

BY THE CITY COMMISSION

ORDINANCE NO.: 2010-26

AN ORDINANCE SUBSTANTIALLY AMENDING THE RIO, RESIDENTIAL, INSTITUTIONAL AND OFFICE ZONING DISTRICT SET FORTH IN ORDINANCE NO. 361, AS AMENDED; PROVIDING FOR REVISIONS TO PERMITTED USES AND STRUCTURES; PROVIDING FOR CONDITIONAL USES; PROVIDING FOR AREA, LOT WIDTH, COVERAGE, YARD, AND HEIGHT REGULATIONS; PROVIDING FOR REPEALER, CODIFICATION, MODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 361, the Dade City Zoning Ordinance was adopted in February 1975; and

WHEREAS, it has been many years since the RIO zoning district regulations were updated and many currently potential appropriate uses are not listed; and

WHEREAS, due to the character of this district, it is also appropriate to add uses which are permitted only as conditional uses.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Dade City, Florida as follows:

Section 1. The RIO, Residential, Institutional and Office Zone District is substantially reworded as follows:

1. **Purpose.** The purpose of the RIO, Residential, Institutional and Office Zoning district is to provide and require a unified and organized arrangement of buildings, service, and parking areas together with adequate circulation and open space, in a manner so as to provide and constitute an efficient, safe, convenient, and attractive shopping area to serve the City's office, institutional and commercial/retail shopping needs.
2. **Permitted Principal Uses and Structures.**
 - A. **Principal Uses.**
 1. Existing one or two family dwellings and hotels. Existing one or two family dwellings shall not be considered non-conforming uses as per Article VII, DCZO. Permit applications for reconstruction or replacement of one or two family dwellings destroyed to an extent of more than 50% of their

replacement cost at the time of the destruction must be filed within six (6) months of the catastrophic event or the final settlement date of any insurance claim for the dwelling. Approved permits must be picked up and paid for within two weeks of receipt of notice that the permits are ready. Failure to pick up and pay for permits, outside of the permit application filing time period will result in loss of the “existing” status of the dwelling (Ord 987-0733).

2. Multiple family dwellings and town houses, ~~boarding or rooming houses.~~
3. Public and private educational facilities with conventional state approved academic curriculums.
4. Churches, provided that the minimum parcel size shall not be less than 2 acres; parsonages may be permitted but not single family dwelling for rent or lease.
5. Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with character and requirements of the district.
6. ~~Citrus groves; plant nurseries with greenhouses not exceeding 400 square feet in area, and similar agricultural uses and structures, provided that only minor and incidental retail sales shall be permitted and that no roadside stands or signs shall be erected.~~
7. Existing cemeteries.
8. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes and homes for the aged and orphans, provided that no facility shall have a lot area of less than 2 acres, that no building in connection with such facilities shall be closer than 50 feet to the lot line of any adjoining property and that all other state, county and city regulations shall be met.
9. Medical ~~or~~, dental offices, ~~but not~~ and veterinary clinics.
10. Professional and business offices.
11. Banks and financial institutions, travel agencies, employment offices and similar establishments.
12. Art gallery, library, museum, community center, publicly owned and operated recreational facility, ~~little theater (but not moving picture theater).~~
13. Dance, art and music studios.
14. Funeral Homes, ~~without crematoriums.~~

15. Limited commercial and service activities in support of institutional and office uses, such as:

- a. Retail outlet for sale of books, educational and art supplies, florist or gift shop, delicatessen, prescription drug stores, prosthetic appliance establishments and similar establishments, clothing shops, antique shops and other similar retail uses.
- b. Service establishments such as barber or beauty shops, restaurants (but not drive-in restaurants), laundry or dry cleaning pick-up stations and similar activities.

The above uses of a. and b. are subject to the following limitations:

- ~~1) Sale, display, preparation and storage to be conducted within a completely enclosed building and no more than 20% of floor space devoted to storage.~~
- ~~2) Products to be sold only at retail.~~
- ~~3) No sale, display or storage of second hand merchandise except as incidental to sale of new merchandise.~~

16. Modular structural units, as defined in Article 5.20 a., and used for any of the above stated RIO permitted uses.

17. Outdoor dining areas.

PERMITTED USES AND STRUCTURES

Uses and structures which:

1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
2. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- ~~3. Do not involve operations or structures not in keeping with the character of this district.~~

USES AND STRUCTURES

SPECIAL EXCEPTIONS- CONDITIONAL USES

After public notice and hearing and subject to appropriate conditions and safeguards, the Zoning Board of Adjustment may permit as SPECIAL EXCEPTIONS CONDITIONAL USES:

1. Golf course and country club, not to include miniature golf courses, provided that required parking and all structures are located a minimum of 100 feet from any property line.
2. New cemeteries, columbariums.
3. Private clubs of a fraternal or social character not operated or maintained for profit, including a dining facility incidental to the club activity and operated for the benefits of members only.
4. Two family dwellings.
5. In connection with multiple family dwellings having a minimum of 100 dwelling units, establishments for sale of convenience goods. Personal and professional service establishments, provided that such establishments shall be designed and scaled to meet only the requirements of occupants and their guests and that there shall be no external evidence of the existence of such establishments. Floor area devoted to such incidental and accessory uses other than parking shall not exceed 20% of the total residential floor area.
6. Private child care center provided:
 - a. That structure housing such center shall be a building physically separated by required yard or open space from the dwelling of other than the operator of the center and operator's family.
 - ~~b. Fenced play areas of not less than 2,500 square feet shall be provided for the first 15 or fewer children with 150 square feet additional for each additional child.~~
 - c. No portion of the fenced play area shall be closer than 5 feet to any residential lot line or closer than 20 feet to any public street.
 - d. A 5 foot high vegetative screening or other barrier which furnishes equal protection buffer and sound barrier against excessive noise shall be provided between fenced play areas and residential lot lines in such location as may be directed by the Zoning Board of Adjustment.
 - e. All outdoor play activities shall be conducted within the fenced play area and no outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.
 - f. All facilities, operation and maintenance shall meet city, county and state requirements for the operation of child care centers.
 - g. Other stipulations as may be appropriate to the circumstances as determined by the Zoning Board of Adjustment.
7. Telecommunication towers and antennas.

USES AND STRUCTURES

TRANSITIONAL USES AND STRUCTURES

Off-street parking areas for passenger vehicles, restricted as follows:

1. When in connection with commercial or industrial uses, such areas shall be open for use only during customary business hours of such use. No fee shall be charged for such parking.
2. Front and side yard requirements of the residential district shall apply.
3. Access shall be through or immediately adjoining the “commercial” or “industrial” district and all driveways servicing such parking as shall be subject to approval by the Department of Public Works.
4. Parking areas shall be properly drained, suitably surfaced and provided with appropriate bumper guards where needed. All unpaved areas shall be suitably landscaped and properly maintained.
5. All parking areas shall be enclosed with an ornamental fence or wall not less than five feet high, or enclosed with evergreen plantings as specified in Article 5.9.d., provided that vision clearance as provided for street intersections in Article 5.1 shall be maintained at access points.
6. All parking areas shall be exclusively for parking related to the use for which the area was established, and none shall be used for storage or parking of materials, equipment, supplies, trucks or trailers, owned or operated by or for any commercial or industrial use. No such parking areas shall be used for display, sales, or services other than delivery of goods to customers’ cars.
7. No sign shall be erected in such parking area in such a way as to be visible from within the residential district, except that on each street side and adjacent to an entrance to the area one sign may be erected within 25 feet of the commercial or industrial district boundary, not exceeding nine square feet in area and indicating only the name of the operator and the purpose of the lot.

USES AND STRUCTURES

PROHIBITED USES AND STRUCTURES

Any use or structure which is not specifically, provisionally or by reasonable implication permitted herein.

1. New single family detached and semi-detached dwellings.

MINIMUM LOT REQUIREMENTS

AREA AND WIDTH

Multiple family dwelling and townhouses:

LOT WIDTH: 75 feet

LOT AREA: 7,500 square feet for the first three dwelling units, plus 2,500 sq. ft each for the next five dwelling units, plus 2,000 sq. ft. each, for each dwelling unit in excess of eight. Last unit may be built on major portion thereof.

Other Permitted or Permissible Uses or Structures:

None, except as needed to meet other requirements specified herein.

New two-family dwellings (BY SPECIAL EXCEPTION ONLY)

LOT WIDTH: 70 feet

LOT AREA: 6,500 square feet

MINIMUM YARD REQUIREMENTS:

DEPTH OF FRONT AND REAR YARD, WIDTH OF SIDE YARD

Multiple Family Dwellings, Townhouses and New Two Family Dwellings:

FRONT: 25 feet

SIDES: 18 feet combined, but not closer than 7 feet to any lot line.

REAR: 10 feet

Other Permitted or Permissible Uses and Structures:

FRONT: 20 feet

SIDES: A combined total of 20 feet in side yards, provided that no structure shall have a side yard less than 5 feet except interior lot lines within a building or structure with party wall separation, may have zero side yards.

REAR: 15 feet

MAXIMUM LOT COVERAGE BY ALL BUILDINGS:

45%

MAXIMUM IMPERVIOUS SURFACES:

Maximum impervious surface ratio shall not exceed 80%.

MAXIMUM HEIGHT OF STRUCTURES EXCEPT AS PROVIDED IN ARTICLE 5.5,
NO PORTION SHALL EXCEED

35 feet at boundaries of buildable area, increasing 3 feet for each 1 foot from such boundaries to a maximum height of 60 feet.

Any structure over 25 feet in height must meet the requirements of and have approval of the Building and Fire Rescue Departments. (Ord. 558)

MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

OFF STREET PARKING

Residential:

~~1.5 spaces for each dwelling unit~~

Hospitals

~~2 spaces for each bed~~

Boarding or Rooming House:

~~1 space for each sleeping room (Ord 516)~~

Sanitariums, Rest Homes, Nursing homes, Convalescent homes, Homes for aged:

~~1 space for each 4 beds~~

Medical and Dental Clinic:

~~1 space for each doctor, nurse and employee, plus 3 spaces for each consultation and/or examining room~~

Professional and Business office:

~~1 space for each 300 square feet of ground floor area, plus 1 space for each 250 square feet on non-storage area above first floor.~~

Art Gallery or Museum:

~~1 space for each 200 square feet of public floor area.~~

~~Library, Community Center, Recreational Facility:~~

~~1 space for each 3 seats in auditorium or chapel area~~

~~Dance, Art and Music Studios:~~

~~1 space for each 300 square feet of gross floor area~~

~~Restaurant:~~

~~1 space for each 3 seats in public rooms plus 1 space for each 2 employees~~

~~Child care Center:~~

~~2 spaces per employee, plus adequate provisions for loading and unloading children from off the street.~~

~~Required off-street parking may be located on or within 200 feet of the premises. If located off the premises, required off-street parking shall be marked as reserved for the use for which provided. Failure to maintain and mark such required off-street parking space as reserved shall be a violation of this ordinance.~~

OFF-STREET LOADING

~~Off-street loading spaces shall be provided if required in the routine operation of the use.~~

LIMITATIONS ON SIGNS

See Ordinance 2005-0870

Section 2. Repealer

All provisions of the Dade City Zoning Ordinance No. 361, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 3. Modification.

It is the intent of the City Commission that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Commission.

Section 4. Severability.

It is declared to be the intent of the City Commission of the City of Dade City, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

Section 5. Inclusion in Code.

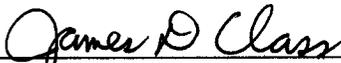
It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the Dade City Land Development Code, and that the sections of this Ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

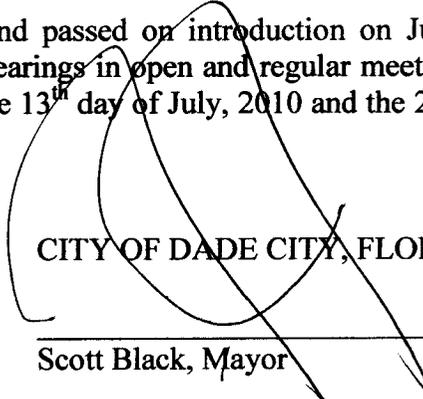
This Ordinance shall take effect as provided in the City Charter.

The above Ordinance No. 2010-26 was read and passed on introduction on June 22, 2010, and read and approved following public hearings in open and regular meetings by the City Commission of Dade City, Florida on the 13th day of July, 2010 and the 27th day of July, 2010.

ATTEST:

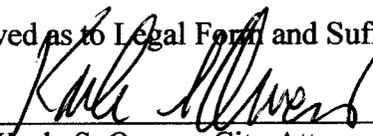


James D. Class, City Clerk

CITY OF DADE CITY, FLORIDA


Scott Black, Mayor

Approved as to Legal Form and Sufficiency



Karla S. Owens, City Attorney