

**ORDINANCE NO. 2022-02**

**AN ORDINANCE AMENDING CHAPTER 62 ZONING AND LAND DEVELOPMENT REGULATIONS OF THE HILLIARD TOWN CODE; CREATING SECTION 62-281 AND AMENDING SECTION 62-289 TO IMPLEMENT REVISED PERMITTED USES AND PERMITTED USES BY EXCEPTION IN THE COMMERCIAL DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS** the Town of Hilliard currently permits day nurseries including kindergartens and childcare centers, as a permitted principal use in the Agricultural District A-1 and as a permissible use by exception in all residential districts, subject to the restrictions of Town Code Section 62-358(5 4);

**WHEREAS** the Town of Hilliard does not currently permit day nurseries including kindergartens and childcare centers, as either a permitted principal use or a permissible use by exception in the General Commercial District C-1 under the Town Code;

**WHEREAS** the Town of Hilliard Planning and Zoning Commission has recommended and advised the Town Council that such Day Cares / Child Care Centers should be permitted in General Commercial District C-1 and approved an ordinance that would permit this;

**WHEREAS** unless the Town of Hilliard approves this specific Planning and Zoning Commission recommendation, it is likely that no Day Cares / Child Care Centers inside the Town of Hilliard General Commercial District C-1 will be legal and operating in the coming weeks;

**WHEREAS** the Town of Hilliard Town Council believes that the lack of any legal Day Cares / Child Care Centers in General Commercial District C-1 is an emergency and will ~~work~~ be a hardship on the people of the Town;

**WHEREAS** the Town of Hilliard Town Council desires adopting the specific recommendation from Planning and Zoning relating to permitting Day Cares / Child Care Centers in General Commercial District C-1 zoning as soon as practicable, specifically by creating a new Town Code Section, 62-281, and by amending Town Code Section 62-289, as described herein;

**WHEREAS** the Town Council has assessed the needs of the Town and has determined this Ordinance and the amendments contained herein to be in the best interest of the health, safety, and welfare of the citizens of Hilliard; and

**WHEREAS** for the purposes of this Ordinance, underlined type shall constitute additions to the original text and strikethrough shall constitute deletions to the original text.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA:**

**Section 1. Sec. 62-281. – Zoning districts exclusive.**

The use provisions in the various zoning districts are exclusive and any use not included under permitted or permissible uses shall be prohibited. The following chart includes the permitted uses and the permitted uses by exception for each district.

**USES BY ZONING DISTRICT**

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>Agricultural, horticultural and forestry uses</u>	
<u>Air conditioning and heating contractor</u>	<u>P</u>
<u>Airports</u>	
<u>Animal hospital veterinary clinic</u>	
<u>Animal Boarding place Facility</u>	
<u>Animals and Fowl</u>	
<u>Antique shop</u>	<u>P</u>
<u>Archery Ranges</u>	
<u>Arena</u>	<u>P</u>
<u>Athletic complex</u>	<u>P</u>
<u>Auditorium</u>	<u>P</u>

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>Bank and financial institutions</u>	<u>P</u>
<u>Billiard parlor</u>	<u>P</u>
<u>Boat building and repairs</u>	<u>E</u>
<u>Bowling Alley</u>	<u>P</u>
<u>Building trades contractor with storage yard for materials and equipment on premises</u>	<u>E</u>
<u>Bulk storage yards, not including bulk storage of flammable liquids and acids.</u>	
<u>Cemeteries, crematories, mausoleums</u>	
<u>Churches</u>	<u>P</u>
<u>Chickens</u>	<u>P</u>
<u>Commercial Parking Lots and Parking Garages</u>	<u>P</u>

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>Commercial recreation facilities</u>	<u>P</u>
<u>Community residential homes</u>	
<u>Community Center</u>	<u>P</u>
<u>Convenience stores</u>	<u>P</u>
<u>Day Care/Child Care Centers.</u>	<u>P</u>
<u>Delicatessen, bake shop</u>	<u>P</u>
<u>Dude ranch, riding academy, or boarding stable</u>	
<u>Dwelling in building with business</u>	<u>E</u>
<u>Dwelling unit for occupancy by security guards or caretakers</u>	
<u>Employment offices</u>	<u>P</u>
<u>Family day care homes</u>	

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>Game preserves, wildlife management areas, fish hatcheries</u>	
<u>Gasoline sales</u>	<u>P</u>
<u>General store</u>	<u>P</u>
<u>Golf Driving Ranges, Par Three Miniature Golf Courses</u>	<u>P</u>
<u>Governmental uses</u>	
<u>Home Occupation</u>	<u>P</u>
<u>Hospitals</u>	<u>P</u>
<u>Horses</u>	
<u>Hotels and motels</u>	<u>P</u>
<u>Light manufacturing, processing including food processing, packaging, or fabricating</u>	
<u>Manufacturing as involved in production of</u>	<u>P</u>

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>eyeglasses, hearing aids, prosthetic appliances, and similar products</u>	
<u>Medical and dental clinic/office</u>	<u>P</u>
<u>Multiple-family dwellings</u>	
<u>Mobile or manufactured home</u>	
<u>Mobile home parks</u>	
<u>Mobile home subdivisions</u>	
<u>Motorbus or Other Transportation Terminals</u>	<u>P</u>
<u>Museum, and art gallery</u>	<u>P</u>
<u>Outdoor fruit, vegetable, poultry, or fish markets</u>	<u>E</u>
<u>Outdoor storage yards and lots, but not wrecking</u>	

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>yards or junkyards</u>	
<u>Private Clubs</u>	
<u>Private Schools</u>	
<u>Professional and business office</u>	<u>P</u>
<u>Public parks</u>	
<u>Public swimming pools</u>	<u>P</u>
<u>Railroad yards</u>	
<u>Recreational vehicle parks</u>	<u>E</u>
<u>Restaurants without drive-in through facilities.</u>	<u>P</u>
<u>Restaurants with or without drive-through facilities.</u>	<u>P</u>
<u>Restaurants with alcohol sales</u>	<u>E</u>
<u>Retail sales of wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry.</u>	<u>P</u>

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>art supplies, cameras or photographic supplies, sporting goods, hobby shops and musical instruments, florist or gift shop without outside sales or storage</u>	
<u>Retail facilities for the sale of alcoholic beverages with alcoholic content not more than 14 percent beer and wine for consumption off premises</u>	<u>P</u>
<u>Retail facilities with outside sales and display outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junkyards or automobile wrecking yards), heavy machinery and equipment,</u>	<u>E</u>



<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>dairy supplies, monuments.</u>	
<u>Retail outlets for sale of goods and services</u>	<u>P</u>
<u>Retail sale of secondhand merchandise in a completely enclosed building</u>	<u>P</u>
<u>Research laboratories</u>	<u>P</u>
<u>Rifle and gun shooting range, and archery range,</u>	
<u>Roosters, ducks, geese, turkeys, peafowl, pheasants, quail or any nondomestic fowl</u>	
<u>Sanitariums, nursing homes, and assisted living facilities.</u>	<u>P</u>
<u>Schools; colleges and universities</u>	
<u>Self-service laundries or dry cleaners</u>	<u>P</u>

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>Sheet Metal Fabrication</u>	<u>E</u>
<u>Shooting galleries housed in completely enclosed buildings</u>	<u>P</u>
<u>Single-family dwellings</u>	
<u>Service establishments conducted in an enclosed building</u>	<u>P</u>
<u>Service establishments with outside sales and storage.</u>	<u>E</u>
<u>Skating Rinks</u>	<u>P</u>
<u>Swine and non-domestic animals</u>	
<u>Temporary revival establishments</u>	
<u>Travel agencies</u>	<u>P</u>
<u>Union Hall</u>	<u>P</u>
<u>Veterinary Clinic</u>	<u>P</u>

<u>USE</u>	<u>COM</u>
	<u>C-1</u>
<u>Vocational, trade, and business schools</u>	<u>P</u>
<u>Wholesale sales without manufacturing or storage conducted in an enclosed building</u>	<u>P</u>
<u>Wholesaling, warehousing, storage, or distribution establishments with outside storage</u>	<u>E</u>
<u>Wholesale, warehouse, or storage use, but not bulk storage of flammable liquids</u>	<u>E</u>
<u>Yard Sales</u>	<u>P</u>

**Section 2.** Sec. 62-289. – General commercial district C-1.

(a) *Intent.* ~~This section applies to the C-1 district.~~ This district is intended to apply to those areas where general commercial establishments are appropriate and are to be located so as to serve the entire community and its environs. It is not intended to provide for warehousing, production or similar facilities. It is designed to promote the orderly growth and development of the area and to permit adequate service by the street and highway system and the available community services and facilities.

(b) ~~Permitted principal uses and structures.~~

(1) — Retail outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junkyards or automobile wrecking yards), heavy machinery and equipment, dairy supplies, monuments. Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, art supplies, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, pet shops, veterinarian, musical instruments, television and radio (including repairs), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, home furnishings and appliances (including repairs incidental to sales), office equipment, hardware, and similar uses.

(2) — Service establishments such as automobile filling stations; truck stops; repair and service garages; motor vehicle body shops; rental of automotive vehicles, trailers, and trucks; auto laundries; drive-in restaurants; auction houses or pawnshops; laundries or dry cleaning establishments; veterinarian or animal boarding kennels in soundproof buildings; pest control; plant nurseries or landscape contractors; carpenter or cabinet shops; home equipment rental; ice delivery stations; job printing or newspaper establishments; blueprint; funeral home; upholstery shop; boat sales; dry storage of pleasure craft; private clubs; radio or television broadcasting transmitter and antenna facilities; barbershops or beauty shops; shoe repair shop; restaurant; interior decorator; photographic studio; dance or music studio; reducing salon or gymnasium; self-service laundry; or dry cleaner; tailor or dressmaker; drycleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchlorethylene and with no odor, fumes, or steam detectable to normal senses from off the premises and similar activities.

(3) — Medical and dental offices and clinics.

(4) — Churches (except temporary revival establishments).

(5) — Hotels and motels.

(6) — Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, and homes for orphans and the aged.

(7) — Art gallery, museum, community center, little theatre, and libraries.

(8) — Research laboratories not involving odors, noise, smoke, or other obnoxious effects detectable to normal senses from outside the building nor involving electrical interference to any television or radio receivers off the premises, nor involving any manufacturing activities.

(9) — Professional and business office, union halls.

(10) — Bank and financial institutions, travel agencies, employment offices, and similar establishments.

(11) — Commercial recreation facilities such as carnivals or circuses, open air or indoor motion picture theatres, billiard parlor, swimming pool, bowling alley, golf driving or archery ranges, par three miniature golf courses, indoor shooting

~~galleries housed in completely enclosed buildings, skating rinks, pony rides, and similar uses.~~

~~(12) Miscellaneous uses such as outdoor fruit, vegetable, poultry, or fish markets.~~

~~(13) Athletic complex, arena, auditorium, convention center.~~

~~(14) Wholesaling from sample stock only, providing no manufacturing or storage for distribution is permitted on the premises.~~

~~(15) Manufacturing as involved in production of eyeglasses, hearing aids, prosthetic appliances, and similar products.~~

~~(16) Vocational, trade, and business schools.~~

~~(17) Indoor and outdoor skating rink.~~

~~(18) Miscellaneous uses such as express or parcel delivery office, telephone exchange, commercial parking lots and parking garages, motorbus or other transportation terminals.~~

~~(19) Sale of secondhand merchandise in a completely enclosed building.~~

~~(c) *Permissible uses by exception.* The following uses may be permitted by exception after site plan review:~~

~~(1) Wholesale, warehouse, or storage use, but not bulk storage of flammable liquids.~~

~~(2) Building trades contractor with storage yard for materials and equipment on premises.~~

~~(3) Boat building and repairs.~~

~~(4) Air conditioning and heating contractor or sheet metal fabrication.~~

~~(5) Recreational vehicle parks.~~

~~(6) One dwelling unit located in the same building as the main business for occupancy by the business owner and family.~~

~~(db) *Minimum lot requirements.* Seventy-five feet of accepted town street or roadway frontage and minimum 7,500 square feet of lot area.~~

~~(ec) *Maximum lot coverage.* Maximum lot coverage for building and accessory structures shall not exceed 35 percent of lot area.~~

~~(fd) *Minimum yard requirements.*~~

~~(1) Front: Ten feet, except where the lot width is less than 100 feet and buildings on adjacent lots have provided a lesser front yard, the front yard shall be the average of buildings on adjacent lots, or where the lot is adjacent to residentially zoned property, the front yard shall meet requirements for such adjacent property.~~

~~(2) Side: None, if an existing building on an adjacent lot is built on the property line, or if the adjacent lot is vacant. Except where no space is left between~~

buildings on adjacent lots, a space of at least six feet shall be left between such buildings.

(3) Rear: Ten feet.

(ge) *Maximum height of structures.* Thirty-five feet in height above established grade or as permitted by exception.

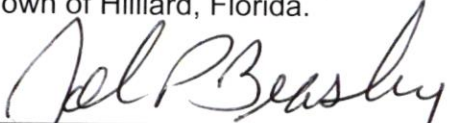
(hf) *Site plan required.* A site plan shall be submitted by the applicant according to section 62-40

**Section 3.** Any Ordinance or parts of Ordinances in conflict herewith are hereby repealed and rescinded.

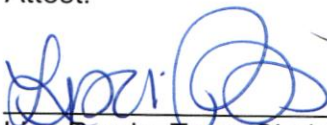
**Section 4.** If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section, or portion of section or subsection or part of the Ordinance.

**Section 5.** This Ordinance shall become effective immediately upon passage and adoption

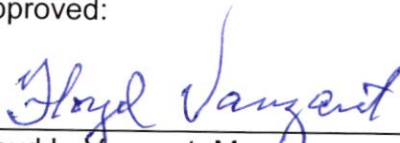
**ADOPTED** this 4<sup>th</sup> day of August, 2022 by the Town Council for the Town of Hilliard, Florida.

  
\_\_\_\_\_  
John P. Beasley, Council President

Attest:

  
\_\_\_\_\_  
Lisa Purvis, Town Clerk

Approved:

  
\_\_\_\_\_  
Floyd L. Vanzant, Mayor

Planning & Zoning Board Publication:	March 23, 2022
Planning & Zoning Board Public Hearing:	April 12, 2022
Town Council Publication:	June 8, 2022
Town Council First Public Hearing & Reading:	June 16, 2022
Town Council Publication:	June 29, 2022
Town Council Second Public Hearing & Reading:	August 4, 2022
Town Council Final Reading:	August 4, 2022