitive finishes (spray painting) is strictly prohibited.
17. State license required.

18. Mining/Excavation is defined as the exploration for or extraction of surface or subterranean compounds; which shall include oil and gas exploration and production, and the mining of metallic and non-metallic minerals, sand, gravel, fill dirt, and rock.
19. Adult Entertainment is permitted in the I-1 (Light Industrial) zoning district with the exception of properties with frontage on Park Avenue.
20. Internet/Sweepstakes Cafés, Pawn Shops and Tattoo Parlors/Body Piercing Studios are permitted in the I-1 (Light Industrial) zoning district with the exception of properties with frontage on Park Avenue. This section shall not apply to any existing Internet/Sweepstakes Café locations, in operation and in compliance with chapter 205 and 849 Florida Statute, and Pawn Shops and Tattoo Parlors/Body Piercing Studios in compliance with Florida Statute at the time of the passage of this ordinance. Such use may be continued within the present zoning category as a nonconforming use subject to all restrictions, limitations and requirements set forth in Article VII, Land Development Code, and all other applicable provisions of the Code of Ordinances. However, any change in ownership will remove said business or operation from this exception. Change in ownership in the case of a partnership or corporation, for the purpose of this section only, means more than fifty percent change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the date of passage of this ordinance. For purposes of any Internet/Sweepstakes Café deemed a non-conforming use as described above, the provisions of Article VII, Land Development Code pertaining to expansion and relocation shall be modified to allow the non-conforming use to continue if expanded or relocated on a one-time basis within the present zoning category if 1) the Internet/Sweepstakes Café deemed a nonconforming use dedicated less than 25% of its square footage to internet/sweepstakes activity in the original location prior to the expansion or relocation, and 2) the Internet/Sweepstakes Café dedicates less than 25% of its square footage to internet/sweepstakes activity after the expansion or relocation.
  - a. No person or entity shall propose, cause or permit the operation of, or enlargement of Internet/Sweepstakes Cafés, Pawn Shops and Tattoo Parlors/Body Piercing Studios that would or will be located within, 1,000 feet of a preexisting Internet/Sweepstakes Cafés, Pawn Shops and Tattoo Parlors/Body Piercing Studios, within 500 feet of a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption, within 500 feet of a preexisting religious institution, within 500 feet of a preexisting park, or within 2,500 feet of a preexisting educational institution. In this subsection the term "enlargement" includes, but is not limited to, increasing the floor size of the establishment by more than ten percent.
  - b. In addition to the distance requirements set forth in the subsection above, Internet/Sweepstakes Cafés, Pawn Shops and Tattoo Parlors/Body Piercing Studios shall not be allowed to open anywhere except in the I-1 district (with the exception of parcels having frontage on Park Avenue) where

Internet/Sweepstakes Cafés, Pawn Shops and Tattoo Parlors/Body Piercing Studios are an expressly permitted use.

- c. The aforementioned distance requirements are independent of and do not supersede the distance requirements for alcoholic beverage establishments which may be contained in other laws, rules, ordinances or regulations.

21. See Pain Clinics, Section 21-39 for details.

## **SECTION 21-34 – SPECIAL USE REQUIREMENTS**

The following uses are subject to the special restrictions described below in addition to the applicable natural resource standards described in Article IV and the project design standards described in Article V.

### **21-34.01 – Home Occupations**

The purpose of this Section is to provide criteria under which a home occupation may operate in the City's residential districts. The Home Business Tax Receipt is designed to allow for office type uses within a residence. No home business tax receipt shall be issued unless the City determines the proposed home occupation (business) is compatible with the criteria shown below:

- a. The use must be conducted by a member, or members, of the immediate family residing on the premises and be conducted entirely within the living area of the dwelling unit, not to exceed twenty percent (20%) of the dwelling unit space (excluding garage/carport) for the home occupation.
- b. No manufacturing, repairing, storing, or other uses that are restricted to commercial and industrial districts are allowed.
- c. No chemicals/equipment, supplies or material, except that which is normally used for household domestic purposes, shall be used or stored on site.
- d. Noise, dust, odors or vibrations emanating from the premises shall not exceed that which is normally emanated by a single dwelling unit. Activities that cause a nuisance shall not be permitted in residential areas.
- e. No electrical, electro-magnetic or mechanical equipment that causes any interference or excessive noise to adjacent dwelling units shall be installed or operated.
- f. No products, services, or signage may be displayed in a manner that is visible from the exterior of the dwelling unit, except signage required by state law.
- g. Except as provided in the City of Edgewater Code of Ordinances, no commercial vehicles or equipment shall be permitted in the driveway, or adjacent public right-of-way, including commercial vehicles used for mobile vending and no delivery of commercial products for the