

CHAPTER III. ZONING REGULATIONS

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3.1. Applicability.

The City of Crescent City is divided into zoning districts. All lands in the city shall have a zoning designation and all development shall conform to the standards set forth for the applicable zoning district and other applicable requirements of this code.

3.2. Mapping of districts.

The boundaries of the various districts are shown on the official zoning map, which shall be maintained by the city. The map shall be by reference a part hereof. All changes to the district boundaries, as approved by the city commission shall be noted on the map, dated and signed by the development review coordinator. A log shall also be maintained to support the map. The log shall indicate the date of the zoning and the ordinance adopting the change. The map may be supplemented from time to time by the city commission.

3.2.1. *Interpretation of district boundaries.* Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the official zoning map indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line. Where uncertainty exists as to the boundaries of any district, the following rules shall apply:

1. The boundaries shall be determined by the ordinance establishing the boundaries.
2. Where boundaries are indicated as approximately following street and alley lines, land lot lines, military district lines or lot lines, such lines shall be construed to be such boundaries.
3. In unsubdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale of the map.
4. Where the public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
5. Where boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or to the centerlines of alleys for the centerlines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined from supporting maps or by use of the scale of the map.



3.2.2. *Application of district regulations.* The regulations herein set out within each district shall be minimum or maximum limitations, as the case may be, and shall apply uniformly to each class or kind of structure or use on land or water, except as hereinafter provided:

1. *Zoning affects use or occupancy.* No building, structure, land or water shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or structurally altered except in conformity with the regulations herein specified for the district in which it is or will be located.

2. *Multiple use of required open space prohibited.* No part of a required yard or other required open space, required off-street parking or loading space, provided in connection with one building, structure, or use shall be included as meeting the requirements for any other building, structure or use, except as allowed by this code.

3. *Reduction of lot area prohibited.* No lot or yard existing at the effective date of these zoning regulations shall thereafter be reduced in size, dimension or area of less than the minimum requirements set out herein, except for public purposes such as road widening. Lots or yards created after the effective date of these zoning regulations shall meet at least the minimum requirements established herein.

3.3. Procedures for rezoning.

Any owner, or authorized representative thereof, of a parcel of land desiring to change the zoning designation of that land may submit an application requesting consideration by the city of the proposed rezoning.

3.3.1. *Initiation point.* Applications for rezoning must be made to the development review coordinator.

3.3.2. *Submittals and fees.* The application shall be a form provided by the city, stating at least: the applicant's name, a legal description and survey of the property, the current zoning, the requested zoning, proof of ownership and the reason for the requested change. Appropriate fees shall be paid at the time of submittal. Applications for change to MR-1, PO-1, GC-1 and LI-1 zoning districts must include a conceptual site plan as described in chapter V.

3.3.3. *Review process.*

1. The development review coordinator shall schedule the application for review by the development review committee and notify all members of the development review committee. The applicant(s) shall be invited to the development review committee meeting.

2. All comments of the development review committee shall be presented to the planning and zoning commission at a public hearing.



3. The planning and zoning commission shall review the application and the comments of the development review committee and make a recommendation, based on the criteria in subsection 3.3.4, to the city commission.

4. All comments and recommendations shall be presented to the city commission at a public hearing.

5. The city commission shall have final authority to approve or deny the request.

3.3.4. *Review criteria.* The city shall consider the following criteria in reviewing applications for rezoning:

1. The need and justification for the change;

2. The effect of the change, if any, on the particular property and on surrounding properties;

3. The amount of undeveloped land having the same classifications as that requested in the general area and throughout the city;

4. The relationship of the proposed amendment to the purposes of the city's comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this code and the plan;

5. The availability and provision of adequate services and facilities;

6. The impact on the natural environment; and

7. Other criteria as may be applicable.

3.3.5. *Restrictions on reconsideration.*

1. Whenever the city commission has taken action to deny a petition to rezone property, the city shall not:

a. Consider any further petition for the same rezoning of all or any part of the same property for a period of one year from the date of such action;

b. Consider a petition for any kind of zoning on all or any part of the same property for a period of one year from the date of such action. However, a motion to reconsider the denial may be entertained by the commission.

2. Whenever the city commission has changed the zoning of any property, the planning and zoning commission shall not consider any petition for rezoning of all or any part of the same property for a period of six months from the effective date of the amendatory ordinance.



3. The time limits of this subsection may be waived by the city commission when such action is deemed necessary to prevent injustice.

3.4. Establishment of districts.

In order to classify, regulate and restrict the uses of land, water, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other spaces around buildings; and to regulate the intensity of land use, the City of Crescent City is divided into the following zoning districts:

TABLE INSET:

Land Use Designation	Zoning District	Symbol
Residential- Low Density up to 4 DU's Per Acre	Single-Family Residential Dwelling District	SR-1A
Residential –Low Density up to 4 DU's Per Acre	Single-Family Residential Dwelling District	SR-1
Residential –Medium Density up to 10 DU's Per Acre	Multiple-Family Residential Dwelling District	MR-1
Commercial	Professional Office District	PO-1
Commercial	General Commercial District	GC-1
Industrial District	Light Industrial District	LI-1
Agricultural	Agricultural District	AG
Recreational	Recreational District	REC
Public Buildings and Grounds	Public Buildings and Grounds District	PF-1
Other Public Facilities	Other Public Facilities District	PF-2
Conservation	Conservation District	CON
Historic Resources	Historic Resources District	HR
Planned Unit Development	Planned Unit Development and/ or Planned Development	PUD / PD

3.4.1. *SR1-A District:* Within an SR-1A Single-Family Residential District as shown on the official Zoning Map of the city of crescent city, the following regulations shall apply:

1. *Permitted uses:*
 - a. Single-family dwellings.
2. *Conditional uses:*
 - a. Family disaster shelters.
 - b. Public utility structures.
 - c. Churches.
 - d. Boat docks, service and incidental repairs where waterfront exists.



- e. Bed and breakfast inn.
 - f. Home occupations subject to the following conditions:
 - 1. No person other than a member of the family residing on the premises shall be engaged in such occupation; provided, however, that additional employees may be allowed in the granting of the Conditional Use.
 - 2. The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances, change the residential character thereof.
 - 3. There shall be no change in outside appearance of building or premises, or other visible evidence of the conduct of such home occupation.
 - 4. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage, or similar space not suited or intended for occupancy as living quarters: no traffic shall be generated by such home occupation in greater volumes than would be normally expected in a residential neighborhood.
 - 5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses on or off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes line voltage fluctuations off the premises.
 - 6. The giving of art, music or other instructions or lessons shall be allowed.
 - 7. Fabrication of articles, which are commonly classified under the term “arts and handicraft”, may be deemed a home occupation subject to other applicable terms and conditions.
 - g. Assisted living facilities.
3. *Site development standards: SR-1A*
- a. Minimum lot size: 7500 square feet.
 - b. Minimum lot width at building line: 70.
 - c. Minimum building setbacks:
 - Front yard: 25 feet.
 - Side yard: 10 feet or 10% of lot width whichever is greater.
 - Rear yard: 20 feet.
 - d. Maximum building height: 35 feet.
 - e. Maximum lot coverage: 35%
 - f. Minimum living area: 1100 square feet; no mobile homes are permitted in this district.
 - g. Parking: See section 6.5.
 - h. Landscaping and buffers: See section 6.6.
 - i. Signs: See section 6.7.
 - j. Access: See subsection 6.3.7.



3.4.2. *SR-1 District:* Within an SR-1 Single-Family Residential District as shown on the official Zoning Map of the city of Crescent City, the following regulations shall apply:

1. *Permitted uses:*

- a. Single-family dwellings.
- b. Middle and high schools

2. *Conditional uses:*

- a. Churches.
- b. Boat docks, service and incidental repairs where waterfront exists.
- c. Bed and breakfast inn.
- d. Home occupations subject to the following conditions:
 1. No person other than a member of the family residing on the premises shall be engaged in such occupation; provided, however, that additional employees may be allowed in the granting of the Conditional Use.
 2. The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances, change the residential character thereof.
 3. There shall be no change in outside appearance of building or premises, or other visible evidence of the conduct of such home occupation.
 4. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage, or similar space not suited or intended for occupancy as living quarters: no traffic shall be generated by such home occupation in greater volumes than would be normally expected in a residential neighborhood.
 5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses on or off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes line voltage fluctuations off the premises.
 6. The giving of art, music or other instructions or lessons shall be allowed.
 7. Fabrication of articles, which are commonly classified under the term "arts and handicraft", may be deemed a home occupation subject to other applicable terms and conditions.
- e. Assisted living facilities.

3. *Site development standards: SR-1*

- a. Minimum lot size: 7200 square feet.
- b. Minimum lot width at building line: 60.
- c. Minimum building setbacks:
 - Front yard: 25 feet.
 - Side yard: 7.5 feet.
 - Rear yard: 20 feet.
- d. Maximum building height: 35 feet.
- e. Maximum lot coverage: 40%



- f. Minimum living area: 800 square feet; no mobile homes are permitted in this district.
- g. Parking: See section 6.5.
- h. Landscaping and buffers: See section 6.6.
- i. Signs: See section 6.7.
- j. Access: See subsection 6.3.7.

3.4.3. *MR-1 District:* Within an MR-1 Multiple-Family Residential District as shown on the official Zoning Map of the city of crescent city, the following regulations shall apply:

1. *Permitted uses:*

- a. Single-family dwellings.
- b. Two-family dwellings
- c. Multiple family dwelling structures including condominiums

2. *Conditional uses:*

- a. Cemeteries.
- b. Mobile home parks
- c. Community residential homes, 7 to 14 persons

3. *Site development standards: MR-1*

a. For single-family dwellings, the site development standards for SR-1 District shall apply.

1. For two-family dwellings:

- a. Minimum lot size: 7500 square feet.
- b. Minimum lot width at building line: 75.
- c. Minimum building setbacks:
 - Front yard: 25 feet.
 - Side yard: 7.5 feet or 10%, whichever is greater.
 - Rear yard: 20 feet.
- d. Maximum building height: 35 feet.
- e. Maximum lot coverage: 35%
- f. Minimum living area: 700 square feet per family
- g. Parking: See section 6.5.
- h. Landscaping and buffers: See section 6.6.
- i. Signs: See section 6.7.
- j. Access: See subsection 6.3.7.

2. For Multiple-family dwellings:

- a. Minimum lot size: 7500 square feet for the first two dwelling units and 3600 square feet for each additional unit there after.
- b. Minimum lot width at building line: 100.
- c. Minimum building setbacks:
 - Front yard: 30 feet.



Side yard: 10 feet for a single story structure, 20 feet for two story structure with an additional five feet for each story added.

Rear yard: 20 feet for the first two stories with an additional five feet for each story added.

- d. Maximum building height: 35 feet.
- e. Maximum lot coverage: 40%
- f. Minimum living area:
 - aa. Efficiency apartment: 500 square feet
 - bb. One bedroom apartment: 600 square feet
 - cc. Two bedroom apartment: 700 square feet
 - dd. Three or more bedroom apartment: 800 square feet
- g. Parking: See section 6.5.
- h. Landscaping and buffers: See section 6.6.
- i. Signs: See section 6.7.
- k. Access: See subsection 6.3.7.

3.4.4. *PO-1 District:* Within the PO-1 Professional Office District as shown on the official zoning map of the City of Crescent City, the following regulations shall apply:

1. *Permitted uses:*

- a. Professional offices, such as accountants, appraisers, architects, attorneys, engineers, land surveyors and similar uses.
- b. Business offices, such as real estate, insurance, stock brokers, bookkeepers, advertising consultants and similar uses.
- c. Medical and dental offices (no hospitals), such as chiropractors, dentists, optometrists and physicians.

2. *Conditional uses:*

- a. Churches.
- b. Child care centers

3. *Site development standards: PO-1*

- a. Minimum lot size: 7500 square feet.
- b. Minimum lot width at building line: 75.
- c. Minimum building setbacks:
 - Front yard: 25 feet.
 - Side yard: 10 feet.
 - Rear yard: 15 feet.
- d. Maximum building height: 35 feet.
- e. Maximum lot coverage: 35%
- f. Parking: See section 6.5.
- g. Landscaping and buffers: See section 6.6.
- h. Signs: See section 6.7.
- i. Access: See subsection 6.3.7.
- j. No mobile homes shall be permitted in this district



3.4.5. *GC-1 District:* Within the GC-1 General Commercial District as shown on the official Zoning Map of the city of crescent city, the following regulations shall apply:

1. *Permitted uses:*

- a. Athletic clubs and health studios
- b. Art museums and auction rooms
- c. Bakeries where goods are sold on the premises
- d. Self-service and coined operated car wash establishments where no service is provided
- e. Bowling alleys.
- f. Business, music, dance, or commercial schools
- g. Dry cleaning plants only using automatic self-contained cleaning machines with a capacity of 40 pounds or less per load and using non-flammable, non-toxic dry cleaning solvents.
- h. Drug stores.
- i. Electrical appliance sales and repair
- j. Electrical substations or natural gas regulator station, provided: (1) the structures are placed not less than fifty feet from property lines; (2) the structures are enclosed by a decorative solid masonry wall at least eight feet high; (3) no vehicles or equipment are stored on the premises; (4) the lot is suitably landscaped.
- k. Florist's shops and greenhouses are retail trade only.
- l. Funeral Homes.
- m. Grocery, fruit, or vegetable store and wholesale markets.
- n. Hotels and motels
- o. In-door theaters and auditoriums
- p. Launderettes and Laundromats
- q. Meat markets or poultry stores if no slaughter or stripping is involved
- r. Public/ institutional uses including municipal buildings (city hall, libraries, and fire stations)
- s. Offices
- t. Pet shops or animal hospitals when conducted wholly within the enclosed building
- u. Photographer or artist studio
- v. Professional or service offices
- w. Radio and television broadcasting studios
- x. Radio and television sales and service shops
- y. Restaurants, including drive in restaurants, cafeterias, and fast food service.
- z. Retail stores and personal services
- aa. Retail sale of alcoholic beverages for consumption off premises
- bb. Tailor and dressmaking shops
- cc. Telephone Exchange Buildings
- dd. Temporary buildings incidental only to construction of permitted use
- ee. Recreational uses including commercial parks
- ff. Churches
- gg. Bed and Breakfast inns



- hh. Convenience retail stores
- ii. Gasoline dispensing facility; provided no repairs other than automobile services are permitted.
- jj. One-single family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises: such single family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public. The building structure must meet all applicable building codes for the respective residential and commercial uses including fire and public safety laws.

2. *Conditional uses:*

- a. Shopping centers.
- b. Gasoline service stations and truck stops
- c. Banks
- d. Automotive new and used sales and service
- e. Drive-in theaters
- f. Automotive body, repair, and paint shops
- g. Personal or mini storage facilities
- h. Sale of alcoholic beverages for consumption on the premises
- i. Tattoo parlors, with no outside display of second hand merchandise
- j. Fortune tellers
- k. Video sales and rentals
- l. Adult entertainment stores
- m. Lingerie modeling stores
- n. Pawn shops
- o. Dance halls
- p. Child care facilities

3. *Site development standards: GC-1*

- a. Minimum lot size: 10,000 square feet.
- b. Minimum lot width at building line: none.
- c. Minimum building setbacks:
 - Front yard: 25 feet.
 - Side yard: 10 feet.
 - Rear yard: 15 feet.
- d. Maximum building height: 40 feet with sprinkler system.
- e. Maximum lot coverage: 70%
- f. Parking: See section 6.5.
- g. Landscaping and buffers: See section 6.6.
- h. Signs: See section 6.7.
- i. Access: See subsection 6.3.7.
- j. No mobile homes permitted in this district



3.4.6 *LI-1 Light Industrial District:* The LI-1 District is established to provide land for the development of light industrial manufacturing and warehousing uses which are not objectionable to surrounding land use, with regard to odor, fumes, noise and smoke. The districts regulations are designed to protect those areas suitable for light industrial development from encroachment by incompatible commercial and residential uses. However, those commercial and service uses, which complement light industry, will be permitted. Within the LI-1 Light Industrial District as shown on the official Zoning Map of the city of crescent city, the following regulations shall apply:

1. *Permitted uses and structures:*

- a. Wholesale, warehouse, mini-storage, storage or distribution establishments and similar uses.
- b. Light manufacturing establishments including but not limited to the manufacturing and or assembly of furniture, bedding, garments, scientific, electrical and optical equipment, leather goods (not tanning), souvenirs and novelty items, cabinet shops and small engines.
- c. Advertising, printing, lithographing, publishing or similar establishments.
- d. General and building trade contractors including carpentry, masonry, electrical and plumbing contractors. However, any outside storage area, must be screened from public view along any street frontage or lot line.
- e. Service establishments catering to commerce and industry including linen supply, laundry, dry cleaning plants, freight movers, communication services, business machine services, restaurants including drive ins, hiring and union halls, employment agencies, gasoline dispensing and similar uses.
- f. Well-drilling companies and related uses; however, any outside storage area must be screened from public view, along any street frontage or lot line.
- g. Radio and television broadcasting offices, studios, transmitters or antennas
- h. All essential public services
- i. Federal, State, County or City owned and operated buildings or uses
- j. Establishments processing food and kindred products such as bottling and canning, meat packing and dairy processing plants. Slaughter houses are not permitted.
- k. Medical clinics used primarily in conjunction with industrial uses
- l. Vocational, technical, trade or industrial schools and similar uses

2. *Conditional uses:*

- a. Research and experimental testing laboratories
- b. Automobile, truck and boat repair facilities
- c. Service stations and truck stops
- d. Transportation terminals, commercial parking lots and garages, express office and terminal facilities, telephone exchange, repair and similar uses.



3. *Site development standards: LI-1*

- a. Minimum lot size: Shall be determined by type of use, required setbacks, parking and other applicable provisions of the Land Development Code.
- b. Minimum lot width at building line: none.
- c. Minimum building setbacks:
 - Front yard: 25 feet.
 - Side yard: 15 feet.
 - Rear yard: 15 feet.
- d. Maximum building height: 35 feet; 45 feet if the side and rear yard setbacks are increased (1) foot for every (2) two feet of height in excess of 35 feet.
- e. Maximum lot coverage: 80%
- f. Parking: See section 6.5.
- g. Landscaping and buffers: See section 6.6.
- h. Signs: See section 6.7.
- i. Access: See subsection 6.3.7.
- j. Accessory uses and structures are permitted in the LI-1 District provided that such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted or principal use or structure. Accessory uses shall not involve operations or structures not in keeping with the character of the District and shall be subject to the following:
 1. Air conditioning compressors or other equipment that is designated to serve the main structure may be located in any required side or rear yard, but no closer than five feet from any lot line.
 2. A single-family dwelling may be located on the same site with the permitted principal use. The single-family dwelling must be used for occupancy by the owner or watchman where business or employment requires residence on the site.
 3. Uses accessory to the dwelling referred in paragraph (2) two as if such dwelling were in a residential district.
 4. Satellite stations are allowed provided no part of the station shall be located within five feet from any lot line.

3.4.7 *AG Agricultural District:* Agricultural land is intended to be used primarily for horse pasture, grove operations or silviculture with some row crops. Development shall not exceed 1 dwelling per 5 acres.

Within the AG Agricultural District as shown on the official Zoning Map of the city of Crescent City, the following regulations shall apply:

1. *Permitted uses:*

- a. Agriculture not involving livestock.
- b. Horticulture
- c. Riding academy
- d. Pasture
- e. Dog kennel
- f. Single-family dwelling at 1 dwelling unit per 5 acres.
- g. Horses
- h. Animal Boarding



2. *Conditional uses:*
 - a. Churches.
 - b. Recreational uses.
 - c. Home Occupations.

3. *Site development standards: AG*
 - a. Minimum lot size: No more than 1 dwelling per 5 acres.
 - b. Minimum lot width at building line: 150.
 - c. Minimum building setbacks:
 - Front yard: 25 feet.
 - Side yard: 15 feet.
 - Rear yard: 25 feet.
 - d. Maximum building height: 35 feet.
 - e. Maximum lot coverage: 35%
 - f. Minimum living area: 800 square feet; no mobile homes are permitted in this district.
 - g. Parking: See section 6.5.
 - h. Landscaping and buffers: See section 6.6.
 - i. Signs: See section 6.7.
 - j. Access: See subsection 6.3.7.

3.4.8 *REC Recreational District:* Lands designated for recreation are intended for a variety of leisure-time activities which may include facilities or may rely on natural undisturbed land or water for the conduct of outdoor recreation or sport activities. Within the REC Recreational District as shown on the official Zoning Map of the city of crescent city, the following regulations shall apply:

1. *Permitted uses:*
 - a. Camp or campgrounds
 - b. Playgrounds and sport playfields
 - c. Fairgrounds

2. *Conditional uses:*
 - a. Public building and facilities providing essential services
 - b. Riding academy

3. *Site development standards: REC*
 - a. Maximum lot coverage: impervious surface land coverage shall not exceed 35% for active recreation development and 10% for passive recreation development.
 - b. New recreational facilities must be sited in locations, which are compatible or can be made compatible with adjacent land uses.
 - c. Parking: See section 6.5.
 - d. Landscaping and buffers: See section 6.6.
 - e. Signs: See section 6.7
 - f. Access: See subsection 6.3.7.



3.4.9 *PF-1 Public Buildings and Grounds District:* Lands designated as PF-1 allows uses and activities that provide community service functions that normally do not require heavy machinery for the facilities' primary mission.

Within the PF-1 Public Buildings and Grounds District as shown on the official Zoning Map of the city of crescent city, the following regulations shall apply:

1. *Permitted uses:*
 - a. Government buildings
 - b. Institutions including grammar, middle and secondary schools, colleges and universities
 - c. Art galleries, libraries, museums
 - d. Nursing and retirement homes
 - e. Hospitals
 - f. Churches, Including rectory or similar use
 - g. Cemetery
2. *Conditional uses:*
 - a. Private clubs
 - b. Criminal justice facilities (Courts)
 - c. Water treatment plants
3. *Site development standards: PF-1*
 - a. Maximum lot coverage: impervious surface land coverage shall not exceed 65%
 - b. Maximum building height: 40 feet

3.4.10 *PF-2 Public Buildings and Grounds District:* Lands designated as PF-2 allows uses and activities of a public benefit that may use heavy equipment in their operation or embody an aspect that is normally considered to be a locally undesirable land use.

Within the PF-2 Public Buildings and Grounds District as shown on the official Zoning Map of the city of crescent city, the following regulations shall apply:

1. *Permitted uses:*
 - a. Government buildings
 - b. Sanitary sewer treatment plant
 - c. Equipment storage and repair yards
 - d. Prison
 - e. Fuel storage depot
 - f. Water treatment plant
2. *Conditional uses:*
 - a. As approved by the City Commission upon recommendation of the City Planning and Zoning Commission.
3. *Site development standards: PF-2*
 - a. As approved by the City Commission upon recommendation of the City Planning and Zoning Commission.



3.4.11 *CON Conservation District*: Lands designated as CON allows uses which are consistent with the primary goal of preserving natural habitat. Use potential of these areas is limited to natural open space, limited recreation use and resource protection.

Within the CON Conservation District as shown on the official Zoning Map of the city of crescent city, the following regulations shall apply:

1. *Permitted uses*:

- a. Local, County, or State forests, parks and preserves
- b. Public and private wildlife management areas.

2. *Conditional uses*:

- a. Agriculture (including silviculture) using Best Management Practices
- b. Residential housing at maximum of 1 unit per 5 acres

3. *Site development standards: CON*

- a. Maximum lot coverage: Development not to exceed 1 unit per 5 acres
- b. Maximum building height: 35 feet
- c. Construction in the flood plain must satisfy Floodplain protection Ordinance

3.4.12 *HR Historic Resources District*: Historic Resources designation may be applied to any parcel of land that has been designated as a local, state or national site of historic or archeological significance.

3.4.13. *PUD Planned Unit Development District*: This district is established to:

- a. Provide for planned residential communities containing a variety of residential structures and a diversity of building arrangements, with complementary and compatible commercial or industrial uses or both; planned commercial centers with complementary and compatible residential or industrial uses or both; or planned industrial parks with complementary and compatible residential or commercial uses or both developed in accordance with an approved final development plan.
- b. Allow diversification of uses, structures and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
- c. Reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of other zoning districts.
- d. Ensure that development will occur according to the limitations of use, design, density, coverage and phasing stipulated on an approved final development plan.



- e. Preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas.
- f. Encourage an increase in the amount of usable open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional subdivision practices.
- g. Provide the maximum opportunity for the application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location. The Planned Unit Development district is permitted within all land use categories shown on the future land use map of the comprehensive plan.

1. *Permitted uses:*

- a. Planned residential communities: Complementary and compatible commercial/office uses may be included if they are compatibly and harmoniously designed into the total residential community within a planned unit development district. Nonresidential uses may comprise no more than 25 percent of the total land area.
- b. Planned commercial/office center: Complementary and compatible residential and industrial uses may be included if properly designed into the total commercial center within a planned unit development district. Residential and industrial uses may comprise no more than 25 percent of the land respectively.
- c. Planned industrial parks: Complementary and compatible residential and commercial/office uses may be included if properly related to the total industrial park within a planned unit development district. Residential and commercial/office uses may comprise no more than 25 percent of the land respectively.
- d. Any other private, public or semipublic use complementary to, and compatible with, planned residential, commercial or industrial developments.

2. *Site development standards.* Unless modified as provided for herein, the standards of conventional zoning districts and the design standards of this code shall apply. Revised standards may be approved for a PUD project to encourage creative development when the development proposal demonstrates increased protection of natural resources, improved living environment or increased efficiency of service delivery.

- a. A minimum site size of five acres is required unless the site is located within a CRA district whereupon only one acre is required. For the purposes of the Planned Unit Development, site size shall include only land above the 100-year flood plane. Division of uses shall likewise be measured by utilizing only land above the 100 year flood plane.



- b. A single use or any combination of uses may be approved.
- c. Site development standards shall be established for planned unit developments in order to ensure adequate levels of light, air and density to maintain and enhance locally recognized values of community appearance and design, to promote functional compatibility of uses, to promote the safe and efficient circulation of pedestrian and vehicular traffic, to provide for the orderly phasing of development, and otherwise protect the public health, environment, safety and general welfare.
- d. The criteria for establishing standards shall include:
 - 1. Compatibility with the zoning districts in the vicinity of subject property and with adopted city development plans and policies.
 - 2. The preservation of natural features and historical and environmental assets of the site.
 - 3. The provision of landscaped common open spaces for the leisure and recreational uses of the occupants.
 - 4. The adequacy of public roads, stormwater drainage facilities, utilities, public services and facilities required to serve the development.
- e. The proposed location and arrangement of structures should not be detrimental to existing or prospective adjacent land uses or to the existing or prospective development of the neighborhood.

3. *Approval procedures.* The review outlined in section 3.3 of this code shall be followed for first a preliminary development plan and then a final development plan, which shall be adopted by ordinance. The two steps are designed to allow the applicant to gain review and approval of general concepts prior to the preparation of detailed plans. Subdivision plats and/or site plans are required for each separate section of the PUD. However, if the applicant so chooses and is permitted by the development review coordinator, steps may be bypassed or combined in an attempt to reduce the time involved at the applicant's own risk.

4. *Submittals.* The following items must be submitted to the development review coordinator:
- a. *Preliminary development plan:* The preliminary development plan, consisting of properly identified exhibits and supporting materials, shall clearly indicate the following:
 - 1. The name, location map, legal description, acreage, type of planned unit development, identification of the present ownership and the developers of the project;
 - 2. The existing land use and the proposed development by phase of construction identifying for each phase and for the total development the proposed use, the number of dwelling units or the floor area of commercial or industrial use, the gross density, the density by number



of dwelling units per net residential acre for each residential category and area (types of residential units and densities may be mixed so long as the overall gross density conforms to the comprehensive plan);

3. The existing topography and other features including lakes, marshes or swamps, watercourses (USGS map acceptable) and soils, and a general description of the vegetation (natural features shall be preserved and utilized when possible through careful design);
 4. The maximum height of buildings and structures requested;
 5. Applicant's proposed standards for setbacks, landscaping, buffers, parking, signs, access control and other items as necessary for all portions of the PUD;
 6. The priority and phasing of the development and the manner in which each phase of development can exist as an independent unit capable of creating an environment of sustained desirability and stability;
 7. The location of collector and arterial streets and highways proposed in the development, the general location of access points to abutting arterial streets and highways, and projected traffic generation;
 8. The proposed method of providing for all necessary road improvements, sewerage systems, water supply, stormwater management systems and fire protection;
 9. The proposed location of public uses, schools, open spaces and recreation spaces;
 10. Identification of consultants involved in plan preparation.
- b. *Final development plan:* The final development plan for portions of, or the total PUD, shall include the following submittals:
1. Development report. An 8 1/2 × 11-inch report with folded drawings, including the following information:
 - a. A location map showing the relationship between the area proposed for development, the remainder of the area within the approved preliminary development plan and the surrounding area;
 - b. The legal description and gross acreage of the area submitted for final approval;



- c. The name, location, width and layout of existing streets, including abutting arterial highways, within 200 feet of the property in question;
- d. The names, locations, right-of-way width, width of pavement of proposed streets, easements, pedestrian ways, bicycle paths and watercourses;
- e. The locations, dimensions, design elevations or renderings, and uses of all buildings and structures, including proposed property lines, utilities, plants and permanent signs;
- f. Design data:
 - 1. Proposed use;
 - 2. Number of dwelling units;
 - 3. Floor area of commercial or industrial uses;
 - 4. Gross residential density;
 - 5. Net residential density;
 - 6. Commercial and industrial floor area ratios;
 - 7. Building setbacks;
 - 8. Building separations;
 - 9. Maximum impervious surface lot coverage;
 - 10. Heights of structures;
 - 11. Distance of buildings from vehicular accessways and parking areas;
- g. The open space, recreation space and private outdoor living area;
- h. A landscaping and tree planting plan;
- i. The open and covered off-street parking areas, indicating landscaping and external lighting systems;
- j. The walls, fencing or landscaping, where required, between private and common areas, along street or highways, drainage ways, railroads and along the periphery of the development;
- k. Any refuse storage areas and methods of solid waste disposal;
- l. The treatment of street lighting, external lighting and roof-mounted equipment;
- m. The identification of the present ownership and the developers of all land included in the development; and
- n. The identification of consultants involved in plan preparation.



2. Preliminary engineering plans. To include provisions for:
 - a. Roads.
 - b. Water.
 - c. Sewer.
 - d. Fire protection.
 - e. Water management.
 - f. Environmental impact when required by the city.
 3. Any covenants, conditions, restrictions, agreements and grants which govern the use, maintenance and continued protection of buildings, structures and landscaping within the planned unit development.
 4. A description of all methods and commitments to offset the impact of the project on public facilities and services, including any areas to be conveyed or dedicated, and improved for roadways, parks, parkways, playgrounds, school sites, utilities, public buildings and other similar public and public service uses.
- c. *Additional approvals:* Based on the scope of the PUD project and the level of detail and scope of the final development plan, additional submittals in the form of a subdivision plat or site plan may be required for any section of the project before authorization can be given to proceed with development of that section. Procedures and submittals outlined in chapters IV and V of this code apply. Combined or concurrent reviews may be allowed as previously described.
- d. *Alterations to preliminary or final development plans:*
1. Substantial proposed changes in requested uses, density, phasing or other specifications of the preliminary development plan may be permitted only upon resubmittal to the development review committee and the planning and zoning commission.
 2. Substantial proposed changes in requested uses, density, phasing or other specifications of the final development plan may be permitted following review by the development review committee, the planning and zoning commission and approval by the city commission.
 3. Substantial changes are generally considered to be those changes that may have an impact on neighboring properties, existing residents of the PUD, the environment or public service.
- e. *Control of development following completion:*
1. Upon the completion of the final development plan or any phase thereof, the development review coordinator shall certify the completion in the official zoning map.
 2. After such certification, the use of land and the construction, modification or alteration of any buildings or structures within the planned unit development



will be in accordance with the approved final development plan, rather than with standard provisions of the zoning regulations.

3. After certification, no changes may be made in the approved final development plan except under the procedure provided below:
 - a. Minor extensions, alterations or modifications of existing buildings, structures or utilities which are consistent with the purposes and intent of the final development plan, they may be authorized by the development review coordinator.
 - b. Uses not authorized by the final development plan may be added to the final development plan if approved by the city commission, which shall hold a public hearing.
 - c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan as approved under the provisions of this part.

f. Approval expiration:

1. If a final development plan for all or part of the preliminary development plan has not been submitted within six months following the approval of the preliminary development plan, the preliminary development plan approval shall be void. Upon request by the applicant prior to expiration, the city commission may review the preliminary development plan and current conditions and determine whether the approved uses are still appropriate. Following this review, the city commission may take the following action:
 - a. If there have been no significant changes in the surrounding area, the city commission may extend the approval for an additional six months.
 - b. If significant changes have occurred in the area that make the approved uses inappropriate, the city commission may, after public hearing and recommendations of the planning and zoning commission:
 1. Revise the preliminary development plan; or
 2. Change the zoning classification to a more appropriate district.
2. Actual construction must begin within the Planned Unit Development within 12 months of approval of the final development plan. If actual construction has not begun, the final development plan approval and any vesting which may be claimed thereby shall be void. The applicant may request an extension prior to expiration. Construction shall be deemed to commence upon receipt of a site development permit or building permit for the development. Lapse of said site development or building permit shall constitute a termination of construction. Upon a termination of construction, construction must recommence during that portion of the 12-month period which was not exhausted prior to commencement of construction. If



recommencement does not occur in a timely manner the final development plan approval and any vesting which may be claimed thereby shall be void.

[g. *Reserved.*]

- h. *Bonds:* Improvement bonds for facilities to be owned and maintained by the city shall be posted before the issuance of building permits.

3.4.14. *Mobile Home Park-* Authorized by Conditional Use Permit in the MR-1 District.

1. *Permitted uses:*

- a. Only one single-family mobile home (with garage) shall be allowed to be placed on each designated parcel or lot.
- b. Screened porches are allowed but must be attached to the mobile home.
- c. Attached carports with utility or storage areas.

2. *Site development standards:*

- a. Minimum setbacks:
Front yard: 25 feet.
Side yard: 7 feet.
Rear yard: 20 feet.
- b. Maximum building height: 25 feet.
- c. Minimum lot size: 7500 square feet.
- d. Minimum lot width at building line: 75 feet.
- e. Minimum dwelling size: 1200 square feet.
- f. Minimum street footage: 25 feet.
- g. Parking (minimum spaces per dwelling): 2.
- h. Landscaping/buffers: See section 6.6.
- i. Signs: See section 6.7.
- k. Access: See section 6.3.7.

3. *Additional requirements:*

- a. Each mobile home subdivision shall have a minimum of 15 percent of its total area (defined as the perimeters of real property included within the platted subdivision) set aside for recreation purposes. That area may have a swimming pool, recreational building, and recreation structures thereon.
- b. All mobile home developments shall be subject to site plan or subdivision approval in accordance with the Crescent City Land Development Code.
- c. Each Mobile Home Park shall be not less than five acres nor more than 20 acres in size.



- d. All mobile homes shall have permanent skirting around the bottom in a manner as to prevent the accumulation of debris under the mobile home, for the prevention of fire and the protection of health and welfare.
- e. Mobile homes shall have either gable, hip, or gambrel roofs with average slopes not less than 6:1.
- f. Maximum density for mobile home park spaces shall be eight (8) mobile home spaces per acre with the minimum lot size being 4000 square feet.
- g. Individual mobile home spaces shall access internal streets and shall not take direct access to adjoining public rights of way.
- h. A landscape buffer at least eight (8) feet wide and six (6) feet high shall be maintained along the exterior boundary of the mobile home park.
- i. Each mobile home space shall be provided with two paved off-street parking spaces, at least one of which must be in an enclosed garage.
- j. Mobile Homes shall meet current State of Florida Building Code and Construction Standards including wind load ratings.

3.5. Supplemental regulations.

3.5.1. *Front and side yard exceptions in dwelling districts.* The front and side yard setback requirements of this code for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but not less than the average of the setbacks of the aforementioned existing buildings.

3.5.2. *Setbacks for future road widening.* (Reserved)

3.5.3. *Measurement of setbacks.* Setbacks shall be measured on a perpendicular to the property line to the first vertical plane which intersects any portion of the structure other than a nominal roof overhang.

3.5.4. *Location of accessory buildings and uses in residential districts.*

- 1. When an accessory building is attached to a main structure by a breezeway, passage or otherwise, it shall comply with setback requirements of the main building. No more than two accessory structures shall be permitted on a single lot.
- 2. A detached accessory building, also a garage apartment, shall not be closer than five feet to a side or rear lot line; accessory buildings shall not exceed 600 square feet.



3.5.5. *Yards.*

1. Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except that an overhang or eaves may project into the required yard.
2. On all lots with the exception of corner lots, the required front yard setback shall be provided from any adjacent right-of-way. The portion of the lot, which has the least frontage on right-of-way, shall designate the front yard for corner lots. The side yard fronting right-of-way shall not be less than 15 feet.

3.5.6. *Height.* Building heights may not exceed 35 feet; however, chimneys, water, fire, telecommunication, radio and television towers, church spires, cooling towers, elevator bulkheads, smokestacks, and similar structures, and their necessary mechanical appurtenances may exceed 35 feet, subject to the restrictions herein, and any height limitations placed on such structures by the Federal Aviation Administration. Flagpoles may not exceed 35 feet in height.

3.5.7. *Nonconforming uses/structures.*

1. *Nonconforming uses.* Within the districts established by these zoning regulations or amendments that may later be adopted, there may exist uses of land or water and characteristics of uses which were lawful before these zoning regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these zoning regulations or future amendments. It is the intent of these zoning regulations to permit these nonconformities to continue until they are removed as required by these zoning regulations, but not to encourage their continuance. A nonconformity may be continued so long as it remains otherwise lawful, provided that:

- a. *Enlargement, increase, intensification, alteration.* No nonconforming use shall be enlarged, intensified, increased, or extended to occupy a greater area of land or water than was occupied at the effective date of adoption or amendment of these ordinances.
- b. *Movement.* No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of these zoning regulations.
- c. *Discontinuance.* If any nonconforming use is discontinued for any reason for a period of more than 180 days, any subsequent use of the land shall conform to the regulations specified by these zoning regulations for the district in which that land is located, except as otherwise permitted by law. Discontinuance shall be determined by interruption in water service, electric service, or occupational license for the use on the property in question.
- d. *Subdivision.* No land upon which a nonconforming use exists shall be subdivided, nor shall any structures be added on the land except for the purposes and in a manner conforming to the regulations for the district in which the land is located.



- e. Change in tenancy or ownership. There may be a change in tenancy, ownership or management of a nonconforming use, provided there is no change in the nature or character of the nonconforming use.
- f. Casual, temporary or illegal use. The casual, temporary or illegal use of land, or land in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.
- g. If application for any zoning or development approval is requested, all nonconforming uses must be brought into compliance with this code.

2. *Nonconforming structures.* Within the districts established by these zoning regulations or amendments that may later be adopted, there may exist lots or structures which were lawful before these zoning regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these zoning regulations or future amendments. It is the intent of these zoning regulations to permit these nonconformities to continue until they are removed as required by these zoning regulations, but not to encourage their continuance. A nonconformity may be continued so long as it remains otherwise lawful, provided that:

- a. Enlargement, increase, intensification, alteration. No nonconforming structure shall be enlarged, intensified, increased in height, or extended to occupy a greater area of land or water than was occupied at the effective date of adoption or amendments of these zoning regulations.
- b. Movement. No nonconforming structure shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of these zoning regulations.
- c. Destruction. Should any nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than 50 percent of its replacement value based upon property appraisal records at time of destruction, it shall not be reconstructed except in conformity with the provisions of these zoning regulations.
- d. Unsafe nonconforming structures because of lack of maintenance. If a nonconforming structure or portion of a structure, or any structure containing a nonconforming use, becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the duly authorized official of the city to be unsafe or unlawful by reason of its physical condition, it shall not be thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- e. If application for any zoning or development approval is requested, all nonconforming uses must be brought into compliance with this code.



3.5.8. *Fence requirements.*

1. *Types of fences.* Fences shall be either wood, chainlink, vinyl, concrete masonry wall design, brick, wrought or ornamental iron or decorative wire. Barbed wire fences may be constructed in industrial and conservation zoning districts with the approval of the zoning official. Barbed wire fences may be used on fences in excess of six feet in height around retention ponds, commercial pools, lift stations, substations and any local, state and federal land uses where applicable, with the approval of the zoning official.

2. *Height of fences.* Fences in all residential zoning districts shall be limited to six feet in height in the rear and side yard and four feet in the front yard. Fences constructed in commercial, industrial and conservation zoning districts shall be limited to eight feet in height with the exceptions listed under the commercial district section. Fences for standard athletic uses such as baseball backstops and tennis court enclosures may exceed eight feet in height. The height of fences shall be measured from the average grade along the fence line.

3. *Property lines.* Fences may be constructed along the property line of the lot. Damage to city-owned utilities, such as water, electric and sewer, during fence installation shall be repaired immediately at the expense of the property owner. Furthermore, the city may enter the easement area without prior notice to make any repairs and maintenance it deems necessary and shall not be responsible for any damage to the fence in the easement area.

If a permanent removal of a section of any fence constructed on an easement is requested by the city, the fence must be removed from the property by the owner within the time specified by the city. No fence shall be constructed which obstructs motorist visibility.

4. *Industrial district.* Fences in the industrial zoning district shall be of the following types: Chainlink, concrete/masonry wall design, wood and ornamental iron. Barbed wire fence headers may be used with the approval of the zoning official. Fences in the industrial zoning district shall be limited to eight feet in height.

5. *Conservation district.* In the conservation zoning district, the fences permitted in the industrial zoning district shall be permitted with the addition of hog-wire fences when in an agricultural or similar type land use. Barbed wire fence headers shall be permitted with the approval of the zoning official.

6. *Permit required.* All applications for building permits for fences, walls or buffer strips shall state whether such is to be placed at or near a boundary between the property of the applicant and adjoining property, and also whether there is any fill, slanting, elevation or other difference in the level of grade between the properties. In the event there is a grade difference, the zoning official shall, in issuing the permit, cut the height by such amount as will be necessary to compensate for such difference in grade so as to make the fence not in excess of the maximum permitted as the same affects the natural grade of the adjoining property. The purpose of this section is to protect the rights of



adjoining property owners, and not have fences in excess of the heights set forth in this code.

Walls or fences authorized by this section must be constructed so that the exposed framing of each section of wall or fence faces the interior yard. Walls or fences must also be constructed so that the finished and most aesthetically pleasing side of the wall faces outward.

The construction of any fence shall require a building permit from the planning and zoning department. Before the building permit is issued the applicant shall submit his/her plans which shall show the dimension of the property, the type fence proposed to be constructed and its location on the property. Upon approval by the planning and zoning department, a building permit may be issued.

7. *Maintenance.* Owners of the property where fences are constructed are required to maintain the fence and to keep it in proper working order, and to ensure that it shall be aesthetically pleasing.

The exposed nib end of any chain link fence shall face the ground when within six feet from any sidewalk. Electrically charged fences are prohibited within the city limits.

The city manager or the city manager's designee shall be authorized to order the removal or reduction in height of any fence, wall or other structure which exceeds the height of this code or which constitutes a hazardous obstruction to the vision of vehicle operators upon the streets, roads and alleys of the city, or is designed or constructed in such a manner as to create a hazard to the public. Failure to comply with a directive issued pursuant to this paragraph shall constitute a code violation.

8. *Nonconforming fences.* No nonconforming fence shall be altered, repaired or extended unless brought into conformance with the requirements of this ordinance. No fence shall be considered to be a nonconforming fence if it was erected without the approval of the planning and zoning department and without a building permit having been obtained, or if the fence was constructed contrary to the provisions of a building permit. Any such fence shall be considered unlawful and shall be subject to removal.

9. *Pools and screen enclosure setback requirements:*

- a. No pool, including the surrounding patio, shall be located closer to the side yard property line of the lot, parcel, or piece of land upon which the pool is located, than the distance required by the zoning regulations of the city for side yards in the zone in which the property is located; not less than five feet from the rear property line; nor shall any part of the pool structure within and including the coping intrude upon any easement. No pool shall be located nearer to the front line of the lot, parcel, or piece of land than the main or principal building or residence to which the pool is an accessory. For waterfront lots, a pool shall be located not less than 25 feet from the present or proposed high-water control level of the lake. All distances shall be measured from the outside edge of the patio or pool coping, whichever is closer to the property line.



- b. Screen enclosures shall not be located closer to the side yard requirement established by the zoning regulations of the city for the lot, parcel, or piece of land upon which the pool is located; nor closer to the rear property line than five feet. On lakefront property, no screen enclosure shall be erected less than 25 feet from the control water level.
- c. Whenever in this section reference is made to the existing, normal, or control water level, or high-water level, and wherever the control levels have not been established, the zoning official shall determine the approximate natural levels in accordance with available historical data.

3.5.9. *Automobile service stations.*

1. *Clearances required.* Gasoline pumps shall be located not less than 30 feet from any street right-of-way and not less than ten feet from any other property line. No gasoline pump shall be located within 50 feet of any property which is residentially zoned.

2. *Protective wall required.* There shall be a wall or closed fence of good quality which shall effectively screen out headlights and noise from adjacent uses. Such walls or fences shall be maintained on rear and on side property lines. Such walls or fences shall be a minimum of six feet in height. No fence or wall higher than three feet six inches may be located closer than ten feet from any road right-of-way.

3.5.10. *Home occupations.* Home occupations shall be allowed by conditional use permit as specified in SR-1A and SR-1 zoning districts and only when there is no appearance of commercial activity. No signs shall be permitted. Pickup and delivery, vehicular and pedestrian traffic should not exceed normal traffic to and from other residences in the neighborhood. No adverse noise, light or dirt impacts will be allowed. All equipment used in the business must be stored in an enclosed structure. For contractors and handymen, no materials may be stored on site. If it is determined by the development review coordinator that the above criteria are met, the home occupation license shall be granted. If, in the opinion of the development review coordinator, the subject home occupation does not meet one of these requirements the home occupation shall be denied.

3.5.11. *Group homes and adult living facilities.*

1. *Statement of intent.* In order to prevent concentration of foster care and group home facilities and the impact on a neighborhood by a high concentration of these facilities, the planning and zoning commission shall exercise care in considering a request to establish a foster care or group home facility by determining that the approval of the new facility or additions to existing facilities when added to the number of other such facilities



licensed by the state (excluding foster homes) in the vicinity of the proposed site will not stress the limited capacity of a neighborhood's existing social structures to accommodate foster care and group home facilities. A second intention of this provision is to protect existing foster care and group home facilities from the possibility that an over-concentration of such facilities in a neighborhood might develop which may inadvertently create an institutional setting. Such a setting is an impediment to the successful functioning of foster care and group home facilities.

To help fulfill this intent, the applicant is required to provide a list of the location of all group care facilities indicating the number of clients at each facility within the city. The list is to be certified by the state department having jurisdiction over these facilities.

2. *Standards.* Group homes and adult living facilities may be approved by the planning and zoning commission as a conditional use, provided that:

- a. In single- and two-family residential districts, the commission shall determine if the proposed structure (facility) is compatible with the neighborhood in its physical size and residential density. Residential density shall be based upon two persons per household.
- b. In multifamily residential districts, the commission shall determine if the proposed use is compatible with the area in its intensity of land use. Persons per acre may be used as a guide establishing equivalency with density. Based on 2.0 persons per household for multifamily residences in the city, the maximum persons per acre allowed in the MR-1 district shall be 20.
- c. A copy of the application to the state department having jurisdiction over these facilities shall accompany the application for the conditional use and requirements of the state department with jurisdiction must be met.
- d. Adequate parking, landscaping and buffering must be provided.

3.5.12. *Temporary sales offices in new developments.* Temporary sales offices may be placed in new developments upon approval of the development review coordinator, subject to the following conditions:

1. The structure must comply with applicable construction codes, meet the minimum setback requirements of the zoning district and parking areas must be landscaped in accordance with the landscaping regulations.
2. The office may not be utilized to conduct sales of any product or service other than lots and/or dwellings within the specific development.
3. Approval may be granted for a period not to exceed six months or until 75 percent of the lots in the development are sold, whichever comes first. Renewals may be approved until 75 percent of the lots in the development are sold. The city may require a bond be posted to guarantee removal.



3.5.13. *Satellite dishes.* Satellite dishes shall be permitted as accessory uses in conformance with the applicable building setbacks.

3.5.14. *Boats and motor homes.* Boats, recreational vehicles, utility trailers and motor homes shall not be permitted in front yards and shall not be permitted in side yards if the length of the boat, RV, utility trailer and/or motor home exceeds 25 feet. (See the Code of Ordinances for additional requirements). In the case of corner lots, boats and motor homes, regardless of length, may be stored in side yards provided that the yard is enclosed by a six-foot privacy fence.

3.5.15. *Bed and breakfasts.*

1. *Definitions.* For the purpose of this section, "bed and breakfasts" shall be defined as follows:

- a. Bed and breakfast small homestay: A private residence, including related buildings, with up to five guest rooms in which the owner occupies the primary building.
- b. Bed and breakfast large homestay: A private residence, including related buildings, with six or more guest rooms in which the owner occupies the primary building.

2. *Design standards.* Bed and breakfast homestays may be allowed when there is no appearance of commercial activity. The structure must maintain its residential character.

- a. Parking requirements: Two parking spaces for the dwelling, plus one space per guest room must be provided. The parking must be in the rear yard and/or shielded from public view and from the view of adjacent property owners.
- b. Signs: One sign not to exceed eight square feet may be permitted to identify the establishments in residential zoning districts. The sign must be constructed in sand-blasted wood, ornamental iron, or other materials as approved by the planning and zoning commission. Portable and neon signs shall not be allowed.
- c. Exterior design standards: The exterior appearance of the structure shall not be altered from its single-family appearance.
- d. Additional conditions: Other conditions that may be deemed necessary by the planning and zoning commission to protect the health, safety and welfare of the general public may be imposed.

3.5.16. *Shopping center design standards.* To maintain common architectural themes and to maintain architectural integrity of shopping centers, design and material standards shall be enforced.

1. Shopping centers shall be constructed of split face, ribbed or salted block or other material as approved by the planning and zoning commission.



2. Development on outparcels of the shopping center shall maintain the same architectural features, colors and textures as the shopping center.
3. Standard architectural themes shall be maintained on all sides of buildings.
4. Signs shall be constructed of the same or similar materials at the shopping center and outparcels.

3.5.17. *Communications towers.* Notwithstanding subsection 3.5.6, or any other section of these land development regulations, telecommunications towers shall be allowed upon meeting the following standards:

- (1) Towers shall be limited to a maximum height of 100 feet as measured from the existing natural grade.
- (2) No tower shall be located within 3,000 linear feet, as measured in a straight line, from another tower.
- (3) Towers shall be set back from any residential zoning district a minimum of four times the height of the installed tower.
- (4) A 8' high by 8' wide landscape buffer shall surround the perimeter of the site, regardless of adjoining zoning classifications. Plants must be from the approved species list as provided in Section 6.6.5 of this Code.
- (5) Any tower visible from a residential zoning district shall be disguised so as to not be recognizable as a telecommunications tower when viewed from the residential district.
- (6) Towers shall be so situated upon the site upon which they are erected to be no closer than the height of the tower from any boundary of the site. For example, a 100-foot tower must be surrounded by at least 100 feet of property in all directions, as measured from the base of the tower, which property shall be owned by the same owner as the property upon which the tower is situated.
- (7) Any tower upon which use has been abandoned for more than 180 days shall be removed upon 60 days' notice by the city unless usage resumes within the 60-day period.
- (8) No signage of any type shall be allowed upon any tower erected hereunder.
- (9) Any lighting must be shielded to fall within the confines of the property, unless otherwise required by the Federal Aviation Administration.
- (10) No long-term parking or vehicle or equipment storage shall occur on-site.

3.5.18. *Boat docks.*

1. No boat dock or related structure shall be constructed without a permit therefor. All boat docks shall meet the applicable setbacks of the zoning district in which they are to be located.
2. Upon the submission of a properly completed application form provided by the planning and zoning department and a copy of all applicable state and federal permits or exemptions therefrom, the department shall issue a permit for a boat dock which meets applicable setbacks, and which:
 - a. Contains no more than two slips which are constructed to accommodate no more than one watercraft each;
 - b. Is less than 1,000 square feet in surface area;
 - c. Is the only dock constructed on the parcel of property; and



- d. Is held in place by pilings or floats that do not involve filling or dredging.
3. All other applications must receive approval from city commission prior to permit issuance.
4. All single-family residential boat docks shall be designed by a licensed architect or licensed engineer. All other boat docks shall be designed by a licensed structural engineer. Single-family residential boat docks shall be designed to support a minimum live load of 60 pounds per square foot, and all other docks shall be designed to support a minimum live load of 100 pounds per square foot. All boat dock plans submitted for approval to the planning and zoning department shall be signed and sealed by the architect, engineer, or structural engineer of record. All commercial boat docks must be certified by the structural engineer of record as being built as designed.

3.5.19. *Wellhead protection.* The city hereby establishes a protection area of 400 feet in radius measured from the wellhead in question as the wellfield protection zone for each public potable water well. This area shall be designated as a water well protection zone.

The first 200 feet shall be a zone of exclusion, where no development activities except wellfield facilities will be permitted, and within the remainder of the zone (200 feet in radius) of protection the following land uses shall be prohibited:

- (1) Landfills;
- (2) Facilities for the bulk storage, handling, or processing of materials on the Florida Substance List;
- (3) Activities that require the storage, use or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, etc.;
- (4) Animal feedlots or other commercial animal facilities;
- (5) Wastewater treatment facilities, incinerators, percolation ponds, and similar facilities;
- (6) Mines; and
- (7) Excavation of waterways or drainage facilities which intersect the water table.

3.6. Historic preservation. (Transfer and re-codification of Code of Ordinance Sections 15-111 through 12-124)

