

**Planning Commission Agenda
OCTOBER 7, 2021 - 5:30 p.m.**

**Robert Froehling- Chair
Daniel Grannan - Vice Chair
Randy Martin
Charles Kish
Scott Ebert**



**Doug Smith
Tonia Herring
Alternate 1 - Terry Thompson
Alternate 2 – Vince Morris**

- 1) Call to Order
- 2) Roll Call
- 3) Election of Chair and Vice-Chair
- 4) Annual Review of Planning Commission By-Laws
- 5) Moment of Silence
- 6) Pledge of Allegiance
- 7) Chairman Comments - discuss meeting procedures
- 8) Adoption of Agenda
- 9) Approval of Minutes: **September 2, 2021**
- 10) Citizen Input: 3 minutes
- 11) Public Hearings:
 - a) **APPLICATION NO. PZ21-0092, BROUGHT BY THE CITY OF CRYSTAL RIVER, FLORIDA AMENDING THE CITY OF CRYSTAL RIVER COMPREHENSIVE PLAN BY ESTABLISHING A NEW PRIVATE PROPERTY RIGHTS ELEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES.**
 - b) **APPLICATION NO. PZ21-0089. BROUGHT BY THE CITY OF CRYSTAL RIVER, FLORIDA AMENDING ORDINANCE NUMBER 05-O-09, APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; ADDING SECTION 4.03.04 LIGHTING, BY ESTABLISHING STANDARDS FOR ALL LAND USES; AMENDING SECTION 4.07.09 USES, BY REVISING STANDARDS FOR ACCESSORY DWELLING UNITS IN THE CRA OVERLAY DISTRICT; AMENDING SECTION 4.07.10 ADMINISTRATION, BY REVISING REVIEW PROCESSES FOR THE CRA OVERLAY DISTRICT; AMENDING SECTION 5.01.05 ACCESSORY DWELLINGS IN RW, R1, NBR, ZONING DISTRICTS, BY ADDING R2, R3, CW, CG, IND, CON AND PI ZONING DISTRICTS, AND REVISING STANDARDS; DELETING SECTION 5.01.06 ACCESSORY DWELLINGS IN IND, CON, AND PI ZONING DISTRICTS; AMENDING SECTION 5.01.11 FENCES, HEDGES, AND WALLS, BY REVISING STANDARDS; DELETING SECTION 5.01.16 ACCESSORY DWELLINGS CG ZONING DISTRICTS; AMENDING SECTION 6.04.02 ACCESS AND DRIVEWAY DESIGN STANDARDS; AMENDING SECTION 6.04.07 STANDARDS FOR PARKING AND PARKING LOTS, TABLE 6.04.07(A) PARKING SPACE REQUIREMENTS; AMENDING SECTION 8.02.02 MEMBERSHIP AND TERMS, BY REVISING PLANNING COMMISSION TERMS; AMENDING SECTION 9.03.01**

NOTICE TO PUBLIC

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AUTHORITY AND LIMITATIONS, BY REVISING STANDARDS FOR ADMINISTRATIVE WAIVERS; AMENDING SECTION 10.00.06 COMBINING LOTS, BY REVISING STANDARDS; AMENDING SECTION 10.02.01 GENERALLY, BY REVISING NOTICING REQUIREMENTS; AMENDING SECTION 10.02.03 MAILED NOTICE REQUIREMENTS.

- 12) Unfinished Business: None
- 13) New Business:
 - a) **Attorney discussion regarding rules and standards for meeting conduct.**
- 14) Citizen Input: 5 minutes
- 15) Staff Comments
- 16) Commissioner's Comments
- 17) Chairman's Comments
- 18) Adjournment

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**CITY OF CRYSTAL RIVER
PLANNING COMMISSION**

3 Year Terms

MEMBER TYPE/ SEAT #	NAME	APPOINTED	TERM END	WORK EXPERIENCE
At Large per LDC 8.02.02(E)(2) Seat #1	<u>Chair Robert Froehling</u>	03/10/08(O) 1/9/12 (A) 03/09/15(R) 09/25/17(R) 12/14/20(R)	9/30/23 Eligible for an additional full term	Retired from IBM
Construction per LDC 8.02.02(E)(2) Seat #2	<u>Doug Smith</u>	10/13/08(O) 8/30/10 (A) 09/09/13(R) 12/14/20 (R)	09/30/13 09/30/16 09/30/19 9/30/22	General Contracting
Office Mgr. per LDC 8.02.02(E)(3) Seat #3	<u>Vice Chair Daniel Grannan</u>	10/01/09(O) 11/13/18(A)	09/30/21 Eligible for an additional full term	Retired Duke Energy Education
At-large per LDC 8.02.02(E)(4) Seat #4	<u>Charles Kish</u>	10/01/09(O) 8/27/12 (R) 9/30/2015(R) 10/08/18	09/30/21 Eligible for an additional full term	Progress Energy
Architect per LDC 8.02.02(E)(4) Seat #5	<u>Scott Ebert</u>	10/13/08(O) 07/08/2019(A) 12/14/20(R)	09/30/23 Eligible for an additional full term	Retired Military Electrical Engineering
At-large per LDC 8.02.02(E)(4) Seat #6	<u>Michael “Randy” Martin</u>	03/10/08(O) 5/13/19 (A) 12/14/20(R)	09/30/22 Eligible for an additional full term	State Registered Pool Contractor
Property Appraiser per LDC 8.02.02(E)(3) Seat #7	<u>Tonia Herring</u>	10/13/08(O) 1/13/20 (A)	09/30/21 Eligible for an additional full term	Public Administration
Alternate Seat #1	<u>Terrance “Terry” Thompson</u>	10/01/09(O) 1/13/20 (A)	09/30/22	Self-employed Construction Manager
Alternate Seat # 2	<u>Darrel “Vince” Morris</u>	10/01/09(O) 1/13/20 (A)	09/30/23	Self-Employed Boat Captain

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**CITY OF CRYSTAL RIVER
PLANNING COMMISSION
BY-LAWS**

**Article I
Name**

1. The name of the organization as prescribed by City Council shall be "Planning Commission". It may also be referred to as "City Planning Commission" or "Commission". (LDC 8.02.01)
2. The office of the Commission shall be at the City of Crystal River City Hall. All official documents, records, minutes, maps, etc. shall be filed or recorded in the office of the City Clerk. (LDC 8.01.08)

**Article II
Object**

1. The objectives and purposes of the City of Crystal River Planning Commission are those set forth in Florida Statutes, Sections 163.3174 and those powers and duties delegated to the Planning Commission in the aforementioned statutes and by the City of Crystal River Land Development Code (LDC).
2. The Planning Commission shall be responsible for, but not limited to the following items:
 - (A) Serve as the Local Planning Agency pursuant to Florida Statutes 163.3174.
 - (B) To hear, consider, and make recommendations to the City Council regarding applications to amend the Official Zoning Map, amend the text of the LDC, create a subdivision and amend the Official Zoning Map to PUD together with a PUD master plan.
 - (C) To conduct public hearings and render decisions in compliance with the requirements of the LDC.
 - (D) Any other matter, within the jurisdiction of the Commission, authorized by the City of Crystal River Land Development Code (LDC) and the City Council.

Article III
Members

1. Membership in terms of office shall be as specified in the ordinance establishing the Commission and shall be comprised of seven (7) regular members, plus one nonvoting member appointed from the Citrus County School Board (LDC 8.02.02).
2. All voting Commission members shall take the "Oath of Office" at the meeting immediately following their appointment. (Exhibit I)

Article IV
Alternate Members to the Planning Commission

1. Pursuant to Ordinance 06-0-16, there shall be two (2) alternate members of the Crystal River Planning Commission appointed by the City Council.
2. Alternates shall attend all regular meetings of the Planning Commission.
3. Alternates will be non-voting members unless they are acting in place of a regular member who is absent or disqualified.
4. Alternates may participate in discussion of any agenda item.
5. There shall be identified a First Alternate and a Second Alternate based upon the date in which they are sworn in as alternate members of the Commission.
6. In the event that either one (1) or two (2) regular members are absent or disqualified, one or both alternates shall be seated in the regular members' positions. When seated in place of a regular member, an alternate shall have all of the responsibilities and the authority of a regular member. This includes participation in all discussions, the ability to make motions, and the ability to vote.
7. Should one of the seven (7) regular voting members of the Planning Commission convey that they are unable to remain on the board, or shall they be removed, the First Alternate shall be seated as a regular member of the Commission and the Second Alternate shall rotate to the position of First Alternate.

Article V Officers

1. At the first regular meeting in the month of October each year (Organization Meeting) the Commission shall elect, from its members, a Chairperson and a Vice Chairperson. The Vice Chairperson shall act as Chairperson of the Commission during the absence or disability of the Chairperson.
2. The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally inferred by parliamentary practice. The Chairperson shall have the authority to appoint committees and generally perform other duties as may be prescribed in these by-laws. The Chairperson shall have the privilege of discussing all matters before the Commission, making motions and shall vote therein. (LDC 8.01.0S)(LDC 8.02.03 (d))
3. Upon request, the Chairperson (or designee) may make reports of the Commission's business to the City Council on a regular basis.
4. The Planning and Development Director shall act as the administrative office of the Commission and shall make provision for a secretary at regular and special meetings.
5. A temporary Chairperson shall be elected by its members in attendance, at any meeting, in the case that both the Chairperson and the Vice Chairperson are absent.
6. Vacancies in any elected office shall be filled by regular election procedures as herein specified with the terms to run until the next annual organizational meeting. Resignations from the Commission shall be in writing and transmitted to the Chairperson who will then forward same to the City Council of Crystal River.

Article VI Meetings

1. Regular meetings shall be held the first Thursday of each month at 5:30 p.m. in the City Hall Council Chambers located at 123 NW Highway 19, Crystal River, Florida. In the event of conflict with

holidays the majority of members may change the date of any scheduled meeting. In the event of a declared emergency the Chairperson or the Planning and Development Director may cancel any scheduled meeting. Special meetings may be called by the Chairperson when such meetings are deemed necessary. Members shall be notified three (3) days prior to a special meeting and shall be notified as to the time and place of such meeting. Meetings shall have a three (3) hour time limit that may be extended by majority vote of the Commissioners present.

2. Five (5) members shall constitute a quorum of the Commission. The number of votes to transact business shall require a quorum of the members present at any meeting unless otherwise provided by law. Approval of actions before the commission requires an affirmative vote of a majority of the members present.
(LDC 8.01.07)

3. All meetings of the Commission shall be conducted in strict compliance with the Florida Sunshine Law.

4. The agenda may contain, but not limited to the following items:

(A) A cover page containing "Notice to the Public" and "General Meeting Procedures".

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **MOMENT OF SILENCE**
4. **PLEDGE OF ALLEGIANCE**
5. **ADOPTION OF AGENDA**
6. **APPROVAL OF MINUTES**
7. **PUBLIC HEARINGS**
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
10. **CITIZEN INPUT**
11. **COMMUNICATIONS**
12. **COMMITTEE REPORTS**
13. **STAFF COMMENTS**
14. **COMMISSIONER'S COMMENTS**
15. **CHAIRMAN'S COMMENTS**
16. **ADJOURNMENT**

5. A workshop meeting may be called by majority vote of the Commission.
6. Each appointed member shall attend all meetings. Members of the Commission and Alternates shall notify the Planning and Development Director or designee at least forty-eight (48) hours prior to a meeting that they will or will not attend the upcoming meeting. Any member who has been absent from three (3) regular meetings within a calendar year shall be subject to removal.
7. Any member of the Commission who may benefit financially from any matter before this Commission SHALL excuse himself/herself from the voting procedure for this matter in the manner required by Florida Statutes 112.3143.
8. No member may abstain from voting unless he/she has a voting conflict as noted herein.
9. When a tie vote occurs on any matter before the Commission, that vote is construed as a denial without prejudice.
10. The Chairperson shall prescribe the method of conduct of the hearing. All comments shall be directed to the Chair only after being properly recognized by the Chairperson. All persons recognized shall approach the podium in order to facilitate proper recording of their comments. Each person shall state his/her name and address clearly for the record.
11. All decisions of the Commission shall be made at a public meeting by a motion made and a second, called for by the Chairperson. A roll call vote may be taken by the secretary.

Article VII
Parliamentary Authority

1. All meetings shall be conducted in accordance with parliamentary procedure as set forth and explained in the latest Revised Edition of Robert's Rules of Order, which shall serve as the official rules of procedure. (LDC 8.01.05)

**Article VIII
Amendments**

1. These by-laws shall be suspended only by a unanimous vote of the entire seven members of the Commission, however, no by-law which is required to comply with federal, state, local law, or City Council Resolution may be so suspended.
2. A proposal to amend the by-laws shall be made at the next regular or special meeting of the Commission and shall require the approval of at least five (5) members of the Commission, otherwise the proposal shall not pass.
3. The Commission shall review the by-laws annually at the first regular meeting after the organizational meeting held in October.

Severability

1. If any section, clause, provision, or portion of these by-laws shall be held invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these by-laws.

Certificate of Adoption

1. The forgoing by-laws of the Planning Commission of the City of Crystal River, Florida, are hereby adopted by the affirmative vote of the Commission on this first day of April 2021.

By: _____

Robert Froehling, Chairperson

Attest: _____

Mia Fink, City Clerk



PLANNING COMMISSION MINUTES
SEPTEMBER 2, 2021 - 5:30 p.m.

Robert Froehling- Chair
Daniel Grannan - Vice Chair
Randy Martin
Charles Kish
Scott Ebert



Doug Smith
Tonia Herring
Alternate 1 - Terry Thompson
Alternate 2 – Vince Morris

1) Call to Order by Vice Chair Grannan at 5:31 pm

2) Roll Call:

1. **Commissioner's Present:**

- 1) Daniel Grannan, Vice-Chair
- 2) Randy Martin
- 3) Charles Kish
- 4) Scott Ebert
- 5) Tonia Herring
- 6) Terry Thompson, Alternate 1
- 7) Vince Morris, Alternate 2

Commissioner's Absent:

- 8) Robert Froehling, Chair
- 9) Doug Smith

2. **Staff Present:**

- 1) Brian Herrmann, City Planner
- 2) Jenette Collins, Urban Planner
- 3) Robert Batsell, City Attorney
- 4) Jeanette Rehberg, Zoning Administrator

3) Moment of Silence called for by Vice Chair Grannan

4) Pledge of Allegiance led by Vice Chair Grannan

5) Agenda Item 5 added by Vice-Chair during meeting: Vice Chair presented the Rules of Order for the conduct of the Planning Commission Meeting

6) Adoption of Agenda:

Motion to adopt the agenda by Commissioner Thompson

2nd: Commissioner Martin

Vote: To adopt the Agenda passed 7-0

7) Approval of Minutes: **August 5, 2021**

Motion to approve the Minutes as presented by Commissioner Kish

2nd: Commissioner Thompson

Vote: To approve the minutes passed 7-0

8) Citizen Input: 3 minutes: None

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9) Public Hearings: Vice Chair requested City Attorney Batsell to review the rules governing Quasi-Judicial hearings.

Public Hearing

a) **APPLICATION NO. PZ21-0087, brought by CRYSTAL MOTOR CAR COMPANY, INC.** PROVIDING FOR A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN, RECLASSIFYING 8.83 ACRES (MOL) OF PROPERTY OWNED BY CRYSTAL MOTOR CAR COMPANY, INC, ALSO IDENTIFIED AS PARCEL ID 17E18S27 43240 (AK# 3464182) IN THE RECORDS OF THE CITRUS COUNTY PROPERTY APPRAISER FROM (SPLIT FUTURE LAND USE) HIGHWAY COMMERCIAL (HC) AND HIGH DENSITY RESIDENTIAL (HDR), TO HIGHWAY COMMERCIAL (HC) LAND USE. (This application is associated with the next Item 8b.)

Vice Chair: Read by title into the record

Staff Presentation: Ms. Collins informed the Commission that items 9(a) and (b) (formerly 8(a) and (b)) will be presented together and voted on separately; as such, Item 9(b) will be heard as a Quasi-Judicial hearing.

Vice Chair: Announced the Quasi-Judicial hearing and requested the Clerk swear-in all witnesses. Vice Chair reviewed the rules governing the Quasi-Judicial hearings.

Quasi-Judicial Public Hearing

b) **APPLICATION NO. PZ21-0088, brought by CRYSTAL MOTOR CAR COMPANY, INC.** BY REZONING 8.83 ACRES (MOL) OF PROPERTY OWNED BY CRYSTAL MOTOR CAR COMPANY, INC, ALSO IDENTIFIED AS PARCEL ID 17E18S27 43240 (AK# 3464182) IN THE RECORDS OF THE CITRUS COUNTY PROPERTY APPRAISER FROM (SPLIT ZONING) HIGH INTENSITY COMMERCIAL (CH) AND HIGH DENSITY RESIDENTIAL (R-3), TO HIGH INTENSITY COMMERCIAL (CH) ZONING. (This application is contingent on the previous Item 8a.)

Staff Presentation: Ms. Collins presented a PowerPoint describing the applicants requests, the subject property and surrounding properties, and consistency with the City's Comprehensive Plan. Staff recommends approval of the application.

Commissioners: No discussion

Conflicts of Interest: None

Ex-Parte Communication: None

Applicants Presentation: Steve Uiterwyk had nothing to add to the staff presentation, he was there to answer Commissioners questions.

Commissioners Questions:

- Access to SE 8th Avenue
- Reference to what the property will be used for

Public Comment: None

Intervening Parties: None

Commission Discussion: None

Motion: To recommend approval of PZ21-0087 to the City Council by Commissioner Thompson

Second: Commissioner Ebert

Vote: 7-0 to approve the motion

Motion: To recommend approval of PZ21-0088 to the City Council by Commissioner Thompson

Second: Commissioner Herring

Vote: 7-0 to approve the motion

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c) **APPLICATION NO. V21-0007, FILE NO. PZ21-0086, from M. JORIANE HORNING FOR WEALTH TRUST SERVICES, INC.** FOR A THREE-PART VARIANCE REQUEST OF THE CITY OF CRYSTAL RIVER LAND DEVELOPMENT CODE (LDC) FOR A SINGLE-FAMILY RESIDENCE TO ALLOW FOR 1) A FENCE EXCEEDING THE MAXIMUM HEIGHT REQUIREMENT OF FOUR FEET WHEN PLACED IN THE FRONT YARD PURSUANT TO SECTION 5.01.11 FENCES, HEDGES, AND WALLS; 2) THE PLACEMENT OF A FENCE WITHIN THE REQUIRED 25-FOOT CLEAR VISIBILITY TRIANGLE PURSUANT TO SECTION 6.04.04 VISIBILITY AT INTERSECTIONS; AND 3) A RESIDENTIAL DRIVEWAY EXCEEDING THE MAXIMUM WIDTH REQUIREMENTS OF TEN FEET AT THE LOT LINE THAT MAY INCREASE TO A MAXIMUM TWENTY FEET PURSUANT TO SECTION 6.04.02 ACCESS AND DRIVEWAY DESIGN REQUIREMENTS, OF THE LDC. ON PROPERTY LOCATED IN SECTION 21, TOWNSHIP 18S, RANGE 17E; SPECIFICALLY, LOT 34 OF SPRINGDALE ADDITION TO SPRINGS O'PARADISE (PARCEL ID: 17E18S21 0180 0340 AK#1077583) WHICH ADDRESS IS 222 SE KINGS BAY DRIVE, CRYSTAL RIVER.

Vice Chair: Read by title into the record.

Conflicts of Interest: None

Ex-Parte Communication: Commissioner Kish spoke with "some folks" about the application

City Attorney: Request Commissioner Kish explain what discussion he had. Commissioner Kish explained it was with neighbors who were opposed to Variance request.

Staff Presentation: Ms. Collins presented a PowerPoint describing the applicants requests, the subject property and surrounding properties, and consistency with the City's Comprehensive Plan. Staff recommends denial of the request for a fence exceeding the maximum height in a front yard. Staff recommends approval of the two remaining variance requests.

Applicants Presentation: Explained the reasons why they are requesting the three variances:

- For safety of her family
- Privacy for a potential future pool
- Privacy from neighbors

Applicant submitted photos (Exhibit "A") in support of their application.

Commissioner's Discussion:

- Designation of a front yard on a corner lot
- Placement of fence behind the planters that are to be removed
- Can a berm be added to place the fence on
- Safety Issues along the roadways and sidewalks

Public Comment:

- **Opposed:**
 - Keith Shewbart, 224 SE Kings Bay Drive, opposed to 6' fence variance only.

Intervening Parties: None

Applicant's Rebuttal: Addressed Mr. Shewbart's concerns.

Commissioner's Discussion:

- Need to stay consistent with Commissions decisions.

Motion: Three part variance request, vote separately for each part:

Part 1 – Motion: Deny excessive height of the fence in the front yard by Commissioner Thompson

Second: Commissioner Martin

Vote: 7-0 motion approved

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Part 2 – Motion: Deny fence within the visibility triangle by Commissioner Thompson
Second: Commissioner Morris **Vote:** 3-4 motion denied
Called for New Part 2 – Motion: Approve fence within the visibility triangle by Commissioner Herring
Second: Commissioner Ebert **Vote:** 4-3 motion approved
Part 3 – Motion: Approve to allow the driveway to exceed the width of the driveway
Second: Commissioner Herring **Vote:** 7-0 motion approved

d) **APPLICATION NO. PZ21-0085, BROUGHT BY THE CITY OF CRYSTAL RIVER, FLORIDA AMENDING ORDINANCE NUMBER 05-O-09, APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; ESTABLISHING STANDARDS FOR CRAFT BREWERY, WINERY, OR DISTILLERY USE BY AMENDING SECTION 2.03.00 LAND USES PERMITTED IN EACH ZONING DISTRICT, TABLE 2.03.02 PERMITTED USES; BY ADDING SECTION 5.05.17. CRAFT BREWERIES, WINERIES, AND DISTILLERIES.**

Vice Chair: Read by title into the record.

Conflicts of Interest: None

Ex-Parte Communication: None

Staff Presentation: Mr. Herrmann presented the application.

Commissioner Questions:

- Who is the applicant? The City or Pingawear?

Mr. Herrmann continued his PowerPoint presentation of this application.

Commissioner’s Discussion:

- Are the Standards generic
- Legal non-conforming use – City Attorney explained legal non-conforming use
- Maximum use/gallons allowed to be produced

Public Comment: None

Motion: To recommend approval of PZ21-0085 to City Council by Commissioner Thompson

Second: Commissioner Martin

Vote: 7-0 motion approved

Quasi-Judicial Hearings Closed: Closed at 6:57 p.m.

10) Public Workshop: Opened at 6:57 p.m.

a) **APPLICATION NO. PZ21-0089. BROUGHT BY THE CITY OF CRYSTAL RIVER, FLORIDA AMENDING ORDINANCE NUMBER 05-O-09, APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; ADDING SECTION 4.03.04 LIGHTING, BY ESTABLISHING STANDARDS FOR ALL LAND USES; AMENDING SECTION 4.07.09 USES, BY REVISING STANDARDS FOR ACCESSORY DWELLING UNITS IN THE CRA OVERLAY DISTRICT; AMENDING SECTION 4.07.10 ADMINISTRATION, BY REVISING REVIEW PROCESSES FOR THE CRA OVERLAY DISTRICT; AMENDING SECTION 5.01.05 ACCESSORY DWELLINGS IN RW, R1, NBR, ZONING DISTRICTS, BY ADDING R2, R3, CW, CG, IND, CON AND PI ZONING DISTRICTS, AND REVISING STANDARDS; DELETING SECTION 5.01.06 ACCESSORY DWELLINGS IN IND, CON, AND PI ZONING DISTRICTS; AMENDING SECTION 5.01.11 FENCES, HEDGES, AND WALLS, BY REVISING STANDARDS; DELETING SECTION 5.01.16 ACCESSORY DWELLINGS CG ZONING DISTRICTS; AMENDING SECTION 6.04.02 ACCESS AND DRIVEWAY DESIGN STANDARDS; AMENDING SECTION 6.04.07 STANDARDS FOR PARKING AND PARKING LOTS, TABLE 6.04.07(A) PARKING SPACE REQUIREMENTS; AMENDING SECTION 8.02.02**

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MEMBERSHIP AND TERMS, BY REVISING PLANNING COMMISSION TERMS; AMENDING SECTION 9.03.01 AUTHORITY AND LIMITATIONS, BY REVISING STANDARDS FOR ADMINISTRATIVE WAIVERS; AMENDING SECTION 10.00.06 COMBINING LOTS, BY REVISING STANDARDS; AMENDING SECTION 10.02.01 GENERALLY, BY REVISING NOTICING REQUIREMENTS; AMENDING SECTION 10.02.03 MAILED NOTICE REQUIREMENTS.

Vice Chair: Read opening of Title, did not read into the record the complete Title.

Staff Presentation: Presented 14 proposed amendments to the Land Development Code.

1 Section 4.03.04 – Lighting

#2 Section 4.07.09 – Uses: Residential Accessory Dwelling Units in the CRA

#3 Section 4.07.10 – Administration: Administrative Waivers in the CRA

#4 Section 5.01.05 – Accessory Dwelling Units in R-W, R1, R2, R3, NBR, CW, CG, IND, CON, PI

#5 Section 5.01.06 – Accessory Dwelling Units in IND, CON, PI zoning districts

#6 Section 5.01.11 – Fences, Walls, and Hedges

#7 Section 5.01.16 – Accessory Dwelling Units in CG zoning districts

#8 Section 6.04.02 – Access and Driveway Design Requirements

#9 Table 6.04. – Parking Space Requirements

#10 Section 8.02.02 – Membership and Terms (Planning Commission)

#11 Section 9.03.01 – Authority and Limitations (Administrative Waivers)

#12 Section 10.00.06 – Combining Lots

#13 Section 10.02.01 – Generally (Notice Requirements)

#14 Section 10.02.03 – Mailed Notice Requirements

Commissioners Comments:

- Discussions regarding:
 - Lighting changes
 - Accessory Dwellings
 - Fences
 - Parking space requirements
 - Planning Commission Membership changes
 - Admin Waivers
 - Lot Combination
 - Notice requirements

11) Unfinished Business: None

12) New Business: None

NOTICE TO PUBLIC

Any person who decides to appeal any decision of the Planning Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to provide that a verbatim record of the proceeding is made , which record includes testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

Any person requiring reasonable accommodation at this meeting because of a disability or physical impairment should contact the City of Crystal River, City Manager's Office, 123 N. W. Highway 19, Crystal River, FL 34428 (352) 795-4216, at least two (2) days prior to the meeting.

13) Citizen Input: 5 minutes - None

14) Staff Comments: Update on the Civic Master Plan

15) Commissioner's Comments: Commissioner Kish thanked staff for the hard work

16) Chairman's Comments: This was his second time chairing a meeting, thanks the Commissioners for their help.

17) Adjournment:

Motion: To adjourn by Commissioner Thompson

Second: Commissioner Morris

Vote: 7-0 motion approved

NOTICE TO PUBLIC

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CITY OF CRYSTAL RIVER PLANNING COMMISSION

STAFF REPORT

Planning and Development Services Department

MEETING DATE:	October 7, 2021
APPLICATION NO.:	PZ21-0092- City of Crystal River Planning and Development Services Department – Private Property Rights Element
PROPOSED COMPREHENSIVE PLAN AMENDMENT:	Ordinance No. 21-O-17 – An Amendment to the Crystal River Comprehensive Plan by establishing a new Private Property Rights Element pursuant to Chapter 163, Florida Statutes.
PREPARED BY:	Jenette Collins, AICP Urban Planner, Planning and Development Services Department

PURPOSE AND INTENT: House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government is now required to adopt a property rights element into its comprehensive plan. This new element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.

Any proposed comprehensive plan amendment package submitted after July 1, 2021, will be returned to the local government if the package does not include a property rights element or if the comprehensive plan does not already include the required property rights element.

STAFF ANALYSIS: This application is to establish a new Private Property Rights Element in the Crystal River Comprehensive Plan, including goals, objectives and policies as suggested in House Bill 59. The text summarizes the City's processes for public hearings, due process and noticing that is consistent with statutory requirements.

PLANNING COMMISSION RECOMMENDATION – Transmittal

- Comprehensive Plan Amendment – Private Property Rights Element

CITY COUNCIL ACTION – Transmittal

- Comprehensive Plan Amendment – Private Property Rights Element



City of Crystal River

P221-0092
Department of Planning & Community Development
123 Northwest Highway 19
Crystal River, FL 34432
Telephone: (352) 795-4216
Facsimile: (352) 795-6351
development@crystalriverfl.org

APPLICATION FOR COMPREHENSIVE PLAN TEXT AMENDMENT

AltKey: N/A Ord 21-0-17 Parcel #: City Wide

Name of Petitioner(s): CITY OF CRYSTAL RIVER, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES (Contact Person: Jenette Collins, AICP, Urban Planner)

Address of Petitioner(s): 123 North West Highway 19

City Crystal River State Florida Zip Code 34428

Phone # (352) 795-4216, EXT. 340 Fax # _____ Cell # _____

Email Address: jcollins@crystalriverfl.org

State the Comprehensive Plan Element you request to amend: Establish new Private Property Rights Element of the Comprehensive Plan

Explain the reason for the proposed amendment: Amendment made pursuant House Bill 59 which became law on 6/29/2021, adding Section 163.3177(6)(i), Florida Statutes, which requires that each local government adopt a property rights element into its comprehensive plan.

Give evidence of consistency of the Proposed Amendment with the Comprehensive Plan: Proposed element is a mandatory element of the Comprehensive Plan pursuant to Chapter 163, F.S.

Attachments:

- ✓ Standard Application Form.
- ✓ Copy of the proposed text change.
- ✓ Copy of the proposed ordinance in strike-through and underline form.
- Attach as many additional pages as necessary.

Jenette Collins
 Signature

Urban Planner for City of Crystal River
 Title

(352) 795-4216, Ext 340
 Phone Number

123 NW Hwy 19, Crystal River, FL 34428
 City, State, Zip Code

State of Florida

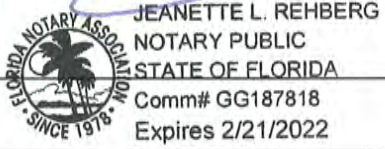
County of Citrus

The foregoing instrument was acknowledged before me by () physical presence or () remote audio-visual means this 19th, day of August, 20 21, by Jenette Collins, who is personally known to me or has produced N/A as identification and who did/did not take an oath.

Jeanette L. Rehberg
 Notary Public

Commission No.: _____

Commission Expires: _____



DRAFT

ORDINANCE NO. 21-O-17

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING THE CITY OF CRYSTAL RIVER COMPREHENSIVE PLAN BY ESTABLISHING A NEW PRIVATE PROPERTY RIGHTS ELEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Crystal River, Florida recognizes the need to plan for orderly growth and development; and

WHEREAS, the City of Crystal River adopted the City of Crystal River Comprehensive Plan (the "Comprehensive Plan"), by Ordinance 11-O-06 on September 12, 2011, and subsequent amendments thereto, and

WHEREAS, Section 163.3177, Florida Statutes, was amended by State legislature (HB59), becoming effective July 1, 2021, requiring local governments to include property rights elements in their comprehensive plans; and

WHEREAS, The new Property Rights Element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes;

WHEREAS, in accordance with the legislative intent expressed in Sub-section 163.3161 (10) and 187.101 (3), Florida Statutes, that governmental entities respect judicially acknowledged and constitutionally protected private property rights, and

WHEREAS, the City has reviewed the proposed Property Rights Element to the City's Comprehensive Plan, and said proposed amendment was reviewed by the City's Local Planning Agency at a duly advertised meeting on _____, 2021, and submitted staff report, which determined such element to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council has agreed with the recommendations of the Local Planning Agency that the proposed element complies with the requirements of Chapter 163, Florida Statutes, Part II, and that the proposed amendment is consistent with the Comprehensive Plan; and

WHEREAS, City Council held a public hearing for the transmittal of the proposed amendment on _____, 2021; and

WHEREAS, the City has received and responded to the Objections, Recommendations, and Comments Report; and

WHEREAS, a second public hearing was held by the City Council for adoption of this Ordinance on _____, 20____ .

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Crystal River, Florida that:

SECTION 1.

The City of Crystal River, Florida hereby adopts updates to its current Comprehensive Plan in accordance with Chapter 163.3177, F.S., which consist of the pages which are identified as follows, attached hereto and incorporated by reference:

EXHIBIT “A” – PRIVATE PROPERTY RIGHTS ELEMENT

A copy of the Comprehensive Plan, as amended, is on file at City Hall in Crystal River, Florida.

SECTION 2.

The City Clerk is hereby directed that within ten (10) working days after initial public hearing, to transmit the amendments of the current Comprehensive Plan to the Department of Economic Opportunity as a PDF document through the online portal, and one copy in any format to the Tampa Bay Regional Planning Council; Southwest Florida Water Management District; Department of Environmental Protection; Department of State; Department of Transportation; Citrus County Board of County Commissioners; and to any other unit of local government who has filed a written request for a copy, within ten (10) working days after adoption, in accordance with Florida Statutes and the Florida Administrative Code.

SECTION 3.

That all ordinances or parts of ordinances in conflict are and the same are hereby repealed.

SECTION 4.

That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work is declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 5.

The effective date of this plan amendment shall be in accordance with the state land planning agency’s notice of intent to find the plan amendment in compliance with the Community Planning Act. If the plan amendment is timely challenged pursuant to Section 163.3184(5), Florida Statutes, then it will become effective upon the state land planning agency or the Administration Commission entering a final order determining the adopted amendment to be in compliance. No

development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective.

SECTION 6.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

UPON MOTION DULY MADE AND CARRIED, the foregoing ordinance was approved and adopted in a regular meeting of the City Council, this ____ day of _____, 20____.

ATTESTED:

CITY OF CRYSTAL RIVER

Mia Fink
City Clerk

Joe Meek
Mayor

**APPROVED FOR CORRECTNESS
AND FORM**

Robert W. Batsel, Jr. Esquire
CITY ATTORNEY

EXHIBIT "A"

DRAFT

PRIVATE
PROPERTY RIGHTS
ELEMENT



ORD. 21-O-17 DRAFT IN PROGRESS

**Private Property Rights Element
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Private Property Rights Element

Introduction

In 2021, Florida legislature amended the Community Planning Act to require every city and county “to include in its comprehensive plan a property rights element.” Florida Statutes (F.S.) § 163.3177(6)(i)1. (2021). Each city or county must adopt this new element “by the earlier of the date of its adoption its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.” F.S. § 163.3177(6)(i)2. (2021).

Florida law recognizes the due process rights of people who are parties to many local government land use decisions. See *Brevard County. v. Snyder*, 627 So. 2d 469 (Fla. 1993) and *Jennings v. Dade County.*, 589 So. 2d 1337 (Fla. 3d DCA 1991). Due process rights are rights to have government make decisions in a certain way when those decisions affect other rights, like the right to property. The Fifth Amendment of the United States Constitution states that no one shall be “deprived of life, liberty or property without due process of law.”

Courts have recognized due process rights in Florida land use hearings including the right to receive notice, the right to be heard, the right to present or rebut evidence, and the right to be informed of all facts on which a local government bases its decision. People have the right to participate in planning and development decisions that affect their lives and property.

Municipal Processes

The City of Crystal River recognizes that a person cannot participate in decisions about which they are unaware. People rely on this comprehensive plan and on the zoning designations of properties when deciding how to use property. When amending this comprehensive plan or changes affecting the zoning designation on the official zoning map for the City, the Land Development Code includes processes and standards providing for due process consistent with the minimum requirements of Chapter 163, Part II - *Growth Policy; County and Municipal Planning; Land Development*, of the F. S. public hearings and the advertising and mail noticing requirements of Section 166.041 *Procedures for adoption of ordinances and resolutions*, F.S.

The public hearing process provides that any affected person may participate in and be a party to a hearing on a planning or land use/zoning decisions that affect this comprehensive plan and the land development code. Planning and development decisions must be made in response to true and accurate information. In all decisions, the City will provide every affected person an equal opportunity to be heard, to present and rebut evidence, and to be informed of all information on which the City bases its decision. The City will not grant any affected person a greater opportunity to be heard than another affected person, and utilizes quasi-judicial proceedings to ensure due process for citizens and applicants during public hearings. The Crystal River Land Development Code provides criteria for notice and advertising requirements, and the City remains adherent to statutory public notice standards.

Private Property Rights Element
Goals, Objectives and Policies

GOAL 1: To establish and utilize a Private Property Rights Element in compliance with Florida Statutes.

OBJECTIVE 1.1: To ensure that private property rights are considered in local decision making, complying with Florida Statutes.

POLICIES:

- A) The City will consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B) The City will consider the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances including but not limited to the Crystal River Comprehensive Plan and Land Development Code.
- C) The City will consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property in accordance with Florida law.
- D) The City will consider the right of a property owner to dispose of his or her property through sale or gift.



CITY OF CRYSTAL RIVER PLANNING COMMISSION

STAFF REPORT

Planning and Community Development Services Department

MEETING DATE:	October 7, 2021
APPLICATION #:	PZ21-0089 – Text Amendment to Land Development Code
APPLICANT:	City of Crystal River, 123 NW US Highway 19, Crystal River, Fl. 24429
PROPOSED ZONING TEXT AMENDMENT:	Multiple text amendments to the City’s Land Development Code are proposed that will: <ol style="list-style-type: none">1. Improve the ability of Staff to provide customer service to residents and developers within the City; or2. Impart new regulations within the zoning ordinance that will bring the City into compliance with Federal and State regulations; or3. Impart new regulations that update or improve upon the City’s existing zoning while benefitting the citizens that live, work, and recreate in the community; or4. Improve upon the City’s built environment. These amendments are supported by the City’s Comprehensive Plan.
PROJECT MANAGER:	Brian Herrmann, CNU-A, LEED AP, Director, Planning and Community Development Services Department

BACKGROUND INFORMATION:

The staff is requesting a series of amendments to the text of the City of Crystal River’s Land Development Code. The proposed changes are found in a variety of chapters within the ordinance. There are four primary goals associated with these changes:

1. Improve the ability of Staff to provide customer service to residents and developers within the City; or
2. Impart new regulations within the zoning ordinance that will bring the City into compliance with Federal and State regulations; or
3. Impart new regulations that update or improve upon the City’s existing zoning while benefitting the citizens that live, work, and recreate in the community; or
4. Improve upon the City’s built environment.

PROPOSED AMENDMENTS:

The following amendments are proposed to the text of the Land Development Code:

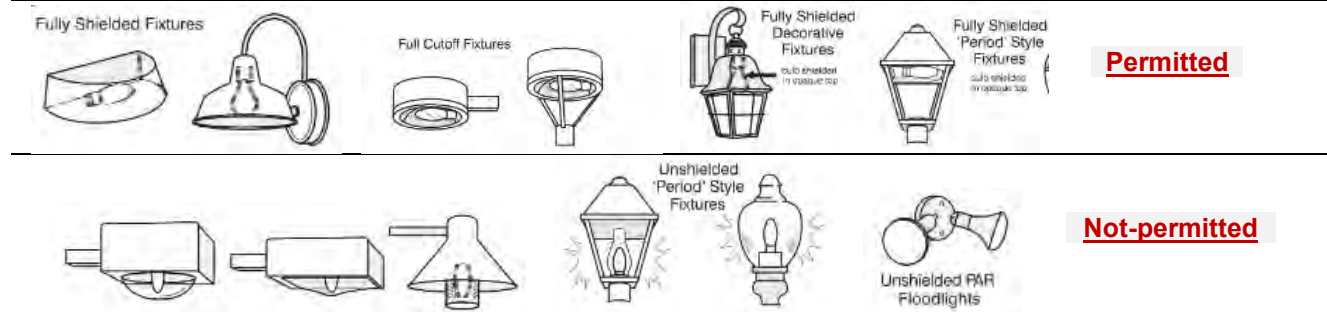
- #1 Section 4.03.04 – Lighting
- #2 Section 4.07.09 – Uses: Residential Accessory Dwelling Units in the CRA
- #3 Section 4.07.10 – Administration: Administrative Waivers in the CRA
- #4 Section 5.01.05 – Accessory Dwelling Units in R-W, R1, R2, R3, NBR, CW, CG, IND, CON, PI
- #5 Section 5.01.06 – Accessory Dwelling Units in IND, CON, PI zoning districts
- #6 Section 5.01.11 – Fences, Walls, and Hedges
- #7 Section 5.01.16 – Accessory Dwelling Units in CG zoning districts
- #8 Section 6.04.02 – Access and Driveway Design Requirements
- #9 Table 6.04. – Parking Space Requirements
- #10 Section 8.02.02 – Membership and Terms (Planning Commission)
- #11 Section 9.03.01 – Authority and Limitations (Administrative Waivers)
- #12 Section 10.00.06 – Combining Lots
- #13 Section 10.02.01 – Generally (Notice Requirements)
- #14 Section 10.02.03 – Mailed Notice Requirements

TEXT AMENDMENT #1

4.03.04. – Lighting.

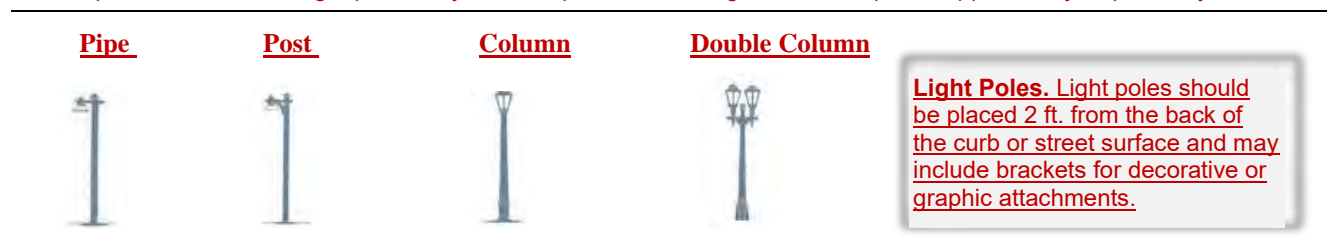
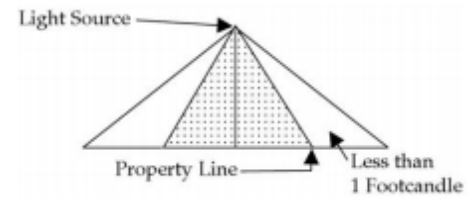
Lighting
GENERAL

1. **General.** The provisions of this Section shall apply to all development in the City.
2. **Outdoor Light Fixtures** are defined as outdoor artificial illuminating devices, outdoor fixtures, lamps, and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for: Buildings and Structures, Residences, Landscape Lighting, Sign Lighting, Parking Lot Lighting, Thoroughfare Lighting, and Recreational and Performance areas.
3. **Shielding.** All exterior illuminating devices, except those that are exempt shall be fully or partially shielded.
 - a. **“Full Cutoff”** shall mean that those fixtures so designated shall be shielded in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point of the fixture where light is emitted.
 - b. **“Partial Cutoff”** shall mean that those fixtures so designated shall have a light distribution in which the candlepower per 1,000 lamp lumens does not numerically exceed 25 lumens (2 and ½ percent) at an angle of 90 degrees above Nadir (horizontal), and 100 lumens (ten percent) at a vertical angle of 80 degrees above Nadir. This applies to any lateral angle around the luminaire.



4. **Light Spillage.** Continuous light spillage onto neighboring properties shall not exceed (1) foot-candle as measured at the lot line (see diagram).
5. **Exemptions.**
 - a. **Low Intensity Fixtures:** Any outdoor lighting fixture which has a max. candle power of less than 1,000 candelas is exempt.
 - b. **Required safety lighting for towers (i.e. cellular) is exempt.**
6. **Illumination Types.** Those lighting types listed below in (a-g) shall be allowed. The same type of lighting should be utilized for all fixtures and light sources on the site.

a. Incandescent	c. Noble Gas Tube	e. Quartz	g. Color Correct H. Pressure Sodium
b. Florescent (filtered)	d. LED	f. Metal Halide (filtered)	
7. **Wall Packs.** Lights shall be fully shielded, limited to ancillary entrances, and not directly visible from the street.
8. **Other Illumination Sources.** Other sources of Illumination that minimize undesirable light into the night sky, demonstrate architectural merit, or are energy efficient may be approved by the Supervisory Planner.
9. **Sign Lighting.** Externally illuminated signs shall use a “fully shielded” light directed solely at the sign.
 - a. **Goose Neck Lighting.** Goose neck lighting fixtures are strongly encouraged.
 - b. **Reserved.**
10. **Streets, Paths, and Parking Lots.** New lighting in walkable areas shall be of the general type illustrated below and should range from 10 – 20 ft. in height spaced a maximum of 75 ft. on center. In auto-centric, recreation, and performance areas light poles may extend up to 25 ft. in height, with exceptions approved by Supervisory Planner.



Notes: ¹ Those outdoor light fixtures requiring a filter shall have glass, acrylic, or translucent enclosures (Quartz Glass is excluded).

REASON FOR THE CHANGE:

A very similar amendment was adopted as part of the City's provisions for the CRA in 2020. However, because of the topic, it was decided that the staff could wait to amend the section for the entire City. Staff believes that the time has come to do so.

Crystal River is an extremely sensitive environmental area. Unfortunately, the CRA ordinance is limited in its coverage. As a result, most of the City, including significant waterfront areas are not addressed with any lighting standards.

However, with some simple changes, current issues such as light pollution, wildlife and ecosystems, energy waste, and crime and safety can be addressed throughout the entire community. In addition, the standards have been calibrated (adjusted) to ensure that they will appropriately address lighting in both our commercial and residential areas without overreaching in either. Duke Energy was consulted for input on the standards. They stated that both Metal Halide and Color Corrected High Pres. Sodium bulbs are nearly extinct and are easily and affordably replaced with LED bulbs. Therefore, we are proposing to remove these two types.

As such, staff believes that adoption of these standards is a positive and much needed step in the right direction for the City.

TEXT AMENDMENT #2

4.07.09.- Uses.

RESIDENTIAL**Accessory Dwelling Unit (ADU)**

An auxiliary dwelling unit located on the same lot as the principal building that may be attached by a back-building or contained within a stand-alone outbuilding. Examples include but are not limited to: a dwelling unit in a guest house, pool house, and above or beside a garage.

Supplementary Standards

- ~~1. This use shall be used as a substitute, and in place of the two Accessory Dwelling Units (ADUs) referenced in Table 2.03.03. (Accessory Structures):~~
 - ~~a. ADU type one (guesthouse, mother-in-law house, or helper quarters).~~
 - ~~b. ADU type two (caretaker quarters or park ranger housing).~~
- ~~2.1. In an effort to encourage mixed use (with residential) as well as....(cont.)~~
- ~~3.2. An Accessory Dwelling Unit (ADU) shall comply with the following Supplemental Use Standards:~~
 - a. **Number of Units.** One ADU shall be permitted per lot.
 - b. **Size.** ~~The maximum footprint for a Freestanding ADU – Each floor of the main body of the ADU shall not exceed: 720 square feet or the footprint of the principal dwelling.~~
 - ~~-- Width: 30 feet max.~~
 - ~~-- Depth: 30 feet max.~~
 - c. **ADU in an Existing Structure.** ~~If the ADU is to be located in an existing accessory structure, the accessory structure shall meet all setback requirements of the district. The maximum footprint of an ADU located within the principal building shall not exceed twenty-five (25) percent of the total floor area of a single floor within the principal building.~~
 - d. **Residential Form.** The structure shall appear residential in form.

REASON FOR THE CHANGE:

The provision currently allows for a unit to be either 720 square feet or the same size as “the footprint of the principal unit.” This number was established by considering an ADU that is 30 feet in width and 24 feet in depth (total equals 720 sf.). While it is true that some vehicles are smaller than ever, others are actually bigger (or longer) than ever. In fact, many pick-up trucks range from 18-22 feet in length. Such a vehicle would provide very little space for a human to move around a garage that is just 24 feet in length.

As a result, Staff is proposing to increase the maximum size limit of detached ADUs throughout the City to 900 sq. ft. This is done by allowing a:

- maximum width of 30 feet; and
- maximum depth of 30 feet

These sizes are maximums. They ensure that an occupant with two 22-foot long vehicles parked inside their ADU can move around the space appropriately. While these sizes are not required, they provide appropriate options to the owner.

In addition, a provision has been added to ensure that ADU’s located inside the CRA District will have the same requirements as those found outside of the CRA. ADU’s that are located within the principal building shall not exceed 25% of the total floor area of a single floor. This type of ADU is already addressed outside of the CRA. The provision will simply ensure that residents of the CRA have the same rights as those that live elsewhere in the City.

TEXT AMENDMENT #3

4.07.10 – Administration Review Process

5. **Administrative Waiver.** Administrative waivers are specified deviations from otherwise applicable development standards.

a. **Applicability.**

- i. For all numerical standards set forth in the overlay zoning of Section 4.07.00 through Section 4.08.02, the supervisory planner shall have authority to authorize an administrative waiver of up to ~~40~~15 percent.

b. **Adjustment Criteria.**

- i. To approve an application for an administrative waiver, the supervisory planner shall make an affirmative finding that the following criteria are met:
 - (a) That granting the administrative waiver will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - (b) That granting the administrative waiver will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate screening, setbacks, and other land use considerations;
 - (c) That granting the administrative waiver will not adversely affect property values in any material way; and
 - (d) That granting the administrative waiver will be generally consistent with the purposes and intent of this overlay code.

- ii. Reserved.

REASON FOR THE CHANGE:

This change provides for a relatively small increase (from 10% to 15%) of the overall percentage that the Supervisory Planner may administratively amend a specific standard that is found within the CRA District by. Administrative Waiver's will continue to require:

1. the same general level of land use compatibility;
2. the same level of screening, setbacks, and other land use considerations;
3. no adverse impacts to property values; and
4. consistency with the purpose and intent of the chapter and the section of the LDC.

TEXT AMENDMENT #4

5.01.05.- Accessory dwellings in R-W, R1, ~~R2, R3, and~~ NBR, CW, CG, IND, CON, and PI zoning districts.

Accessory apartments, detached guesthouses, and helper quarters shall be permissible in compliance with the following standards:

- A. An accessory dwelling unit (ADU): is intended to provide not for hire housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered as an apartment, hotel, or any other kind of multifamily use and shall not be used as a rental unit.
 1. Is intended to provide housing for relatives, guests, domestic helpers, caretakers, security personnel, park rangers, or renters. An accessory dwelling unit shall not be considered as an apartment, hotel, or any other kind of multifamily use and shall not be used as a rental unit.
 2. May not have its main entrance through the garage doors, but may be located toward a side street, alley, or internal to the lot. If the unit is located within the principal building, a separate door (from the garage doors) shall be used.
 3. Shall not require additional parking, except in the case of guest room(s) for a Bed & Breakfast, which shall be calculated as part of the required parking. Parking may be accessed from an alley, side street, or front street. However, parking may only be accessed from the front when there is no alley or side street present.
- B. Accessory dwellings within a principal building shall comply with the following standards:
 1. An accessory dwelling shall not be construed to be located within a principal building when it is connected to the principal building only by a breezeway or roofed passageway.
 2. No more than one (1) accessory dwelling shall be permitted.
 3. An accessory dwelling shall not be permissible within a nonconforming principal building.
 4. An accessory dwelling shall not be permissible where a variance or waiver is necessary in order to allow the accessory dwelling.
 5. An accessory dwelling shall not occupy more than twenty-five (25) percent of the total floor area of a single floor of the principal building.
- C. Freestanding accessory dwellings shall comply with the following standards:
 1. The floor area shall not exceed four hundred fifty (450) square feet. Each floor of the main body of the ADU shall not exceed:
 - Width: 30 feet max.
 - Depth: 30 feet max.
 2. An accessory dwelling unit shall be located only within a rear yard. However, an accessory dwelling unit may be located within the side yard of a lot that is 100 feet wide with the permission of the Supervisory Planner.
 3. A separate water meter shall be provided for a freestanding accessory dwelling.

-
4. An accessory dwelling shall comply with all standards set forth in sections 5.01.02 and 5.01.04, except for any restrictions on building height, which may not exceed two stories and the maximum height for the zoning district (Table 4.02.02.C. Standards for Building Heights and Setbacks).

REASON FOR THE CHANGE:

Currently, the City has four unique sections within the LDC that contain standards which specifically address Accessory Dwelling Units (ADU's). Each section is applicable to just a few zoning districts, while one applies directly to the CRA. Not only is this excessive, but it is almost unheard of.

While ADU's are extremely popular in other parts of the Country, it is somewhat interesting to note that despite all the variations in the standards, the use is not very popular in Crystal River nor Citrus County. While it is unlikely that the abundance of standards (or over-regulation of the use) is the reason for this, it is an interesting side note.

Staff is proposing to keep the CRA's provisions nearly identical to that which currently exists. However, the language will be updated to ensure that all ADU's throughout the City (whether they are within the CRA or not) shall have a similar location and size requirements.

The provisions above address the three sets of standards that currently speak to ADU's that are located outside of the CRA District. These have been combined into one set of standards that are applicable to all permitted zoning districts within the City.

- This new set of provisions allows for both detached ADU's (separate from the principal house) as well as an ADU that is located within the principal house.
- The maximum size limit for a detached ADU is proposed at 900 square feet. This is an ideal maximum size for both smaller and larger residences. The standard is conveyed as:
 - Width: 30 feet max.
 - Depth: 30 feet max.
- The maximum size of an ADU that is located within the principal house shall not exceed 25% of the total floor area of a single floor within the building.
- Finally, a unit may have a maximum height of two stories. This is comparable to the CRA District; however, the unit may not to exceed the height that is permitted in each zoning district.

TEXT AMENDMENT #5

~~5.01.06. — Accessory dwellings in IND, CON, and PI zoning districts.~~

~~Housing or quarters for caretakers, security personnel, or park rangers shall be permissible in compliance with the following standards:~~

- ~~A. — An accessory dwelling is intended to provide housing for a caretaker, security person, or ranger. Accessory dwellings permissible under this section shall be subordinate to the principal use and shall not be used as a rental unit or for any purpose other than security, caretaker, or park ranger personnel required to live on the premises of the principal use.~~
- ~~B. — An accessory dwelling shall be located in compliance with the standards set forth in section 5.01.02.~~
- ~~C. — An accessory dwelling may be either site-built or a manufactured home.~~
- ~~D. — No more than one (1) accessory dwelling shall be permitted on any lot.~~
- ~~E. — There shall be a minimum separation of seven (7) feet between principal and accessory structures on the same lot.~~
- ~~F. — The separation between buildings shall be measured from the nearest edge of the eaves of each building.~~

~~G.—An accessory dwelling shall not exceed twenty-five (25) feet in height.~~

~~H.—An accessory dwelling shall not exceed one thousand five hundred (1,500) square feet in gross floor area.~~

~~(Ord. No. 05-0-08, §§ 1, 2, 5-17-2005)~~

REASON FOR THE CHANGE:

Currently, the City has four unique sections within the LDC that contain standards that specifically address Accessory Dwelling Units (ADU's). Each section is applicable to a few zoning districts (in this case **IND, CON, and PI**), while one section applies only to the CRA. Not only is this excessive, but it is almost unheard of.

Staff is proposing to update the provisions so that there will be one set of standards for ADU's located within the CRA and one set of standards for ADU's located outside of the CRA. Both sets of standards will be updated to ensure that all ADU's have similar size requirements as well as location requirements.

TEXT AMENDMENT #6 – Staff is proposing to remove the entire Section (below) and replace it.

~~5.01.11. – Fences, hedges, and walls.~~

~~A.— All fences shall comply with the Florida Building Code. Wooden posts shall be pressure treated and shall be resistant to decay, corrosion, and termite infestation.~~

~~B.— Fences or hedges may be located in any front, side, and rear yard setback areas.~~

~~C.— No fences or hedges shall exceed four (4) feet in height when placed in the front yard.~~

~~D.— Each fence or hedge located in the side and rear yard shall not exceed the height of six (6) feet, except as set forth in subsection I. below.~~

~~E.— In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle, as described in section 6.04.04.~~

~~F.— All fences shall be placed with the finished side facing the adjoining property or the right-of-way.~~

~~G.— Any fence or wall that provides structural support to a building shall be considered part of the building and shall be required to meet the building setback standards.~~

~~H.— A fence may tie in to a building to complete the enclosure of a yard, where such fence does not provide support as set forth in subsection G. above.~~

~~I.— No barbed wire or electric fences in any form shall be permitted in any zoning district. However, a security fence in an industrial zoning district may use barbed wire, provided that the fence shall not exceed eight (8) feet in height and the barbed wire on top of the fence shall not exceed an additional one (1) foot. A commercial zoning district may apply for the same type fencing with approval by the city manager.~~

~~J.— No fence or hedge shall be constructed or installed in such a manner as to interfere with stormwater management facilities or to impede drainage on the site.~~

~~K.— All fences, hedges, and walls shall be continually maintained for safety and appearance, consistent with the requirements of the LDC.~~

~~L.— Classification of fences on vacant properties (properties within the CRA district must comply with chapter 4 of the Land Development Code for appearance.)~~

~~A.— On lots with a main structure that has a vacant adjacent lot under the same ownership, the fence must meet all applicable codes. No accessory structure other than a fence may be constructed on an adjacent vacant property. The maximum height in the front cannot exceed four (4) feet from grade, must be a minimum of fifty (50) percent transparent and the fence must be constructed along the entire vacant lot (all sides). Adjacent vacant lot must be maintained at all times.~~

~~B. Vacant lots (stand-alone): Four (4) foot maximum height measured from grade. Materials must meet fencing criteria for fifty (50) percent transparency. No accessory structure or use other than a fence is allowed on stand-alone vacant properties. The property must be maintained at all times. (Ord. No. 05-0-08, §§ 1, 2, 5-17-2005; Ord. No. 18-O-01, § 2, 8-29-2018)~~

NEWLY PROPOSED SECTION FOR FENCES, WALLS, AND HEDGES IS FOUND BELOW:

5.01.11. - Fences, walls, and hedges.

A. Fence, wall, and hedge location.

1. Fences, walls, and hedges are permitted:
 - a. On the property line between two or more parcels of land held in private ownership.
 - b. On a property line adjacent to, but outside a public right of way.
 - c. On a property when utilized to delineate different portions of the lot.
 - d. Underground, for the electronic control of domestic animals.
2. **Visibility clearance.** Fences, walls, and hedges shall be placed outside of required sight triangles or areas needed for visibility (see 6.04.04).
3. **Near fire hydrants.** Fences, walls, and hedges shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices.
4. **Utility easements.** Fences, walls, and hedges shall be prohibited within utility easements except where constructed by the City, the utility, or if permission is granted by the Supervisory Planner. This provision shall not be construed to prevent fencing around stormwater retention or detention facilities.
5. **Drainage areas.** No fence, wall, or hedge shall be installed so as to interfere with stormwater management facilities or block or divert drainage flow onto the site or any other land; except where permission is granted by the Supervisory Planner.

B. Maintenance. All fences, walls, hedges, and associated landscaping shall be maintained in good repair and in a safe and attractive condition—including, but not limited to, the repair or replacement of missing, decayed, or broken structural and decorative elements.

C. Classification of fences on vacant properties.

1. On lots with a main structure that has a vacant adjacent lot located to either side on the same block-face that is under the same ownership a fence may be installed on the vacant lot that complies with all applicable codes. No accessory structure other than a fence may be constructed on an adjacent vacant property. The maximum fence height cannot exceed four (4) feet from grade and shall meet the opacity criteria for the type of fence or be fifty (50) percent opaque. The fence shall be constructed along all sides of the vacant lot, except in the side yard that connects the two parcels (if the lot with the main structure contains a fence along this side) or where a side will front a canal or waterway. Chain link fences are prohibited. The vacant lot shall be maintained.
2. Vacant lots (stand-alone): Four (4) foot maximum height measured from grade. Opacity must be 50% or meet the criteria for the type of fence. The fence shall be constructed along all sides of the vacant lot, except where a side will front a canal or waterway. No accessory structure or use other than a fence is allowed on stand-alone vacant properties. Chain link fences are prohibited. The property must be maintained at all times.

D. Changes in Character and Intensity with Zone.

1. Table 5.01.11.A. (Fence, Wall, and Hedge Design) conveys the types of fences, walls, and hedges that are most often associated with each zoning district.
2. Table 5.01.11.B. (Fences, Walls, and Hedges: Changes in Character and Intensity by Zoning District) provides photographic examples of the fences, walls, and hedges identified in Table 5.01.11.A and

demonstrates how their character and intensity changes with the zoning district. Though the photographs are illustrative only, the fence, wall, and hedge types that are listed are appropriate.

E. Materials and Height.

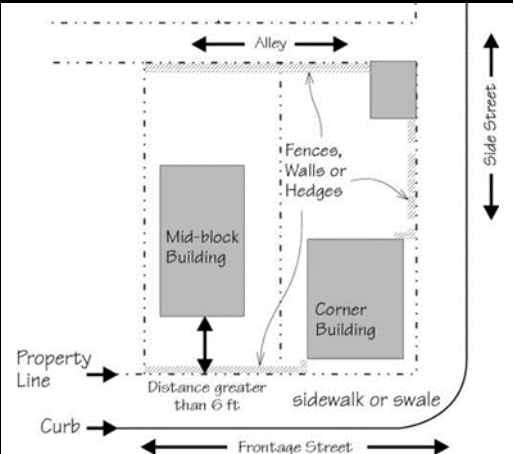
1. Table 5.01.11.A. (Fence, Wall, and Hedge Design) conveys the:

- a. Permitted height for fences, walls, and hedges as measured from natural grade for each zoning district.
- b. Permitted and prohibited materials for fences, walls, and hedges.

2. Height Exemptions.






- a. **Pergolas, Arbors, Trellises.** Architectural features that are both functional and compatible with the fence, wall, or hedge are exempt from the height restrictions of this Section.
- b. **Recreational Fencing.** Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this Section. The typology of such fencing may be chain link or similar.
- c. **Public Safety Use Fences and Walls.** Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to 8 feet in front, side, and rear yards, unless further increased through an approved security plan (see Subsection d. below). Where visible from the street a wall shall be fronted by a hedge row or similar vegetative landscaping.
- d. **Security Plan for Fences and Walls.** A property owner may submit a site security plan to the Administrator that proposes an 8 foot fence or wall with or without an additional 1 foot of barbed or concertina wire atop the fence or wall. The use of barbed or concertina wire shall be limited to the (I) Industrial and (PI) Public Institutional zoning districts. The Administrator may approve, or approve with conditions, the site security plan if:
 - (1) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; and
 - (2) The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

Table 5.01.11.A Fence, Wall, and Hedge Design

Zoning District	Permitted Fences, Walls, and Hedges	Permitted Height			Permitted and Prohibited Materials	
		Front Yard	Side and Rear Yard	Side and Rear Yard Adj. to ROW		
CON RC	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Split Rail fence 3. Post & Rail fence 4. Living fence <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 	<p>Min 48"</p> <p>Max 60"</p>	<p>Max 72"</p>	<p>Min 48"</p> <p>Max 60"</p>	<p>PERMITTED</p> <ul style="list-style-type: none"> • Treated or rot-resistant wood • Plants and vines • Wrought Iron • Brick • Stone • Concrete Masonry Units with Stucco (C.B.S. – if primary structure is masonry). • Reinforced Concrete with Stucco (if primary structure is masonry). <p>PROHIBITED</p> <ul style="list-style-type: none"> • Plastic, Sheet Metal, Vinyl • Plywood, Junk, and Waste. • Barbed Wire, Concertina Wire, and above ground Electrified • Fences not associated with agricultural activities or an approved security plan, (see Section 5.01.11.D.2.d.) 	<p>GENERAL REMARKS</p> <ol style="list-style-type: none"> 1. Fences, Walls, and Hedges are strongly encouraged and if constructed shall be sited along a right-of-way that abuts a street or alley, as conveyed in the associated standards as well as the above diagram and this Table. 2. The more "finished" side of a fence or wall shall face the perimeter of the lot. 3. The name assigned to Fences, Walls, & Hedges is based on common industry terminology. 4. Differing fence and wall types may be integrated so long as they comply with this Section (e.g. a fence in front of a hedge or a wrought iron fence on top of a wall). <p>FENCES</p> <ol style="list-style-type: none"> 1. "Permitted Height" addresses the height for the "body" of a fence. Fence posts may extend a maximum of 12" above the body of the fence. 2. Fence opacity shall not exceed 50% max. except: <ol style="list-style-type: none"> a. Privacy and Living Fences may be 100% max. b. Split Rail, Post & Rail, Chain Link, lattice, and Wrought Iron shall not exceed 25% max. 3. Fence Types may be finished in various "styles" (e.g., "Gothic" or "Dog Ear" Picket Fence). 4. Chain Link shall not be permitted in the Front Yard, or Side and Rear Yard adjacent to a ROW. 5. Split Rail and Post and Rail fences may use "hog wire" fill. 6. A "Living Fence" consists of wood posts with "hog wire" infill and a board rail on top. 7. Wood pickets or balusters shall be rectangular or round. Spacing shall not exceed 1 ½ inches. 8. Vertical posts on Wrought Iron fences shall be a minimum of 5/8" thick, spaced b/t 4 & 6 inches. <p>WALLS</p> <ol style="list-style-type: none"> 1. Reserved. <p>HEDGES</p> <ol style="list-style-type: none"> 1. Hedge Walls shall be a minimum of 8" thick.
RW R1	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Split Rail fence 3. Post & Rail fence 4. Living fence 5. Chain Link fence 6. Lattice fence 7. Picket or Baluster fence with Corner Posts <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 2. Hedge Wall with Brick Posts 3. Garden Wall 	<p>Min 42"</p> <p>Max 48"</p>	<p>Max 72"</p>	<p>Min 42"</p> <p>Max 48"</p>	<p>PROHIBITED</p> <ul style="list-style-type: none"> • Plastic, Sheet Metal, Vinyl • Plywood, Junk, and Waste. • Barbed Wire, Concertina Wire, and above ground Electrified • Fences not associated with agricultural activities or an approved security plan, (see Section 5.01.11.D.2.d.) 	<p>GENERAL REMARKS</p> <ol style="list-style-type: none"> 1. Fences, Walls, and Hedges are strongly encouraged and if constructed shall be sited along a right-of-way that abuts a street or alley, as conveyed in the associated standards as well as the above diagram and this Table. 2. The more "finished" side of a fence or wall shall face the perimeter of the lot. 3. The name assigned to Fences, Walls, & Hedges is based on common industry terminology. 4. Differing fence and wall types may be integrated so long as they comply with this Section (e.g. a fence in front of a hedge or a wrought iron fence on top of a wall). <p>FENCES</p> <ol style="list-style-type: none"> 1. "Permitted Height" addresses the height for the "body" of a fence. Fence posts may extend a maximum of 12" above the body of the fence. 2. Fence opacity shall not exceed 50% max. except: <ol style="list-style-type: none"> a. Privacy and Living Fences may be 100% max. b. Split Rail, Post & Rail, Chain Link, lattice, and Wrought Iron shall not exceed 25% max. 3. Fence Types may be finished in various "styles" (e.g., "Gothic" or "Dog Ear" Picket Fence). 4. Chain Link shall not be permitted in the Front Yard, or Side and Rear Yard adjacent to a ROW. 5. Split Rail and Post and Rail fences may use "hog wire" fill. 6. A "Living Fence" consists of wood posts with "hog wire" infill and a board rail on top. 7. Wood pickets or balusters shall be rectangular or round. Spacing shall not exceed 1 ½ inches. 8. Vertical posts on Wrought Iron fences shall be a minimum of 5/8" thick, spaced b/t 4 & 6 inches. <p>WALLS</p> <ol style="list-style-type: none"> 1. Reserved. <p>HEDGES</p> <ol style="list-style-type: none"> 1. Hedge Walls shall be a minimum of 8" thick.
R2 R3 IND PI NBR CW CG CH MXD CRA DISTRICT	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Living fence 3. Chain Link fence (Not permitted in CRA) 4. Lattice fence 5. Picket fence or Baluster fence with Corner Posts 6. Wrought Iron fence 7. Wrought Iron fence w/ Brick Posts <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 2. Hedge Wall with Brick Posts or Picket Gate 3. Garden Wall 4. Garden Wall with Wrought Iron Fence 	<p>Min 36"</p> <p>Max 48"</p>	<p>Max 72"</p>	<p>Min 36"</p> <p>Max 48"</p>	<p>PROHIBITED</p> <ul style="list-style-type: none"> • Plastic, Sheet Metal, Vinyl • Plywood, Junk, and Waste. • Barbed Wire, Concertina Wire, and above ground Electrified • Fences not associated with agricultural activities or an approved security plan, (see Section 5.01.11.D.2.d.) 	<p>GENERAL REMARKS</p> <ol style="list-style-type: none"> 1. Fences, Walls, and Hedges are strongly encouraged and if constructed shall be sited along a right-of-way that abuts a street or alley, as conveyed in the associated standards as well as the above diagram and this Table. 2. The more "finished" side of a fence or wall shall face the perimeter of the lot. 3. The name assigned to Fences, Walls, & Hedges is based on common industry terminology. 4. Differing fence and wall types may be integrated so long as they comply with this Section (e.g. a fence in front of a hedge or a wrought iron fence on top of a wall). <p>FENCES</p> <ol style="list-style-type: none"> 1. "Permitted Height" addresses the height for the "body" of a fence. Fence posts may extend a maximum of 12" above the body of the fence. 2. Fence opacity shall not exceed 50% max. except: <ol style="list-style-type: none"> a. Privacy and Living Fences may be 100% max. b. Split Rail, Post & Rail, Chain Link, lattice, and Wrought Iron shall not exceed 25% max. 3. Fence Types may be finished in various "styles" (e.g., "Gothic" or "Dog Ear" Picket Fence). 4. Chain Link shall not be permitted in the Front Yard, or Side and Rear Yard adjacent to a ROW. 5. Split Rail and Post and Rail fences may use "hog wire" fill. 6. A "Living Fence" consists of wood posts with "hog wire" infill and a board rail on top. 7. Wood pickets or balusters shall be rectangular or round. Spacing shall not exceed 1 ½ inches. 8. Vertical posts on Wrought Iron fences shall be a minimum of 5/8" thick, spaced b/t 4 & 6 inches. <p>WALLS</p> <ol style="list-style-type: none"> 1. Reserved. <p>HEDGES</p> <ol style="list-style-type: none"> 1. Hedge Walls shall be a minimum of 8" thick.

Notes:

- 1 Area in front of the primary structure (porches, balconies, includes porches).
- 2 Side and Rear Yard (behind the front plane of the primary structure).
- 3 Side and Rear Yard (behind the front plane of the primary structure) that abuts a side street Right of Way.

Table 5.01.11.B. Fences, Walls, & Hedges: Changes in Character and Intensity by Zoning District			
CON, RC	RW, R1	R2, R3, IND, PI, NBR, CW, CG, CH, MXD, CRA	
<u>Select from below only</u>	<u>Select from left and below</u>	<u>Select from both columns found below</u>	
 <p><u>Privacy Fence</u></p>	 <p><u>Lattice Fence</u></p>	 <p><u>Privacy Fence</u></p>	 <p><u>Wrought Iron Fence</u></p>
 <p><u>Split Rail Fence</u></p>	 <p><u>Picket or Baluster Fence</u></p>	 <p><u>Living Fence</u></p>	 <p><u>Hedge Wall</u></p>
 <p><u>Post & Rail Fence</u></p>	 <p><u>Hedge Wall</u></p>	 <p><u>Lattice Fence</u></p>	 <p><u>Hedge W. w/ Picket Gate</u></p>
 <p><u>Living Fence</u></p>	 <p><u>Garden Wall</u></p>	 <p><u>Picket or Baluster Fence</u></p>	 <p><u>Garden Wall</u></p>

REASON FOR THE CHANGE:

This is an amendment that was contemplated in 2020 when all of the standards for the CRA were consolidated, re-written and adopted. Staff reviewed the City's standards for Fences, Walls, and Hedges and concluded that they were lacking when compared to many cities. However, given the size and scope of the original amendments the Staff concluded that it was appropriate to hold off on these changes at the time. One and a half years has passed since the CRA provisions were adopted. Therefore, Staff feels as though these amendments are now appropriate and necessary.

As stated, the City's current standards for Fences, Walls, and Hedges are drastically insufficient when compared with many cities. These provisions utilize a somewhat unique format in that they attempt to classify our City's zoning districts into a rural to urban spectrum. Each zoning district is assigned to one of three categories, with one set clearly "rural" in its form (CON, RC), another set "sub-urban" in its form (RW), (R1), and the final set being "urban" in its form (R2), (R3), (IND), (PI), (NBR), (CW), (CG), (CH), (MXD), and (CRA). This approach ensures that each applicant is provided with a large palate of choices, ranging from rural to sub-urban to urban. These are not only appropriate to their location, but they include some overlap. They simply choose which "type" they prefer.

While the new standards are comprehensive, they should not result in non-conformities, as the permitted heights for fences, walls, and hedges in the front, side, and rear yard includes a range that extends up to the current height that is currently permitted in these locations.

In summary, the applicant is provided with additional choices, or types of fences, walls, and hedges that are suitable for the site, while the community is ensured that they are getting an appropriate form given the location.

TEXT AMENDMENT #7

~~5.01.16.— Accessory dwellings CG zoning districts.~~

~~Accessory apartments, detached guesthouses, and helper quarters shall be permissible in compliance with the following standards:~~

- ~~A.— An accessory dwelling in the CG zoning district is intended to provide housing within or attached to a principle structure.~~
- ~~B.— An accessory dwelling unit may be considered as an apartment and rented or leased separate from the principle structure.~~
- ~~C.— Accessory dwellings within a principal building shall comply with the following standards:~~
 - ~~1.— An accessory dwelling shall not be construed to be located within a principal building when it is connected to the principal building only by a breezeway or roofed passageway.~~
 - ~~2.— No more than one (1) accessory dwelling shall be permitted.~~
 - ~~3.— An accessory dwelling shall not be permissible within a nonconforming principal building.~~
 - ~~4.— An accessory dwelling shall not be permissible where a variance or waiver is necessary in order to allow the accessory dwelling.~~
 - ~~5.— An accessory dwelling shall not occupy more than forty five (45) percent of the total floor area of the principal building.~~
 - ~~6.— There shall be designated parking on-site for the accessory dwelling unit.~~

REASON FOR THE CHANGE:

Currently, the City has four unique sections within the LDC that contain standards which specifically address Accessory Dwelling Units (ADU's). Each section is applicable to a few zoning districts (in this case **CG**), while one section applies directly to the CRA. Not only is this excessive, but it is almost unheard of.

Staff is proposing to update the provisions so that there will be one set of standards for ADU's located within the CRA and one set of standards for ADU's located outside of the CRA. Both sets of standards will be updated to ensure that all ADU's have similar size requirements as well as location requirements.

TEXT AMENDMENT #8

6.04.02.- Access and driveway design requirements.

The following standards shall apply to all driveways or access points from a lot or parcel onto a public street:

- A. An access point shall include either a one-way access, a two-way access, or a pair of one-way accesses, ~~provided that the paired access points are not more than fifty (50) feet apart, measured from the centerlines of the access drives.~~ (This standard allows for a circular drive) ~~with a fifteen-foot turning radius.~~
- F. Accessways and driveways shall comply with the following standards:
- ~~1. Residential driveways shall be a maximum of ten (10) feet in width at the lot line and may increase to a maximum of twenty (20) feet in width.~~
 1. Residential Driveway Dimensions: Residential Driveways shall be designed in a manner that minimizes disruption of pedestrian corridors and the streetscape.
 - a. Residential Driveway ROW Apron. A Residential Driveway in which a sidewalk is present within the ROW on the same side of the street (or planned and funded to be constructed within the ROW on the same side of the street) shall not exceed a maximum of twelve (12) feet in width within the ROW. Any paved driveway area not connected to a sidewalk shall be bounded by grass.
 - i. If the sidewalk is located (or planned) at the back of the ROW, immediately adjacent to the property line then the first three (3) feet of driveway located on the parcel shall be paved and not exceed a maximum of twelve (12) feet in width. This paved area shall be bordered by grass.
 - ii. Reserved.

If no sidewalk is present or planned, then the width of the driveway may be a minimum of twelve (12) feet and a maximum of twenty (20) feet within the ROW.

ROW aprons, while not required, may be installed on each side of the driveway. If a sidewalk is present (or planned), the ROW apron may extend from one (1) foot past the edge of the sidewalk or planned sidewalk (on the street side) towards the street or curbing. In all cases, the ROW apron shall start at a width of zero (0) feet and extend to a maximum width of three (3) feet and a maximum length of four and one-half (4½) feet (measured at the street / curb).
 - b. Standard Residential Driveway. A Standard Residential Driveway may be a minimum of twelve (12) feet in width and a maximum of twenty (20) feet in width when located between the lot line and the carport, garage, or parking area under the house.
 - c. Ribbon Residential Driveway. A Ribbon Residential Driveway is an acceptable alternative to a Standard Residential Driveway as it reduces the overall impervious surface coverage. While there is no minimum width required for a ribbon driveway, they shall be subject to the same twenty (20) foot maximum width established for a Standard Residential Driveway. Individual ribbons shall only be permitted within the property (not the right of way) and shall measure between one and one-

-
- half (1½) feet and two and one-half (2½) feet in width. The driveway may contain ROW aprons as conveyed above.
- d. Circular Residential Driveway. A Circular Residential Driveway shall measure twelve (12) feet in width, including the width of the ROW. The two points of access shall not be sited more than fifty (50) feet apart, measured within the ROW from the centerline of each drive. The driveway may contain ROW aprons as conveyed above. For purposes of this subsection, a Circular Residential Driveway shall be considered to be one (1) driveway.
 - e. Residential Driveway Garage Apron. A paved Residential Garage Apron, or the final four (4) feet of driveway (depth) providing access to, and located directly in front of the garage(s) may extend up to 24 feet in width, or the width of the garage door opening(s), whichever is less, when measured from the outer edges of:
 - i. A “two car” garage with one garage door opening, or
 - ii. A “two car” garage with two individual garage door openings that are separated by a minimum of six (6) inches of fiber cement, wood, brick, stucco or vinyl siding that comprises the primary structure.
Landscaping material, not pavement shall be located on the ground surface in front of the fiber cement, wood, brick, stucco, or vinyl siding that comprises the primary structure located to the side of the garage(s).
 - f. This provision (f.) shall be applicable throughout the entire City, including the Community Redevelopment Area (CRA):
 - i. Residential driveways shall be paved with a material that supports the anticipated load and context.
 - ii. Pervious or semi-pervious paving materials are required in the CRA and strongly encouraged elsewhere. Where possible, such materials shall be used in combination with on-site stormwater control devices.
 - g. One parking pad may be installed in the front or side yard adjacent to an approved residential driveway. The pad shall be no wider than ten (10) feet and no longer than twenty (20) feet. It shall be set back a minimum of ten (10) feet from the front property line and shall extend outward from the driveway on the side. An additional “paved” area may be established to provide vehicular access from the street side at a rate of two feet (out) and one foot (up) toward the pad (area equals 10’ in width by 5’ in depth). The access is purposefully tight. An alternative paving material (brick, asphalt, stone) is strongly encouraged for use on the parking pad.
 - h. A house that is raised and wishes to provide parking underneath the unit may do so. As with a garage the driveway that provides access to the area shall be limited to 20 feet in width and all other provisions shall apply (a paved “Residential Garage Apron” shall not be permitted unless a garage is present). Parking areas under the house shall be shown on the development plan.
2. Non-residential accessways shall not exceed eighteen (18) feet in width. When a landscaped median is provided, each one-way access shall not exceed eleven (11) feet in width.
 3. The minimum effective curb radius shall be utilized. No part of the turning radius shall extend over the property line.
 4. Non-residential curb-cuts / driveways for newly developed parcels or existing parcels in which the use changes:
 - a. Vehicular access that is provided by a curb-cut that exceeds the width currently allowed by code and / or FDOT standards shall be reduced so as to adhere to the provisions of the ordinance or FDOT standards.
-

- b. A parcel with two or more curb cuts providing vehicular access (ingress and egress) to the frontage shall be redesigned and / or closed so that only one vehicular access (providing both ingress and egress) remains to the use's frontage. Front and side access shall be treated similarly for a corner lot.

REASON FOR THE CHANGE:

Urban designers frequently say, “a driveway that is wider than 12 feet, but less than 20 feet is essentially a waste of space.” This is because it is too wide for one vehicle, but not large enough for two vehicles. As such, the City is updating its current standards to appropriately reflect this range. In doing so, we have set up the provisions so that they work from the street towards the house.

Sidewalks are almost always located within a city ROW. Therefore, if a sidewalk is either present (or planned) for a street, then the portion of the driveway that is located within the ROW may be no larger than 12 feet in width. This protects the pedestrians, including the elderly and children who use these. However, if no sidewalk is present (or planned) then the entire driveway (including the portion in the ROW) may once again be built at a width of 20 feet.

Along with the standard RESIDENTIAL DRIVEWAY we have defined a type of RIBBON DRIVEWAY, as well as a type of CIRCULAR DRIVEWAY in the new provisions.

The City is also establishing a provision that will allow for additional driveway width directly in front of a garage. On occasion residents will establish a two-car garage in which the width of the doors exceeds 20 feet. The provision allows the driveway to extend in width (if necessary) to the outermost edge of the garage door or doors (not to exceed 24 feet).

Provisions have been added to allow for one “side” parking pad adjacent to the driveway. It may extend up to 10 feet in width and 20 feet in length (a city parking space is 9 x 18 feet) and contain an additional paved area on the street side for access.

Pervious and semi-pervious driveway materials are also addressed. These are ideal for residential driveways as well as a side parking pad.

In addition, parking under a raised house is addressed for the first time. Given the recent changes by FEMA this type of design is likely to occur more often than in the past and should be examined.

Finally, language has been added for non-residential curb cuts and driveways. This language ensures that new “non-residential” uses (or sites that change their primary use) will not have more than one driveway per street frontage. This language is already in the City’s code. This is an effort to reinforce that which already exists, and to do so in a section that is applicable.

TEXT AMENDMENT #9

Table 6.04.07(A). Parking space requirements.

Type of use or activity	Minimum number of spaces
Assembly places (religious facilities, funeral homes, schools, theaters, auditoriums, arenas, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 5 seats; 1 per 300 gsf (no fixed seats) ¹
Clubs and lodges (including fraternities, sororities, and other social or civic membership organizations)	1 space per 5 seats in the largest assembly area; 1 per 300 gsf (no fixed seats)
Commercial activities, including retail sales, and business activities not otherwise specified	1 space per 400 sf. of gross floor area
Day-care, child care	1 per employee plus 1 per 6 persons of maximum occupancy
Private schools	1 per 4 persons of maximum occupancy
Other Drive-thru establishments	1 space per 150 s.f. of gross floor area <u>As required for the type of use or activity</u>
Eating, drinking, or entertainment establishments (without a drive-thru facility ies)	1 space per 150 s.f. of gross floor area
<u>Eating or entertainment establishments (with a drive-thru facility)</u>	1 space per 150 <u>250</u> s.f. of gross floor area
Gasoline service stations and small vehicle repair	1 space per 500 s.f. of floor area
Group lodging, including nursing homes, rest homes, convalescent homes, assisted care facilities, and other similar facilities	1 space per 2 beds
Hospitals and other medical facilities providing overnight accommodations	1 space per 3 beds plus 1 space per 4 employees on the largest shift
Hotels, motels, and other similar lodging and accommodations establishments, without restaurants or lounges	1 space per sleeping room
Hotels, motels, apartment hotels, and other similar lodging and accommodations establishments, with restaurants or lounges	Parking required for the lodging facility plus one-half parking required for the restaurant
Industrial uses	1 space per 1,000 s.f. of gross floor area
Marinas	1 space per 5 boat berths (wet slips or dry storage), plus 1 space per employee on the largest shift
Medical offices and clinics	1 space per 400 s.f. of gross floor area
Mini-warehouse or self-storage facilities	1 space per 500 s.f. of office space. No spaces are required for storage facilities, provided that an off-street loading space is provided for each storage unit.
Multi-family dwellings	< 1000 sf. = 1 per unit min. 1000 sf. to 1500 sf. = 1.5 per unit min. > 1500 sf. = 2 per unit min.
Recreation facilities	1 space per 1,000 s.f. feet of active use area

Offices (general, professional, or government)	1 space per 400 s.f. of gross floor area
Single-family dwellings	1 per unit
Vehicles sales	1 per 3,000 s.f. of open or enclosed sales area
¹ The number of seats shall be the maximum occupancy load established for the building by the building official.	

REASON FOR THE CHANGE:

Since the COVID pandemic many uses throughout the USA have experienced increases in their drive thru traffic. In some cases, the pandemic dramatically changed the way that people were behaving and as a result, the way that cities were regulating.

For example, by the end of 2019 Minneapolis, MN; Fair Haven, N.J.; Creve Coeur, Mo. Orchard Park, NY; and an additional 27 municipalities in Canada had banned the construction of new restaurant drive-thrus. However, as independent restaurants struggled to adapt to new Covid-19 safety protocols the drive-thru made a comeback. In fact, within the U.S. drive thru traffic has seen an increase of 26% to 42%. This includes restaurants, pharmacies, and other uses. As a result, fewer patrons are parking their vehicles and walking inside the store.

This is a proposed amendment to the City’s Parking Space Requirement Table. It attempts to break two categories of uses into three categories.

- Any use other than an **Eating, Drinking, or Entertainment Establishment** that contains a drive thru will now assign the required parking total based on the underlying function. For example, a pharmacy with a drive thru would simply apply the number of parking spaces that are required for a pharmacy use, regardless of the drive thru. The assumption is that the drive-thru (in and of itself) does not add any additional patrons to the use’s parking lot. If anything, it decreases the number of patrons that will be parking and entering the store. Therefore, the parking spaces that are required for the store alone will be sufficient.
- A local **Eating or Entertainment Establishment** that has a drive thru is likely to be doing significant business via the drive thru. In fact, a visit to a local fast-food chain will demonstrate that over 50% of the parking lot is empty. The fact that a facility has a drive-thru does not add any additional patrons to the use’s parking lot. Rather, it decreases the number of patrons that will be parking and entering the store. Therefore, Staff believes that the number of required parking spaces for this use can be lowered to one space per 250 s.f. of gross floor area (Drinking establishments have been removed from this use).
- Finally, an **Eating, Drinking, or Entertainment Establishment** that **does not** have a drive-thru shall continue to provide one space per 150 s.f. of gross floor area. Staff sees no reason to change this requirement at this time.

Many Cities throughout the U.S. are removing parking minimums from their use tables. There is significant data showing that the local market adjusts to ensure that parking is still provided, but only to the degree to which it is needed. This is a market-based approach. In fact, to date, the impact has been positive, with very little negative feedback. While the City is not proposing to implement this approach, the data does support the fact that many communities are over-parked

(contain too many parking spaces based on actual demand). A visit to any strip mall located in Crystal River demonstrates this fact.

TEXT AMENDMENT #10

8.02.00 Planning Commission.

8.02.02 Membership and Terms.

D. Terms shall be staggered such that no more than three (3) terms expire simultaneously. The initial appointment of members of the planning commission shall be as follows:

1. Two (2) members shall be appointed for one (1) year.
2. Two (2) members shall be appointed for two (2) years.
3. Three (3) members shall be appointed for three (3) years.
4. All subsequent appointments shall be for the full term of three (3) years.
5. No member may serve more than two successive three (3) year terms. Thereafter, members may be appointed only after they have been off of the Planning Commission for at least one year. Service for a partial term of less than one and a half years shall not constitute a term of service for purposes of this paragraph.

REASON FOR THE CHANGE:

This Amendment allows members of the City's Planning Commission to serve two (2) three-year terms (back-to-back) prior to stepping down from the Commission for a minimum of one year. After a year has passed, they may once again serve on the Commission. This provision was previously conveyed in the City's Land Development Code but was removed during a slow period in which the City struggled to find Commissioners. It was intended that the standard would be reinserted into the ordinance, but this never occurred. This is a common provision that is applicable to nearly all Planning Commissions in nearly every City across the U.S. It should be added back into the City's ordinance.

TEXT AMENDMENT #11

9.03.00 Administrative Waivers

9.03.01 Authority and limitations

Administrative waivers are specified deviations from otherwise applicable development standards. These standards are applicable to all Sections of the Land Development Code eExcept for Section 4.07.00 through Section 4.08.02 where administrative waivers are currently authorized at the discretion of the City's supervisory planner, ~~all other administrative waivers shall be at the discretion of the City manager.~~ Upon an affirmative finding that the following criteria have been met, the Supervisory Planner~~City manager~~ may permit an application for an administrative waiver of up to 4020 percent for any development standard of this LDC, unless conveyed differently below:

- A. That granting the administrative waiver will ensure the same general level of land use compatibility as the otherwise applicable standards;
- B. That granting the administrative waiver will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate screening, setbacks, and other land use considerations;
- C. That granting the administrative waiver will not adversely affect property values in any material way; and
- D. That granting the administrative waiver will be generally consistent with the purpose and intent of each chapter and/or section of this LDC.

The following items shall either:

- A. not be permitted to utilize an administrative waiver; or
- B. shall be limited to a 10% maximum administrative waiver.

NOT PERMITTED FOR ADMINISTRATIVE WAIVER:

1. Maximum Density (du/ac) – Table 4.01.01. Max. Density and Housing Types in Res. Zoning Districts.
2. Permissible Housing Types – Table 4.01.01. Max. Density and Housing Types in Res. Zoning Districts.
3. Minimum Roof Pitch shall be 5:12 – 4.01.03.B. Appearance Standards for Single Family Dwellings.
4. Minimum Roof Overhang of 18 inches – 4.01.03.C. Appearance Standards for Single Family Dwellings.
5. Maximum Lot Area (sq. ft.) – Table 4.02.01.G. Design Standards for Lots.
6. Minimum Plant Size at Time of Planting – 4.05.02. – Specifications for Landscaping and Vegetation.
7. Required Plants per 100 linear feet of property line – Table 4.05.03.B. Types & Plant Req. for Buffers.
8. Table 4.05.05.D. Credit for Existing Trees.
9. Table 4.06.03. Mixed Use Ratios.
10. 5.01.11.C. - Fences, walls, and hedges. Classification of fences on vacant properties (#1 and #2).
11. Permitted Fences, Walls, and Hedges; Permitted Height; Permitted and Prohibited Materials; and General Remarks – Table 5.01.11.A. Fence, Wall, and Hedge Design.
12. Permitted Fence, Wall, and Hedge Type – Table 5.01.11.B. Fences, Walls, & Hedges: Changes in Character & Intensity by Zoning District.
13. Signs shall not exceed the maximum size standard; however, they may be reduced as desired 12.00.13. – Permitted Signage in Land Use Districts (including SIGN CHART).

10% MAXIMUM ADMINISTRATIVE WAIVER PERMITTED:

1. Maximum Impervious Surface Ratio for Lots (%) – Table 4.02.01.G. Design Standards for Lots.
2. Maximum Floor Area Ratio for Lots – Table 4.02.01.G. Design Standards for Lots.
3. Maximum Building Height (ft.) – Table 4.02.02.C. Standards for Building Heights and Setbacks.
4. Waterfront – Minimum Setback (ft.) – Table 4.02.02.C. Standards for Building Heights and Setbacks.
5. Maximum Land Allocation (% of PUD site) – Table 4.04.03(A). Uses and Site Design Req. for PUDs.
6. Maximum Setback from the Waterfront (ft.) – Table 4.04.03(A). Uses and Site Design Req. for PUDs.
7. Required Plants per 100 linear feet of property line – Table 4.05.03.B. Types & Plant Req. for Buffers.
8. Standards may be reduced, not enlarged – Table 6.04.07.B. Parking Space Design Standards.

All other standards found within the LDC (except CRA Section 4.07.00 – 4.08.02) shall be eligible for a 20% administrative waiver.

REASON FOR THE CHANGE:

This change allows the Supervisory Planner, as opposed to the City Manager to allow for a relatively small increase to the overall percentage that the staff may administratively amend a standard by. The provisions will continue to require:

1. the same level of land use compatibility;
2. the same level of screening, setbacks, and other land use considerations;
3. no adverse impacts to property values; and
4. consistency with the purpose and intent of the chapter and the section of the LDC.

In addition, specific items found in the LDC have been highlighted as not being eligible for an Administrative Waiver, or only eligible for a 10% Administrative Waiver. All other items in the LDC shall be eligible for a 20% Administrative Waiver (though not assured of such).

TEXT AMENDMENT #12

10.00.06.- Combining lots.

- A. When two (2) or more lots are combined for development purposes, such lots shall be platted or re-platted to create a single lot under one (1) ownership.
- B. ~~Reserved. When two (2) or more lots are developed under unified control and design, all such lots shall have the same zoning district classification.~~

REASON FOR THE CHANGE:

Currently, this provision eliminates the ability for an applicant (or applicant’s) to establish a mixed-use development in which various parcels have different zoning districts assigned to them (for example CH, CG, R3, and R1, and including MXD). The standard is applicable within the CRA as well as outside of the CRA. Such a standard contradicts nearly every aspect of smart growth, which promotes mixed-use neighborhoods in which one can live in one location (or zoning district), walk, bicycle, drive, or take transit to work (in another zoning district), visit children that are learning or recreating (in yet another zoning district), and shop or dine in the final zoning district. Staff strongly recommends that this provision be removed.

TEXT AMENDMENT #13

10.02.00. – Notice requirements.

10.02.01.- Generally.

- D. Notice shall be provided a minimum of ~~fifteen (15)~~ ten (10) days before the applicable public hearing.

REASON FOR THE CHANGE:

This amendment ensures that the City is consistent with State of Florida Statutes regarding notice for a public hearing. Staff may use the additional five (5) days to prepare and make appropriate edits prior to the public hearing.

TEXT AMENDMENT #14

10.02.03.- Mailed Notice Requirements.

- A. Notice of a required public hearing shall be ~~mailed, certified return receipt, sent by first class mail~~ to all owners of real property located within three hundred (300) feet of the exterior lot lines of the subject property which is subject to the application.

REASON FOR THE CHANGE:

This ensures that the City is consistent with State of Florida Statutes while reducing unnecessary costs and returned mailings.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The proposed changes to the text of the City's Land Development Code are consistent with specific **GOALS, OBJECTIVES, and POLICIES** found in the City of Crystal River Comprehensive Plan.

Each of the proposed amendments shall address one or more of the following items:

1. Improve the ability of Staff to provide customer service to residents and developers within the City; or
2. Impart new regulations within the zoning ordinance that will bring the City into compliance with Federal and State regulations; or
3. Impart new regulations that update or improve upon the City's existing zoning while benefitting the citizens that live, work, and recreate in the community; or
4. Improve upon the City's built environment.

In addition, each of these amendments is consistent with numerous Goals, Objectives, and Policies of the Comprehensive Plan. These include:

Goal 2 of the Comprehensive Plan, which states:

"Crystal River will be a balanced and well-planned community."

Standards regarding Fencing, Lighting, Accessory Dwelling Units, Driveways, Parking, and Administrative Waivers address items which impart new regulations that update or improve upon the City's existing zoning while benefitting the citizens that live, work, and recreate here. One result will be an improved built environment. All of this will help to create a more balanced and well-planned community.

Objective 2.8 of the Comprehensive Plan, which states:

"Development in Crystal River will be consistent with all elements of the Crystal River Comprehensive Plan."

Standards regarding Fencing, Lighting, Accessory Dwelling Units, Driveways, and Parking address items that will improve the ability of Staff to provide customer service to residents and developers within the City. These provisions impart new regulations that update or improve upon the City's existing zoning while benefitting the citizens that live, work, and recreate in the community. This will improve upon the City's built environment and help to ensure that development in Crystal River remains consistent with the Comprehensive Plan.

Goal 3 of the Comprehensive Plan, which states:

"Crystal River will promote and maintain the character of community through consistent land use."

Standards regarding Fencing, Lighting, Accessory Dwelling Units, Driveways, Parking, and Administrative Waivers all promote and maintain the character of community through consistent land use.

Objective 3.1 of the Comprehensive Plan, which states:

*The City shall preserve, protect and improve the character of the City through the implementation of compatibility standards and the consideration of innovative development standards that may include transfer of development rights, planned unit developments, **form-based regulations**, conservation subdivisions, or other regulations that encourage mixed use and clustered development patterns.*

Standards regarding Lighting and Accessory Dwelling Units specifically address innovation and compatibility within the Community Redevelopment Area. This is a form-based zoning district. Provisions are laid out in such a way as to improve the ability of Staff to provide customer service to both residents and developers. In addition, the provisions impart new regulations that update or improve upon the City's existing zoning while benefitting the citizens that live, work, and recreate here. Therefore, the form-based district is a giant step in the right direction that benefits the residents of the community as well as the built environment equally.

Objective 3.2 of the Comprehensive Plan, which states:

The Character and quality of existing residential neighborhoods will be maintained or upgraded.

Standards regarding Fencing, Lighting, Accessory Dwelling Units, Driveways, Parking, and Administrative Waivers impart new regulations that update or improve upon the City's existing zoning while benefitting the citizens that live, work, and recreate in the community. This promotes the character and quality of existing residential neighborhoods, including maintenance and upgrades.

Policy A of the Comprehensive Plan, which states:

*The City will permit only residential developments, **residential accessory uses, and limited specified uses which are compatible with residential uses in residential neighborhoods.** Limited specified uses will be allowable only for those uses which meet the supplemental standards of being residential support uses, or uses which are compatible with residential character of the surrounding neighborhoods and otherwise consistent with the comprehensive plan. Compatibility shall be determined by intensity of use as well as similarity in scale, bulk, and other aspects of site design.*

The standards regarding Fencing, Accessory Dwelling Units, and Driveways improve upon the City's built environment while promoting uses that are compatible with the residential uses in these neighborhoods and are therefore consistent with the Comprehensive Plan.

Policy C of the Comprehensive Plan, which states:

New residential developments will provide two on-site parking spaces for each unit.

New standards regarding Residential Driveways promote uses that are compatible with this Policy of the Comprehensive Plan.

SUMMARY OF PUBLIC COMMENTS:

Public comments have not been received as of this writing of the Staff Report.

PLANNING COMMISSION RESPONSIBILITIES:

As conveyed in Subsection (B. #2) of 8.02.03 of the Crystal River Land Development Code, the Planning Commission shall have the role and responsibility to hear, consider, and make recommendations to the City Council regarding applications to amend the text of the LDC (Land Development Code).

STAFF RECOMMENDATION:

The reasons why each of the aforementioned text amendments has been proposed, as well as the potential benefits to the City (should the changes be made) are included in the analysis that follows each item (SEE: Reason For The Change). In addition, each amendment is supported by the City's Comprehensive Plan. Finally, these amendments will:

- A. improve the ability of Staff to provide customer service to residents and developers within the City,
- B. impart new regulations within the zoning ordinance that will bring the City into compliance with Federal and State regulations,
- C. update or improve upon the City's existing zoning while benefitting the citizens that live, work, and recreate in our community, and
- D. improve upon the City's built environment.

Therefore, the Staff recommends that the Planning Commission approve all 14 Text Amendments to the City of Crystal River Land Development Code.

SUPPORTING DIAGRAMS, ILLUSTRATIONS & TABLES:

Please see the Attachments and PowerPoint presentation provided by Staff.

PLANNING COMMISSION RECOMMENDATION:

- Text Amendments to the City of Crystal River Land Development Code

CITY COUNCIL ACTION:

- Text Amendments to the City of Crystal River Land Development Code

ATTACHMENTS:

1. Staff Exterior Lighting Examples
2. Staff ADU Examples
3. Staff PowerPoint Presentation



CITY OF CRYSTAL RIVER

PZ21-0089

**14 TEXT AMENDMENTS TO THE
LAND DEVELOPMENT CODE**

14 TEXT AMENDMENTS to the CITY'S
LAND DEVELOPEMNT CODE are proposed that will:

1. Improve the ability of Staff to provide customer service to residents and developers within the City; **or**
2. Impart new regulations within the zoning ordinance that will bring the City into compliance with Federal and State regulations; **or**
3. Impart new regulations that update or improve upon the City's existing zoning while benefitting the citizens that live, work, and recreate in the community; **or**
4. Improve upon the City's built environment.

The following amendments are proposed to the TEXT of the LAND DEVELOPMENT CODE:

- #1** Section 4.03.04 – Lighting
- #2** Section 4.07.09 – Uses: Residential Accessory Dwelling Units in the CRA
- #3** Section 4.07.10 – Administration: Administrative Waivers in the CRA
- #4** Section 5.01.05 – Accessory Dwelling Units in R-W, R1, R2, R3, NBR, CW, CG, IND, CON, PI
- #5** Section 5.01.06 – Accessory Dwelling Units in IND, CON, PI zoning districts
- #6** Section 5.01.11 – Fences, Walls, and Hedges
- #7** Section 5.01.16 – Accessory Dwelling Units in CG zoning districts
- #8** Section 6.04.02 – Access and Driveway Design Requirements
- #9** Table 6.04. – Parking Space Requirements
- #10** Section 8.02.02 – Membership and Terms (Planning Commission)
- #11** Section 9.03.01 – Authority and Limitations (Administrative Waivers)
- #12** Section 10.00.06 – Combining Lots
- #13** Section 10.02.01 – Generally (Notice Requirements)
- #14** Section 10.02.03 – Mailed Notice Requirements

These AMENDMENTS are CONSISTENT with numerous GOALS, OBJECTIVES, and POLICIES of the COMPREHENSIVE PLAN:

Goal 2 of the Comprehensive Plan, which states:

“Crystal River will be a balanced and well-planned community.”

Objective 2.8 of the Comprehensive Plan, which states:

“Development in Crystal River will be consistent with all elements of the Crystal River Comprehensive Plan.”

Goal 3 of the Comprehensive Plan, which states:

“Crystal River will promote and maintain the character of community through consistent land use.”

Objective 3.1 of the Comprehensive Plan, which states:

*The City shall preserve, protect and improve the character of the City through the implementation of compatibility standards and the consideration of innovative development standards that may include transfer of development rights, planned unit developments, **form-based regulations**, conservation subdivisions, or other regulations that encourage mixed use and clustered development patterns.*

Objective 3.2 of the Comprehensive Plan, which states:

The Character and quality of existing residential neighborhoods will be maintained or upgraded.

Policy A of the Comprehensive Plan, which states:

*The City will permit only residential developments, **residential accessory uses, and limited specified uses which are compatible with residential uses in residential neighborhoods**. Limited specified uses will be allowable only for those uses which meet the supplemental standards of being residential support uses, or uses which are compatible with residential character of the surrounding neighborhoods and otherwise consistent with the comprehensive plan. Compatibility shall be determined by intensity of use as well as similarity in scale, bulk, and other aspects of site design.*

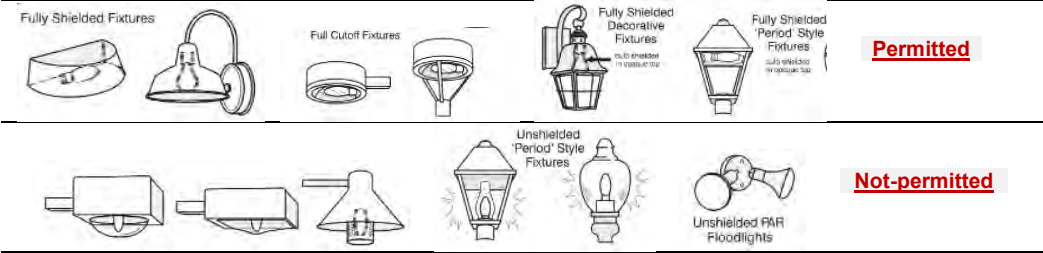
Policy C of the Comprehensive Plan, which states:

New residential developments will provide two on-site parking spaces for each unit.

Lighting

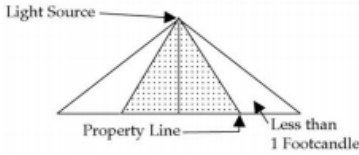
GENERAL

1. **General.** The provisions of this Section shall apply to all development in the City.
2. **Outdoor Light Fixtures** are defined as outdoor artificial illuminating devices, outdoor fixtures, lamps, and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for: Buildings and Structures, Residences, Landscape Lighting, Sign Lighting, Parking Lot Lighting, Thoroughfare Lighting, and Recreational and Performance areas.
3. **Shielding.** All exterior illuminating devices, except those that are exempt shall be fully or partially shielded.
 - a. **“Full Cutoff”** shall mean that those fixtures so designated shall be shielded in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point of the fixture where light is emitted.
 - b. **“Partial Cutoff”** shall mean that those fixtures so designated shall have a light distribution in which the candlepower per 1,000 lamp lumens does not numerically exceed 25 lumens (2 and ½ percent) at an angle of 90 degrees above Nadir (horizontal), and 100 lumens (ten percent) at a vertical angle of 80 degrees above Nadir. This applies to any lateral angle around the luminaire.



4. **Light Spillage.** Continuous light spillage onto neighboring properties shall not exceed (1) foot-candle as measured at the lot line (see diagram).
5. **Exemptions.**
 - a. **Low Intensity Fixtures:** Any outdoor lighting fixture which has a max. candle power of less than 1,000 candelas is exempt.
 - b. **Required safety lighting for towers (i.e. cellular) is exempt.**
6. **Illumination Types.** Those lighting types listed below in (a-g) shall be allowed. The same type of lighting should be utilized for all fixtures and light sources on the site.

a. Incandescent	c. Noble Gas Tube	e. Quartz	g. Color Correct H. Pressure Sodium
b. Florescent (filtered)	d. LED	f. Metal Halide (filtered)	
7. **Wall Packs.** Lights shall be fully shielded, limited to ancillary entrances, and not directly visible from the street.
8. **Other Illumination Sources.** Other sources of illumination that minimize undesirable light into the night sky, demonstrate architectural merit, or are energy efficient may be approved by the Supervisory Planner.
9. **Sign Lighting.** Externally illuminated signs shall use a “fully shielded” light directed solely at the sign.
 - a. **Goose Neck Lighting.** Goose neck lighting fixtures are strongly encouraged.
 - b. **Reserved.**
10. **Streets, Paths, and Parking Lots.** New lighting in walkable areas shall be of the general type illustrated below and should range from 10 – 20 ft. in height spaced a maximum of 75 ft. on center. In auto-centric, recreation, and performance areas light poles may extend up to 25 ft. in height, with exceptions approved by Supervisory Planner.

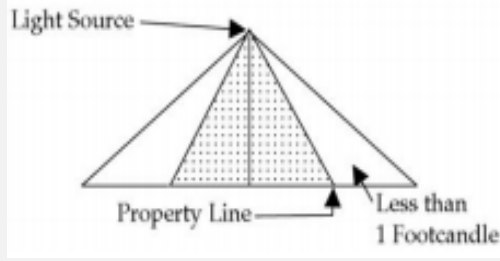


Notes: † Those outdoor light fixtures requiring a filter shall have glass, acrylic, or translucent enclosures (Quartz Glass is excluded).

REASONS FOR THE CHANGES

3. **Shielding.** All exterior illuminating devices, except those that are exempt shall be fully or partially shielded.
 - a. **“Full Cutoff”** shall mean fixtures that are shielded in a manner that light rays emitted by the fixture are projected below a horizontal plane running through the lowest point of the fixture where light is emitted.
 - b. **“Partial Cutoff”** shall mean fixtures that have a light distribution in which the candlepower per 1,000 lamp lumens doesn’t numerically exceed 25 lumens (2 ½ percent) at an angle of 90 degrees above Nadir (horizontal), and 100 lumens (10%) at a vertical angle of 80 deg. above Nadir.

Light Spillage. Continuous light spillage onto neighboring properties shall not exceed (1) foot-candle as measured at the lot line (see diagram).



Illumination Types. Those lighting types listed below in (a-g) shall be allowed. The same type of lighting should be utilized for all fixtures and light sources on the site.

- (1) Incandescent, (2) Noble Gas Tube, (3) Quartz, (4) ~~C. Cor. High Pres. Sodium~~, (5) ~~Metal Halide (filtered)~~, (6) LED, (7) Fluorescent

9. ~~b. Noble Gases.~~ b. Reserved.

Streets, Paths, & Parking Lots. New lighting in walkable areas shall be of the general type illustrated below & should range from 10– 20 ft. in height, spaced a max. of 75 ft. on center. In auto-centric, recreation, and performance areas light poles may extend up to 25 ft. in height, w/ exceptions approved by the Supervisory Planner.

4.07.09.- Uses.

RESIDENTIAL

Accessory Dwelling Unit (ADU)

An auxiliary dwelling unit located on the same lot as the principal building that may be attached by a back-building or contained within a stand-alone outbuilding. Examples include but are not limited to: a dwelling unit in a guest house, pool house, and above or beside a garage.

Supplementary Standards

- ~~1. This use shall be used as a substitute, and in place of the two Accessory Dwelling Units (ADUs) referenced in Table 2.03.03. (Accessory Structures):~~
 - ~~a. ADU type one (guesthouse; mother-in-law house; or helper quarters).~~
 - ~~b. ADU type two (caretaker quarters or park ranger housing).~~
- ~~2.1. In an effort to encourage mixed use (with residential) as well as.....(cont.)~~
- ~~3.2.~~ An Accessory Dwelling Unit (ADU) shall comply with the following Supplemental Use Standards:
 - a. **Number of Units.** One ADU shall be permitted per lot.
 - b. **Size.** ~~The maximum footprint for a freestanding ADU – Each floor of the main body of the ADU shall not exceed: 720 square feet or the footprint of the principal dwelling.~~
 - ~~-- Width: 30 feet max.~~
 - ~~-- Depth: 30 feet max.~~
 - c. **ADU in an Existing Structure.** ~~If the ADU is to be located in an existing accessory structure, the accessory structure shall meet all setback requirements of the district. The maximum footprint of an ADU located within the principal building shall not exceed twenty-five (25) percent of the total floor area of a single floor within the principal building.~~
 - d. **Residential Form.** The structure shall appear residential in form.

REASONS FOR THE CHANGES

The LDC has four similar but unique sections that address **Accessory Dwelling Units (ADU's)**. This is excessive and unheard of. Only one of the four applies to the CRA.

The current standards allow for a unit to be **720 sq. ft. OR** the same size as **“the footprint of the principal unit.”**

- The former was based on a **30' by 24'** unit (**total = 720 sf.**).
- The latter was an error, allowing for an ADU that was too big.

For example: Pick-up trucks range from 18-22 ft. in length. Such a vehicle would provide very little space for a human to move around within a garage that is just 24 feet in length.

Therefore, Staff is proposing to increase the max. size limit of a detached ADU to **900 sq. ft.**, and state that: Each floor of the main body of the ADU shall not exceed:

- **maximum width of 30 feet; and**
- **maximum depth of 30 feet**

Finally, a standard is proposed to allow ADU's **within the principal building**. These may occupy **25% of the floor area**. This “national trend” is addressed within and outside of the CRA.

5.1.40 Carriage House



One-and-a-half-story Carriage House with living area over the garage.



One-and-a-half-story carriage house with external stairway.



One-and-a-half-story carriage house with living area over the garage and an adjacent carport.

A. Description

Carriage House. This building type is a secondary structure typically located at the rear of a lot. This structure frequently provides either a small residential unit, home office space, or other small commercial or service use that may be above a garage or at ground level. This building type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods.

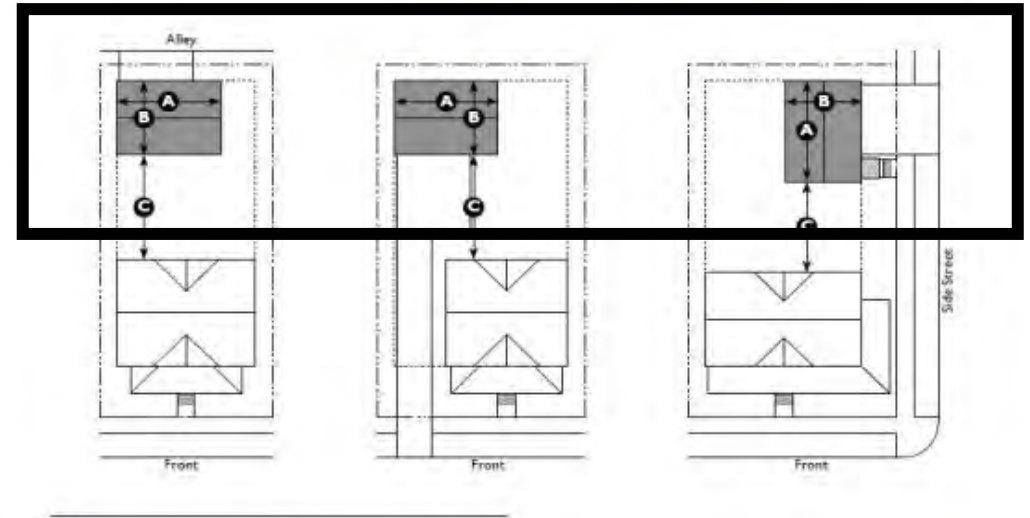
Allowed in Transit Zones

T1 NP	T3 E
T3 SN	T3 N
T4 NC	T4 NC-Q
T4 UC	T5 MS

Key

T# Allowed **T#** Not Allowed

General Note: Photos on this page are illustrative, not regulatory.



Key

--- ROW / Property Line Building
 --- Setback Line Frontage

B. Lot

Allowed on lots as an accessory dwelling unit or ADU (guest house, guest room, etc.) when accompanying the following building types: Detached House – Large, Detached House – Medium, Detached House – Compact, and Duplex.

The Carriage House building type is the only detached accessory dwelling unit (ADU) allowed in transect zones.

For all other accessory uses (security quarters, pool house, garage, storage building, etc.), the Carriage House is allowed on lots when accompanying any permitted building type.

C. Number of Units

Units 1 max.

D. Building Size and Massing

Height

By building form standards based on zone.

Main Body

Width	36 ft. max.	A
Depth	30 ft. max.	B
Separation from main building	10 ft. min. ¹	C

¹ Carriage house may be connected to the main building by an uninhabitable space such as a breezeway.

Footprint

The Carriage House shall not have a larger footprint than the main building on the lot.

E. Required Frontages

Porch, Projecting Scoop
 Porch, Engaged

Carriage houses are not required to have a Frontage Type.

F. Pedestrian Access

Main Entrance Location: Side Street, Alley, or internal to the lot

The main entrance may not be through a garage.

G. Vehicle Access and Parking

Parking may be accessed from the alley, side street or front.

Parking may be accessed from the front only when there is no adjacent alley or side street, and must meet all setbacks.

All parking spaces provided shall be separate from the principal building and may be enclosed, covered or open.

H. Private Open Space

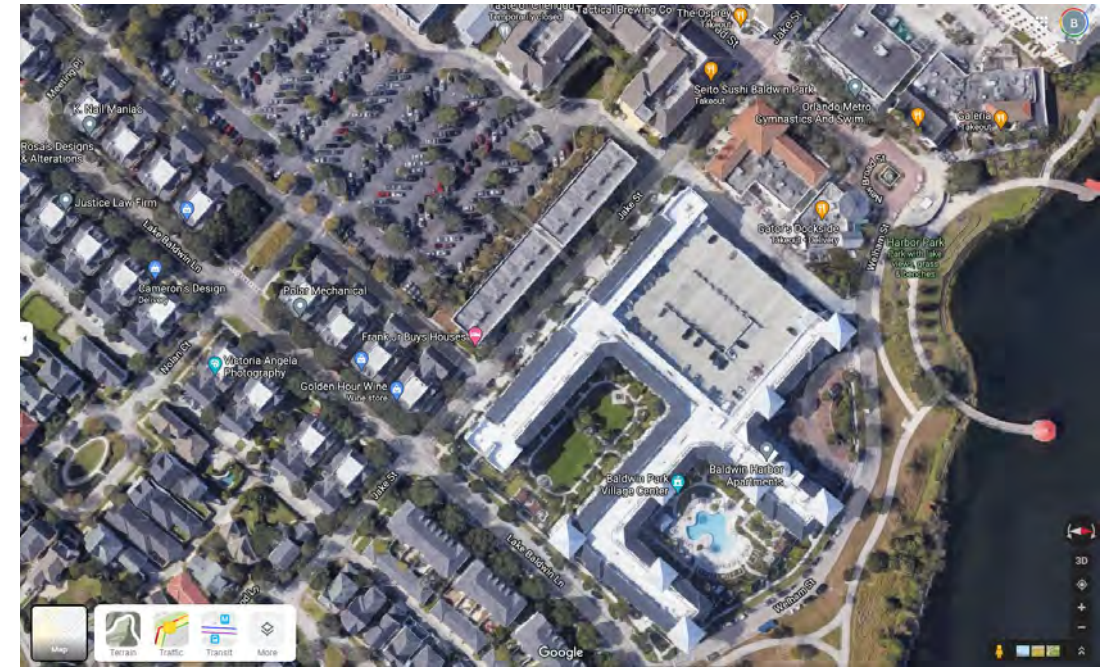
The private open space requirements for the lot shall be determined by the principal building on the lot. No additional private open space is required for a carriage house.

I. Miscellaneous

Roof penetrations and equipment (except chimneys) shall be located, or otherwise configured to have as minimal visual impact as practicable from the street.

SOUTHWOOD, TALLAHASSEE FL. AVG. SINGLE FAMILY HOME: \$420,000

BALDWIN PARK, ORLANDO FL. AVG. SINGLE FAMILY HOME: \$900,000



SOUTHWOOD, AERIAL – ATTACHED & DETACHED ADU'S

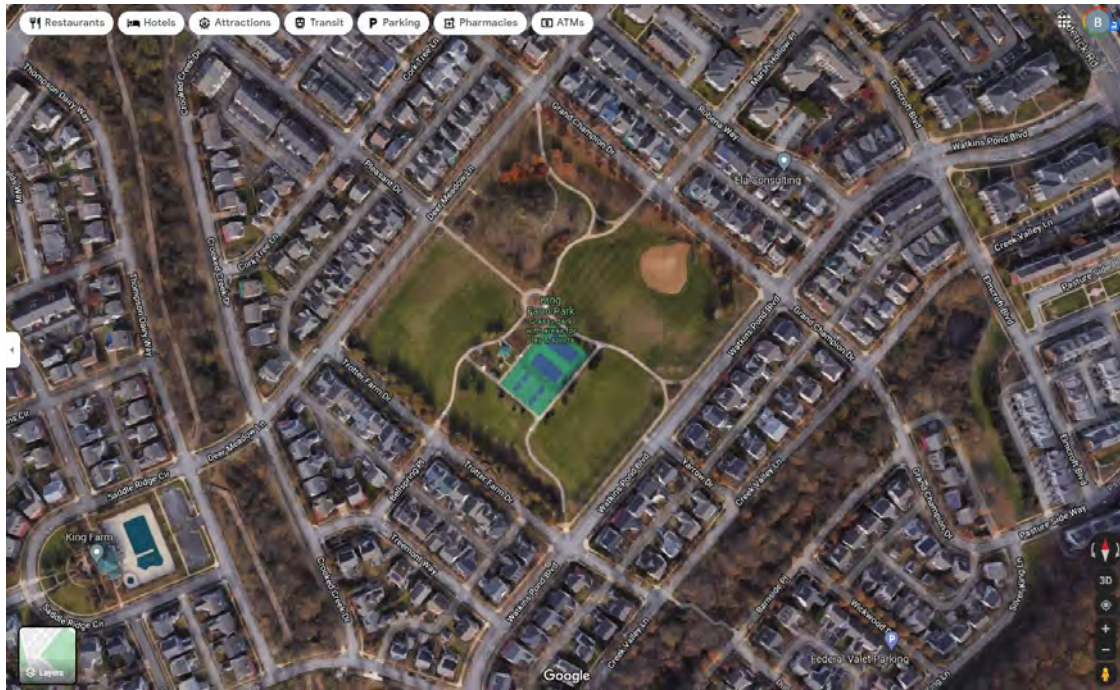
BALDWIN PARK, AERIAL OF ATTACHED AND DETACHED ADU'S



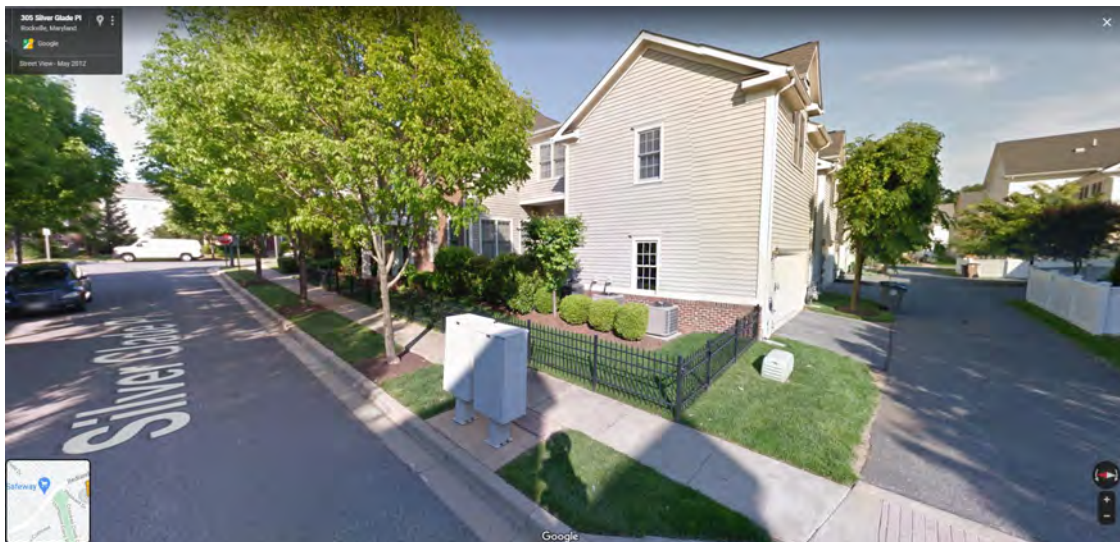
SOUTHWOOD, EXAMPLE OF DETACHED ADU

BALDWIN PARK, EXAMPLE OF ATTACHED ADU

KING FARM, ROCKVILLE MD. AVG SINGLE FAMILY HOME: \$900,000

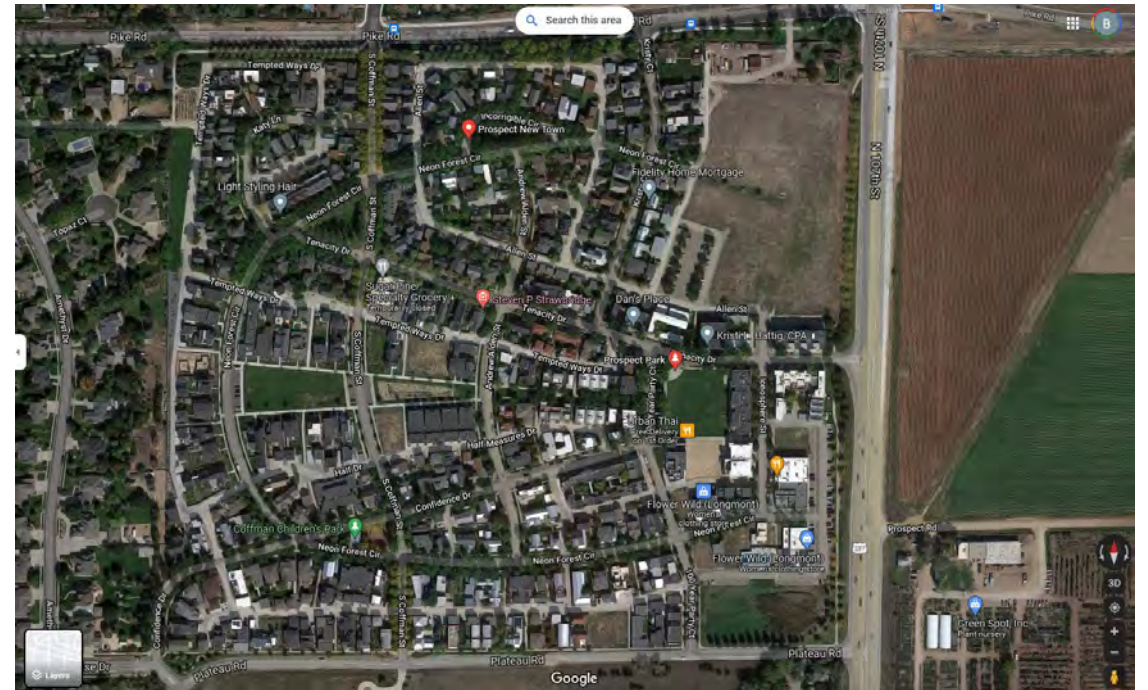


KING FARM, AERIAL OF ATTACHED AND DETACHED ADU'S



KING FARM, EXAMPLE OF TWO CAR ATTACHED ADU

PROSPECT, LONGMONT CO. AVG. SINGLE FAMILY HOME: \$750,000



PROSPECT, AERIAL OF ATTACHED AND DETACHED ADU'S



PROSPECT, (EX.) OF TWO CAR ATTACHED AND DETACHED ADU'S

REASONS FOR THE CHANGES

The **Supervisory Planner** may amend a standard administratively in the CRA by up to **10%**. The CRA section provides greater flexibility than the remaining Code, which should be considered. Therefore, since most zoning codes allow for a maximum administrative Waiver of **15% to 20%** it is appropriate to propose a **15%** Administrative Waiver in the CRA.

The provisions will continue to require:

1. the same general level of land use compatibility;
2. the same level of screening, setbacks, and other land use considerations;
3. no adverse impacts to property values; and
4. consistency with the purpose and intent of the chapter and the section of the LDC.

4.07.10 – Administration
Review Process

5. Administrative Waiver. Administrative waivers are specified deviations from otherwise applicable development standards.

a. Applicability.

- i. For all numerical standards set forth in the overlay zoning of Section 4.07.00 through Section 4.08.02, the supervisory planner shall have authority to authorize an administrative waiver of up to ~~10~~**15** percent.

b. Adjustment Criteria.

- i. To approve an application for an administrative waiver, the supervisory planner shall make an affirmative finding that the following criteria are met:
 - (a) That granting the administrative waiver will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - (b) That granting the administrative waiver will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate screening, setbacks, and other land use considerations;
 - (c) That granting the administrative waiver will not adversely affect property values in any material way; and
 - (d) That granting the administrative waiver will be generally consistent with the purposes and intent of this overlay code.

- ii. Reserved.

REASONS FOR THE CHANGES

Currently, the City’s LDC has 4 similar but unique sections that address **Accessory Dwelling Units (ADU’s)**. This is excessive and almost unheard of.

1 of the 4 sections addresses the **CRA**. However, the other 3 sections address areas that are not located in the CRA. Therefore, these 3 sets of standards have been combined into one set.

- They allow for both detached ADU’s (separate from the principal house) as one ADU within the principal house.
- The max. size for a detached ADU is proposed at **900 sq. ft.** This is an ideal maximum size for both smaller and larger residences. Each floor of the main body of the ADU shall not exceed:
 - **Width: 30 feet max.**
 - **Depth: 30 feet max.**
- If the ADU is located within the principal house the maximum size shall not exceed **25%** of the total floor area of a single floor within the building.
- A unit may have a maximum height of two stories, not to exceed the height permitted for each zoning district. This is comparable the standards found in the CRA District.

As conveyed, the provisions for ADU’s in the CRA District have also been updated to ensure that all standards are similar within the City.

5.01.05.- Accessory dwellings in R-W, R1, ~~R2, R3, and~~ NBR, ~~CW, CG, IND, CON, and PI~~ zoning districts.

Accessory apartments, detached guesthouses, and helper quarters shall be permissible in compliance with the following standards:

- A. An accessory dwelling unit (ADU): ~~is intended to provide not-for-hire housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered as an apartment, hotel, or any other kind of multifamily use and shall not be used as a rental unit.~~
1. ~~Is intended to provide housing for relatives, guests, domestic helpers, caretakers, security personnel, park rangers, or renters. An accessory dwelling unit shall not be considered as an apartment, hotel, or any other kind of multifamily use and shall not be used as a rental unit.~~
 2. ~~May not have its main entrance through the garage doors, but may be located toward a side street, alley, or internal to the lot. If the unit is located within the principal building, a separate door (from the garage doors) shall be used.~~
 3. ~~Shall not require additional parking, except in the case of guest room(s) for a Bed & Breakfast, which shall be calculated as part of the required parking. Parking may be accessed from an alley, side street, or front street. However, parking may only be accessed from the front when there is no alley or side street present.~~
- B. Accessory dwellings within a principal building shall comply with the following standards:
1. An accessory dwelling shall not be construed to be located within a principal building when it is connected to the principal building only by a breezeway or roofed passageway.
 2. No more than one (1) accessory dwelling shall be permitted.
 3. An accessory dwelling shall not be permissible within a nonconforming principal building.
 4. An accessory dwelling shall not be permissible where a variance or waiver is necessary in order to allow the accessory dwelling.
 5. An accessory dwelling shall not occupy more than twenty-five (25) percent of the total floor area of a single floor of the principal building.
- C. Freestanding accessory dwellings shall comply with the following standards:
1. ~~The floor area shall not exceed four hundred fifty (450) square feet. Each floor of the main body of the ADU shall not exceed:~~
 - Width: 30 feet max.
 - Depth: 30 feet max.
 2. An accessory dwelling unit shall be located only within a rear yard. ~~However, an accessory dwelling unit may be located within the side yard of a lot that is 100 feet wide with the permission of the Supervisory Planner.~~
 3. A separate water meter shall be provided for a freestanding accessory dwelling.
 4. An accessory dwelling shall comply with all standards set forth in sections 5.01.02 and 5.01.04, ~~except for any restrictions on building height, which may not exceed two stories and the maximum height for the zoning district (Table 4.02.02.C. Standards for Building Heights and Setbacks).~~

Text Amendment # 5

REASONS FOR THE CHANGES

This proposal simply negates one of the four sets of standards found in the LDC that address **Accessory Dwelling Units (ADU's)**.

It is both excessive and almost unheard of to have this many sets of standards for Accessory Dwelling Units. One of the four sets of standards applies to the CRA, while the remaining three address other areas of the City.

As proposed, one set will remain in the CRA while another will address the rest of the City.

TEXT AMENDMENT #5

~~5.01.06.—Accessory dwellings in IND, CON, and PI zoning districts.~~

~~Housing or quarters for caretakers, security personnel, or park rangers shall be permissible in compliance with the following standards:~~

~~A.—An accessory dwelling is intended to provide housing for a caretaker, security person, or ranger. Accessory dwellings permissible under this section shall be subordinate to the principal use and shall not be used as a rental unit or for any purpose other than security, caretaker, or park ranger personnel required to live on the premises of the principal use.~~

~~B.—An accessory dwelling shall be located in compliance with the standards set forth in section 5.01.02.~~

~~C.—An accessory dwelling may be either site-built or a manufactured home.~~

~~D.—No more than one (1) accessory dwelling shall be permitted on any lot.~~

~~E.—There shall be a minimum separation of seven (7) feet between principal and accessory structures on the same lot.~~

~~F.—The separation between buildings shall be measured from the nearest edge of the eaves of each building.~~

~~G.—An accessory dwelling shall not exceed twenty-five (25) feet in height.~~

~~H.—An accessory dwelling shall not exceed one thousand five hundred (1,500) square feet in gross floor area.~~

~~(Ord. No. 05-0-08, §§ 1, 2, 5-17-2005)~~

REASONS FOR THE CHANGES

This amendment simply negates the current standards for **Fences, hedges, and walls**.

While the LDC has standards that tackle these items, they fail to address the changes in **form** and **character** that occur as one moves from a **rural context** to a **sub-urban context** to an **urban context** within the City.

The new standards will do this. They were considered for adoption when the CRA was updated; however, **staff determined that it was more appropriate to update the provisions across the entire City**. Therefore, they are being proposed now.

5.01.11. — Fences, hedges, and walls.

- A. — All fences shall comply with the Florida Building Code. Wooden posts shall be pressure-treated and shall be resistant to decay, corrosion, and termite infestation.
- B. — Fences or hedges may be located in any front, side, and rear yard setback areas.
- C. — No fences or hedges shall exceed four (4) feet in height when placed in the front yard.
- D. — Each fence or hedge located in the side and rear yard shall not exceed the height of six (6) feet, except as set forth in subsection I. below.
- E. — In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle, as described in section 6.04.04.
- F. — All fences shall be placed with the finished side facing the adjoining property or the right-of-way.
- G. — Any fence or wall that provides structural support to a building shall be considered part of the building and shall be required to meet the building setback standards.
- H. — A fence may tie in to a building to complete the enclosure of a yard, where such fence does not provide support as set forth in subsection G. above.
- I. — No barbed wire or electric fences in any form shall be permitted in any zoning district. However, a security fence in an industrial zoning district may use barbed wire, provided that the fence shall not exceed eight (8) feet in height and the barbed wire on top of the fence shall not exceed an additional one (1) foot. A commercial zoning district may apply for the same type fencing with approval by the city manager.
- J. — No fence or hedge shall be constructed or installed in such a manner as to interfere with stormwater management facilities or to impede drainage on the site.
- K. — All fences, hedges, and walls shall be continually maintained for safety and appearance, consistent with the requirements of the LDC.
- L. — Classification of fences on vacant properties (properties within the CRA district must comply with chapter 4 of the Land Development Code for appearance.)
 - A. — On lots with a main structure that has a vacant adjacent lot under the same ownership, the fence must meet all applicable codes. No accessory structure other than a fence may be constructed on an adjacent vacant property. The maximum height in the front cannot exceed four (4) feet from grade, must be a minimum of fifty (50) percent transparent and the fence must be constructed along the entire vacant lot (all sides). Adjacent vacant lot must be maintained at all times.
 - B. — Vacant lots (stand-alone): Four (4) foot maximum height measured from grade. Materials must meet fencing criteria for fifty (50) percent transparency. No accessory structure or use other than a fence is allowed on stand-alone vacant properties. The property must be maintained at all times.

(Ord. No. 05-0-08, §§ 1, 2, 5-17-2005; Ord. No. 18-0-01, § 2, 8-29-2018)

Text Amendment # 6 (Proposed)

5.01.11. - Fences, walls, and hedges.

A. **Fence, wall, and hedge location.**

1. Fences, walls, and hedges are permitted:
 - a. On the property line between two or more parcels of land held in private ownership.
 - b. On a property line adjacent to, but outside a public right of way.
 - c. On a property when utilized to delineate different portions of the lot.
 - d. Underground, for the electronic control of domestic animals.
2. **Visibility clearance.** Fences, walls, and hedges shall be placed outside of required sight triangles or areas needed for visibility (see 6.04.04).
3. **Near fire hydrants.** Fences, walls, and hedges shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices.
4. **Utility easements.** Fences, walls, and hedges shall be prohibited within utility easements except where constructed by the City, the utility, or if permission is granted by the Supervisory Planner. This provision shall not be construed to prevent fencing around stormwater retention or detention facilities.
5. **Drainage areas.** No fence, wall, or hedge shall be installed so as to interfere with stormwater management facilities or block or divert drainage flow onto the site or any other land; except where permission is granted by the Supervisory Planner.

B. **Maintenance.** All fences, walls, hedges, and associated landscaping shall be maintained in good repair and in a safe and attractive condition—including, but not limited to, the repair or replacement of missing, decayed, or broken structural and decorative elements.

C. **Classification of fences on vacant properties.**

1. On lots with a main structure that has a vacant adjacent lot located to either side on the same block-face that is under the same ownership, a fence may be installed on the vacant lot that complies with all applicable codes. No accessory structure other than a fence may be constructed on an adjacent vacant property. The maximum fence height cannot exceed four (4) feet from grade and shall meet the opacity criteria for the type of fence or be fifty (50) percent opaque. The fence shall be constructed along all sides of the vacant lot, except in the sideyard that connects the two parcels (if the lot with the main structure contains a fence along this side) or where a side will front a canal or waterway. Chain link fences are prohibited. The vacant lot shall be maintained.
2. Vacant lots (stand-alone): Four (4) foot maximum height measured from grade. Opacity must be 50% or meet the criteria for the type of fence. The fence shall be constructed along all sides of the vacant lot, except where a side will front a canal or waterway. No accessory structure or use other than a fence is allowed on stand-alone vacant properties. Chain link fences are prohibited. The property must be maintained at all times.

D. **Changes in Character and Intensity with Zone.**

1. Table 5.01.11.A. (Fence, Wall and Hedge Design) conveys the types of fences, walls, and hedges that are most often associated with each zoning district.
2. Table 5.01.11.B. (Fences Walls and Hedges: Changes in Character and Intensity by Zoning District) provides photographic examples of the fences, walls, and hedges identified in Table 5.01.11.A and demonstrates how their character and intensity changes with the zoning district. Though the photographs are illustrative only, the fence, wall, and hedge types that are listed are appropriate.

E. **Materials and Height.**

1. Table 5.01.11.A. (Fence, Wall, and Hedge Design) conveys the:
 - a. Permitted height for fences, walls, and hedges as measured from natural grade, for each district.
 - b. Permitted and prohibited materials for fences, walls, and hedges.
2. **Height Exemptions.**
 - a. **Pergolas, Arbors, Trellises.** Architectural features that are both functional and compatible with the fence, wall, or hedge are exempt from the height restrictions of this Section.
 - b. **Recreational Fencing.** Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this Section. The typology of such fencing may be chain link or similar.
 - c. **Public Safety Use Fences and Walls.** Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to 8 feet in front, side, and rear yards, unless further increased through an approved security plan (see Subsection d. below). Where visible from the street a wall shall be fronted by a hedge row or similar vegetative landscaping.
 - d. **Security Plan for Fences and Walls.** A property owner may submit a site security plan to the Administrator that proposes an 8 foot fence or wall with or without an additional 1 foot of barbed or concertina wire atop the fence or wall. The use of barbed or concertina wire shall be limited to the (I) Industrial and (PI) Public Institutional zoning districts. The Administrator may approve, or approve with conditions, the site security plan if:
 - (1) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; and
 - (2) The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

Table 5.01.11.A. Fence, Wall, and Hedge Design

Zoning District	Permitted Fences, Walls, and Hedges	Permitted Height			Permitted and Prohibited Materials
		Front Yard	Side and Rear Yard	Side and Rear Yard Adj. to ROW	
CON RC	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Split Rail fence 3. Post & Rail fence 4. Living fence <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 	<p>Min 48"</p> <p>Max 60"</p>	<p>Max 72"</p>	<p>Min 48"</p> <p>Max 60"</p>	<p>PERMITTED</p> <ul style="list-style-type: none"> • Treated or rot-resistant wood • Plants and vines • Wrought Iron • Brick • Stone • Concrete Masonry Units with Stucco (C.B.S.— if primary structure is masonry). • Reinforced Concrete with Stucco (if primary structure is masonry). <p>PROHIBITED</p> <ul style="list-style-type: none"> • Plastic, Sheet Metal, Vinyl Plywood, Junk, and Waste. • Barbed Wire, Concertina Wire, and above ground Electrified Fences not associated with agricultural activities or an approved security plan, (see Section 5.01.11.D.2.d.)
RW R1	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Split Rail fence 3. Post & Rail fence 4. Living fence 5. Chain Link fence 6. Lattice fence 7. Picket or Baluster fence with Corner Posts <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 2. Hedge Wall with Brick Posts 3. Garden Wall 	<p>Min 42"</p> <p>Max 48"</p>	<p>Max 72"</p>	<p>Min 42"</p> <p>Max 48"</p>	<p>GENERAL REMARKS</p> <ol style="list-style-type: none"> 1. Fences, Walls, and Hedges are strongly encouraged and if constructed shall be sited along a right-of-way that abuts a street or alley, as conveyed in the associated standards as well as the above diagram and this Table. 2. The more "finished" side of a fence or wall shall face the perimeter of the lot. 3. The name assigned to Fences, Walls, & Hedges is based on common industry terminology. 4. Differing fence and wall types may be integrated so long as they comply with this Section (e.g. a fence in front of a hedge or a wrought iron fence on top of a wall). <p>FENCES</p> <ol style="list-style-type: none"> 1. "Permitted Height" addresses the height for the "body" of a fence. Fence posts may extend a maximum of 12" above the body of the fence. 2. Fence opacity shall not exceed 50% max. except: <ol style="list-style-type: none"> a. Privacy and Living Fences may be 100% max. b. Split Rail, Post & Rail, Chain Link, lattice, and Wrought Iron shall not exceed 25% max. 3. Fence Types may be finished in various "styles" (e.g., "Gothic" or "Dog Ear" Picket Fence). 4. Chain Link shall not be permitted in the Front Yard, or Side and Rear Yard adjacent to a ROW. 5. Split Rail and Post and Rail fences may use "hog wire" fill. 6. A "Living Fence" consists of wood posts with "hog wire" infill and a board rail on top. 7. Wood pickets or balusters shall be rectangular or round. Spacing shall not exceed 1 1/2 inches. 8. Vertical posts on Wrought Iron fences shall be a minimum of 5/8" thick, spaced b/t 4 & 6 inches. <p>WALLS</p> <ol style="list-style-type: none"> 1. Reserved. <p>HEDGES</p> <ol style="list-style-type: none"> 1. Hedge Walls shall be a minimum of 8" thick.
R2 R3 IND PI NBR CW CG CH MXD CRA DISTRICT	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Living fence 3. Chain Link fence (Not permitted in CRA) 4. Lattice fence 5. Picket fence or Baluster fence with Corner Posts 6. Wrought Iron fence 7. Wrought Iron fence w/ Brick Posts <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 2. Hedge Wall with Brick Posts or Picket Gate 3. Garden Wall 4. Garden Wall with Wrought Iron Fence 	<p>Min 36"</p> <p>Max 48"</p>	<p>Max 72"</p>	<p>Min 36"</p> <p>Max 48"</p>	<p>Diagram: A site plan diagram showing a lot with a Mid-block Building and a Corner Building. It illustrates the placement of fences, walls, or hedges relative to the Property Line, Curb, Frontage Street, Side Street, and Alley. A note indicates 'Distance greater than 6 ft.' between the building and the fence line.</p>

Notes:
 1 Area in front of the primary structure (porches, balconies, includes porches).
 2 Side and Rear Yard (behind the front plane of the primary structure).
 3 Side and Rear Yard (behind the front plane of the primary structure) that abuts a side street Right of Way.

Table 5.01.11.B. Fences, Walls, & Hedges: Changes in Character and Intensity By Zoning District

CON, RC Select from below only	RW, R1 Select from left and below	R2, R3, IND, PI, NBR, CW, CG, CH, MXD, CRA Select from both columns found below	
 <u>Privacy Fence</u>	 <u>Lattice Fence</u>	 <u>Privacy Fence</u>	 <u>Wrought Iron Fence</u>
 <u>Split Rail Fence</u>	 <u>Picket or Baluster Fence</u>	 <u>Living Fence</u>	 <u>Hedge Wall</u>
 <u>Post & Rail Fence</u>	 <u>Hedge Wall</u>	 <u>Lattice Fence</u>	 <u>Hedge W. w/ Picket Gate</u>
 <u>Living Fence</u>	 <u>Garden Wall</u>	 <u>Picket or Baluster Fence</u>	 <u>Garden Wall</u>

REASONS FOR THE CHANGES

- New standards for fences, walls, and hedges were considered when the CRA was re-written; however, **staff determined that it was more appropriate to update the provisions across the entire City – all at once.**
- The new standards address the specific changes in **form** and **character** that occur as one moves from a **rural context** to a **sub-urban context** to an **urban context** within the City.
- The City’s zoning districts are classified across this spectrum, with each zoning district is assigned to one of three categories:
 - RURAL: CON, RC**
 - SUB-URBAN: RW, R1**
 - URBAN: R2, R3, IND, PI, NBR, CW, CG, CH, MXD, and CRA**
- As a result:
 - Each applicant is provided with **a large palate of choices.**
 - These are appropriate to their location and **include some overlap.**
 - The applicant can simply **choose which “type” they prefer.**
- While the new standards are comprehensive, they should **NOT** result in **NON-CONFORMITIES** as current types of fences, walls, and hedges are still permitted – as are the previously allocated heights.

Text Amendment # 7

REASONS FOR THE CHANGES

This proposal simply negates one of the four sets of standards found in the LDC that address **Accessory Dwelling Units (ADU's)**.

It is both excessive and almost unheard of to have this many sets of standards for Accessory Dwelling Units. One of the four sets of standards applies to the CRA, while the remaining three address other areas of the City.

As proposed, one set will remain in the CRA while another will address the rest of the City.

~~5.01.16. Accessory dwellings CG zoning districts.~~

~~Accessory apartments, detached guesthouses, and helper quarters shall be permissible in compliance with the following standards.~~

- ~~A. An accessory dwelling in the CG zoning district is intended to provide housing within or attached to a principle structure.~~
- ~~B. An accessory dwelling unit may be considered as an apartment and rented or leased separate from the principle structure.~~
- ~~C. Accessory dwellings within a principal building shall comply with the following standards:~~
 - ~~1. An accessory dwelling shall not be construed to be located within a principal building when it is connected to the principal building only by a breezeway or roofed passageway.~~
 - ~~2. No more than one (1) accessory dwelling shall be permitted.~~
 - ~~3. An accessory dwelling shall not be permissible within a nonconforming principal building.~~
 - ~~4. An accessory dwelling shall not be permissible where a variance or waiver is necessary in order to allow the accessory dwelling.~~
 - ~~5. An accessory dwelling shall not occupy more than forty-five (45) percent of the total floor area of the principal building.~~
 - ~~6. There shall be designated parking on-site for the accessory dwelling unit.~~

6.04.02.- Access and driveway design requirements.

The following standards shall apply to all driveways or access points from a lot or parcel onto a public street:

- A. An access point shall include either a one-way access, a two-way access, or a pair of one-way accesses, ~~provided that the paired access points are not more than fifty (50) feet apart, measured from the centerlines of the access drives.~~ (This standard allows for a circular drive). ~~with a fifteen-foot turning radius.~~
 - F. Accessways and driveways shall comply with the following standards:
 - 1. ~~Residential driveways shall be a maximum of ten (10) feet in width at the lot line and may increase to a maximum of twenty (20) feet in width.~~
 - 1. Residential Driveway Dimensions: Residential Driveways shall be designed in a manner that minimizes disruption of pedestrian corridors and the streetscape.
 - a. Residential Driveway ROW Apron. A Residential Driveway in which a sidewalk is present within the ROW on the same side of the street (or planned and funded to be constructed within the ROW on the same side of the street) shall not exceed a maximum of twelve (12) feet in width within the ROW. Any paved driveway area not connected to a sidewalk shall be bounded by grass.
 - i. If the sidewalk is located (or planned) at the back of the ROW, immediately adjacent to the property line then the first three (3) feet of driveway located on the parcel shall be paved and not exceed a maximum of twelve (12) feet in width. This paved area shall be bordered by grass.
 - ii. Reserved.
- If no sidewalk is present or planned, then the width of the driveway may be a minimum of twelve (12) feet and a maximum of twenty (20) feet within the ROW.
- ROW aprons, while not required, may be installed on each side of the driveway. If a sidewalk is present (or planned), the ROW apron may extend from one (1) foot past the edge of the sidewalk or planned sidewalk (on the street side) towards the street or curbing. In all cases, the ROW apron shall start at a width of zero (0) feet and extend to a maximum width of three (3) feet and a maximum length of four and one-half (4½) feet (measured at the street / curb).
- b. Standard Residential Driveway. A Standard Residential Driveway may be a minimum of twelve (12) feet in width and a maximum of twenty (20) feet in width when located between the lot line and the carport, garage, or parking area under the house.

REASONS FOR THE CHANGE

These standards apply throughout the City, except the CRA.

Urban designers say, “a driveway that is wider than 12 feet, but less than 20 feet is essentially a waste of space” because it is too wide for one vehicle, but not large enough for two vehicles.

As such, the City is updating its current standards to appropriately reflect this range.

Sidewalks are almost always located within a city ROW. If a sidewalk is either present (or planned) for a street, then the portion of the driveway that is located within the ROW may be no wider than 12 feet. This protects pedestrians, including the elderly and children.

However, if no sidewalk is present (or planned) then the entire driveway (including the portion in the ROW) may once again be built at a width of 20 feet.

Along with the standard RESIDENTIAL DRIVEWAY we have defined a type of RIBBON DRIVEWAY, as well as a type of CIRCULAR DRIVEWAY.

Text Amendment # 8 (continued)

REASONS FOR THE CHANGE

A new provision will allow an additional 4 feet of driveway width directly in front of the garage door or doors. The final 4 feet of the driveway may extend outward in width to match the outermost edge of the garage door(s) – not to exceed 24 ft.

A provision has been added that formally allows for a “side” parking pad adjacent to the driveway (10 x 20 ft.). A city parking space is 9 x 18 ft.). A paved area is permitted for access from the street side.

Pervious and semi-pervious materials for driveways and side parking pads are addressed.

Minimal standards are put in place for parking under a raised house. This is a first in the City.

- c. Ribbon Residential Driveway. A Ribbon Residential Driveway is an acceptable alternative to a Standard Residential Driveway as it reduces the overall impervious surface coverage. While there is no minimum width required for a ribbon driveway, they shall be subject to the same twenty (20) foot maximum width established for a Standard Residential Driveway. Individual ribbons shall only be permitted within the property (not the right of way) and shall measure between one and one-half (1½) feet and two and one-half (2½) feet in width. The driveway may contain ROW aprons as conveyed above.
- d. Circular Residential Driveway. A Circular Residential Driveway shall measure twelve (12) feet in width, including the width of the ROW. The two points of access shall not be sited more than fifty (50) feet apart, measured within the ROW from the centerline of each drive. The driveway may contain ROW aprons as conveyed above. For purposes of this subsection, a Circular Residential Driveway shall be considered to be one (1) driveway.
- e. Residential Driveway Garage Apron. A paved Residential Garage Apron, or the final four (4) feet of driveway (depth) providing access to, and located directly in front of the garage(s) may extend up to 24 feet in width, or the width of the garage door opening(s), whichever is less, when measured from the outer edges of:
 - i. A “two car” garage with **two individual garage door openings** that are separated by a minimum of six (6) inches of fiber cement, wood, brick, stucco or vinyl siding that comprises the primary structure.
 - ii. Landscaping material, not pavement shall be located on the ground surface in front of the fiber cement, wood, brick, stucco, or vinyl siding that comprises the primary structure located to the side of the garage(s).
- f. This provision (f.) shall be applicable throughout the entire City, including the Community Redevelopment Area (CRA):
 - i. Residential driveways shall be paved with a material that supports the anticipated load and context.
 - ii. Pervious or semi-pervious paving materials are required in the CRA and strongly encouraged elsewhere. Where possible, such materials shall be used in combination with on-site stormwater control devices.
- c. One parking pad may be installed in the front or side yard adjacent to an approved residential driveway. The pad shall be no wider than ten (10) feet and no longer than twenty (20) feet. It shall be set back a minimum of ten (10) feet from the front property line and shall extend outward from the driveway on the side. An additional “paved” area may be established to provide vehicular access from the street side at a rate of two feet (out) and one foot (up) toward the pad (area equals 10’ in width by 5’ in depth). The access is purposefully tight. An alternative paving material (brick, asphalt, stone) is strongly encouraged for use on the parking pad.
- d. A house that is raised and wishes to provide parking underneath the unit may do so. As with a garage the driveway that provides access to the area shall be limited to 20 feet in width and all other provisions shall apply (a paved “Residential Garage Apron” shall not be permitted unless a garage is present). Parking areas under the house shall be shown on the development plan.

Text Amendment # 8 (continued)

2. Non-residential accessways shall not exceed eighteen (18) feet in width. When a landscaped median is provided, each one-way access shall not exceed eleven (11) feet in width.
3. The minimum effective curb radius shall be utilized. No part of the turning radius shall extend over the property line.
4. Non-residential curb-cuts / driveways for newly developed parcels or existing parcels in which the use changes:
 - a. Vehicular access that is provided by a curb-cut that exceeds the width currently allowed by code and / or FDOT standards shall be reduced so as to adhere to the provisions of the ordinance or FDOT standards.
 - b. A parcel with two or more curb cuts providing vehicular access (ingress and egress) to the frontage shall be redesigned and / or closed so that only one vehicular access (providing both ingress and egress) remains to the use's frontage. Front and side access shall be treated similarly for a corner lot.

REASONS FOR THE CHANGE

Non-residential curb cuts and driveways are addressed. New “non-residential” uses (or sites changing their use) may not have more than one driveway per street frontage. This language is for reinforcement, at it exists elsewhere in the Code.

REASONS FOR THE CHANGE

Table 6.04.07(A). Parking space requirements.

Type of use or activity	Minimum number of spaces
Assembly places (religious facilities, funeral homes, schools, theaters, auditoriums, arenas, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 5 seats; 1 per 300 gsf (no fixed seats) ¹
Clubs and lodges (including fraternities, sororities, and other social or civic membership organizations)	1 space per 5 seats in the largest assembly area; 1 per 300 gsf (no fixed seats)
Commercial activities, including retail sales, and business activities not otherwise specified	1 space per 400 sf. of gross floor area
Day-care, child care	1 per employee plus 1 per 6 persons of maximum occupancy
Private schools	1 per 4 persons of maximum occupancy
Other Drive-thru establishments	1 space per 150 s.f. of gross floor area <u>As required for the type of use or activity</u>
Eating, drinking, or entertainment establishments (without a drive-thru facility ies)	1 space per 150 s.f. of gross floor area
Eating or entertainment establishments (with a drive-thru facility)	1 space per 150 <u>250</u> s.f. of gross floor area
Gasoline service stations and small vehicle repair	1 space per 500 s.f. of floor area
Group lodging, including nursing homes, rest homes, convalescent homes, assisted care facilities, and other similar facilities	1 space per 2 beds

Since the COVID 19 pandemic uses throughout the USA are experiencing increases in their drive thru traffic! For example:

[In 2019 Minneapolis, MN; Fair Haven, N.J.; Creve Coeur, Mo. Orchard Park, NY; and 27 municipalities in Canada banned the construction of new restaurant drive-thrus.](#)

The drive-thru made a comeback (increasing 26% to 42% across all uses). Fewer patrons are parking vehicles and walking inside the store.

- * **CHANGE 1:** Uses other than **Eating, Drinking, or Entertainment Establishments** that contain a drive thru will have their required parking total based on the underlying function (i.e. a pharmacy). The drive-thru does not add additional patrons or vehicles to the parking lot. Rather, it decreases the number of patrons that are parking and entering the store.
- * **CHANGE 2:** **Eating, Drinking, or Entertainment Establishments** that **do not** have a drive-thru shall continue to provide one space per 150 s.f. of gross floor area. Staff sees no reason to change this requirement at this time.
- * **CHANGE 3:** National statistics confirm that local **Eating or Entertainment Establishments (NOT DRINKING)** that contain a drive thru facility are doing a higher percentage of business via their drive thru (26% to 42%). While the drive thru is full, the parking lot is over 50% empty during peak meal hours. As stated, the drive-thru does not add additional patrons or vehicles to the parking lot. Rather, it decreases the number of patrons that are parking and entering the store. Therefore, Staff believes that the required parking spaces for this use may be lowered to one space per 250 s.f. of gross floor area.

REASONS FOR THE CHANGES

This change allows the **Supervisory Planner** as opposed to the **City Manager** to authorize an Administrative Waiver to the standards that are found in the LDC.

Currently, the limit is set at **10%**. This is neither sufficient nor in line with the minimum percentage of **15%** that many jurisdictions allow for such amendments. In fact, a number of municipalities allow for waivers to specific standards that exceed **20%**.

Therefore, **20%** is now proposed as the max. percentage for such a Waiver. This does not mean that 20% must be allotted, but when appropriate it can be.

The provisions will continue to require:

1. the same general level of land use compatibility;
2. the same level of screening, setbacks, and other land use considerations;
3. no adverse impacts to property values; and
4. consistency with the purpose and intent of the chapter and the section of the LDC.

HOWEVER, WE HAVE ALSO INCLUDED STANDARDS THAT SPECIFY ITEMS WITHIN THE LDC THAT SHALL BE LIMITED TO EITHER A 10 % ADMINISTRATIVE WAIVER OR NO ADMINISTRATIVE WAIVER.

9.03.00 Administrative Waivers

9.03.01 Authority and limitations

Administrative waivers are specified deviations from otherwise applicable development standards.

These standards are applicable to all sections of the Land Development Code except for Section 4.07.00 through 4.08.02 where administrative waivers are currently authorized at the discretion of the City’s supervisory planner. ~~all other administrative waivers shall be at the discretion of the City manager.~~ Upon an affirmative finding that the following criteria have been met, the Supervisory Planner~~City manager~~ may permit an application for an administrative waiver of up to ~~40~~20 percent for any development standard of this LDC:

- A. That granting the administrative waiver will ensure the same general level of land use compatibility as the otherwise applicable standards;
- B. That granting the administrative waiver will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate screening, setbacks, and other land use considerations;
- C. That granting the administrative waiver will not adversely affect property values in any material way; and
- D. That granting the administrative waiver will be generally consistent with the purpose and intent of each chapter and/or section of this LDC.

The following items shall either:

- A. not be permitted to utilize an administrative adjustment; or
- B. shall be limited to a 10% maximum administrative adjustment.

NOT PERMITTED FOR ADMINISTRATIVE ADJUSTMENT:

1. Maximum Density (du/ac) – Table 4.01.01. Max. Density and Housing Types in Res. Zoning Districts.
2. Permissible Housing Types – Table 4.01.01. Max. Density and Housing Types in Res. Zoning Districts.
3. Minimum Roof Pitch shall be 5:12 – 4.01.03.B. Appearance Standards for Single Family Dwellings.
4. Minimum Roof Overhang of 18 inches – 4.01.03.C. Appearance Standards for Single Family Dwellings.

Text Amendment # 11 (continued)

1. Maximum Lot Area (sq. ft.) – Table 4.02.01.G. Design Standards for Lots.
2. Minimum Plant Size at Time of Planting – 4.05.02. – Specifications for Landscaping and Vegetation.
3. Required Plants per 100 linear feet of property line – Table 4.05.03.B. Types & Plant Req. for Buffers.
4. Table 4.05.05.D. Credit for Existing Trees.
5. Table 4.06.03. Mixed Use Ratios.
6. 5.01.11.C. - Fences, walls, and hedges. Classification of fences on vacant properties (#1 and #2).
7. Permitted Fences, Walls, and Hedges; Permitted Height; Permitted and Prohibited Materials; and General Remarks – Table 5.01.11.A. Fence, Wall, and Hedge Design.
8. Permitted Fence, Wall, and Hedge Type – Table 5.01.11.B. Fences, Walls, & Hedges: Changes in Character & Intensity by Zoning District.
9. Signs shall not exceed the maximum size standard; however, they may be reduced as desired 12.00.13. – Permitted Signage in Land Use Districts (including SIGN CHART).

10% MAXIMUM ADMINISTRATIVE ADJUSTMENT PERMITTED:

1. Maximum Impervious Surface Ratio for Lots (%) – Table 4.02.01.G. Design Standards for Lots.
2. Maximum Floor Area Ratio for Lots – Table 4.02.01.G. Design Standards for Lots.
3. Maximum Building Height (ft.) – Table 4.02.02.C. Standards for Building Heights and Setbacks.
4. Waterfront – Minimum Setback (ft.) – Table 4.02.02.C. Standards for Building Heights and Setbacks.
5. Maximum Land Allocation (% of PUD site) – Table 4.04.03(A). Uses and Site Design Req. for PUDs.
6. Maximum Setback from the Waterfront (ft.) – Table 4.04.03(A). Uses and Site Design Req. for PUDs.
7. Required Plants per 100 linear feet of property line – Table 4.05.03.B. Types & Plant Req. for Buffers.
8. Standards may be reduced, not enlarged – Table 6.04.07.B. Parking Space Design Standards.

All other standards found within the LDC (except CRA Section 4.07.00 – 4.08.02) shall be eligible for a 20% administrative adjustment.

THIS IS A CONTINUATION OF THE PREVIOUS STANDARDS THAT SPECIFICALLY LIST ITEMS WITHIN THE LDC THAT ARE LIMITED TO EITHER A 10 % ADMINISTRATIVE WAIVER OR NO ADMINISTRATIVE WAIVER.

ALL OTHER ITEMS THAT ARE NOT ADDRESSED HERE (OR FOUND IN THE CRA) ARE ELIGIBLE FOR A 20% ADMINISTRATIVE WAIVER.

REASONS FOR THE CHANGES

The standard eliminates an applicant from establishing a mixed-use development in which various parcels have different zoning districts assigned to them (for example CH, CG, R3, and R1, and including MXD).

The standard is applicable within the CRA as well as outside of the CRA.

This contradicts nearly every aspect of smart growth, which promotes:

1. **mixed-use neighborhoods where one can live** in one location (or zoning district)
2. walk, bicycle, drive, or take transit to work (in another zoning district)
3. visit children that are learning or recreating (in yet another zoning district), and
4. shop or dine in the final zoning district.

Staff recommends removal of the provision.

10.00.06.- Combining lots.

- A. When two (2) or more lots are combined for development purposes, such lots shall be platted or re-platted to create a single lot under one (1) ownership.
- B. ~~Reserved. When two (2) or more lots are developed under unified control and design, all such lots shall have the same zoning district classification.~~

Text Amendment # 13

REASONS FOR THE CHANGES

The amendment ensures that the City is consistent with State of Florida Statutes regarding notice for a public hearing.

Staff may use the additional five (5) days to prepare and make appropriate edits prior to the public hearing.

10.02.00. – Notice requirements.

10.02.01.- Generally.

D. Notice shall be provided a minimum of ~~fifteen (15)~~ ten (10) days before the applicable public hearing.

Text Amendment # 14

REASONS FOR THE CHANGES

This ensures that the City is consistent with State of Florida Statutes while reducing unnecessary costs and returned mailings.

10.02.03.- Mailed Notice Requirements.

- A. Notice of a required public hearing shall be ~~mailed, certified return receipt,~~ sent by first class mail to all owners of real property located within three hundred (300) feet of the exterior lot lines of the subject property which is subject to the application.

PLANNING COMMISSION RESPONSIBILITIES:

Subsection (B. #2) of 8.02.03 in the Crystal River Land Development Code states:

“The Planning Commission shall have the role and responsibility to hear, consider, and make recommendations to the City Council regarding applications to amend the text of the LDC (Land Development Code)”.

STAFF RECOMMENDATION:

The analysis includes:

1. The reasons why each of the aforementioned text amendments have been proposed
2. The potential benefits to the City should the changes be made
3. The Goals, Objectives, and Policies in the Comprehensive Plan that support the changes

Staff recommends that all (14) amendments be made and adopted as conveyed, as these changes will:

1. improve the ability to provide customer service to residents and developers within the City, and
2. impart new regulations within the zoning ordinance that will bring the City into compliance with Federal and State regulations, and
3. update or improve upon the City’s existing zoning while benefitting the citizens that live, work, and recreate in our community, **and**
4. improve upon the City’s built environment.



QUESTIONS?

Crystal River Planning Commission Meeting of October 7, 2021

ORDINANCE NO. 21-O-15

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING ORDINANCE NUMBER 05-O-09, APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; ADDING SECTION 4.03.04 LIGHTING, BY ESTABLISHING STANDARDS FOR ALL LAND USES; AMENDING SECTION 4.07.09 USES, BY REVISING STANDARDS FOR ACCESSORY DWELLING UNITS IN THE CRA OVERLAY DISTRICT; AMENDING SECTION 4.07.10 ADMINISTRATION, BY REVISING REVIEW PROCESSES FOR THE CRA OVERLAY DISTRICT; AMENDING SECTION 5.01.05 ACCESSORY DWELLINGS IN RW, R1, NBR, ZONING DISTRICTS, BY ADDING R2, R3, CW, CG, IND, CON AND PI ZONING DISTRICTS, AND REVISING STANDARDS; DELETING SECTION 5.01.06 ACCESSORY DWELLINGS IN IND, CON, AND PI ZONING DISTRICTS; AMENDING SECTION 5.01.11 FENCES, HEDGES, AND WALLS, BY REVISING STANDARDS; DELETING SECTION 5.01.16 ACCESSORY DWELLINGS CG ZONING DISTRICTS; AMENDING SECTION 6.04.02 ACCESS AND DRIVEWAY DESIGN STANDARDS; AMENDING SECTION 6.04.07 STANDARDS FOR PARKING AND PARKING LOTS, TABLE 6.04.07(A) PARKING SPACE REQUIREMENTS; AMENDING SECTION 8.02.02 MEMBERSHIP AND TERMS, BY REVISING PLANNING COMMISSION TERMS; AMENDING SECTION 9.03.01 AUTHORITY AND LIMITATIONS, BY REVISING STANDARDS FOR ADMINISTRATIVE WAIVERS; AMENDING SECTION 10.00.06 COMBINING LOTS, BY REVISING STANDARDS; AMENDING SECTION 10.02.01 GENERALLY, BY REVISING NOTICING REQUIREMENTS; AMENDING SECTION 10.02.03 MAILED NOTICE REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER’S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Florida Statutes (F.S.), the City of Crystal River City Council adopted the City of Crystal River Comprehensive Plan; and

WHEREAS, on May 17, 2005, the City of Crystal River adopted the City of Crystal River Land Development Code (LDC) as ordinance 05-O-08, as further amended; and

WHEREAS, the City Council of the City of Crystal River, Florida, recognizes the need to update and revise the City’s LDC to maintain consistency with the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, certain changes are necessary and desirable to improve the usability of the LDC.

WHEREAS, the City of Crystal River has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Crystal River, Florida, has determined that adoption of this Ordinance is in the best interests of the health, safety, and welfare of the citizens of Crystal River.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA THAT THE CITY'S LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to amend Appendix A, Land Development Code of the Crystal River, Florida, Code of Ordinances, by amending various Sections for reasons set forth in the above "WHEREAS" clauses, which are incorporated herein, in haec verba.

SECTION 2. AUTHORITY.

The City of Crystal River City Council is authorized to amend Appendix A, Land Development Code of the City of Crystal River, Florida, Code of Ordinances, pursuant to Part 1, Article III of the City Charter of the City of Crystal River and Chapter 1 - General Provisions, of the City of Crystal River, Florida, Code of Ordinances, and as otherwise authorized by applicable Florida Statutes.

SECTION 3. AMENDMENTS TO VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE.

The City Council of the City of Crystal River, Florida, hereby adopts this Ordinance of the proposed amendments for inclusion in the Land Development Code, as shown in Exhibit "A", attached hereto, and incorporated by reference.

A copy of the Land Development Code, as amended, is on file at City Hall in Crystal River, Florida.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. CONDIFICATION/INSTRUCTIONS TO CODE CODIFIER/EXHIBITS

It is the intention of the City Council of the City of Crystal River, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of Appendix A, Land Development Code of the City of Crystal River, Florida, Code of Ordinances. The actual text of the Sections to this Ordinance need not be codified. The Code codifier of the City is given broad and liberal authority to appropriately codify the Exhibit into the provisions of the Land Development Code in a format that can be readily published and distributed in a useable and manageable format. The City Manager, in conjunction with the City Clerk and the City Attorney, are hereby granted the authority to take any and all necessary and appropriate actions to accomplish the provisions of this Section. The Exhibit to this Ordinance is hereby incorporated herein by the references thereto as if fully set forth herein verbatim.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Ordinance.

SECTION 7. MODIFICATION.

It is the intent of the City Council that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated in the final version of the ordinance adopted by the Council and filed by the City Clerk.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective as per Florida law.

DONE AND ADOPTED in a regular meeting of the City Council of the City of Crystal River, Florida, this _____ day of _____, 2021.

ATTEST:

CITY OF CRYSTAL RIVER

MIA FINK, CITY CLERK

JOE MEEK, MAYOR

NOTICE published on _____

PASSED on First Reading _____

PASSED on Second and Final Reading _____

**APPROVED FOR CORRECTNESS
AND FORM:**

VOTE OF COUNCIL:

Meek: _____

Brown: _____

Guy: _____

Fitzpatrick: _____

Holmes: _____

**ROBERT W. BATSEL, Jr., ESQUIRE
CITY ATTORNEY**

EXHIBIT "A"

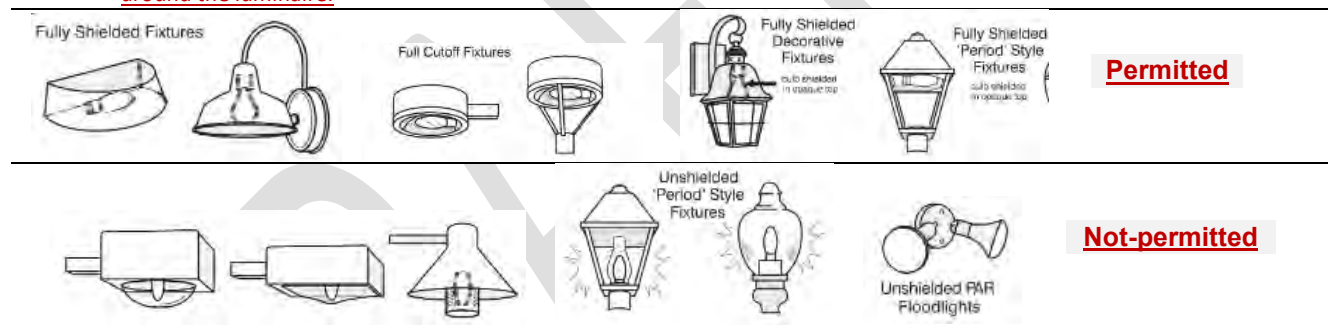
TEXT AMENDMENT #1 – THAT A NEW SECTION 4.03.04 LIGHTING, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY CREATED TO READ AS FOLLOWS:

4.03.04. – Lighting.

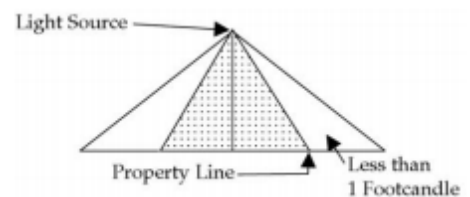
Lighting

GENERAL

1. **General.** The provisions of this Section shall apply to all development in the City.
2. **Outdoor Light Fixtures** are defined as outdoor artificial illuminating devices, outdoor fixtures, lamps, and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for: Buildings and Structures, Residences, Landscape Lighting, Sign Lighting, Parking Lot Lighting, Thoroughfare Lighting, and Recreational and Performance areas.
3. **Shielding.** All exterior illuminating devices, except those that are exempt shall be fully or partially shielded.
 - a. **"Full Cutoff"** shall mean that those fixtures so designated shall be shielded in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point of the fixture where light is emitted.
 - b. **"Partial Cutoff"** shall mean that those fixtures so designated shall have a light distribution in which the candlepower per 1,000 lamp lumens does not numerically exceed 25 lumens (2 and ½ percent) at an angle of 90 degrees above Nadir (horizontal), and 100 lumens (ten percent) at a vertical angle of 80 degrees above Nadir. This applies to any lateral angle around the luminaire.



4. **Light Spillage.** Continuous light spillage onto neighboring properties shall not exceed (1) foot-candle as measured at the lot line (see diagram).
5. **Exemptions.**
 - a. **Low Intensity Fixtures:** Any outdoor lighting fixture which has a max. candle power of less than 1,000 candelas is exempt.
 - b. **Required safety lighting for towers (i.e. cellular) is exempt.**
6. **Illumination Types.** Those lighting types listed below in (a-g) shall be allowed. The same type of lighting should be utilized for all fixtures and light sources on the site.
 - a. Incandescent b. Noble Gas Tube c. Quartz d. Fluorescent (filtered) e. LED
 - b. **Wall Packs.** Lights shall be fully shielded, limited to ancillary entrances, and not directly visible from the street.
 - c. **Other Illumination Sources.** Other sources of illumination that minimize undesirable light into the night sky, demonstrate architectural merit, or are energy efficient may be approved by the Supervisory Planner.
 - d. **Sign Lighting.** Externally illuminated signs shall use a "fully shielded" light directed solely at the sign.
 - a. **Goose Neck Lighting.** Goose neck lighting fixtures are strongly encouraged.
 - b. **Reserved.**



Streets, Paths, and Parking Lots. New lighting in walkable areas shall be of the general type illustrated below and should range from 10 – 20 ft. in height, spaced a maximum of 75 ft. on center, in auto-centric, recreation, and performance areas light poles may extend up to 25 ft. in height, with exceptions approved by Supervisory Planner.

Pipe



Post



Column



Double Column



Light Poles. Light poles should be placed 2 ft. from the back of the curb or street surface and may include brackets for decorative or graphic attachments.

Notes: ¹ Those outdoor light fixtures requiring a filter shall have glass, acrylic, or translucent enclosures (Quartz Glass is excluded).

TEXT AMENDMENT #2 – THAT SECTION 4.07.09 USES, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY ADMENDED BY REVISING STANDARDS FOR ACCESSORY DWELLING UNITS IN THE CRA OVERLAY DISTRICT, TO READ AS FOLLOWS:

4.07.09.- Uses.

RESIDENTIAL

Accessory Dwelling Unit (ADU)

An auxiliary dwelling unit located on the same lot as the principal building that may be attached by a back-building or contained within a stand-alone outbuilding. Examples include but are not limited to: a dwelling unit in a guest house, pool house, and above or beside a garage.

Supplementary Standards

- ~~1. This use shall be used as a substitute, and in place of the two Accessory Dwelling Units (ADUs) referenced in Table 2.03.03. (Accessory Structures):~~
 - ~~a. ADU type one (guesthouse; mother in law house; or helper quarters).~~
 - ~~b. ADU type two (caretaker quarters or park ranger housing).~~
- ~~2.1. In an effort to encourage mixed use (with residential) as well as....(cont.)~~
- ~~3.2.~~ An Accessory Dwelling Unit (ADU) shall comply with the following Supplemental Use Standards:
 - a. **Number of Units.** One ADU shall be permitted per lot.
 - b. **Size.** ~~The maximum footprint for a Freestanding ADU – Each floor of the main body of the ADU shall not exceed: 720 square feet or the footprint of the principal dwelling.~~
 - ~~-- Width: 30 feet max.~~
 - ~~-- Depth: 30 feet max.~~
 - c. **ADU in an Existing Structure.** ~~If the ADU is to be located in an existing accessory structure, the accessory structure shall meet all setback requirements of the district. The maximum footprint of an ADU located within the principal building shall not exceed twenty-five (25) percent of the total floor area of a single floor within the principal building.~~
 - d. **Residential Form.** The structure shall appear residential in form.

TEXT AMENDMENT #3 – THAT SECTION 4.07.10 ADMINISTRATION, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED BY REVISING REVIEW PROCESSES FOR THE CRA OVERLAY DISTRICT, TO READ AS FOLLOWS:

4.07.10 – Administration
Review Process

- 5. **Administrative Waiver.** Administrative waivers are specified deviations from otherwise applicable development standards.
 - a. **Applicability.**

- i. For all numerical standards set forth in the overlay zoning of Section 4.07.00 through Section 4.08.02, the supervisory planner shall have authority to authorize an administrative waiver of up to ~~40~~15 percent.

b. Adjustment Criteria.

- i. To approve an application for an administrative waiver, the supervisory planner shall make an affirmative finding that the following criteria are met:
 - (a) That granting the administrative waiver will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - (b) That granting the administrative waiver will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate screening, setbacks, and other land use considerations;
 - (c) That granting the administrative waiver will not adversely affect property values in any material way; and
 - (d) That granting the administrative waiver will be generally consistent with the purposes and intent of this overlay code.
- ii. Reserved.

TEXT AMENDMENT #4 – THAT SECTION 5.01.05 ACCESSORY DWELLINGS IN R-W, R1, NBR, ZONING DISTRICTS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED TO READ AS FOLLOWS:

5.01.05.- Accessory dwellings in R-W, R1, ~~R2, R3, and~~ NBR, ~~CW, CG, IND, CON, and PI~~ zoning districts.

Accessory apartments, detached guesthouses, and helper quarters shall be permissible in compliance with the following standards:

- A. An accessory dwelling unit (ADU): is intended to provide not-for-hire housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered as an apartment, hotel, or any other kind of multifamily use and shall not be used as a rental unit.
 - 1. Is intended to provide housing for relatives, guests, domestic helpers, caretakers, security personnel, or renters. An accessory dwelling unit shall not be considered as an apartment, hotel, or any other kind of multifamily use and shall not be used as a rental unit.
 - 2. May not have its main entrance through the garage doors, but may be located toward a side street, alley, or internal to the lot. If the unit is located within the principal building, a separate door (from the garage doors) shall be used.
 - 3. Shall not require additional parking, except in the case of guest room(s) for a Bed & Breakfast, which shall be calculated as part of the required parking. Parking may be accessed from an alley, side street, or front street. However, parking may only be accessed from the front when there is no alley or side street present.
- B. Accessory dwellings within a principal building shall comply with the following standards:
 - 1. An accessory dwelling shall not be construed to be located within a principal building when it is connected to the principal building only by a breezeway or roofed passageway.
 - 2. No more than one (1) accessory dwelling shall be permitted.
 - 3. An accessory dwelling shall not be permissible within a nonconforming principal building.
 - 4. An accessory dwelling shall not be permissible where a variance or waiver is necessary in order to allow the accessory dwelling.
 - 5. An accessory dwelling shall not occupy more than twenty-five (25) percent of the total floor area of a single floor of the principal building.

C. Freestanding accessory dwellings shall comply with the following standards:

1. ~~The floor area shall not exceed four hundred fifty (450) square feet. Each floor of the main body of the ADU shall not exceed:~~
 - ~~Width: 30 feet max.~~
 - ~~Depth: 30 feet max.~~
2. An accessory dwelling unit shall be located only within a rear yard. However, an accessory dwelling unit may be located within the side yard of a lot that is 100 feet wide with the permission of the Supervisory Planner.
3. A separate water meter shall be provided for a freestanding accessory dwelling.
4. An accessory dwelling shall comply with all standards set forth in sections 5.01.02 and 5.01.04, except for any restrictions on building height, which may not exceed two stories and the maximum height for the zoning district (Table 4.02.02.C. Standards for Building Heights and Setbacks).

TEXT AMENDMENT #5 – THAT SECTION 5.01.06 ACCESSORY DWELLINGS IN IND, CON, AND PI ZONING DISTRICTS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY DELETED AS FOLLOWS:

~~5.01.06. – Accessory dwellings in IND, CON, and PI zoning districts.~~

~~Housing or quarters for caretakers, security personnel, or park rangers shall be permissible in compliance with the following standards:~~

- ~~A. – An accessory dwelling is intended to provide housing for a caretaker, security person, or ranger. Accessory dwellings permissible under this section shall be subordinate to the principal use and shall not be used as a rental unit or for any purpose other than security, caretaker, or park ranger personnel required to live on the premises of the principal use.~~
- ~~B. – An accessory dwelling shall be located in compliance with the standards set forth in section 5.01.02.~~
- ~~C. – An accessory dwelling may be either site-built or a manufactured home.~~
- ~~D. – No more than one (1) accessory dwelling shall be permitted on any lot.~~
- ~~E. – There shall be a minimum separation of seven (7) feet between principal and accessory structures on the same lot.~~
- ~~F. – The separation between buildings shall be measured from the nearest edge of the eaves of each building.~~
- ~~G. – An accessory dwelling shall not exceed twenty-five (25) feet in height.~~
- ~~H. – An accessory dwelling shall not exceed one thousand five hundred (1,500) square feet in gross floor area.~~

~~(Ord. No. 05-0-08, §§ 1, 2, 5-17-2005)~~

TEXT AMENDMENT #6 – THAT SECTION 5.01.11 FENCES, HEDGES, AND WALLS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED (DELETED AND REPLACED) TO READ AS FOLLOWS:

~~5.01.11. – Fences, hedges, and walls.~~

- ~~A. – All fences shall comply with the Florida Building Code. Wooden posts shall be pressure treated and shall be resistant to decay, corrosion, and termite infestation.~~
- ~~B. – Fences or hedges may be located in any front, side, and rear yard setback areas.~~
- ~~C. – No fences or hedges shall exceed four (4) feet in height when placed in the front yard.~~
- ~~D. – Each fence or hedge located in the side and rear yard shall not exceed the height of six (6) feet, except as set forth in subsection I. below.~~
- ~~E. – In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle, as described in section 6.04.04.~~
- ~~F. – All fences shall be placed with the finished side facing the adjoining property or the right-of-way.~~
- ~~G. – Any fence or wall that provides structural support to a building shall be considered part of the building and shall be required to meet the building setback standards.~~
- ~~H. – A fence may tie in to a building to complete the enclosure of a yard, where such fence does not provide support as set forth in subsection G. above.~~
- ~~I. – No barbed wire or electric fences in any form shall be permitted in any zoning district. However, a security fence in an industrial zoning district may use barbed wire, provided that the fence shall not exceed eight (8) feet in height and the barbed wire on top of the fence shall not exceed an additional one (1) foot. A commercial zoning district may apply for the same type fencing with approval by the city manager.~~
- ~~J. – No fence or hedge shall be constructed or installed in such a manner as to interfere with stormwater management facilities or to impede drainage on the site.~~
- ~~K. – All fences, hedges, and walls shall be continually maintained for safety and appearance, consistent with the requirements of the LDC.~~
- ~~L. – Classification of fences on vacant properties (properties within the CRA district must comply with chapter 4 of the Land Development Code for appearance.)~~
 - ~~A. – On lots with a main structure that has a vacant adjacent lot under the same ownership, the fence must meet all applicable codes. No accessory structure other than a fence may be constructed on an adjacent vacant property. The maximum height in the front cannot exceed four (4) feet from grade, must be a minimum of fifty (50) percent transparent and the fence must be constructed along the entire vacant lot (all sides). Adjacent vacant lot must be maintained at all times.~~
 - ~~B. – Vacant lots (stand-alone): Four (4) foot maximum height measured from grade. Materials must meet fencing criteria for fifty (50) percent transparency. No accessory structure or use other than a fence is allowed on stand-alone vacant properties. The property must be maintained at all times.~~

5.01.11. Fences, walls, and hedges.

A. **Fence, wall, and hedge location.**

1. Fences, walls, and hedges are permitted:

- a. On the property line between two or more parcels of land held in private ownership.
- b. On a property line adjacent to, but outside a public right of way.
- c. On a property when utilized to delineate different portions of the lot.
- d. Underground, for the electronic control of domestic animals.

2. **Visibility clearance.** Fences, walls, and hedges shall be placed outside of required sight triangles or areas needed for visibility (see 6.04.04).

3. **Near fire hydrants.** Fences, walls, and hedges shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices.
 4. **Utility easements.** Fences, walls, and hedges shall be prohibited within utility easements except where constructed by the City or if permission is granted by the Supervisory Planner. This provision shall not be construed to prevent fencing around stormwater retention or detention facilities.
 5. **Drainage areas.** No fence, wall, or hedge shall be installed so as to interfere with stormwater management facilities or block or divert drainage flow onto the site or any other land, except where permission is granted by the Supervisory Planner.
- B. **Maintenance.** All fences, walls, hedges, and associated landscaping shall be maintained in good repair and in a safe and attractive condition—including, but not limited to, the repair or replacement of missing, decayed, or broken structural and decorative elements.
- C. **Classification of fences on vacant properties.**
1. On lots with a main structure that has a vacant adjacent lot located to either side on the same block-face that is under the same ownership a fence may be installed on the vacant lot that complies with all applicable codes. No accessory structure other than a fence may be constructed on an adjacent vacant property. The maximum fence height cannot exceed four (4) feet from grade and shall meet the opacity criteria for the type of fence or be fifty (50) percent opaque. The fence shall be constructed along all sides of the vacant lot, except in the side yard that connects the two parcels (if the lot with the main structure contains a fence along this side) or where a side will front a canal or waterway. Chain link fences are prohibited. The vacant lot shall be maintained.
 2. Vacant lots (stand-alone): Four (4) foot maximum height measured from grade. Opacity must be 50% or meet the criteria for the type of fence. The fence shall be constructed along all sides of the vacant lot, except where a side will front a canal or waterway. No accessory structure or use other than a fence is allowed on stand-alone vacant properties. Chain link fences are prohibited. The property must be maintained at all times.
- D. **Changes in Character and Intensity with Zone.**
1. Table 5.01.11.A. (Fence, Wall and Hedge Design) conveys the types of fences, walls, and hedges that are most often associated with each zoning district.
 2. Table 5.01.11.B. (Fences Walls and Hedges: Changes in Character and Intensity by Zoning District) provides photographic examples of the fences, walls, and hedges identified in Table 5.01.11.A and demonstrates how their character and intensity changes with zoning district. Though the photographs are illustrative only, the fence, wall, and hedge types that are listed are appropriate.
- E. **Materials and Height.**
1. Table 5.01.11.A. (Fence, Wall, and Hedge Design) conveys the:
 - a. Permitted height for fences, walls, and hedges as measured from natural grade, for each zoning district.
 - b. Permitted and prohibited materials for fences, walls, and hedges.
 2. **Height Exemptions.**
 - a. **Pergolas, Arbors, Trellises.** Architectural features that are both functional and compatible with the fence, wall, or hedge are exempt from the height restrictions of this Section.
 - b. **Recreational Fencing.** Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this Section. The typology of such fencing may be chain link or similar.
 - c. **Public Safety Use Fences and Walls.** Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to 8 feet in front, side, and rear yards, unless further increased through

an approved security plan (see Subsection d. below). Where visible from the street a wall shall be fronted by a hedge row or similar vegetative landscaping.

d. **Security Plan for Fences and Walls.** A property owner may submit a site security plan to the Administrator that proposes an 8-foot fence or wall with or without an additional 1 foot of barbed or concertina wire atop the fence or wall. The use of barbed or concertina wire shall be limited to the (I) Industrial and (PI) Public Institutional zoning districts. The Administrator may approve, or approve with conditions, the site security plan if:

- (1) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; and
- (2) The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

(CONTINUED ON NEXT PAGE)

Table 5.01.11.A. Fence, Wall, and Hedge Design

Zoning District	Permitted Fences, Walls, and Hedges	Permitted Height			Permitted and Prohibited Materials	
		Front Yard	Side and Rear Yard	Side and Rear Yard Adj. to ROW		
CON RC	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Split Rail fence 3. Post & Rail fence 4. Living fence <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 	<p>Min 48"</p> <p>Max 60"</p>	<p>Max 72"</p>	<p>Min 48"</p> <p>Max 60"</p>	<p>PERMITTED</p> <ul style="list-style-type: none"> • Treated or rot-resistant wood • Plants and vines • Wrought Iron • Brick • Stone • Concrete <p>Masonry Units with Stucco (C.B.S. – if primary structure is masonry).</p>	<p>GENERAL REMARKS</p> <ol style="list-style-type: none"> 1. Fences, Walls, and Hedges are strongly encouraged and if constructed shall be sited along a right-of-way that abuts a street or alley, as conveyed in the associated standards as well as the above diagram and this Table. 2. The more “finished” side of a fence or wall shall face the perimeter of the lot. 3. The name assigned to Fences, Walls, & Hedges is based on common industry terminology. 4. Differing fence and wall types may be integrated so long as they comply with this Section (e.g. a fence in front of a hedge or a wrought iron fence on top of a wall). <p>FENCES</p> <ol style="list-style-type: none"> 1. “Permitted Height” addresses the height for the “body” of a fence. Fence posts may extend a maximum of 12” above the body of the fence. 2. Fence opacity shall not exceed 50% max. except: <ol style="list-style-type: none"> a. Privacy and Living Fences may be 100% max. b. Split Rail, Post & Rail, Chain Link, lattice, and Wrought Iron shall not exceed 25% max. 3. Fence Types may be finished in various “styles” (e.g., “Gothic” or “Dog Ear” Picket Fence). 4. Chain Link shall not be permitted in the Front Yard, or Side and Rear Yard adjacent to a ROW. 5. Split Rail and Post and Rail fences may use “hog wire” fill. 6. A “Living Fence” consists of wood posts with “hog wire” infill and a board rail on top. 7. Wood pickets or balusters shall be rectangular or round. Spacing shall not exceed 1 ½ inches. 8. Vertical posts on Wrought Iron fences shall be a minimum of 5/8” thick, spaced b/t 4 & 6 inches. <p>WALLS</p> <ol style="list-style-type: none"> 1. Reserved. <p>HEDGES</p> <ol style="list-style-type: none"> 1. Hedge Walls shall be a minimum of 8” thick.
RW R1	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Split Rail fence 3. Post & Rail fence 4. Living fence 5. Chain Link fence 6. Lattice fence 7. Picket or Baluster fence with Corner Posts <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 2. Hedge Wall with Brick Posts 3. Garden Wall 	<p>Min 42"</p> <p>Max 48"</p>	<p>Max 72"</p>	<p>Min 42"</p> <p>Max 48"</p>	<p>PROHIBITED</p> <ul style="list-style-type: none"> • Plastic, Sheet Metal, Vinyl • Plywood, Junk, and Waste. • Barbed Wire, Concertina Wire, and above ground Electrified Fences not associated with agricultural activities or an approved security plan, (see Section 5.01.11.D.2.d.) 	
R2 R3 IND PI NBR CW CG CH MXD CRA DISTRICT	<p>FENCE TYPES</p> <ol style="list-style-type: none"> 1. Privacy fence 2. Living fence 3. Chain Link fence (Not permitted in CRA) 4. Lattice fence 5. Picket fence or Baluster fence with Corner Posts 6. Wrought Iron fence 7. Wrought Iron fence w/ Brick Posts <p>WALL & HEDGE TYPES</p> <ol style="list-style-type: none"> 1. Hedge Wall 2. Hedge Wall with Brick Posts or Picket Gate 3. Garden Wall 4. Garden Wall with Wrought Iron Fence 	<p>Min 36"</p> <p>Max 48"</p>	<p>Max 72"</p>	<p>Min 36"</p> <p>Max 48"</p>	<p>PROHIBITED</p> <ul style="list-style-type: none"> • Plastic, Sheet Metal, Vinyl • Plywood, Junk, and Waste. • Barbed Wire, Concertina Wire, and above ground Electrified Fences not associated with agricultural activities or an approved security plan, (see Section 5.01.11.D.2.d.) 	

Notes:

- 1 Area in front of the primary structure (porches, balconies, includes porches).
- 2 Side and Rear Yard (behind the front plane of the primary structure).
- 3 Side and Rear Yard (behind the front plane of the primary structure) that abuts a side street Right of Way.

Table 5.01.11.8 Fences, Walls, & Hedges: Changes in Character and Intensity by Zoning District

CON, RC	RW, R1	R2, R3, IND, PI, NBR, CW, CG, CH, MXD, CRA	
Select from below only	Select from left and below	Select from both columns found below	
 <p data-bbox="284 535 430 567"><u>Privacy Fence</u></p>	 <p data-bbox="621 535 768 567"><u>Lattice Fence</u></p>	 <p data-bbox="951 535 1097 567"><u>Privacy Fence</u></p>	 <p data-bbox="1253 535 1474 567"><u>Wrought Iron Fence</u></p>
 <p data-bbox="267 911 446 942"><u>Split Rail Fence</u></p>	 <p data-bbox="560 911 833 942"><u>Picket or Baluster Fence</u></p>	 <p data-bbox="951 911 1097 942"><u>Living Fence</u></p>	 <p data-bbox="1289 911 1419 942"><u>Hedge Wall</u></p>
 <p data-bbox="267 1310 462 1341"><u>Post & Rail Fence</u></p>	 <p data-bbox="641 1310 771 1341"><u>Hedge Wall</u></p>	 <p data-bbox="951 1310 1097 1341"><u>Lattice Fence</u></p>	 <p data-bbox="1221 1310 1500 1341"><u>Hedge W. w/ Picket Gate</u></p>
 <p data-bbox="284 1753 430 1785"><u>Living Fence</u></p>	 <p data-bbox="621 1753 768 1785"><u>Garden Wall</u></p>	 <p data-bbox="893 1753 1166 1785"><u>Picket or Baluster Fence</u></p>	 <p data-bbox="1289 1753 1435 1785"><u>Garden Wall</u></p>

TEXT AMENDMENT #7 – THAT SECTION 5.01.16 ACCESSORY DWELLINGS CG ZONING DISTRICTS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY DELETED AS FOLLOWS:

~~5.01.16. – Accessory dwellings CG zoning districts.~~

~~Accessory apartments, detached guesthouses, and helper quarters shall be permissible in compliance with the following standards.~~

- ~~A. – An accessory dwelling in the CG zoning district is intended to provide housing within or attached to a principle structure.~~
- ~~B. – An accessory dwelling unit may be considered as an apartment and rented or leased separate from the principle structure.~~
- ~~C. – Accessory dwellings within a principal building shall comply with the following standards:
 - ~~1. – An accessory dwelling shall not be construed to be located within a principal building when it is connected to the principal building only by a breezeway or roofed passageway.~~
 - ~~2. – No more than one (1) accessory dwelling shall be permitted.~~
 - ~~3. – An accessory dwelling shall not be permissible within a nonconforming principal building.~~
 - ~~4. – An accessory dwelling shall not be permissible where a variance or waiver is necessary in order to allow the accessory dwelling.~~
 - ~~5. – An accessory dwelling shall not occupy more than forty five (45) percent of the total floor area of the principal building.~~
 - ~~6. – There shall be designated parking on-site for the accessory dwelling unit.~~~~

TEXT AMENDMENT #8 – THAT SECTION 6.04.02 ACCESS AND DRIVEWAY DESIGN REQUIREMENTS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED TO READ AS FOLLOWS:

6.04.02.- Access and driveway design requirements.

The following standards shall apply to all driveways or access points from a lot or parcel onto a public street:

- ~~A. An access point shall include either a one-way access, a two-way access, or a pair of one-way accesses, provided that the paired access points are not more than fifty (50) feet apart, measured from the centerlines of the access drives. (This standard allows for a circular drive, with a fifteen-foot turning radius.)~~
- F. Accessways and driveways shall comply with the following standards:
 - ~~1. – Residential driveways shall be a maximum of ten (10) feet in width at the lot line and may increase to a maximum of twenty (20) feet in width.~~
 - 1. Residential Driveway Dimensions: Residential Driveways shall be designed in a manner that minimizes disruption of pedestrian corridors and the streetscape.
 - a. Residential Driveway ROW Apron. A Residential Driveway in which a sidewalk is present within the ROW on the same side of the street (or planned and funded to be constructed within the ROW on the same side of the street) shall not exceed a maximum of twelve (12) feet in width within the ROW. Any paved driveway area not connected to a sidewalk shall be bounded by grass.
 - i. If the sidewalk is located (or planned) at the back of the ROW, immediately adjacent to the property line then the first three (3) feet of driveway located on the parcel shall be paved and not exceed a maximum of twelve (12) feet in width. This paved area shall be bordered by grass.

ii. Reserved.

If no sidewalk is present or planned, then the width of the driveway may be a minimum of twelve (12) feet and a maximum of twenty (20) feet within the ROW.

ROW aprons, while not required, may be installed on each side of the driveway. If a sidewalk is present (or planned), the ROW apron may extend from one (1) foot past the edge of the sidewalk or planned sidewalk (on the street side) towards the street or curbing. In all cases, the ROW apron shall start at a width of zero (0) feet and extend to a maximum width of three (3) feet and a maximum length of four and one-half (4½) feet (measured at the street / curb).

- b. Standard Residential Driveway. A Standard Residential Driveway may be a minimum of twelve (12) feet in width and a maximum of twenty (20) feet in width when located between the lot line and the carport, garage, or parking area under the house.
- c. Ribbon Residential Driveway. A Ribbon Residential Driveway is an acceptable alternative to a Standard Residential Driveway as it reduces the overall impervious surface coverage. While there is no minimum width required for a ribbon driveway, they shall be subject to the same twenty (20) foot maximum width established for a Standard Residential Driveway. Individual ribbons shall only be permitted within the property (not the right of way) and shall measure between one and one-half (1½) feet and two and one-half (2½) feet in width. The driveway may contain ROW aprons as conveyed above.
- d. Circular Residential Driveway. A Circular Residential Driveway shall measure twelve (12) feet in width, including the width of the ROW. The two points of access shall not be sited more than fifty (50) feet apart, measured within the ROW from the centerline of each drive. The driveway may contain ROW aprons as conveyed above. For purposes of this subsection, a Circular Residential Driveway shall be considered to be one (1) driveway.
- e. Residential Driveway Garage Apron. A paved Residential Garage Apron, or the final four (4) feet of driveway (depth) providing access to, and located directly in front of the garage(s) may extend up to 24 feet in width, or the width of the garage door opening(s), whichever is less, when measured from the outer edges of:
- i. A “two car” garage with **one garage door opening**, or
 - ii. A “two car” garage with **two individual garage door openings** that are separated by a minimum of six (6) inches of fiber cement, wood, brick, stucco or vinyl siding that comprises the primary structure.

Landscaping material, not pavement shall be located on the ground surface in front of the fiber cement, wood, brick, stucco, or vinyl siding that comprises the primary structure located to the side of the garage(s).

- f. This provision (f.) shall be applicable throughout the entire City, including the Community Redevelopment Area (CRA):
- i. Residential driveways shall be paved with a material that supports the anticipated load and context.
 - ii. Pervious or semi-pervious paving materials are required in the CRA and strongly encouraged elsewhere. Where possible, such materials shall be used in combination with on-site stormwater control devices.
- g. One parking pad may be installed in the front or side yard adjacent to an approved residential driveway. The pad shall be no wider than ten (10) feet and no longer than twenty (20) feet. It shall be set back a minimum of ten (10) feet from the front property line and shall extend outward from the driveway on the side. An additional “paved” area may be established to provide vehicular access from the street side at a rate of two feet (out) and one foot (up) toward the pad (area equals 10’ in width by 5’ in depth). The access is purposefully tight. An alternative paving material (brick, asphalt, stone) is strongly encouraged for use on the parking pad.
- h. A house that is raised and wishes to provide parking underneath the unit may do so. As with a garage the driveway that provides access to the area shall be limited to 20 feet in width and all other provisions shall apply (a paved “Residential Garage Apron” shall not be permitted

unless a garage is present). Parking areas under the house shall be shown on the development plan.

2. Non-residential accessways shall not exceed eighteen (18) feet in width. When a landscaped median is provided, each one-way access shall not exceed eleven (11) feet in width.
3. The minimum effective curb radius shall be utilized. No part of the turning radius shall extend over the property line.
4. Non-residential curb-cuts / driveways for newly developed parcels or existing parcels in which the use changes:
 - a. Vehicular access that is provided by a curb-cut that exceeds the width currently allowed by code and / or FDOT standards shall be reduced so as to adhere to the provisions of the ordinance or FDOT standards.
 - b. A parcel with two or more curb cuts providing vehicular access (ingress and egress) to the frontage shall be redesigned and / or closed so that only one vehicular access (providing both ingress and egress) remains to the use's frontage. Front and side access shall be treated similarly for a corner lot.

TEXT AMENDMENT #9 – THAT SECTION 6.04.07 STANDARDS FOR PARKING AND PARKING LOTS, TABLE 6.04.07(A) PARKING SPACE REQUIREMENTS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED TO READ AS FOLLOWS:

Table 6.04.07(A). Parking space requirements.

Type of use or activity	Minimum number of spaces
Assembly places (religious facilities, funeral homes, schools, theaters, auditoriums, arenas, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 5 seats; 1 per 300 gsf (no fixed seats) ¹
Clubs and lodges (including fraternities, sororities, and other social or civic membership organizations)	1 space per 5 seats in the largest assembly area; 1 per 300 gsf (no fixed seats)
Commercial activities, including retail sales, and business activities not otherwise specified	1 space per 400 sf. of gross floor area
Day-care, child care	1 per employee plus 1 per 6 persons of maximum occupancy
Private schools	1 per 4 persons of maximum occupancy
Other Drive-thru establishments	1 space per 150 s.f. of gross floor area <u>As required for the type of use or activity</u>
Eating, drinking, or entertainment establishments (without a drive-thru facility) ies)	1 space per 150 s.f. of gross floor area
<u>Eating or entertainment establishments (with a drive-thru facility)</u>	1 space per 150 <u>250</u> s.f. of gross floor area
Gasoline service stations and small vehicle repair	1 space per 500 s.f. of floor area
Group lodging, including nursing homes, rest homes, convalescent homes, assisted care facilities, and other similar facilities	1 space per 2 beds

Hospitals and other medical facilities providing overnight accommodations	1 space per 3 beds plus 1 space per 4 employees on the largest shift
Hotels, motels, and other similar lodging and accommodations establishments, without restaurants or lounges	1 space per sleeping room
Hotels, motels, apartment hotels, and other similar lodging and accommodations establishments, with restaurants or lounges	Parking required for the lodging facility plus one-half parking required for the restaurant
Industrial uses	1 space per 1,000 s.f. of gross floor area
Marinas	1 space per 5 boat berths (wet slips or dry storage), plus 1 space per employee on the largest shift
Medical offices and clinics	1 space per 400 s.f. of gross floor area
Mini-warehouse or self-storage facilities	1 space per 500 s.f. of office space. No spaces are required for storage facilities, provided that an off-street loading space is provided for each storage unit.
Multi-family dwellings	< 1000 sf. = 1 per unit min. 1000 sf. to 1500 sf. = 1.5 per unit min. > 1500 sf. = 2 per unit min.
Recreation facilities	1 space per 1,000 s.f. feet of active use area
Offices (general, professional, or government)	1 space per 400 s.f. of gross floor area
Single-family dwellings	1 per unit
Vehicles sales	1 per 3,000 s.f. of open or enclosed sales area
¹ The number of seats shall be the maximum occupancy load established for the building by the building official.	

TEXT AMENDMENT #10 – THAT SECTION 8.02.02 MEMBERSHIP AND TERMS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED BY REVISING PLANNING COMMISSION TERMS, TO READ AS FOLLOWS:

8.02.02 Membership and Terms.

- D. Terms shall be staggered such that no more than three (3) terms expire simultaneously. The initial appointment of members of the planning commission shall be as follows:
1. Two (2) members shall be appointed for one (1) year.
 2. Two (2) members shall be appointed for two (2) years.
 3. Three (3) members shall be appointed for three (3) years.
 4. All subsequent appointments shall be for the full term of three (3) years.
 5. No member may serve more than two successive three (3) year terms. Thereafter, members may be appointed only after they have been off of the Planning Commission for at least one year. Service for a partial term of less than one and a half years shall not constitute a term of service for purposes of this paragraph.

TEXT AMENDMENT #11 – THAT SECTION 9.03.01 AUTHORITY AND LIMITATIONS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED BY REVISING STANDARDS FOR ADMINISTRATIVE WAIVERS, TO READ AS FOLLOWS:

9.03.01 Authority and limitations

Administrative waivers are specified deviations from otherwise applicable development standards. These standards are applicable to all Sections of the Land Development Code eExcept for Section 4.07.00 through Section 4.08.02 where administrative waivers are currently authorized at the discretion of the City's supervisory planner, ~~all other administrative waivers shall be at the discretion of the City manager.~~ Upon an affirmative finding that the following criteria have been met, the Supervisory Planner ~~City manager~~ may permit an application for an administrative waiver of up to ~~40~~20 percent for any development standard of this LDC: ~~Except for Section 4.07.00 through Section 4.08.02 where administrative waivers are authorized at the discretion of the City's supervisory planner, all other administrative waivers shall be at the discretion of the City manager.~~ Upon an affirmative finding that the following criteria have been met, the Supervisory Planner ~~City manager~~ may permit an application for an administrative waiver of up to ~~40~~20 percent for any development standard of this LDC, unless conveyed differently below:

- A. That granting the administrative waiver will ensure the same general level of land use compatibility as the otherwise applicable standards;
- B. That granting the administrative waiver will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate screening, setbacks, and other land use considerations;
- C. That granting the administrative waiver will not adversely affect property values in any material way; and
- D. That granting the administrative waiver will be generally consistent with the purpose and intent of each chapter and/or section of this LDC.

The following items shall either:

- 1. not be permitted to utilize an administrative adjustment; or
- 2. shall be limited to a 10% maximum administrative adjustment.

NOT PERMITTED FOR ADMINISTRATIVE ADJUSTMENT:

- A. Maximum Density (du/ac) – Table 4.01.01. Max. Density and Housing Types in Res. Zoning Districts.
- B. Permissible Housing Types – Table 4.01.01. Max. Density and Housing Types in Res. Zoning Districts.
- C. Minimum Roof Pitch shall be 5:12 – 4.01.03.B. Appearance Standards for Single Family Dwellings.
- D. Minimum Roof Overhang of 18 inches – 4.01.03.C. Appearance Standards for Single Family Dwellings.
- E. Maximum Lot Area (sq. ft.) – Table 4.02.01.G. Design Standards for Lots.
- F. Minimum Plant Size at Time of Planting – 4.05.02. – Specifications for Landscaping and Vegetation.
- G. Required Plants per 100 linear feet of property line – Table 4.05.03.B. Types & Plant Req. for Buffers.
- H. Table 4.05.05.D. Credit for Existing Trees.
- I. Table 4.06.03. Mixed Use Ratios.
- J. 5.01.11.C. - Fences, walls, and hedges. Classification of fences on vacant properties (#1 and #2).
- K. Permitted Fences, Walls, and Hedges; Permitted Height; Permitted and Prohibited Materials; and General Remarks – Table 5.01.11.A. Fence, Wall, and Hedge Design.
- L. Permitted Fence, Wall, and Hedge Type – Table 5.01.11.B. Fences, Walls, & Hedges: Changes in Character & Intensity by Zoning District.
- M. Signs shall not exceed the maximum size standard; however, they may be reduced as desired 12.00.13. – Permitted Signage in Land Use Districts (including SIGN CHART).

10% MAXIMUM ADMINISTRATIVE ADJUSTMENT PERMITTED:

- A. Maximum Impervious Surface Ratio for Lots (%) – Table 4.02.01.G. Design Standards for Lots.
- B. Maximum Floor Area Ratio for Lots – Table 4.02.01.G. Design Standards for Lots.
- C. Maximum Building Height (ft.) – Table 4.02.02.C. Standards for Building Heights and Setbacks.
- D. Waterfront – Minimum Setback (ft.) – Table 4.02.02.C. Standards for Building Heights and Setbacks.
- E. Maximum Land Allocation (% of PUD site) – Table 4.04.03(A). Uses and Site Design Req. for PUDs.
- F. Maximum Setback from the Waterfront (ft.) – Table 4.04.03(A). Uses and Site Design Req. for PUDs.
- G. Required Plants per 100 linear feet of property line – Table 4.05.03.B. Types & Plant Req. for Buffers.
- H. Standards may be reduced, not enlarged – Table 6.04.07.B. Parking Space Design Standards.

All other standards found within the LDC (except CRA Section 4.07.00 – 4.08.02) shall be eligible for a 20% administrative adjustment.

TEXT AMENDMENT #12 – THAT SECTION 10.00.06 COMBINING LOTS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED TO READ AS FOLLOWS:

10.00.06.- Combining lots.

- A. When two (2) or more lots are combined for development purposes, such lots shall be platted or replatted to create a single lot under one (1) ownership.
- B. ~~Reserved. When two (2) or more lots are developed under unified control and design, all such lots shall have the same zoning district classification.~~

TEXT AMENDMENT #13 – THAT SECTION 10.02.01 GENERALLY, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED BY REVISING NOTICING REQUIREMENTS, TO READ AS FOLLOWS:

10.02.01.- Generally.

- D. Notice shall be provided a minimum of ~~fifteen (15)~~ ten (10) days before the applicable public hearing.

TEXT AMENDMENT #14 – THAT SECTION 10.02.03 MAILED NOTICE REQUIREMENTS, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED TO READ AS FOLLOWS:

10.02.03.- Mailed Notice Requirements.

- A. Notice of a required public hearing shall be ~~mailed, certified return receipt, sent by first class mail~~ to all owners of real property located within three hundred (300) feet of the exterior lot lines of the subject property which is subject to the application.

END OF EXHIBIT "A"