

Sec. 5.6.12. - CBDX, central business district extra.

- A. *Statement of intent.* This district is intended to define the area adjacent to the central business district core of the city. It is intended to protect the character and historic structures and features of the city's downtown. Regulations are designed to protect and enhance district suitability for development and redevelopment which will enhance the economic and social viability of the area adjacent to the CBD, and to encourage uses which support the central city.
- B. *Permitted principal uses and structures.*
1. Retail outlets for sale of food, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, toy stores, pet shops (but not animal kennels or veterinarians), musical instruments, television and radio (including repair incident to sales), florist or gift shops, antique stores, delicatessens, bake shops (but not wholesale bakery), drugstores, garden shops, and hardware stores.
 2. Service establishments such as barber or beauty shop, shoe repair shop, restaurant (including outdoor eating area, but not one located on public sidewalks, not including drive-in restaurants), interior decorator, photographic studios, dance or music studios, gymnasium, dry cleaners (including those business engaged in the alteration of customer's clothes) upholstery including automotive and furniture.
 3. Banks and financial establishments, travel agencies, employment offices, newspaper offices (but not actual printing of newspapers), and similar establishments.
 4. Professional and business offices.
 5. Multiple family dwellings (but not new single family or duplex dwellings).
 6. Retail outlets for sale of home furnishings and appliances (including repair, incidental to sales), office equipment or furniture.
 7. Service establishments such as radio or television stations, funeral homes, radio and television repair shops.
 8. Hotels and motels.
 9. Retail establishments manufacturing goods for sale only at retail and on the premises.
 10. Existing bars, liquor lounges, and taverns in operation prior to April 1, 1999.
 11. Printing establishment or print shops including: lithograph printing, blueprinting, computer word processing and laser printing, copying, and offset printing but not to include newspaper publishing.
 12. Governmental uses.
 13. Wholesaling from sample stock only, providing no manufacturing for distribution is permitted on the premises.

14. Bed and breakfast, but with no specific limit as to number of guests and bedrooms.
15. Tents, for a maximum time period of two consecutive weeks, but only upon special approval by the city commission at a regular scheduled commission meeting and not requiring an advertised public hearing.
16. Retail sales of second hand and/or merchandise, including clothing, furniture and major household appliances and expansion of existing retail outlets for sale of second hand and/or used merchandise, including attendant operated car washes, subject to the following conditions:
 - a. All activities conducted as part of the business shall be contained within an enclosed structure, or within an approved service bay or area, properly screened or buffered from view.
 - b. All premises shall be maintained in a clean manner, free of conditions which might harbor rodents, insects and other vermin, with no junk, new or used materials or parts or other materials stored outside.
 - c. All signage and building facades shall comply with minimum maintenance and signage requirements of the city. Window displays shall be exhibited in a manner that is compatible in appearance with permitted and permissible uses in the district.
17. The above are uses subject to the following limitations:
 - a. Sale, display, preparation and storage to be conducted within a completely enclosed building (not including enclosed interior malls or sales areas), and no more than 20 percent of floor space to be devoted to storage.
 - b. Products to be sold only at retail.
 - c. No sale, display, or storage of secondhand merchandise except as incidental to sale of new merchandise. The display and retail sale of antique merchandise and related artifacts is specifically exempted from this requirement.
18. Outdoor display shall be permitted within ten percent of the business store front subject to the following conditions:
 - a. A site plan shall be provided distinguishing the proposed outdoor display area and the items proposed for outdoor display, i.e. vending and/or ice machines.
 - b. Outdoor display area shall be allowed only to the area set forth on the site plan, shall be paved and all electrical outlets supplying power to display area shall meet all applicable codes.
 - c. A clearance of five feet on the sidewalk and/or walkway shall be required.
 - d. All propane tanks and other related-type vending stations shall be properly enclosed to avoid any potential hazards.

e. Outdoor display exceeding the ten percent allowance shall require a conditional use permit (see section 20.2.2.).

f. All outdoor storage shall require a conditional use permit (see section 20.2.2.).

19. Medical marijuana dispensing facilities.

C. *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 the district.
4. Dwelling units, when a part of the permitted principal use, provided all minimum requirements for area, setback, height and related requirements for the district are met, and provided further, that all such dwellings shall be at other than first floor level of the principal permitted use. Dwelling units shall be limited to two for each permitted principal use and in no case shall the aggregate residential floor area exceed the aggregate floor area of the permitted principal use. In addition to the required parking specified the Haines City parking ordinance number 933, one additional off-street parking space shall be provided for each dwelling unit for the permitted principal use and shall be provided at the rear or side of the principal permitted use.

D. *Prohibited uses and structures.*

1. One and two family dwellings, except as provided under "5.6.11.C. permitted accessory uses and structures."
2. Manufacturing, except for production of products for sale at retail, on the premises or as involved in production of eyeglasses, hearing aids, prosthetic appliances, and similar products.
3. Warehousing and storage except as accessory to a permitted principal use and any warehousing or storage is conducted in a completely enclosed building.
4. Sales, services, display or storage of goods except in completely enclosed buildings.
5. New service stations.
6. Any use or structure not specifically or provisionally permitted by this section shall be considered prohibited.
7. New fuel pumps added to existing convenience stores or other types of retail or service businesses.
8. Any uses or business which involves operations or structures not in keeping with the character of the district shall be prohibited.

9. Pawn shops and day labor office.
 10. Fortune-telling businesses.
- E. *Conditional use*. Permissible by the city commission after public hearing and subject to appropriate conditions and safeguards. The city commission may approve, deny or add additional conditions for all conditional use requests. (See section 19.2.4. of the LDR.)
1. Registered motor carrier office and terminal.
 2. Bars, liquor lounges, and taverns serving alcoholic beverages for on premises consumption; providing the conditions set forth in Haines City Code section 4 are met, and the following special conditions specific to the central business district are met:
 - a. The distance between the property (or lot) line of any existing business engaged in the licensed sale and/or consumption on the premises of alcoholic beverages, to the property (or lot) line of a proposed bar, liquor lounge, or tavern requesting approval to locate within the CBDX and serve alcoholic beverages for on premises consumption, must be greater than 600 feet, as measured in a straight line between the closest points.
 - b. The distance from the property (or lot) line of a proposed bar, liquor lounge, or tavern requesting approval to located within the CBDX and serve alcoholic beverages for on premises consumption, to the property (or lot) line of any church or school must be greater than 600 feet, as measured in a straight line between the closest points.
 3. Commercial expansions. Expansion of existing vehicular paint and body shops, vehicular repair garage and parts rebuilding shops, including engine transmission and similar components of such vehicles subject to the following conditions:
 - a. All activities conducted as part of the business shall be contained within an enclosed structure.
 - b. Building additions and/or expansions shall not be permitted to closer to the front property line than the existing principal structure.
 - c. All vehicles awaiting repair or being stored shall not be visible from the street.
 - d. All vehicles awaiting any type of repair, under repair or being stored following repair shall bear a current vehicle registration and license tag.
 - e. All non-permitted and unfinished expansions shall be removed from the site.
 - f. All premises shall be maintained in a clean manner, free of conditions which might harbor rodents, insects and other vermin, with no junk, parts or other materials stored outside.
 - g. Site plan and impact requirements, as applicable in the Administration and Procedures Manual, are met.
 - h. Occupational licenses will be transferable subject to review by the building official and further provided, all of the stipulated conditions are met.

4. Commercial infill: Site specific redevelopment plans for infill development. Where a parcel exists adjacent to a minimum of two developed parcels, the developer may file for a site specific redevelopment plan. The administrative official may approve the proposed infill development plan and authorize up to a 25 percent reduction in zoning standards as an administrative conditional use. The city commission may approve the proposed infill plan and authorize up to a 50 percent reduction in zoning standards for setbacks, height, parking, buffering, and other related zoning standards, subject to the following standards:
 - a. A public hearing has been held in accordance with this section.
 - b. All activities conducted as part of the business shall be contained within an enclosed structure.
 - c. The reduction of the specific zoning development standards is necessary to allow a reasonable development of the property shall not impede the use and development of any adjoining property.
 - d. The administrative official or the city commission may establish any conditions which are warranted.
5. Outdoor display and storage. Outdoor display or storage of merchandise for sale or rent may be permitted by conditional use permit subject to the following conditions:
 - a. The location and extent of outdoor storage and display areas are identified on a site plan and are approved as part of the conditional use.
 - b. Display and storage areas are subordinate in area and incidental to permitted principal uses.
 - c. Outdoor storage areas shall be effectively screened by a solid fence or commercial grade, 70 percent opaque, mesh material applied to a fence.
 - d. Display and storage areas shall be paved according to the standards of the Land Development Regulations.
 - e. Outdoor display areas shall be indicated on the site plan as permanent or temporary and approved as part of the conditions of approval.
 - f. Additional landscaping and/or site enhancements may be required as part of the site plan to insure site compatibility or improve visual screening.
 - g. A minimum five-foot-wide clearance on the sidewalk and/or walkway shall be required.
 - h. All propane tanks and other related-type vending stations shall be properly enclosed or secured to avoid any potential hazards.
6. Reserved.
- 7.

Existing churches, houses of worship. Those churches and houses of worship located with the CBDX district as of June 1, 2011, shall be allowed to reconstruct or expand. Any expansion will require approval by the city commission as a conditional use. As part of any application, existing churches and houses of worship shall be required to demonstrate that there are adequate provisions for parking.

8. Food Trucks. May be permitted if determined to be compatible with the surrounding pennitted uses. Must maintain all State, County and City licenses and required inspections and have access to four parking spaces per food truck in a paved parking lot.
 9. Private schools may be permitted when determined to be compatible with surrounding permitted uses.
 10. Adult educational schools may be permitted when determined to be compatible with surrounding permitted uses.
 11. Medical marijuana dispensing facilities (Located less than 500 feet from a school).
 12. Other uses that are interpreted to be consistent with the intent of the CBDX district and with the application of conditions are determined to be compatible with the other permitted and conditional uses in the CBDX district.
 13. Additional requirements. Additional conditions and requirements may be applied by the city commission when such provisions address vehicular and pedestrian traffic, appearance, lighting, fire prevention, landscaping, and any other provisions contained in the Land Development Regulation.
 14. Violations. Violations of these and any other conditions established by the city commission as a part of the conditional use, may be grounds for revocation of the status of the use. Such action to consider revocation of a conditional use shall take place only at an advertised public hearing by the city commission with a 30-day notice to the affected parties.
- F. *Minimum lot requirements (area and width)*. None, except as needed to meet other requirements specified herein.
- G. *Maximum lot coverage by all buildings (includes accessory buildings)*. Unrestricted, except as needed to meet other requirements specified herein.
- H. *Maximum impervious surface coverage*: 100 percent.
- I. *Minimum yard requirements (depth of front and rear yards, width of side yards)*. None, except as needed to meet other requirements specified herein.
- J. *Maximum height of structures*. No portion shall exceed: 100 feet except, for structures exceeding 100 feet that portion of the building above this height must be set back one horizontal foot for each five vertical feet in excess of 100 feet on all sides or the entire building mass may be set back from all property or lot lines to comply with the requirements.
- K.

Minimum off-street parking and loading requirements. See parking chapter 11 for parking requirements.

L. *Residential standards.*

1. Minimum lot size:

Multi-family:

Lot width: 75 feet.

Lot area: 7,500 square feet.

2. Minimum yard requirements:

Front: Ten feet.

Side: Six feet, except in the case of semi-detached and attached units, applies only to the end units.

Rear: Ten feet.

3. Maximum height of residential structures: 35 feet.

4. Site plan and impact requirements, as applicable in the Administrative and Procedures Manual, are met.

5. Additional conditions and requirements may be applied by the city commission when such provisions address appearance, lighting, fire prevention, and any other provisions contained in the Land Development Regulations.

M. *Special landscaping requirements.* In addition to the requirements of chapter 10 (Landscaping), the following special landscaping standards shall apply within the CDBX district:

1. The width of a perimeter landscape buffer for a parking area shall be five feet wide (exclusive of any curbing). While a greater width is allowed, it is not required in this district.
2. For a front parking lot buffer, a wall shall be permitted in lieu of a perimeter landscape buffer where such landscape buffers are required. The wall shall be a maximum height of three feet, and shall be constructed of either concrete masonry units with decorative stucco, reinforced concrete with decorative stucco, or brick. All other types of walls are prohibited.
3. For side and rear property lines, in lieu of the perimeter landscaping requirements in chapter 10, landscape islands shall be permitted. The administrative official shall have the authority to vary the standards to meet the intent of the landscaping provisions.

N. *Administrative conditional use.* These uses are permitted by a waiver granted by the administrative official, with denials of an administrative waiver appealable to the city commission.

1. Private child care centers may be permitted in accordance with Florida Statutes, subject to the following conditions.

- a. Must have a minimum of 20 square feet of usable indoor floor space for each child.
 - b. Must have a minimum of 45 square feet of usable outdoor play area for each child.
Outdoor play area shall be calculated at the rate of 45 feet per child in any group using the play area at one time. A minimum play area shall be provided for one half of the licensed capacity. This standard applies as long as the child care facility remains licensed at the site occupied on October 1, 1992, and shall not be affected by any change in the ownership of the site.
 - c. A child care facility that does not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility must have a minimum of 35 square feet of usable floor space for each child and a minimum of 45 square feet of usable outdoor play area for each child.
 - d. The minimum standard for outdoor play area does not apply in calculating square footage for children under one year of age. However, appropriate outdoor infant equipment shall be substituted for outdoor play space. The center shall provide facilities and equipment conducive to the physical activities appropriate for the age and physical development of the child.
 - e. No portion of the fenced play area shall be closer than five feet to any residential lot line not closer than 40 feet to any public street.
 - f. A five-foot high solid masonry wall, or vegetative screening which furnishes equal protection against noise, shall be provided between fenced play areas and residential lot lines in such locations as may be directed by the planning commission.
 - g. 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.
 - h. All facilities, operation and maintenance shall meet city, county and state requirements of the operation of child care centers.
2. Sign, electronic community bulletin board. Permitted subject to the following conditions:
 - a. Located on arterial or collector roadways.
 - b. Maximum height eight feet, maximum width 12 feet and designed as a monument sign.
 - c. Maximum size for electronic bulletin board is 20 square feet.
 - d. All signs will need to be brought into conformity.
 - e. Bulletins shall be incidental in the principal use.
 - f. No off premise signs will be permitted.
 - g. The applicant must own the property on which the sign is to be located.
 - h. Color and intensity of illumination shall be appropriate for the specific site and sign location.

- i. Illumination shall be limited to a maximum of 11 watt incandescent bulbs and limited to the hours between 6:00 a.m. to 11:00 p.m.
 - j. The base of the monument sign shall be landscaped with appropriate shrubbery and ground material as approved by the technical review board.
 - k. Subject to any other condition deemed appropriate by the administrative official or the city commission including but not limited to hours of operation and level of illumination.
3. Adult Education Facilities (Small).
 4. Private School (Small).

(Ord. No. 10-1367, § 2, 5-20-2010; Ord. No. 11-1403, § 4, 8-18-2011; Ord. No. 12-1417, § 6, 3-15-2012; Ord. No. 13-1453, § 2, 7-18-2013; Ord. No. 14-1476, § 2, 10-16-2014; ; Ord. No. 17-1584, § 2, 11-16-2017; Ord. No. 18-1594, § 2, 3-1-2018; Ord. No. 20-1695, § 2, 8-6-2020; Ord. No. 22-2024, § 1, 10-4-2022)