

- d. Encourage the restoration of degraded or disturbed wetlands.
- e. Allow silviculture activities only during the dry season when there is no surface water onsite; and,
- f. Prohibit silviculture activities in wetlands that would result in the conversion of the existing wetlands, either directly or indirectly, to an upland system or other wetland type.
3. The provisions of Section 2.08(G)(1) and (2) shall be enforced through the office of the County Forester.
4. Cluster development shall be allowed in the A2 district, subject to the provisions contained under Section (Reserved), Hardship Relief.

### **2.10. - Interchange Commercial Zoning District.**

A. *Purpose of Creation of Zoning District.* The purpose of the creation of the Interchange Commercial Zoning District is to implement a new zoning category which will be consistent with amendments to the City of Midway, Florida, Comprehensive Plan Update and the Land Use Element of the Comprehensive Plan.

B. *District Intent.* The intent of the Interchange Commercial Zoning District is to provide a realistic zoning category which will attract clean light industry and commercial development in an orderly fashion around the intersection of I-10 and US 90 in Midway.

The Interchange Commercial District is intended to promote economic opportunities which are supported by an economic base larger than Midway, Leon County and Gadsden County in which a mixture of hotels, motels, restaurants, retail shopping uses, offices, light manufacturing, processing, storage, community and recreational facilities are permitted. The Interchange Commercial District may be located adjacent to the I-10/US 90 Interchange in the areas designated IC. Interchange Commercial in the Comprehensive Plan. The district is intended to encourage significant investment in property improvements and provide a concentration of economic activity. The minimum lot size in the district is one acre.

The district is not intended to accommodate heavy industrial operations nor to accommodate residential development which would limit the ability of the district to attain its economic potential, unless such residential development is part of a commercial development, such as, for example, designed as the top floors of a commercial building. Operations considered "heavy industry" shall not be permitted. Operations within the district may have minor daytime offsite impacts that will have little effect on neighboring sites. Light industrial uses are those that do not require the emission of any substances in the environment, which does not include wastewater omissions which are properly permitted and operating.

The district is intended for intensive uses which benefit from locations adjacent to or near the I-10/US 90 interchange and which will facilitate commercial activity directly related to through traffic on I-10/US 90.

The Interchange Commercial District establishes minimum and maximum development criteria and design criteria which are intended to prevent underachievement of economic development objectives and to assure high quality development.

It is further the intent of the City of Midway to recognize that portions of the Gadsden Station Development of Regional Impact may be contained in the Interchange Commercial Zoning District and the City will recognize and maintain consistency of land uses and activities within the DRI Development Order in those areas.

C. Principal Uses.

1. Motels and hotels.
2. Office uses.
3. Automotive service and repair, including car wash as part of a shopping center, in conjunction with a motel or hotel.
4. Shopping centers and retail uses as part of a shopping center, including grocery stores, supermarkets, specialty food stores, bakeries and drug stores.
5. Broadcasting studios.
6. Communications and utilities.
7. Community services, including libraries, vocational schools and police/fire stations. Elementary, middle, or high schools are prohibited. Other community services may be allowed.
8. Services or operations provided by a community college, college or university.
9. General contractors.
10. Local and suburban transit and interurban highway passenger transportation.
11. Retail trade including building materials, hardware, and garden supply, apparel and accessory stores.
12. Retail trade, including take out and sit down restaurants and restaurants with outdoor seating.
13. Finance, insurance and real estate including banking and credit unions with or without drive-up facilities.
14. Warehouses and distribution facilities.
15. Commercial recreation and entertainment uses.
16. Laboratories, research and development activities.

17. Manufacturing (consistent with the definition of light industrial, having a low level of impact to the natural and the built environment).

18. Off-street parking facilities.

19. Passive and active recreational activities.

20. Printing and publishing.

21. Repair services, non-automotive.

22. Transportation and freight handling activities.

23. Auto or equipment sales lots.

24. Wholesale trade including durable and nondurable goods.

25. Service businesses, including blueprinting, catering, tailoring, travel agencies, upholstery shops, laundries and dry cleaners (pickup and delivery only).

26. Gasoline stations including truck stops.

27. Building supply, including retail sales of lumber, agricultural supplies and machinery sales.

28. Other uses which are of a similar and compatible nature to those uses described above, however, no use which may be construed under either SIC or NAICS codes as "heavy industry" shall be allowed under any condition.

D. Accessory uses.

1. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the growth management director. The 33 percent limitation does not apply to outdoor storage that is accessory to a permitted principal use.

2. Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the growth management director.

3. Residential use (intended for watchman or guard not to exceed 1 dwelling unit per industrial use).

4. Telecommunications Towers in accordance with City of Midway Code of Ordinances.

DEVELOPMENT STANDARDS FOR INTERCHANGE COMMERCIAL ZONING DISTRICT		
	Minimum Building and Parking Setbacks	Maximum Building Restrictions

DEVELOPMENT STANDARDS FOR INTERCHANGE COMMERCIAL ZONING DISTRICT						
Use Category	Minimum Building and Parking Setbacks				Maximum Building Restrictions	
	Front	Side-interior Lot	Side Corner Lot	Rear Lot	Building Size (including parking area)	Building Height
Permitted nonindustrial or nonoffice principal uses	35 feet	None	25 feet	10 feet	90%/acre maximum 10%/acre minimum green space	No height limit*
All other principal uses	35 feet	None	25 feet	10 feet	90%/acre maximum/ 10%/acre minimum green space	No height limit*

**General Notes:**

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500-gallon septic tank.
2. Refer to other parts of the code and comprehensive plan for information pertaining to the regulation of environmental features,
3. Stormwater retention areas may be placed within the setback areas. Refer to other parts of the code and comprehensive plan for information pertaining to the regulation of environmental features and storm water management requirements.
4. Setbacks shall be measured from the property line to the vertical wall of the building.
5. \*For purposes of "No Height Limits", it must be a habited structure.
6. Triangular or odd shaped lots are recognized as unique with respect to setback regulations, and site plans will be dealt with on a case-by-case basis between the developer and the growth management director.

**Urban Design Criteria** - Development within the Interchange Commercial District shall be consistent with design criteria of the property owners and board of the district, with the following additions:

- a. All building elevations which may be viewed from a public street shall be finished in brick, stucco, glass curtain wall, architectural concrete, textured block, textured block, or other appropriate siding. All building elevations which may be viewed from a public street shall have a uniform appearance consistent with the front building elevation.
- b. All buildings shall screen utility connections, roof top equipment and meter locations with materials found on the building exterior or with evergreen landscaping.
- c. All buildings shall screen trash collection/storage areas with materials found on the exterior of the building.
- d. All delivery truck docks shall provide a screen of sufficient height and length to screen loading and unloading areas.
- e. A delivery truck door located in the front of the building shall be designed in such a fashion so as to aesthetically compliment the remaining elevation of the building.

**Signage** - Signage in the Interchange Commercial District shall meet the following criteria:

- a. Each development within the District shall establish a uniform sign design for all signs.
- b. All wall signs shall be internally illuminated individual letters or an internally illuminated logo not exceeding 80 square feet in area. No other wall signs are permitted. Signs composed solely of upper case letters shall not exceed 36 inches in height. Signs composed of upper and lower case letters shall not exceed 45 inches in heights including the descender.
- c. No roof signs are permitted.
- d. Billboards in conformance with DOT regulations shall be permitted, but advertising shall be limited to businesses located within the Interchange Commercial Zoning District or no more than two Interstate exits away from Interchange #192. The approach side of the billboard must advertise a business within the Interchange Commercial Zoning District.
- e. One free standing sign per public street frontage per site is permitted. Free standing signs shall be constructed with a base using material found on the principal structure or other aesthetically pleasing material. Free standing signs shall not exceed 400 square feet in area per sign face nor have more than two faces nor exceed 50 feet in height.
- f. Temporary signs, not to exceed 30 days of display per calendar year are permitted, except for "for sale" and "for lease" signs which are not subject to this limitation.

E. *Land Uses Not Allowed.* The following list of uses shall not be considered to be a permitted use, a conditional use, an accessory use, a support use, or ancillary use, nor shall these uses be allowed by virtue of variance or waiver in the Interchange Commercial Zoning District. This list is not intended to be all-inclusive and does not include each and every use which is considered to be a heavy industrial use.

1. Asphalt plants (One asphalt plant currently owned by Peavy and Sons is "grandfathered" and will adhere to normal "grandfather" clauses contained in ordinary usage in the Midway City Code.)
2. Landfills, garbage transfer stations.
3. Industrial effluent injection wells.
4. Plating plants.
5. Stripping vats.
6. Food irradiation plants.
7. Hazardous waste storage, processing or transportation facilities.
8. Incinerators.
9. Cement batch plants (two cement plants are "grandfathered" and will adhere to normal "grandfather" clauses contained in ordinary usage in the Midway City Code.)
10. Automobile or heavy equipment junkyards.
11. Fiberglass manufacturing plants.
12. Boilers fueled by anything other than natural gas or #2 fuel oil.
13. Bulk fuel storage facilities.
14. Petroleum pipelines.
15. Bulk chemical storage or processing facilities.
16. Citrus, meat or animal processing, slaughterhouse or the keeping of livestock for any purpose.
17. Crematorium.
18. Blast furnaces.
19. Smelting plants.
20. Pickling plants (wood or metal).
21. Battery manufacturing facilities.
22. Refineries.
23. Waste tire storage or processing facilities.
24. Medical waste storage, processing or transportation facilities.

25. Natural gas storage or pumping station.
26. Drag strips or any type of racing facility.
27. Manufacturing of any type of fertilizer or other agricultural chemical, organic chemical, explosives or other type of chemical.
28. Leather tanning.
29. Utilities, including, but not limited to, power plants.
30. Sawmills and planing mills.
31. Any other heavy industrial use as defined in SIC or NAICS codes.

F. *Streets and Roads.* All internal streets and roads shall be built according to Florida DOT specifications with a minimum of 50 feet of right-of-way, if the roads will be dedicated City rights-of-way. One year after completion of the project and provided that the roads are built according to Florida DOT specifications, the property owners may petition the City Council to take over responsibility for maintenance and upkeep of the roads by dedication as public rights-of-way.

G. *Parking and Parking Spaces.* Parking and the number of parking spaces shall be in accordance with the Florida Uniform Building Code regulations and Midway Land Development Regulations.

H. *Florida Uniform Building Code.* All development and buildings are subject to Florida Uniform Building Codes.

I. *Public Dedication of Land or Fee in Lieu of Dedication.* Section 3.03.15 of the City of Midway Land Use Regulations requires the Subdivider of a parcel of land to dedicate a minimum of ten percent of the gross area of gross land area to the City to be dedicated for public use for conservation or passive recreational use, however, in the Interchange Commercial Zoning District, a developer may pay a fee in lieu of dedicating land for public use. Said fee shall be equal to 10% of the value of the land. The fee in lieu of dedication of land for public use may be waived by the City Council.

J. *Zoning Map to Be Amended.* The City's Zoning Atlas and Zoning Map shall be amended to include the areas to be included in the Interchange Commercial Zoning Category.

K. *Implementation.* Since the intent of the Interchange Commercial Zoning District is to provide a realistic zoning category that will attract clean industry and commercial development in an orderly fashion around the intersection of I-10 and US 90 in Midway, the City will develop an orderly process to streamline the permitting process for commercial businesses and clean light industrial uses that wish to locate or relocate into the City. To that end, the Interchange Commercial Zoning District will be reviewed as a whole by the Planning and Zoning Board and the City Council in one comprehensive review. To achieve the goal of providing a streamlined process, a owner or developer will not be required to go through the Planning and Zoning Board and City Council for a conceptual review or site plan review on an individual basis, unless an individual property owner opts out of the one-time comprehensive review,

but will be required to meet all required codes as part of the Growth Management Department's site review process as development is ready to occur. For the purposes of this Ordinance, "all required codes" shall mean all City Land Development Regulations regulating the IC Interchange Commercial Zoning District, all Florida Uniform Building Codes, and all other agency permitting requirements. Under normal circumstances the charge for a conceptual review is \$500.00 to cover administrative costs, the costs of advertising for Planning and Zoning Board and City Council review. The fee for the one-time conceptual review of property located in the Interchange Commercial Zoning District shall be \$50.00 per acre which is due and payable by all property owners prior to the review as a whole regardless of whether the property is ready to be developed or not. In addition to assuring proper legal advertisement, the City of Midway shall obligate sufficient money from the one-time conceptual review fee to pay for the update of the City of Midway Comprehensive Plan, appropriate Zoning Codes, and Land Development Regulations.

L. *Development Regulations.* The City of Midway Developmental Regulations shall apply; however, they shall be modified to meet the intent of the Interchange Commercial Zoning District in the event there are any conflicts. Within the DRI, should any of the owners wish to annex into the City at a future date, the developmental regulations shall be modified in order to maintain the consistency of land uses and activities in that area. To the extent the City must adopt either and/or both the Gadsden County Comprehensive Plan Land Uses or the Gadsden County Land Development Regulations upon annexation of any land, those land uses and regulations shall apply until such time as the City has adopted an amendment to the City Comprehensive Plan, Land Use Map, and Land Development Regulations.

M. *Other Permitting Requirements.* This ordinance relates to zoning and procedures for the City of Midway, Florida, and is not intended to abrogate the authority any other governmental agency requiring permits.

N. *Platting and Replatting of Lands.* Any platting or replatting of lands by property owners shall be in accordance with F.S. ch. 177.

#### 2.10. - Supplementary district regulations.

*Intent.* The purpose of this section is to ensure that developments are compatible and harmonious with surrounding and adjacent areas and uses. The restrictions and standards contained herein are intended to reduce the negative externalities and protect public health and safety.

#### B. Television dish receivers and antennae.

##### 1. Residential requirements:

a. Maximum diameter of dish: fifteen (15) feet.

b. Maximum height of dish: twenty (20) feet.

c. The dish receiver shall meet setback requirements as regulated under the RE, R1, R2, CBD, M1, M2, A1 and A2 zoning categories.

d. Said dish receiver or antenna may not be mounted on the roof of the principal structure, and must be detached from the principal structure.

e. Said dish receiver or antenna must be capable of being placed in a "stowed position". It must be able to withstand winds of ninety (90) miles per hour as regulated in the 1991 Southern Standard Building Code, Section 1205, Basic Wind Load Pressures and Pounds per Square Foot, as periodically amended.

f. For mobile home parks, there shall be a limitation of one (1) dish receiver or antenna per park. A site plan which identifies the location of the dish shall be submitted with the application for a special exception.

g. There shall be a limitation of one (1) television dish/antenna per lot for single family residential districts.

## 2. Commercial requirements:

a. The dish receiver or antennae may be mounted on the principal structure. Prior to the issuance of a building permit, three (3) complete, certified drawings of the proposed location must be submitted by a licensed State of Florida engineer to the Planning Department for construction review. Ground mounts shall adhere to all setback requirements. No parking spaces shall be eliminated by the installation of any dish receiver and/or antennae.

b. Said dish receiver or antenna must be capable of being placed in a "stowed position". It must be able to withstand winds of ninety (90) miles per hour as regulated in the Florida Building Code as amended.

c. If in the judgement of the Planning Department the proposed location is deemed hazardous or creates an unsafe condition, the Planning Department shall have the authority to reject such location.

## C. Regulation of nonconforming development.

### 1. Existing nonconforming development.

a. Definition: nonconforming development is development that does not conform to the use regulations in Article II and/or the development design and improvement standards in Article (Reserved).

### 2. Continuation of nonconforming development.

a. Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence on the date of enactment of this Code, remain in use in its nonconforming state.

### 3. Termination of nonconforming development.

a. *Generally.* Nonconforming development must be brought into full compliance with the use regulations in Article II of this Code and the development design and improvement standards in Article (Reserved) in conjunction with the following activities:

1. The gross floor area of the development is expanded by more than ten (10) percent, or more than four thousand square feet, whichever is less. Repeated expansions of a development, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.
2. Reconstruction of a principal structure after the structure has been substantially destroyed by fire or other calamity. A structure is "substantially destroyed" if the cost of reconstruction is fifty (50%) percent or more of the fair market value of the structure before the calamity. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the structures.
3. Abandonment if the nonconforming development for a period of one hundred eighty (180) or more consecutive days.

#### **2.11 Central Business District – Overlay**

A. Generally. The Central Business District (CBD) is an overlay zone that includes within its bounds properties currently zoned industrial, commercial, residential, and agricultural.

B. It is the intent of the CBD designation to guide future development without causing injury or loss to existing property owners in the use of their property.

C. In order to provide the appropriate incentive for properties located within the district to develop as commercial properties and thus provide the citizens of Midway a centralized location for the procurement of goods and services development of properties within the CBD shall have the following conditions:

1. Properties currently zoned as commercial shall be given expedited permitting which shall consist of staff and consultants providing maximum attention with the intent of moving the application forward in the development process with a minimum of procedural delay.
2. Properties currently zoned industrial, agricultural, or residential shall have fees waived with respect to zoning change requests to commercial and development proposals for commercial development shall be considered coincident with any zoning changes required as if the subject property were properly zoned.
3. As most properties included in the CBD overlay abut or are proximate to US Hwy90, these properties are not seen as desirous for continued low density residential development. No increase in residential property density, by 2 for 1 subdivision of family subdivision shall be considered without application for a special exception to the City via Article 1.10.
4. Existing non-commercial uses, uses not specifically listed in Section 2.05, A & B, shall not be increased in size or improved by more than 20% of the existing use or replaced if due to natural calamity damaged by more than 50% of its replacement value except through variance or special exception procedures as listed in Sections 1.08 or 1.09 as may be applicable.