

ORDINANCE NO. O-23-2022

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AMENDING SECTION 117 OF THE CITY CODE TO ALLOW OUTDOOR SALES OF SWIMMING POOLS, SPAS AND HOT TUBS IN THE C-2 AND GCC ZONING DISTRICTS AS A PERMITTED USE AND SPECIAL EXCEPTION RESPECTIVELY, WITH CONDITIONS; , REVISE SEC. 117-3 - SPECIFIC ALLOWED USES, GENERALLY TO ALLOW OUTDOOR SALES OF SWIMMING POOLS, SPAS AND HOT TUBS AS A PERMITTED USE IN THE C-2 ZONING DISTRICT AND A SPECIAL EXCEPTION IN THE GCC ZONING DISTRICT SUBJECT TO CONDITIONS; REVISE SECTION 117-253 TO ADD SUBSECTION 4 TO ALLOW OUTDOOR SALES OF SWIMMING POOLS, SPAS AND HOT TUBS AS A PERMITTED USE IN THE C-2 ZONING DISTRICT; REVISE SECTION 117-565 TO ADD SUBSECTION 6 TO ALLOW OUTDOOR SALES OF SWIMMING POOLS, SPAS AND HOT TUBS AS A SPECIAL EXCEPTION IN THE GCC ZONING DISTRICT;ADD SECTION 117-797 REGARDING CONDITIONS FOR OUTDOOR SALES OF SWIMMING POOLS, SPAS AND HOT TUBS; PROVIDING FOR CONFLICTS, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, the City Code should be evaluated on an ongoing basis to determine if the allowable uses are consistent with the Comprehensive Plan; and

WHEREAS, the Green Cove Springs City Council has determined that this amendment is consistent with the Comprehensive Plan, is in the best interest of the public, and will promote the public health, safety and welfare of the city.

NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA AS FOLLOWS:

SECTION 1. That Chapter 117 Article I. Section 117-3 be amended to add:

This Chapter defines and prescribes the specific uses within each land use district described in the comprehensive plan and this subpart.

(a) Permitted Use Table

Use Category	Use Type	R-1	R-2	R-3	RRF-5	RP-6	C-18	C-2	REC-29	CB-D	GC-R (RLD)	GCR (RMD)	GCN-20	GC-C	INS-26	M-1	M-2
General Retail	Optical Shops							P		P				P			
	Opticians						P13	P		P			P	P			
	Outdoor Sales									SE							
	Outdoor Pool Sales							P						SE			
	Paint/Wall paper						P13	P		P			P	P			
	Pawn Shops							P		P			P	P			
	Pet Grooming							P		P				P			
	Pet Shops					SE9		P						P			
	Pool Supplies							P									
	Printing Shops							P		P				P			
	Professional Offices					P	P13	P		P			P	P			
	Rentals							P		P24							
	Second Hand Retail													P			
Shoe Repair						P13	P		P			P	P				

	Shoe Store							P		P				P			
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(b) Zoning district description

Zoning District
Residential Low Density
Residential Medium Density
Residential High Density
Riverfront Residential Land Use
Residential Professional Office
Neighborhood Commercial
General Commercial
Recreation and Conservation
Central Business District
Gateway Corridor Residential Low Density
Gateway Corridor Residential Medium Density
Gateway Corridor Neighborhood
Gateway Corridor Commercial
Zoning District
Institutional

Light Industrial

Industrial Park

(c) *Permitted use table footnotes.*

P Permitted. SE - Allowed by Special Exception.

1. Subject to the conditions set forth in section 117-789.
2. Single-family attached dwellings, up to four units.
3. Subject to the conditions in section 117-122(4)(a)—(j).
4. Multifamily dwelling units may omit garages through a special exception.
5. Subject to development criteria in section 117-147. Each RRF parcel requires a PUD rezoning in compliance with section 117-421 in order to be developed.
6. All permitted uses are subject to the conditions set forth in section 117-199.
7. Subject to the limitations in section 117-200(7).
8. Subject to the limitations in section 117-226.
9. No kennels. Subject to the limitations in section 117-200(7).
10. Musical instruments. Subject to the limitations in section 117-200(7).
11. Including repair incidental to sales. Subject to the limitations in section 117-200(7).
12. Not wholesale bakeries. Subject to the limitations in section 117-200(7).
13. Subject to the limitations of [section] 117-226.
14. Provided no manufacturing or storage for distribution is permitted on-premises.
15. Subject to the limitations outlined in section 117-228(10).
16. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating.
17. Bulk storage yards, not including bulk storage of flammable liquids.
18. Race tracks for animals or vehicles.
19. Plumbing, electrical, mechanical, and sheet metal.
20. All uses must be in a totally enclosed building and no more than 20 percent of floor space to be devoted to storage. The permitted uses per section 117-540 are subject to the limitations in section 117-541(5)(b).
21. Automobile rental not included as a use permitted by special exception.
22. Establishments or facilities for automobile parts, sales, and service without use of an outdoor intercom or public address system or speakers, and no vehicle display racks that tilt vehicles in any way to show underside, unless they are located inside a show room.
23. Through special exception, multifamily dwelling units can be built without garages.
24. Rentals, excluding heavy equipment.
25. Veterinarian clinics within enclosed buildings.
26. The following are permitted uses in the institutional land use category, institutional zoning category: Any lawful civic, governmental, religious, public utility, and other public necessity uses or activities.
27. Subject to the limitations of section 117-297(5).
28. Golf courses and pro shop allowed by special exception.

29. Pursuant to section 117-355: Allowable uses are public recreation uses that are compatible with the environmental characteristics of the property and, if purchased with grant funds, are consistent with grant conditions. No development potential is associated with these lands; however, recreation facilities may be constructed as a part of recreation uses that are consistent with the land use category.
30. Subject to the conditions in section 117-796.
31. Beer and wine sales only.
32. Multifamily dwellings greater than 35 feet in building height.
33. Shall comply with requirements set forth in Section 117-797

SECTION 2. That Chapter 117 Article III. Division 4, Section 117-253 (4) shall be added as follows:

Sec. 117-253. Permitted uses.

The following are permitted uses in the commercial high intensive (CHI), C-2 general commercial zoning category:

- (1) Any use permitted in the C-1 zoning category district;
- (2) The following retail and service establishments and any determined similarly like or type uses not specifically described below: appliance and automobile sales, service, repair and rentals, automobile parts store, bait and tackle shops, bakeries, bicycle sales and service, billiards, boat and motor sales and service, bowling alleys, building supplies and materials, cabinet shops, carpet outlets, ceramic sales and studios, clothing shops, curio shops, dance, music, gymnastic studios, decorating studios and shops, department stores, drug sales including medical marijuana treatment center dispensing facilities, dry cleaners, electrical shops, financial institutions (including drive-through facilities), fruit and vegetable sales (retail, no packing), furniture stores, game rooms, grocery store, hardware stores, health spas, licensed masseurs, heating and air conditioning sales and service, hotels, motels, janitorial supplies, laundries and laundromats, meat markets, medical supplies, mobile home sales and service, motorcycle sales and service, nurseries, optical shops, pawn shops, pet shops, pet grooming, pool supplies, printing shops, rentals, restaurants, shoe stores, shopping centers, skating rinks, sporting goods stores, sundries and notions shops, television and radio sales and service, television and radio studios (excluding transmission equipment), theaters, tire sales and service, toy stores, upholstery shops, utility building sales, veterinarian clinics (within enclosed building), wearing apparel shops, well drilling and pump services;
- (3) Parking lots and commercial parking garages.
- (4) **Outdoor Sales of Swimming pools, spas and hot tubs shall be a permitted use subject to the requirements of Section 117-797.**

SECTION 3. That Chapter 117 Article IX. Division 5, Section 117-565 (6) shall be added as follows:

Sec. 117-565. Special exceptions.

The following uses are special exceptions in the gateway corridor commercial zoning category:

- (1) Establishments or facilities for automobile parts, sales and services without use of an outdoor intercom or public address system or speakers, and no vehicle display racks that tilt vehicles in any way to show underside, unless they are located inside a show room.
- (2) Establishments or facilities for the retail sale and service of all alcoholic beverages for on-premises consumption.
- (3) Single-family detached dwelling units meeting the density requirements of the gateway corridor neighborhood zoning category.
- (4) Multifamily dwelling units without garages.
- (5) Single-family residential development on a flag lot as defined in section 101-5 and subject to the conditions set forth in section 101-60.
- (6) **Outdoor Sales of Swimming pools, spas and hot tubs shall be a permitted use subject to the requirements of Section 117-797.**

SECTION 4. That Chapter 117 Article XI. Section 117-797 shall be added as follows:

117-797. Outdoor sales of swimming pools, spas and hot tubs in GCC and C-2 Zoning District.

(a) Outdoor sales of swimming pools, hot tubs and spas is allowed in the GCC zoning district as a special exception with the approval of the Planning and Zoning Commission and as a permitted use in the C-2 Zoning District subject to the minimum criteria as provided in this chapter. The minimum criteria that must be met for this use in the C-2 and GCC Zoning District zoning district are as provided in this section. These criteria must be shown on the site plan or sketch submitted with the application for a special exception, and must also be shown on the site plan submitted for site plan review. Additional criteria may be required by the planning and zoning commission pertaining to special exceptions.

(1) The business must meet the site plan requirements of the land development code.

(2) In addition to the application material for a special exception required by this chapter, an elevation view of the aboveground swimming pools, hot tubs and spas that will be on display, the required skirting, and the required decks, as seen from rights-of-way, must be submitted.

(3) Swimming pools, spas and hot tubs in an outdoor display area or outdoor display and sales area must be completely operational, including being filled with water, with pumps, filters, heaters, ladders, etc. Only completely operational swimming pools, spas and hot tubs are allowed outdoors.

(4) A maximum of 30 percent of the area of the site may be used as an outdoor display area or outdoor display and sales area, subject to the other limitations in the land development regulations. This area must be identified on the site plan or sketch submitted with the application for a special exception and must be shown on the site plan submitted for site plan review.

(5) Aboveground swimming pools, spas, hot tubs and the decking described in this section must be located in the rear yard and be completely screened from public view behind the primary structure and ten feet from abutting properties. The setbacks must be landscaped with hedges and small trees such that there is a visual screen running the entire length of the property with a minimum opacity of 85 percent and a minimum height of six feet.

(6) The entire outer shell of aboveground swimming pools, spas and hot tubs must be encased by a wooden deck.

a. This deck must be level with the top of the aboveground swimming pools, spas or hot tubs; except that hot tubs or spas set up as a display on the deck are exempt from this requirement.

b. The deck must be wheelchair accessible and be a minimum of five feet in width to accommodate wheelchairs.

c. Above ground decks must meet the building code requirements for a railing.

d. The building plans for the deck submitted to obtain a building permit must be sealed by a state certified engineer or architect showing that the mode and manner of construction will adequately withstand the loads imposed upon it.

e. The decking shall include skirting from the top of the deck to the ground.

1. This skirting may be of solid wood, metal, stone, lattice, provided that the spaces in the lattice are no larger than two inches square, or any other material approved by the Planning and Zoning Commission during its review of the special exception request.

2. A hedge must be planted on the outside of the skirting (i.e., the side facing the right-of-way). At a minimum, the hedge plants must be three gallons, 24 inches in height, Florida Grade No. 1 or better, planted no more than three feet on center. The hedge must be 100 percent irrigated and maintained.

f. Decking and skirting must be painted or stained and kept in good repair.

(7) Outdoor swimming pools, spas and hot tubs must meet the requirements of the Florida Building Code pertaining to swimming pool barriers.

(8) The water in the swimming pools, spas and hot tubs must be clear and free of algae, leaves and other plant matter.

(9) No outdoor storage of merchandise is allowed.

**INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST READING
BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA,
ON THIS 1st DAY OF NOVEMBER 2022.**

CITY OF GREEN COVE SPRINGS, FLORIDA

Matthew Johnson, Mayor

ATTEST:

Erin West, City Clerk

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF THE
CITY OF GREEN COVE SPRINGS, FLORIDA, THIS 15TH DAY OF NOVEMBER
2022.**

CITY OF GREEN COVE SPRINGS, FLORIDA

Matthew Johnson, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

L.J. Arnold, III, City Attorney