



CHAPTER 2

LAND USE DISTRICTS AND PERMITTED USES

2.00.00	GENERALLY	2-3
2.00.01	Purpose and Intent	2-3
2.00.02	Official Land Use Map	2-3
2.01.00	ESTABLISHMENT OF LAND USE DISTRICTS	2-3
2.01.01	Sustainable Mixed Use (SMU) Land Use Districts	2-3
2.01.02	Institutional Research (IR) Land Use Districts	2-3
2.01.03	General Commercial (GC) Land Use Districts	2-3
2.01.04	Tourist Commercial (TC) Land Use Districts	2-3
2.01.05	Conservation (CONS) Land Use Districts	2-4
2.01.06	Conservation Public Lands (CPL) Land Use Districts	2-4
2.01.07	Public Facilities (UTL) Land Use District	2-4
2.02.00	ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS	2-4
2.02.01	Generally	2-4
2.02.02	A1A Scenic Corridor Overlay District (A1A)	2-4
2.02.03	Community Redevelopment Area Overlay District (CRA)	2-7
2.02.04	Maritime Hammock Community Overlay District (MHC)	2-7
2.02.05	Research Incubator Projects Overlay District (RP)	2-7
2.02.06	Planned Unit Development Overlay District (PUD)	2-8
2.02.07	(Reserved)	2-8
2.03.00	LAND USES PERMITTED IN EACH DISTRICT	2-8
2.03.01	How to Read the Table of Permitted Uses	2-8
2.03.02	Accessory Uses in Each Land Use District	2-10
2.04.00	WATER DEPENDENT USE RESTRICTIONS	2-11
2.04.01	Purpose and Intent	2-11
2.04.02	Applicability	2-11
2.04.03	Permissible Uses	2-11
2.04.04	Prohibited Uses	2-12
2.04.05	Substantially Similar Uses	2-12
2.04.06	Public Access	2-14

List of Tables

2.03.01	Table of Permitted Land Uses	2-9
2.03.02	Table of Accessory Structures and Uses	2-9

2.00.00 GENERALLY

2.00.01 Purpose and Intent

It is the purpose of this section to describe the uses of land that are allowable within the Town of Marineland in order to encourage and promote, in accordance with current and future needs, the public health, safety and welfare of both present and future citizens. In order to accomplish this purpose all land within the Town is divided into districts by the Town of Marineland Comprehensive Plan (Plan) and depicted on the Future Land Use Map (FLUM) contained within that Plan. The allowable uses are described generally within the Future Land Use Element of the Plan and more specifically in Section 2.03.00.

2.00.02 Official Land Use Map

Land use districts for the Town of Marineland are hereby established and declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the “Town of Marineland Future Land Use Map.” This map is on file in the Town Offices and is Figure A-6 in the Town of Marineland Comprehensive Plan 2015. Marineland adopts the map as the official land use district map for the purpose of providing a residential environment free from incompatible uses, promoting sound commercial and tourist uses in appropriate locations, and providing for flexibility in land uses in order to encourage innovative uses which are compatible with the protection of natural resources and the environment.

2.01.00 ESTABLISHMENT OF LAND USE DISTRICTS

2.01.01 Sustainable Mixed Use (SMU) Land Use Districts

The SMU land use district is designed to provide for the majority of the permanent residential opportunities within the Town as well as provide commercial and public uses in close proximity to residential uses. In this land use upper-floor residential units over non-residential (commercial/retail) ground floor space shall be encouraged. A maximum of 241 residential units and a maximum of 50,000 square feet of commercial uses will be allowed within the SMU category. Residential uses will allow for a mix of residential uses including single-family and multi-family units. A range of 3 to 9 residential units will be located above first floor commercial uses. Uses identified in Tables 2.03.02 and 2.03.03 are allowable.

2.01.02 Institutional Research (IR) Land Use Districts

The IR land use district is designed to provide primarily for education and research activities associated with the Whitney Lab. Allowable uses include classrooms, research and lecture facilities and dormitory rooms for students and teachers associated with the Whitney Lab and for visiting researchers. Dormitory units will be designed to house a maximum of 72 occupants. Uses identified in Tables 2.03.02 and 2.03.03 are allowable.

2.01.03 General Commercial (GC) Land Use Districts

The GC land use district is designed to serve the general commercial needs of the Town, wherein a variety of retail, commercial, financial, professional office

services and other general commercial uses are allowable. Additional permitted uses include public buildings and grounds and the marina facility and associated uses. A maximum of 85 marina slips is allowed within the Town. Uses identified in Tables 2.03.02 and 2.03.03 are allowable.

2.01.04 Tourist Commercial (TC) Land Use Districts

The TC land use district is designed to allow for activities predominately associated with the delivery of goods and services to tourists. Uses are designed for the existing marine park and associated research activities, including parking, hotel use, resort residential units, dining establishments, beach club and associated facilities, public buildings and grounds and retail establishments which primarily serve tourists. The total number of resort residential units shall not exceed 35 units. Within this land use category 2 hotel units can be substituted for 1 resort residential unit. Clustering of unit density is allowed. Uses identified in Tables 2.03.02 and 2.03.03 are allowable.

2.01.05 Conservation (CONS) Land Use Districts

The CONS land use category includes those areas designated for the purpose of protecting natural resources. Conservation lands include the River to Sea Preserve as well as wetlands associated with the Intracoastal Waterway. Uses within the River to Sea Preserve will be consistent with those uses set forth in the adopted River to Sea Preserve Management Plan. Development may occur within upland portions of this area at a density of 1 dwelling unit per 84 acres. Uses identified in Tables 2.03.02 and 2.03.03 are allowable.

2.01.06 Conservation Public Lands (CPL) Land Use Districts

The CPL land use district is a subcategory within the Conservation (CONS) land use category. Uses within the CPL category are limited to two (2) residential units to be utilized by visiting researchers associated with the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) as well as uses by the GTMNERR for research and education purposes consistent with the River to Sea Preserve Management Plan. Uses identified in Tables 2.03.02 and 2.03.03 are allowable.

2.01.07 Public Facilities (UTL) Land Use District

The UTL land use district is intended to provide for the provision of a wastewater treatment facility located on an out-parcel within the River to Sea Preserve. Other private or public utilities are also permitted in this category. The intensity of development permitted is measured by impervious surface, which may cover up to 90 percent of the land area. Uses identified in Tables 2.03.02 and 2.03.03 are allowable.

2.02.00 ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS

2.02.01 Generally

- A. The purpose of overlay districts is to provide a means of modifying the site design requirements applicable to the underlying land use district(s).
- B. The Town of Marineland hereby establishes the following overlay districts:

1. A1A Scenic Corridor (A1A)
 2. Community Redevelopment Area (CRA)
 3. Maritime Hammock Community (MHC)
 4. Research Incubator Projects (RP)
 5. Planned Unit Development (PUD)
- 2.02.02 A1A Scenic Corridor Overlay District (A1A)
- A. *Purpose and applicability.* The A1A Scenic Corridor overlay district is established to protect and enhance the natural and manmade environments of lands adjacent to State Road A1A within the Town, thereby preserving quality of life and property values within the district. The requirements of this section shall apply to all parcels or lots adjoining State Road A1A from the Northern border to the Southern border of the Town of Marineland, including its right-of-way and adjoining rights-of-way that lead to publicly owned parklands along the beach. The sum of this area shall be referred to as the A1A Scenic Corridor for purposes of this section. The requirements of this section are supplemental to existing land use regulations within the area defined above. All development must be in compliance with the standards of the underlying land use district and the additional requirements or relief of the overlay district. In the event of any conflict between the provisions of this section and other requirements of this article, the provisions of this section shall prevail.
- B. *Architectural standards.* This subsection applies to nonresidential development within the A1A corridor.
1. Commercial metal buildings shall be prohibited in the A1A Scenic Corridor.
 2. Building lengths along the front dimension of the property may not exceed two hundred (200) feet.
 3. For purposes of this section, a recognized architectural style shall be one which is recognized by design professionals as having a basis in classical, historical or academic architectural design philosophies. The following shall not be considered acceptable architectural styles within the A1A Scenic Corridor:
 - a. Corporate signature or commercial prototype architecture.
 - b. Any architecture that is exotic and clearly out of character with the A1A community character. Examples of exotic and unacceptable architecture include architecture that does not resemble a typical structure, but resembles out-of-place structures like igloos, tepees, medieval castles, caves and the like; or that resembles an exaggerated plant, animal, fish, edible food or other such item such as giant oranges, ice cream cones, dinosaurs and the like.
 4. *Accessory structures.* These structures shall be similar in style, color, and building material to their principal structures.

5. *Exterior walls.* All exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, horizontal wood siding or other similar material including synthetic materials similar in appearance and durability. Exposed smooth concrete block or metal finishes shall not be permitted, except where determined to be an integral feature of a recognized architectural style. For any facade facing a street, parking lot or residential property line, wall planes need to be encouraged punctuated by two (2) or more of the following techniques:
 - a. Use of windows of style and proportions in keeping with the chosen architectural style. Retail establishments must incorporate store front windows at pedestrian level where adjacent to streets or interior sidewalks.
 - b. Use of ground level arcades or porches.
 - c. Use of protected or recessed entries.
 - d. Use of vertical elements (including architectural features such as pilasters, columns, canopies, porticos, arcades, colonnades and/or parapets) on or in front of expansive blank walls to interrupt facades into modules of less than sixty (60) feet.
 - e. Use of multiple wall plane offsets and projections of at least three (3) feet each.
 - f. Retaining a clear distinction between roof, body and base of a building.
 6. *Roofs:* The use of hip or gable roofs is highly encouraged. Pitches in excess of 6:12 are desirable. The use of dormers, metal roof material, or dimensional shingles help break large roof planes. Flat roofs shall include parapet or partial roofs to provide architectural interest and to screen rooftop equipment when viewed at the property lines from standing height.
- C. *Dumpster and waste containers.* Dumpster and waste containers shall be screened by a wall or a fence with vegetative screening around it. The vegetative screening shall be installed on at least three (3) sides of the utility equipment, and shall be located outside any wall or fence. Such vegetative screening shall include shrubs which will achieve a height of five (5) feet within one (1) year, planted with a spacing not exceeding five (5) feet on center, or as an alternative, another form of vegetative screening that creates an effective visual screen.
- D. *Loading docks.* Loading docks in the A1A Scenic Corridor shall be located or constructed at the rear of the building, and shall be oriented as much as possible as to be concealed from adjacent residential uses.
- E. *Access standards.* The Town shall strive to limit new access points to SR A1A through the use of shared access, secondary access between adjacent uses, and reasonable spacing between primary access points. The following standards shall be applied to reduce traffic congestion and

- safety issues, reduce the amount of pavement in driveways, as well as to reduce the visual impacts of strip development caused by multiple access points.
1. For corner parcels less than one (1) acre in size, access only from local streets shall be allowed.
 2. A single, multi-use driveway connection to A1A shall be required to serve adjacent commercial uses unless one (1) of the uses is an existing site with a driveway access not located along the joint property line. In cases where such multi-use driveway would result in the removal of a protected tree, it need not be located along the joint property line.
 3. Driveway pavement width for access ways shall not exceed twenty-four (24) feet, excluding landscape medians and appropriately designed aprons and needed turn lanes, unless it is determined by the county administrator or his/her designee that wider pavement width is needed to accommodate needed turning radii. Pavement width may exceed twenty-four (24) feet when a curbed median strip with shade trees spaced every twenty-five (25) feet are provided, but driveway lanes may not exceed twelve (12) feet in width excluding appropriately designed aprons and needed turn lanes.
 4. Cross-access. New nonresidential site plans must provide vehicular and pedestrian cross-access to existing and future adjacent development. Cross-access shall take the form of an interconnection between parking lot access aisles located at least fifty (50) feet from the r/w line of A1A for nonresidential sites and at least twenty-five (25) feet from the r/w line of A1A for residential developments. Residential subdivisions must provide vehicular cross-access with adjacent residential subdivisions and pedestrian access to commercial areas.
- F. *Parking standards.* The following standards shall help to reduce the amount of paved parking areas and visual blight associated with commercial parking needs.
1. During the site plan review process, the Town may allow minimum parking requirements to be reduced by up to twenty-five (25) percent for complementary uses (weekday and evening/weekend uses), when such uses can share their available parking areas, and such parking areas are convenient to the associated uses.
 2. Shell parking or similar approved porous surfaces shall be allowed for uses with less than ten (10) required parking spaces, if it is determined by the county engineering department that such an arrangement will not create significant erosion, drainage, or fugitive dust problems. For uses that require ten (10) or more parking spaces, up to twenty (20) percent of required minimum parking spaces may be porous. All development must pave required handicapped spaces as well as aisles and sidewalks to building entrances.

G. *Utility service drops.* Utility service drops shall be installed underground and shall be done in a manner that protects heritage trees.

H. *Variances.* Variances shall be available under the Town of Marineland ULDC, Section 9.02.00, Variances. However, in considering variance applications, consideration and flexibility shall be extended to adjust setbacks, structures and parking in order to preserve an index tree canopy. Further, the provisions of this section are not intended to deprive an applicant from seeking a variance where not otherwise in conflict with this section.

2.02.03 Community Redevelopment Area Overlay District (CRA)

The CRA overlay district is established to promote a sustainable community through preservation and enhancement of the Town's historic, scientific, educational, natural and recreational resources. The boundaries of the CRA overlay district are described in Exhibit A to the Town of Marineland Community Redevelopment Plan. All development shall abide by the regulations of the underlying land use district and shall comply with the provisions of the Community Redevelopment Plan.

2.02.04 Maritime Hammock Community Overlay District (MHC)

A. The MHC overlay district is established to protect the Maritime Hammock Vegetative Community within the Town boundaries. Within this overlay district the clearing of canopy trees shall be prohibited. "Canopy" or "canopy trees" shall mean those trees that constitute the highest layer of leaf cover in a forest or hammock. The canopy trees addressed here are those that are indigenous to the Maritime Hammock Vegetative Community. The boundaries of the MHC overlay district exist within the Sustainable Mixed Use land use district as depicted on the Official Land Use Map. All development shall abide by the regulations pertaining to the underlying land use district.

2.02.05 Research Incubator Projects Overlay District (RP)

A. *Purpose and applicability.* The RP overlay district is established to create opportunities for marine medical biotechnology and other technical research and production. A critical component of these efforts is to allow for research incubator projects to take conceptual ideas from research stage to development stage. As such it is recognized that the Town should allow research incubator projects to be allowed as a land use overlay for all land uses except conservation that currently exist in the Town. The Town Council may implement the RP overlay following review of proposals to ensure compatibility with adjacent land uses and consideration of the project criteria as outlined in Section 2.02.05(B). The RP overlay district consists of all land use districts in the Town with the exception of Conservation (CONS) land use districts and Conservation Public Lands (CPL) land use districts. All development shall abide by the regulations pertaining to the underlying land use district.

B. *Project criteria.* The Town Council may approve research incubator projects in all land use districts, except CONS and CPL, based upon the following criteria:

1. All applications for approval shall be supported by a written summary describing the nature of the project, traffic generated, number of employees, improvements to real property, the size of the operation and all required permits and approvals from governmental entities.
2. Projects shall have no more than 4 full-time and part-time employees on site on a daily basis.
3. The projects shall be of limited duration set forth in the requests for the approval. Time limitations can be expanded upon application to and approval from the Town Council.
4. The research incubator projects shall be operated only after all applicable state, federal and local regulations have been complied with and all required permits have been obtained.
5. Any research incubator projects shall not be nuisances to existing uses on adjacent properties.

2.02.06 Planned Unit Development Overlay District (PUD)

A. *Intent.* The PUD overlay district is established to provide an opportunity for innovative urban design techniques, improved use of land, protection of valuable natural features in the community, develop a desirable land use mix, provide open space, and more economical public services. Its purpose is to encourage the unified development of large tracts of land using creative and flexible concepts in site planning through clustering and other innovative site plans than would otherwise be possible through the strict application of minimum and maximum requirements of conventional land use districts established in this ULDC. The proposed PUD must be in harmony with the general purpose and intent of this ULDC and the Marineland Plan. The design and construction of a PUD project shall follow a carefully devised plan of development which must be prepared in accordance with the requirements, procedures and approvals prescribed in Section 10.01.00.

B. *Permissible Uses.* Any use which is permitted in the land use district may be included in a PUD.

2.02.07 (Reserved)

2.03.00 LAND USES PERMITTED IN EACH LAND USE DISTRICT

2.03.01 How to Read the Table of Permitted Uses

- A. Within the following table the letter “P” in Table 2.03.01 indicates that the land use is permissible, subject to compliance with the standards of the land use district.
- B. The letter “S” in Table 2.03.01 indicates that the use is permissible, subject to compliance with the standards of the land use district, and the

- supplemental standards specified for the use. Supplemental standards are contained in Section 5.03.00.
- C. An empty cell, row or column in Table 2.03.01 indicates the use is prohibited.
 - D. Any use that is not identified in Table 2.03.01 is prohibited unless it is found to be substantially similar to a permissible use by the Town Administrator.
 - 1. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 2.03.01. Characteristics to be considered include characteristics such as, but not limited to, the following:
 - a. Typical hours of operation;
 - b. Use of outdoor storage;
 - c. Trip generation rates;
 - d. Generation of noise, light pollution, odor, smoke, electromagnetic interference, or vibration; and
 - e. Customary activities associated with the use.
 - 2. The administrative interpretation shall be subject to appeal, as set forth in Section 9.03.00.
 - E. Within overlay districts, land uses shall abide by the regulations pertaining to the underlying land use district. Uses within a PUD overlay district shall be permitted as provided by the approved development plan, based on the underlying district.

Table 2.03.01 Table of Permitted Uses

<i>Uses</i>	<i>Land Use District</i>						
	SMU	IR	TC	GC	CONS	CPL	UTL
RESIDENTIAL							
Dormitories and residence halls		P					
Manufactured homes	S				S	S	
Multi-family dwellings	P						
Resort residential dwellings			P				
Single family residential dwellings	P				P	P	
Townhouse dwellings	P						
Two-family residential dwellings	P						
COMMERCIAL							
Commercial recreational entertainment facilities	P		P	P			
General office buildings	P		P	P			
Gift shops	P		P	P			
Motels and hotels			P				

<i>Uses</i>	<i>Land Use District</i>						
	SMU	IR	TC	GC	CONS	CPL	UTL
Regional shopping centers	P		P	P			
Restaurants	P		P	P			
Retail sales and service establishments	P		P	P			
PUBLIC / INSTITUTIONAL / OTHER							
Auditoriums, classrooms		P					
Daycare, preschool, nursery school	S	S	S	S			
Essential public services and facilities	P	P	P	P	P	P	P
Marina				P			
Marine attractions, aquaria and ecotourism facilities			P	P			
Mixed use development	S						
Parks and recreational areas	P	P	P	P			
Private, social, recreational, or fraternal clubs or organizations	S						
Public administrative facilities		P	P	P			
Public or private utility							P
Religious facilities	S						
Tanks and aquaria for wildlife and fishes, including marine mammals		P	P	P			

2.03.02 Accessory Uses in Each Land Use District

- A. The letter “P” in Table 2.03.02 indicates the use is permissible as an accessory use subject to compliance with the standards for accessory uses set forth in Section 5.01.00. These accessory uses are also subject to compliance with the design standards set forth in Chapter 4.
- B. The letter “S” indicates the use is permissible as an use subject to supplemental standards.
- C. Some uses are permitted by right as indicated in Table 2.03.02. Where a specified use in a specified land use district has an empty cell in both Table 2.03.01 and Table 2.03.02, the use is prohibited.
- D. Accessory uses also include any structure or use normally and customarily incidental to the permitted use.
- E. Accessory uses shall be included in the total impervious surface calculations for the lot or parcel.
- F. Within overlay districts, land uses shall abide by the regulations pertaining to the underlying land use district.
- G. Temporary garage, yard or outdoor sales are allowed with a Town permit issued by the Town Administrator, but shall not exceed two (2) days in any month.

Table 2.03.02. Accessory Structures and Uses.

<i>Uses</i>	<i>Land Use District</i>						
	SMU	IR	TC	GC	CONS	CPL	UTL
Automotive parking			P	P			
Cocktail lounges and bars which are accessory to and within a motel, hotel or restaurant			P	P			
Customary accessory uses and structures clearly incidental to one or more permitted uses and structures	P	P					
Docks, boathouses, boat ramps, boat lifts, or piers				P			
Dumpsters	P	P	P	P			
Home occupations	P	P					
Private garage	P						
Private swimming pool and cabana	P	P					
Residential uses accessory to principle use	P		P	P			
Temporary structures including carnivals, circuses and other temporary commercial amusement activities and religious gatherings for special events of a temporary nature with Town Council establishing the period for which such events shall begin and end	P	P	P	P			

2.04.00 WATER DEPENDENT USE RESTRICTIONS

2.04.01 Purpose and Intent

The purpose of water dependent use restrictions is to protect water dependent uses within the Town of Marineland from incompatible or preemptive uses and to ensure there is no net loss of public access to the shoreline within the Town of Marineland.

2.04.02 Applicability

Water dependent use restrictions shall apply to all lands within 150 feet of the shoreline within the Town. All lands within 150 feet of shoreline within the Town shall be referred to as water dependent use restricted areas.

2.04.03 Permissible Uses

A. New water dependent uses are permissible within water dependent use restricted areas, subject to compliance with the standards of the land use district. Water dependent uses are those activities that can be carried out only on, in or adjacent to water areas because the use requires access to the water. Water dependent uses include only the following uses:

1. Port facilities
2. Industrial marinas
3. Public use marinas
4. Boat ramps
5. Boat docks
6. Boat slips

7. Fishing piers
 8. Boat haul out facilities
 9. Industrial operations which require a dockside or berthing area
 10. Kayak/canoe launches
 11. Fish, shellfish, and marine resource production
 12. Waterborne transportation
 13. Ship berthing areas
 14. Water dependent utilities/electrical generating or water supply facilities
 15. Protection and conservation of coastal resources
 16. Facilities that provide actual physical public access to the water for fishing, boating, swimming, or water sports as a primary use
- B. New water related uses may be allowed by variance within water dependent use restricted areas. Water related uses are those activities that are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water dependent or waterway uses. Water related uses include only the following uses:
1. Commercial boat repair facilities
 2. Recreational boat repair facilities
 3. Commercial boat manufacturing facilities
 4. Recreational boat manufacturing facilities
 5. Boat sales facilities
 6. Dry boat storage facilities
 7. Bait and tackle stores
 8. Institutional or educational research centers
 9. Campgrounds
 10. Fish camps
 11. Dive shops
 12. Commercial and sport fishing facilities
 13. Fish and shellfish packaging facilities
 14. Administrative uses that support water dependent activities
 15. Uses that provide actual physical public access to the water for fishing, boating, swimming, or water sports as a secondary use
 16. Uses that provide public visual access to the water in the form of a boardwalk along or adjacent to the shoreline, a pedestrian promenade along or adjacent to the shoreline, or outdoor seating or dining areas adjacent to the shoreline or extending into the water as permissible by permitting agencies as a secondary use

2.04.04 Prohibited Uses

New waterfront uses that are non-water dependent and non-water related are prohibited within water dependent use restricted areas.

2.04.05 Substantially Similar Uses

Property owners may seek permission from the Town Council for new uses that are not included in the definitions for water dependent and water related uses as expressed in this sub-section, subject to compliance with the standards of the land use district. In determining whether to grant permission for the proposed new use, the Town Council shall consider the extent to which the proposed new use is substantially similar to the established definition and exclusive list of water dependent or water related uses, and the extent to which the proposed new use is consistent the purposes of water dependent use restrictions.

2.04.06 Public Access

- A. All development projects within water dependent use restricted areas shall maintain the pre-development level of actual physical public access to the water and public visual access to the water.
- B. Any notice of public hearing regarding the conversion of water dependent or water related uses to non-water dependent or non-water related uses within water dependent use restricted areas shall specifically state that such a conversion will be discussed.