

**Planning Commission Agenda**  
**May 4<sup>th</sup>, 2023 - 5:30 p.m.**

**Daniel Grannan – Chair**  
**Tonia Herring – Vice Chair**  
**Richard Laxton**  
**Deborah MacArthur Anderson**  
**Karen Cunningham**



**Terry Thompson**  
**Larry Schenavar**  
**Alternate 1 – Gregory Acker**  
**Alternate 2 – Kimberly Salter**  
**Chuck Dixon – School Board\***

- 1) Call to Order
- 2) Roll Call
- 3) Moment of Silence
- 4) Pledge of Allegiance
- 5) Adoption of Agenda
- 6) Approval of Minutes: **April 6<sup>th</sup>, 2023**
- 7) Citizen Input: 3 minutes
- 8) Public Hearings:

**A.) i. Conduct a Public Hearing for APPLICATION NO. PCA23-0002 brought by the JGIPE**

**AUTOBODY LLC** – Small-Scale Amendment of the Comprehensive Plan’s Future Land Use Map (FLUM) to change the subject property from Medium Density Residential (MDR) to Highway Commercial (HC). – 837 NE 5<sup>th</sup> Terrace, Crystal River, FL.

**ii. Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PUD23-0001 brought by**

**JGIPE AUTOBODY LLC** – Amendment to the Official Zoning Map to change the subject property from Medium Density Residential (R-2) to Planned Unit Development (PUD), having a master plan of development to allow a parking lot that is ancillary to Special-T Auto. – 837 NE 5<sup>th</sup> Terrace, Crystal River, FL.

**B.) i. Conduct a Public Hearing for APPLICATION NO. PZT23-0003 brought by the City of Crystal**

**River** – Text Amendment to the Land Development Code – Establishing a Means for Revising an Existing Special Use Permit for a Mobile Outdoor Commercial Kitchen.

**C.) i. Conduct a Public Hearing for APPLICATION NO. PZT23-0001 brought by the City of Crystal**

**River** – Text amendment to the Bed & Breakfast use in the Land Development Code.

**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.

**D.) i. Conduct a Public Hearing for APPLICATION NO. PZT23-0002 brought by the City of Crystal River – Text amendment to add “Kayak, Canoe, or Paddleboard Rental with Launch” to the Land Development Code.**

- 9) Unfinished Business
- 10) New Business
- 11) Citizen Input: 5 minutes
- 12) Staff Comments
- 13) Commissioner’s Comments
- 14) Chairman’s Comments
- 15) Adjournment

\*Appointed by School Board pursuant to §163.3174, Florida Statutes.

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**Planning Commission Minutes**  
**April 6<sup>th</sup>, 2023 - 5:30 p.m.**

**Daniel Grannan – Chair**  
**Tonia Herring – Vice Chair**  
**Richard Laxton**  
**Deborah MacArthur Anderson**  
**Karen Cunningham**



**Terry Thompson**  
**Larry Schenavar**  
**Alternate 1 – Gregory Acker**  
**Alternate 2 – Kimberly Salter**  
**Chuck Dixon – School Board\***

- 1) Call to Order
- 2) Roll Call

**Commissioners Present:** Deborah MacArthur Anderson, Dan Grannan, Terry Thompson, Larry Schenavar, Rick Laxton, Kim Salter.

**Commissioners Absent:** Gregory Acker, Karen Cunningham, Tonia Herring.

- 3) Moment of Silence was led by Chairman Grannan.
- 4) Pledge of Allegiance was led by Chairman Grannan.
- 5) Administration of Oath of Office for Planning Commissioner Kimberly Salter.
- 6) Motion to adopt the agenda was made by Commissioner Thompson, seconded by Commissioner Schenavar.

**Motion carried 6-0.**

- 7) Motion to approve minutes of the Planning Commission meeting held February 2<sup>nd</sup>, 2023, was made by Commissioner Thompson, seconded by Commissioner Laxton. **Motion carried 6-0.**
- 8) Citizen Input: None.
- 9) Public Hearings:

**A.) i. Conduct a Public Hearing for APPLICATION NO. PCA23-0001 brought by the City of Crystal River – Small-Scale Comprehensive Plan Amendment to change 11.25 acres +/- from Citrus County’s CL, Low Intensity Coastal and Lakes to the City’s MDR, Medium Density Residential category on the City’s Future Land Use Map (FLUM).**

**ii. Conduct a Quasi-Judicial Public Hearing for APPLICATION NO. PZMA23-0001 brought by the City of Crystal River – Amendment to the Official Zoning Map to change 11.25 acres +/- from Citrus County’s CLR, Coastal and Lakes Residential to the City’s R-2, Medium Density Residential.**

**Chair** opened the quasi-judicial meeting.

**Conflict of Interest:** None.

**Ex Parte Communication:** None.

**Staff Presentation:**

Jenette Collins, Urban Planner, presented the application to the commission. Ms. Collins stated the proposed zoning district and future land use designation is consistent with the existing development on the subject property.

**Commissioner Comment:** None.

**Public Comment:** None.

**Commissioner Discussion:**

A motion to recommend City Council approval of APPLICATION NO. PCA23-0001 brought by the City of Crystal River, was made by Commissioner Thompson, seconded by Chairman Grannan. **Motion carried 6-0.**

A motion to recommend City Council approval of APPLICATION NO. PZMA23-0001 brought by the City of Crystal River, was made by Commissioner Thompson, seconded by Commissioner Schenavar.

**Motion carried 6-0.**

10) Unfinished Business: None.

11) New Business: None.

12) Citizen Input: None.

13) Staff Comments: None.

14) Commissioner's Comments: None.

15) Chairman's Comments: None.

16) Motion to adjourn was made by Commissioner Thompson, seconded by Commissioner Schenavar. **Motion carried 6-0.** Meeting adjourned at 5:44pm.

\*Appointed by School Board pursuant to §163.3174, Florida Statutes.

ATTEST:

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Zoning Coordinator Zach Ciciera

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Chairman Dan Grannan



# CITY OF CRYSTAL RIVER PLANNING COMMISSION

## STAFF REPORT

Planning and Community Development Services Department

<b>MEETING DATE:</b>	May 4, 2023	
<b>APPLICATION NOS. PCA23-0002 FLUM AMENDMENT and PUD23-0001 PUD AMENDMENT – BLUMENAUER &amp; BLUMENAUER, PA representing JJGIPE AUTO BODY LLC</b>		
<b>PROPOSED AMENDMENTS:</b>	<b>FUTURE LAND USE MAP (FLUM) AMENDMENT</b>	Small-Scale Amendment of the Comprehensive Plan’s Future Land Use Map (FLUM) to change the subject property from Medium Density Residential (MDR) to Highway Commercial (HC).
	<b>PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT</b>	Amendment to the Official Zoning Map to change the subject property from Medium Density Residential (R-2) to Planned Unit Development (PUD), having a master plan of development to allow a parking lot that is ancillary to Special-T Auto.
<b>SUBJECT PROPERTY:</b>	Section 22, Township 18S, Range 17E; specifically, Lot 394 of Knights Addition To Crystal River, as recorded in Plat Book 1, Page 28, of the Public Records of Citrus County, Florida (AK#1080720), and which address is 837 NE 5 <sup>th</sup> Terrace, Crystal River. A complete legal description of the property is on file with the Planning & Development Services Department.	
<b>PROPERTY OWNER:</b>	JJGipe Auto Body, LLC	
<b>LAST OCCUPANT:</b>	Unimproved lot	
<b>ACREAGE:</b>	Approximately 0.24 acre	
<b>FLOOD ZONE:</b>	According to the Flood Insurance Rate Map (FIRM), the subject property is in Flood Zone AE with a Base Flood Elevation (BFE) of 11 feet, as found on FIRM Panel Number 12017C0189E. (Effective date: January 15, 2021)	
<b>SURROUNDING AREA:</b>	<b>North</b> – MDR/R-2 (committed residential/single family residence)	
	<b>South</b> – CH/HC (across NE 5 <sup>th</sup> Terrace is committed commercial/auto body shop)	
	<b>East</b> – MDR/R-2 (committed residential/unimproved lot)	
	<b>West</b> – MDR/R-2 (committed residential/single family residence)	
<b>PREPARED BY:</b>	Jenette Collins, AICP, Urban Planner, Planning and Community Development Services Department	

**BACKGROUND INFORMATION:** The applicant makes the requests to change the future land use category and zoning district to establish a master plan of development on Lot 394 of Knights Addition to Crystal River to allow for parking of vehicles being serviced and repaired by Special T Auto business which is located across the street at 835 NE 5<sup>th</sup> Street (business fronts SR-44/Gulf-to-Lake Highway). On October 14, 2022, the City’s Code Enforcement office found the subject property in violation of City Ordinance 2.01.04 for using the 0.24-acre lot as a parking lot for storage of automotive vehicles associated with the Special-T Auto business. The subject property is zoned as MDR that does not allow for the said use. The applicant makes the applications for FLUM amendment and rezoning to abate the business’ code violation.

It is noted that at its February 23, 2023, meeting, the City Council conducted a public hearing regarding the subject property to consider an amendment to the FLUM from MDR to CH, and an amendment to the Zoning Map from MDR to HC. At that time, the City Council denied both applications citing incompatibility. Subsequently, the applicant has filed new applications for a FLUM amendment from MDR to HC, and a Zoning Amendment from R-2 to PUD having a master plan of development, which is a significantly different application from the original request. The proposed master plan of development requires that the subject property shall be development as a parking lot consisting of fourteen parking spaces, driveway aisle, and landscape buffers.

The subject property is a 100-foot wide by 105-foot deep lot that fronts NE 5<sup>th</sup> Terrace, a city maintained, local right-of-way.

**ANALYSIS:** The following items have been evaluated by staff to prepare findings and a recommendation to the Planning Commission.

**Comprehensive Plan – Future Land Use Map Amendment (FLUM):** The following table provides a comparison of the two FLUM land use categories for the request to amend the subject property from MDR to HC category:

Comprehensive Plan FLUM Category:	From existing MDR, Medium Density Residential	To proposed HC, Highway Commercial
Category Description:	Single- and multi-family residential development and customary residential accessory uses incidental to the residential uses on site. Public or private pre-school and primary school, facilities, essential services and utilities may be allowable, subject to supplemental development and design standards. Residential density shall be from 3.1 to 8 units per acre. Maximum impervious surface shall not exceed 55 percent.	Retail uses, professional offices, vehicle sales, service, and repair, service stations, restaurants, convenience stores, lodging, financial institutions, theaters, and entertainment uses. Light assembly, essential services and utilities are allowable, subject to supplemental development and design standards. Maximum impervious surface shall not exceed 75 percent outside the Community Redevelopment Area and 85 percent within the Community Redevelopment Area.

Source: Crystal River Comprehensive Plan, Future Land Use Element (Ord. No. 11-O-06)

Staff finds that the proposed FLUM amendment from MDR to HC on the FLUM is not found compatible with the residential neighborhood character of the platted block in which the subject property is located.

**Zoning Map Amendment:** This request is to rezone the subject property from R-2 to PUD. The applicant makes the request to establish a *PUD Master Plan* to allow for a parking lot to serve as an ancillary use to the commercial auto repair shop that is located across the street. Section 2.01.13 *Planned Unit Development (PUD)*, of the LDC, indicates that a PUD zoning district may be used to implement a FLUM commercial land use. In this case, the proposed parking lot, being an ancillary commercial use, may be considered when the FLUM category is commercial; hence, the request to rezone to a PUD is made simultaneous to the FLUM amendment request to HC.

The rezoning would result in the following density/intensity changes as per the LDC.

Zoning District:		From R-2, Medium Density Residential	Proposed to PUD, Planned Unit Development
Max Density/Use:		8.0 du/acre	Provides for flexible land use and design regulation and to allow planned diversification and integration of uses and structures; while retaining to the city the authority to establish limitations and regulations thereon for the benefit of the public health, welfare, and safety.
Max ISR:		55%	75% maximum land allocation
Max FAR:		n/a	0.7 max allowed per Comp. Plan
Minimum Required planted buffers (Based on Adjacent Zoning)	NORTH:	Single-family home <sup>1</sup> on platted lot shall not be required to provide a buffer.	Proposed "D" (20'-width) adjacent to R-2 District
	SOUTH:	n/a	Proposed "C" (15'-width) adjacent to local street
	EAST:	n/a	Proposed "D" (20'-width) adjacent to R-2 District
	WEST:	n/a	Proposed "D" (20'-width) adjacent to R-2 District

Source: Crystal River Land Development Code (Ordinance No. 05-O-08).

Note: The PUD buffering as proposed by applicant is consistent with requirements for CH, Highway Commercial zoning uses.

The following criteria found in Section 4.04.04 *Compatibility requirements in a PUD district*, of the LDC, shall be considered when determining if the proposed PUD Master Plan is found compatible with existing adjacent uses and uses allowable in adjacent zoning districts:

- A. The existing development pattern, considering the street system, lot size, dimension, layout, and blocks. Staff Comment: The subject property, which is a 0.24-acre residentially platted lot, is located across the street and faces a commercial block that is zoned as CH District. However, the subject property is situated in a residentially committed block that is zoned as R-2 District. The residential block comprises 12 residential lots of which 9 lots have been improved with single-family residences. Considering the existing residential development, staff finds that the proposed *parking lot* use is not compatible with the existing development pattern that has occurred in the existing residential block.
- B. The scale and dimensions of buildings, considering height, length and overall mass. Staff Comment: No buildings are planned to be constructed per the proposed PUD Master Plan. Instead, the plan delineates a *parking lot* consisting of parking spaces on each side of an 18' asphalt aisle, and perimeter landscape buffering (see table above). The proposed buffering may assist in mitigating incompatibility between the parking lot use and the abutting residential lots.
- C. Density and housing type for residential development. Density shall not exceed the maximum allowance for the designated future land use category as established in the comprehensive plan. Staff Comment: This criterion is not found applicable to the request.
- D. Intensity of nonresidential uses, as measured by floor area ratio. Intensity shall not exceed the maximum allowance for the designated future land use category as established in the comprehensive plan. Staff Comment: No building is proposed, and floor area ratio is not

<sup>1</sup>Single-family home shall comply with section 4.05.05, LDC, regarding minimum requirements to provide trees.

applicable. The proposed PUD master plan limits the use of the project to a parking lot that is ancillary and incidental to the commercial auto repair shop located across the street. If the request for PUD is approved, then any future change to the master plan deemed a major amendment (see Section 10.05.03 *Major Amendments*, of the LDC) would require an amendment to the PUD to be considered by the City Council at an advertised/noticed public hearing.

- E. Extent, location, and design of off-street parking. Staff Comment: The proposed parking lot is designed to accommodate off-street parking for the commercial auto repair shop located across the street from the subject property. Buffering has been proposed to mitigate incompatibility between the parking lot use and the abutting residential lots within the residential block.
- F. Amount, location, design, and direction of outdoor lighting. Staff Comment: The proposed master plan does not indicate any outdoor lighting. However, the LDC provides permitting standards that must be adhered to for all outdoor lighting fixtures/devices located within the city.
- G. The extent, type, and location of open space. Staff Comment: The proposed master plan does not indicate any open space as defined in Chapter 1 of the LDC. However, landscape buffering (see size is table above) is proposed which shall establish space separation between the parking lot use and the abutting residential lots.
- H. The location of accessory structures such as dumpsters, recreational equipment, swimming pools, or other structures likely to generate negative impacts such as noise, lights, or odors. Staff Comment: Aside from the designated parking lot, no other structures are proposed on the site. The parking lot is proposed as having an asphalt aisle with stabilized parking spaces and wheel stops. Emitted noise, lights, or odors may occur that are typical of driving automotive vehicles in and out of a parking lot.

**Environmental Factors:** The subject property is unimproved. According to the Federal Emergency Management Agency (FEMA), FIRM Map, elevation contours vary from 6- to 7-foot above mean sea level. Development will be required to meet FEMA FIRM BFE as summarized in the introduction table above.

According to the United States Department of Agriculture (USDA) Soil Survey, the soil type found on the subject property is described as follows:

- Approximately 86 percent of the site is classified as (11) Tavares fine sand, 0 to 5 percent slopes (parent material: Eolian or sandy marine deposits), having a drainage class defined as moderately well drained, and having a depth to water table of about 42 to 60 inches.
- Approximately 14 percent of the site is classified as (2) Adamsville fine sand, 0 to 2 percent slopes (parent material: sandy marine deposits), having a drainage class defined as somewhat poorly drained, and having a depth to water table of about 18 to 42 inches.

No environmental issues are evident based on the application submittal.

### **INFRASTRUCTURE:**

**Transportation (Ingress/Egress)** – The subject property fronts and gains access from NE 5<sup>th</sup> Terrace, a 50-foot, public maintained, improved right-of-way. This local road is maintained by the City.

**Water** – The City currently has adequate water supply to serve future development, however, no water connection is proposed.



**Sewer** – The City currently has adequate sewer capacity to serve future development, however no sewer connection is proposed.

**Stormwater Management** – Stormwater management requirements must be approved as established by the Southwest Florida Water Management District (SWFWMD) for any intended commercial project. All stormwater systems shall meet the latest SWFWMD and State standards for water quality and peak discharge. This requires that the rate of post-development runoff conditions shall not exceed pre-development runoff conditions.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:** The request for FLUM amendment and rezoning is found inconsistent with the Goals, Objectives, and Policies of the Crystal River Comprehensive Plan, including the following:

**Future Land Use Element**

**GOAL 3:** *Crystal River will promote and maintain the character of community through consistent land use.*

**OBJECTIVE 3.1:** *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.*

**POLICIES:**

A) *The planned unit development or PUD concept may be utilized in Crystal River.*

*A-1: All planned unit development shall go through a site plan review which examines impact on the environment, compatibility with adjacent land uses, provision of on-site parking, stormwater retention, landscaping, and provision of urban services.*

*A-2: All planned unit development on waterfronts lots must go through a site plan review which examines impact on land uses, provisions of onsite parking, stormwater retention, landscaping, and provision of urban services.*

**OBJECTIVE 3.2:** *The Character and quality of existing residential neighborhoods will be maintained or upgraded.*

**POLICIES:**

A) *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.*

B) *Existing residential neighborhoods will be designated for future residential use at a compatible density*

Staff Comment: Based on the analysis provided above, the proposed FLUM amendment from MDR to HC, and the associated rezoning from R-2 to PUD having a master plan of development for a parking lot, are not found compatible with the residential neighborhood character of the platted block in which the subject property is located.

**SUMMARY OF PUBLIC COMMENTS:** No public comments have been received as of this writing of the Staff Report.

**FINDINGS:** As conveyed in Subsections (A.) and (B.) of section 8.02.03 of the Crystal River Zoning Ordinance, the Planning Commission shall have the role and responsibility to hear, consider, and make recommendations to the City Council regarding amendment of its adopted Comprehensive Plan, and amendments of the official zoning map (rezoning).

The following findings are presented:

1. The request is a Small-Scale Amendment of the Comprehensive Plan for a 0.24 acre +/- lot to amend the future land use category from Medium Density Residential (MDR) to Highway Commercial (HC) category on the Future Land Use Map.
2. The request is to re-zone a 0.24 acre +/- lot on the Official Zoning Map from Medium Density Residential (R-2) to Planned Unit Development (PUD) district having a master plan of development for a parking lot.
3. The proposed land use and zoning amendments are for one lot located in a neighborhood block that comprises 12 residential lots of which 9 lots have been improved with single-family residences.
4. The request to amend the Future Land Use Map to HC is found inconsistent with the Objective 3.2 of the Future Land Use Element of the Comprehensive Plan since the proposed amendment to change one lot to HC is incompatible with the residential neighborhood block.
5. The request to amend the Official Zoning Map to PUD is found inconsistent Objective 3.1 and its policies of the Future Land Use Element of the Comprehensive Plan since the proposed master plan of development for a parking lot use is not a use that is consistent with the residential neighborhood block.
6. Adequate City public facilities are currently available to service the subject area.

**STAFF RECOMMENDATION:** Staff is unable to support the proposed applications due to inconsistencies with the Comprehensive Plan as stated in the findings above. However, should the proposed FLUM amendment and PUD amendment with master plan of development be considered for approval, the following draft conditions are recommended by staff to minimize or mitigate any potential adverse impacts of the proposed use:

Draft Conditions of Approval

The PUD Master Plan approval shall be conditioned upon the Property Owner's performance of the following obligations and ongoing compliance with the following requirements concerning use, operation and maintenance of the subject property. Failure to abide by the following terms shall constitute a violation of the City River Code of Ordinances and may result in termination of the PUD Master Plan and/or code enforcement action against Developer or its successor(s) or assign(s).

1. Development Concept. The project shall be developed as a Planned Unit Development ("PUD" or "Project") substantially in accordance with this Ordinance. The Project site, being a total of 0.24 acres, will be developed as a parking lot consisting of fourteen parking spaces (stabilized, with wheel stops), driveway aisle, and landscape buffers, and is conditioned on satisfaction and ongoing compliance with the following conditions:
  - a. The parking lot shall serve as an ancillary use to the auto repair shop known as Special-T Auto that is located across the street, which address is known as 853 NE 5<sup>th</sup> Street, Crystal River.

- b. Motor vehicles shall be registered and temporarily parked while waiting to be serviced by Special-T Auto. No repair of vehicles shall be conducted on the Project site. No dismantled motor vehicles or motor vehicle parts shall be stored within the parking lot.
  - c. No Parking shall be allowed within the landscape buffers or public right-of-way.
- 2. Planned Unit Development Plan. The Project shall be developed in a manner that is consistent with the PUD Master Plan (Conceptual Site Plan dated 11-02-2022) attached hereto and incorporated as composite Exhibit C, pursuant to Crystal River Land Development Code, Section 10.01.03.
- 3. The Property Owner, as part of the landscape buffering requirement, may provide a security fence within the landscape buffer. Fencing shall demonstrate compliance with Section 5.01.11 Fences, walls, and hedges, of the Crystal River Land Development Code for the adjacent zoning district(s). The design and location of the privacy fence within the buffer shall require review and final approval by the Crystal River Planning and Community Development Services Department Director.
- 4. Lighting may be permitted subject to compliance with Section 4.04.04 Lighting, of the Crystal River Land Development Code.
- 5. A determination for expiration of development rights for the PUD Master Plan shall be in accordance with those procedures set forth in Section 10.00.04 Expiration of development permits, of the Crystal River LDC.
- 6. The Property Owner is responsible for obtaining any and all permits and approvals required by the City to operate the property as provided herein.
- 7. Minor modifications to this Planned Unit Development may be approved by the City Manager (or his designee) as outlined within Section 10.05.02, Procedures for Minor Amendments, of the Crystal River Land Development Code.
- 8. The failure of Property Owner or its successors or assigns to materially satisfy any condition or perform or comply with any obligation set forth herein shall constitute a violation of the City Code of Ordinances that may be enforced through the City’s code enforcement, which could lead to the imposition of restrictions or limitations until compliance is achieved.

**SUPPORTING DIAGRAMS, ILLUSTRATIONS & TABLES:**

Please see Staff’s PowerPoint presentation.


**PLANNING COMMISSION ACTION:**

As conveyed in Subsection (C.) (#4) of 10.03.04. (Procedures for action by the Planning Commission), the Planning Commission shall recommend to the City Council that the application(s) be approved, approved with conditions (changes), or denied.

- 1. PCA23-0002 – Future Land Use Map Amendment –
- 2. PUD23-0001 – Zoning Amendment –

**ATTACHMENTS:**

- 1. Staff PowerPoint Presentation
- 2. Draft Ordinance proposals
- 3. Applicant’s Submittal with supporting documents

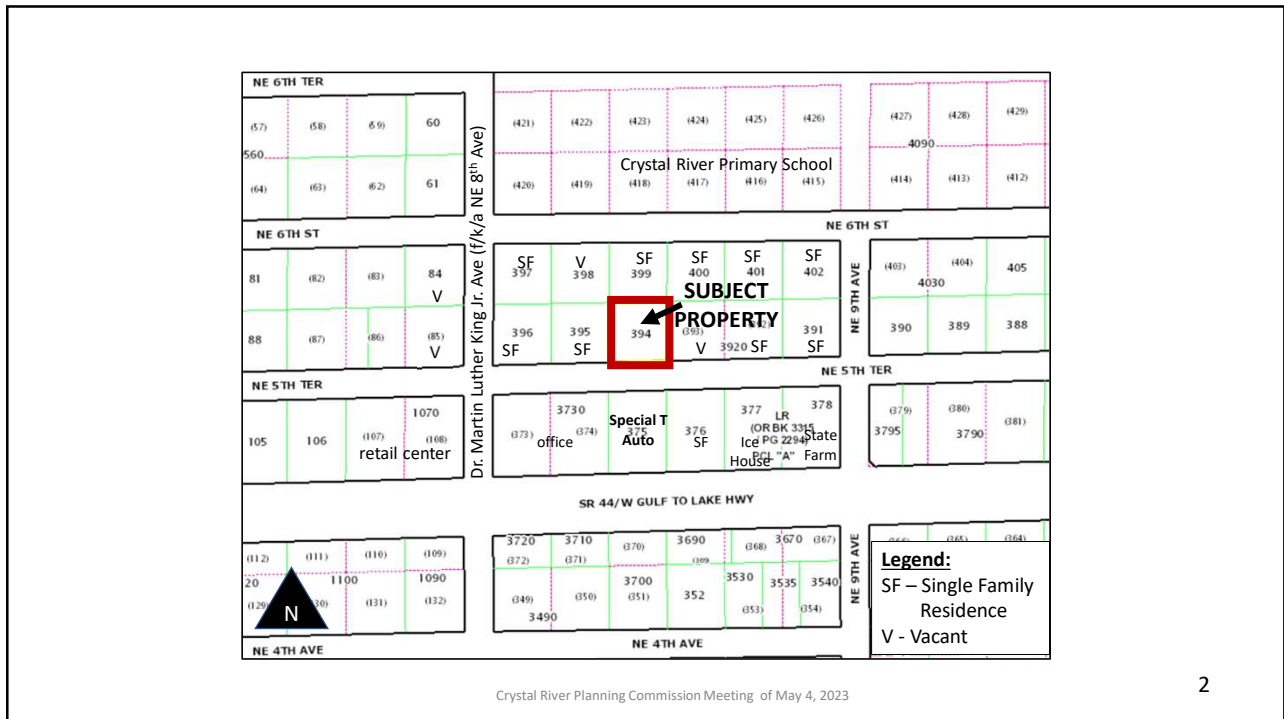


**PCA23-0002 & PUD23-0001**  
**FLUM AMENDMENT & ZONING AMENDMENT**  
**Blumenauer & Blumenauer, P.A.**  
**representing JJ Gipe Autobody LLC**

Crystal River Planning Commission Meeting of May 4, 2023

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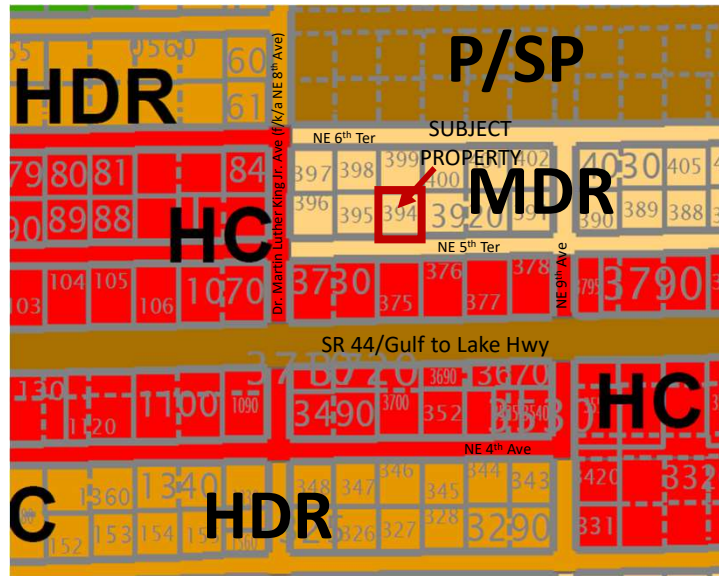
# Aerial

Source:  
Citrus Co  
Property  
Appraiser

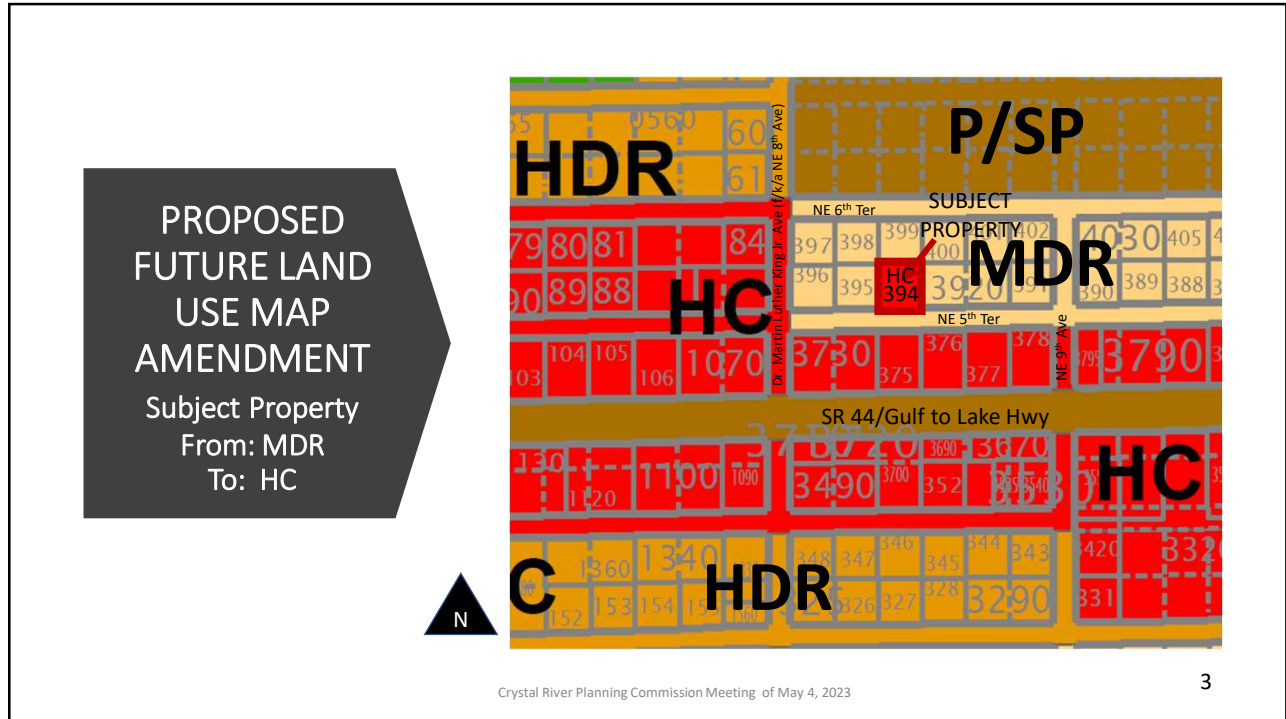


Crystal River Planning Commission Meeting of May 4, 2023

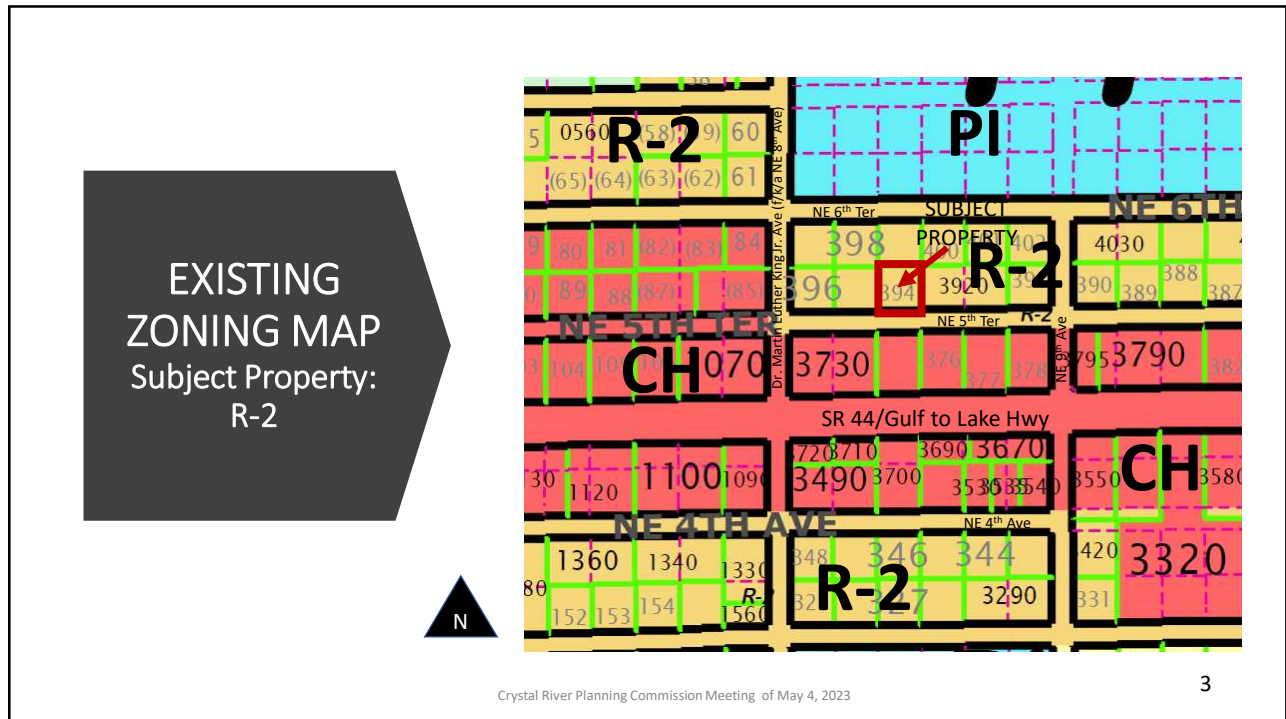
EXISTING  
FUTURE LAND  
USE MAP  
Subject Property:  
MDR



Crystal River Planning Commission Meeting of May 4, 2023



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**PROPOSED ZONING MAP AMENDMENT**  
Subject Property  
From: R-2  
To: PUD

Crystal River Planning Commission Meeting of May 4, 2023 3

7

2022 PICTOMETRY

Crystal River Planning Commission Meeting of May 4, 2023 3

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# Subject Property (posted April 13, 2023)



Crystal River Planning Commission Meeting of May 4, 2023

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# ASSOCIATED BUSINESS

Rear of Special T Auto on NE 5th Terrace

Front of Special T Auto on SR-44



Crystal River Planning Commission Meeting of May 4, 2023

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10



Looking west on NE 5<sup>th</sup> Terrace



Looking east on NE 5<sup>th</sup> Terrace



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Crystal River Planning Commission Meeting of May 4, 2023

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Existing SFR on NE 5<sup>th</sup> Terr (east of site)



Existing SFR on NE 5<sup>th</sup> Terr (west of site)



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Crystal River Planning Commission Meeting of May 4, 2023

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# Existing S.F. Residences on NE 6<sup>th</sup> Terr (north one-half of block)



Crystal River Planning Commission Meeting of May 4, 2023

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13



# QUESTIONS?

PCA23-0002 & PUD23-0001  
 FLUM AMENDMENT & ZONING AMENDMENT  
 Blumenauer & Blumenauer, P.A.  
 representing JJ Gipe Autobody LLC

Crystal River Planning Commission Meeting of May 4, 2023

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## ORDINANCE NO. 23-O-20

**AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, PROVIDING FOR A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY RECLASSIFYING 0.24 ACRES (MOL) OF PROPERTY OWNED BY JJGIPE AUTO BODY, LLC, FROM MDR, MEDIUM DENSITY RESIDENTIAL TO HC, HIGHWAY COMMERCIAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 Council of the City of Crystal River, Florida adopted the Crystal River Comprehensive Plan, Ordinance No. 11-O-06 on September 12, 2011, and subsequent amendments, and

**WHEREAS** a small-scale amendment may be adopted only under the conditions set forth in Chapter 163, Florida Statutes, and other provisions of State and local law; and

**WHEREAS** the proposed small-scale amendment was advertised as required by the Florida Statutes and the Crystal River Land Development Code; and

**WHEREAS** in accordance with the law, the proposed amendment was required to be reviewed by the City's Local Planning Agency at a duly advertised meeting, scheduled on **<date>**, and the Local Planning Agency has determined such application to be consistent with the Comprehensive Plan and appropriate to the future land uses within the City; and

**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 COMPREHENSIVE PLAN IS AMENDED AS FOLLOWS:**

### **SECTION 1. PURPOSE**

The purpose of this Ordinance is to allow a small scale amendment to the Future Land Use Map of the Comprehensive Plan of the City of Crystal River, Florida, for 0.24 acres (MOL) owned by JJGIPE Auto Body, LLC, by redesignating the Future Land Use from MDR, Medium Density Residential to HC,

Highway Commercial Land Use for the 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 the Crystal River Comprehensive Plan pursuant to Article III of the City Charter of the City of Crystal River and Part II, Code of Ordinances, Chapter 1, General Provisions, of the Code of Ordinances of the City of Crystal River, and as otherwise authorized by applicable Florida Statutes.

The City Council of the City of Crystal River, Florida, hereby adopts and incorporates into this Ordinance the memorandum and application packet relating to the proposed amendments to the Future Land Use Map of the City of Crystal River, as if fully restated herein, in their entirety.

## **SECTION 3. FUTURE LAND USE MAP AMENDED**

PCA23-0002 – BLUMENAUER & BLUMENAUER, P.A. REPRESENTING JJGIPE AUTO BODY LLC

The Future Land Use Map of the Comprehensive Plan of the City of Crystal River is hereby amended to change the Future Land Use Designation from MDR, Medium Density Residential to HC, Highway Commercial Land Use on property described in **EXHIBIT "A"** attached hereto and incorporated herein by reference.

## **SECTION 4. REPEAL OF CONFLICTING ORDINANCES**

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

## **SECTION 5. CODIFICATION/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 the City of Crystal River Comprehensive Plan of the City of Crystal River, Florida. 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 Exhibits into the provisions of the City of Crystal River Comprehensive Plan 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 Exhibits to this Ordinance are hereby incorporated herein by the references thereto as if fully set forth herein verbatim.

## **SECTION 6. SEVERABILITY**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**SECTION 7. EFFECTIVE DATE**

This Ordinance shall become effective thirty-one (31) days after adoption if no challenge is filed. If this Ordinance is challenged within thirty (30) days after adoption, small scale development amendments do not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining that the adopted small-scale development amendment is in compliance with the law.

No development orders, development permits, or land uses dependent on the Comprehensive Plan amendments set forth in this Ordinance may be issued or commence before it has become effective.

**APPROVED** after due public notice and public hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

**CITY OF CRYSTAL RIVER**

\_\_\_\_\_  
**MIA FINK, CITY CLERK**

\_\_\_\_\_  
**JOE MEEK, MAYOR**

Approved as to form for the  
Reliance of the City of Crystal River  
only:

VOTE OF COUNCIL:

Brown \_\_\_\_\_  
Guy \_\_\_\_\_  
Holmes \_\_\_\_\_  
Fitzpatrick \_\_\_\_\_  
Meek \_\_\_\_\_

\_\_\_\_\_  
**ROBERT W. BATSEL, JR., CITY ATTORNEY**

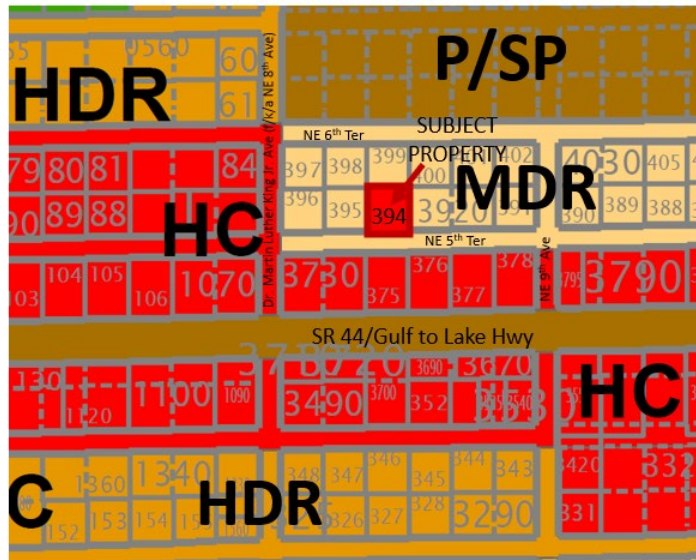
**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR COMPREHENSIVE PLAN AMENDMENT**  
**TO THE CRYSTAL RIVER FUTURE LAND USE MAP**

For property lying in Section 22, Township 18 South, Range 17 East, as follows:

Lot 394 of KNIGHTS ADDITION TO CRYSTAL RIVER, according to the Plat thereof as recorded in Plat Book 1, Page(s) 28, of the Public Records of Citrus County, Florida.

LOCATOR MAP

**FUTURE  
LAND USE  
MAP  
AMENDMENT**  
Subject Property  
From: MDR  
To: HC



## ORDINANCE 23-O-21

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CRYSTAL RIVER, FLORIDA, BY CHANGING THE ZONING ON 0.24 ACRES (MOL) OF PROPERTY OWNED BY JJGIPE AUTO BODY, LLC, FROM R-2, MEDIUM DENSITY RESIDENTIAL TO PUD, PLANNED UNIT DEVELOPMENT, AND BY ADOPTING A MASTER PLAN OF DEVELOPMENT FOR A PARKING LOT; PROVIDING FOR CODIFICATION; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; 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 City Council adopted the City of Crystal River Land Development Code (LDC) as Ordinance 05-O-08; and

**WHEREAS**, the City of Crystal River Planning Commission held a public hearing on <DATE>, and voted <0-0> to recommend to the City Council that the request to amend the official zoning map by adopting a PUD to establish a Master Plan of Development concerning that certain real property specifically described the attached Exhibit A and in Section 3, below, be <APPROVED/DENIED>; and

**WHEREAS**, the City Council of the City of Crystal River, Florida, after publication of a notice of its consideration of this ordinance, held two readings of this Ordinance and a public hearing as required by law; and

**WHEREAS**, this Ordinance, upon adoption by the City Council of the City of Crystal River, effectively approves the PUD; and

**WHEREAS**, approval of this Ordinance is conditioned upon the applicant's agreement to accept the conditions and obligations set forth in the Conditions of Approval incorporated herein, failure of which will result in termination of the PUD Master Plan; and

**WHEREAS**, the City Council of the City of Crystal River, Florida, has determined that the requested change of zoning is consistent with the City of Crystal River Comprehensive Plan and Future Land Use Map, and

**WHEREAS**, the City Council of the City of Crystal River, Florida has further determined that approval of the requested PUD is in the best interests of the health, safety, and welfare of the citizens of Crystal River, Florida.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA, AS FOLLOWS:**

**SECTION 1. PURPOSE.**

The purpose of this Ordinance is to amend the official zoning map from R2, Medium Density Residential to PUD, Planned Unit Development, and by adopting a Master Plan of Development for the PUD for certain real property specifically described the attached **Exhibit A** and in Section 3, below, for the 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 the Crystal River Code of Ordinances pursuant to Article III of the City Charter of the City of Crystal River and Part II, Code of Ordinances, Part 1, General Provisions of the Code of Ordinances of the City of Crystal River, as otherwise authorized by applicable Florida Statutes.

**SECTION 3. PUD AMENDMENT TO THE ZONING MAP**

PUD23-0001 BLUMENAUER & BLUMENAUER, P.A. REPRESENTING JJGIPE AUTO BODY LLC

An amendment to the official zoning map of the City of Crystal River by rezoning the subject property from R-2, Medium Density Residential to PUD, Planned Unit Development, and by adopting a Master Plan of Development as presented in application PUD23-0001 for the subject property as described in **Exhibit A**, subject to the Conditions of Approval specified in **Exhibit B**, and in accordance with that certain PUD Master Plan as shown in **Exhibit C**, which exhibit is are attached hereto and incorporated herein by reference.

**SECTION 4. CODIFICATION/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 the City of Crystal River, Florida, Official Zoning Map. The actual text of the Sections to this Ordinance need not be codified. The Code codifier of the City of Crystal River, Florida, is given broad and liberal authority to appropriately codify the Exhibits into the provisions of the City of Crystal River Official Zoning Map 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 Exhibits to this Ordinance are hereby incorporated herein by the references thereto as if fully set forth herein verbatim.

**SECTION 5. MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING**

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 the public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the City Council and filed by the City Clerk.



**SECTION 6. REPEAL OF CONFLICTING ORDINANCES**

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

**SECTION 7. SEVERABILITY**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon adoption by the Crystal River City Council.

**THIS ORDINANCE** was introduced and placed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**THIS ORDINANCE** was placed on a second reading and a public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and upon motion duly made and seconded was passed on second reading.

**ATTEST:**

**CITY OF CRYSTAL RIVER**

\_\_\_\_\_  
**MIA FINK, CITY CLERK**

\_\_\_\_\_  
**JOE MEEK, MAYOR**

**APPROVED AS TO FORM  
AND LEGALITY:**

VOTE OF COUNCIL:

\_\_\_\_\_  
**ROBERT W. BATSEL, JR., ESQUIRE  
CITY ATTORNEY**

Meek \_\_\_\_\_  
Guy \_\_\_\_\_  
Brown \_\_\_\_\_  
Fitzpatrick \_\_\_\_\_  
Holmes \_\_\_\_\_

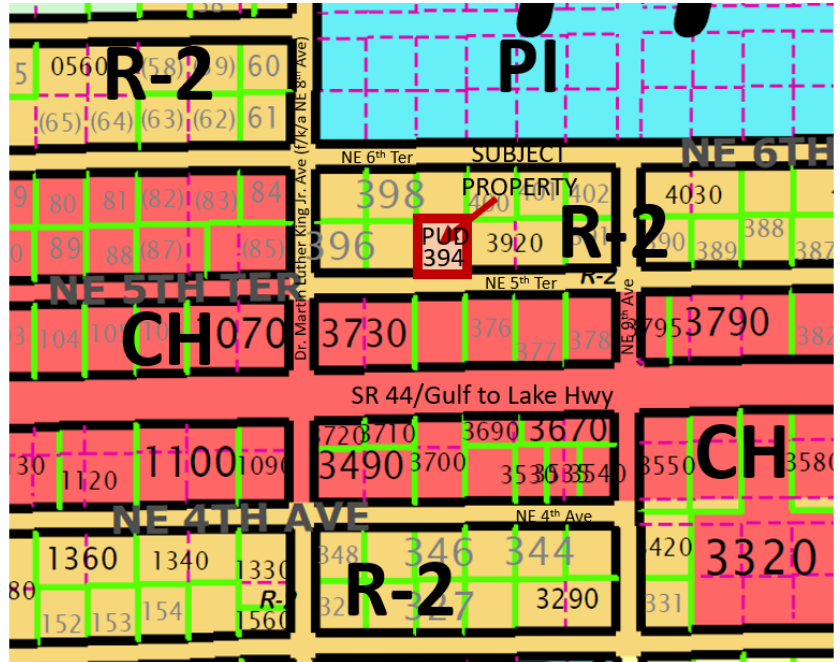
**EXHIBIT A**  
**PUD23-0001 JJ GIPE AUTO BODY LLC**  
Property Description

For property lying in Section 22, Township 18 South, Range 17 East, as follows:

Lot 394 of KNIGHTS ADDITION TO CRYSTAL RIVER, according to the Plat thereof as recorded in Plat Book 1, Page(s) 28, of the Public Records of Citrus County, Florida.

Locator

**ZONING MAP  
 AMENDMENT**  
 Subject Property  
 From: R-2  
 To: PUD



## EXHIBIT B

### PUD23-0001 JJ GIPE AUTO BODY LLC

#### Conditions of Approval

The PUD Master Plan approval shall be conditioned upon the Property Owner's performance of the following obligations and ongoing compliance with the following requirements concerning use, operation and maintenance of the subject property. Failure to abide by the following terms shall constitute a violation of the City River Code of Ordinances and may result in termination of the *PUD Master Plan* and/or code enforcement action against Developer or its successor(s) or assign(s).

1. Development Concept. The project shall be developed as a Planned Unit Development ("PUD" or "Project") substantially in accordance with this Ordinance. The Project site, being a total of 0.24 acres, will be developed as a parking lot consisting of fourteen parking spaces (stabilized, with wheel stops), driveway aisle, and landscape buffers, and is conditioned on satisfaction and ongoing compliance with the following conditions:
  - a. The parking lot shall serve as an ancillary use to the auto repair shop known as Special-T Auto that is located across the street, which address is known as 853 NE 5<sup>th</sup> Street, Crystal River.
  - b. Motor vehicles shall be registered and temporarily parked while waiting to be serviced by Special-T Auto. No repair of vehicles shall be conducted on the Project site. No dismantled motor vehicles or motor vehicle parts shall be stored within the parking lot.
  - c. No Parking shall be allowed within the landscape buffers or public right-of-way.
2. Planned Unit Development Plan. The Project shall be developed in a manner that is consistent with the *PUD Master Plan* (Conceptual Site Plan dated 11-02-2022) attached hereto and incorporated as composite Exhibit C, pursuant to Crystal River Land Development Code, Section 10.01.03.
3. The Property Owner, as part of the landscape buffering requirement, may provide a security fence within the landscape buffer. Fencing shall demonstrate compliance with Section 5.01.11 *Fences, walls, and hedges*, of the Crystal River Land Development Code for the adjacent zoning district(s). The design and location of the privacy fence within the buffer shall require review and final approval by the Crystal River Planning and Community Development Services Department Director.
4. Lighting may be permitted subject to compliance with Section 4.04.04 *Lighting*, of the Crystal River Land Development Code.
5. A determination for expiration of development rights for the *PUD Master Plan* shall be in accordance with those procedures set forth in Section 10.00.04 Expiration of development permits, of the Crystal River LDC.
6. The Property Owner is responsible for obtaining any and all permits and approvals required by the City to operate the property as provided herein.
7. Minor modifications to this Planned Unit Development may be approved by the City Manager (or his designee) as outlined within Section 10.05.02, Procedures for Minor Amendments, of the Crystal River Land Development Code.
8. The failure of Property Owner or its successors or assigns to materially satisfy any condition or perform or comply with any obligation set forth herein shall constitute a violation of the City Code of Ordinances that may be enforced through the City's code enforcement, which could lead to the imposition of restrictions or limitations until compliance is achieved.

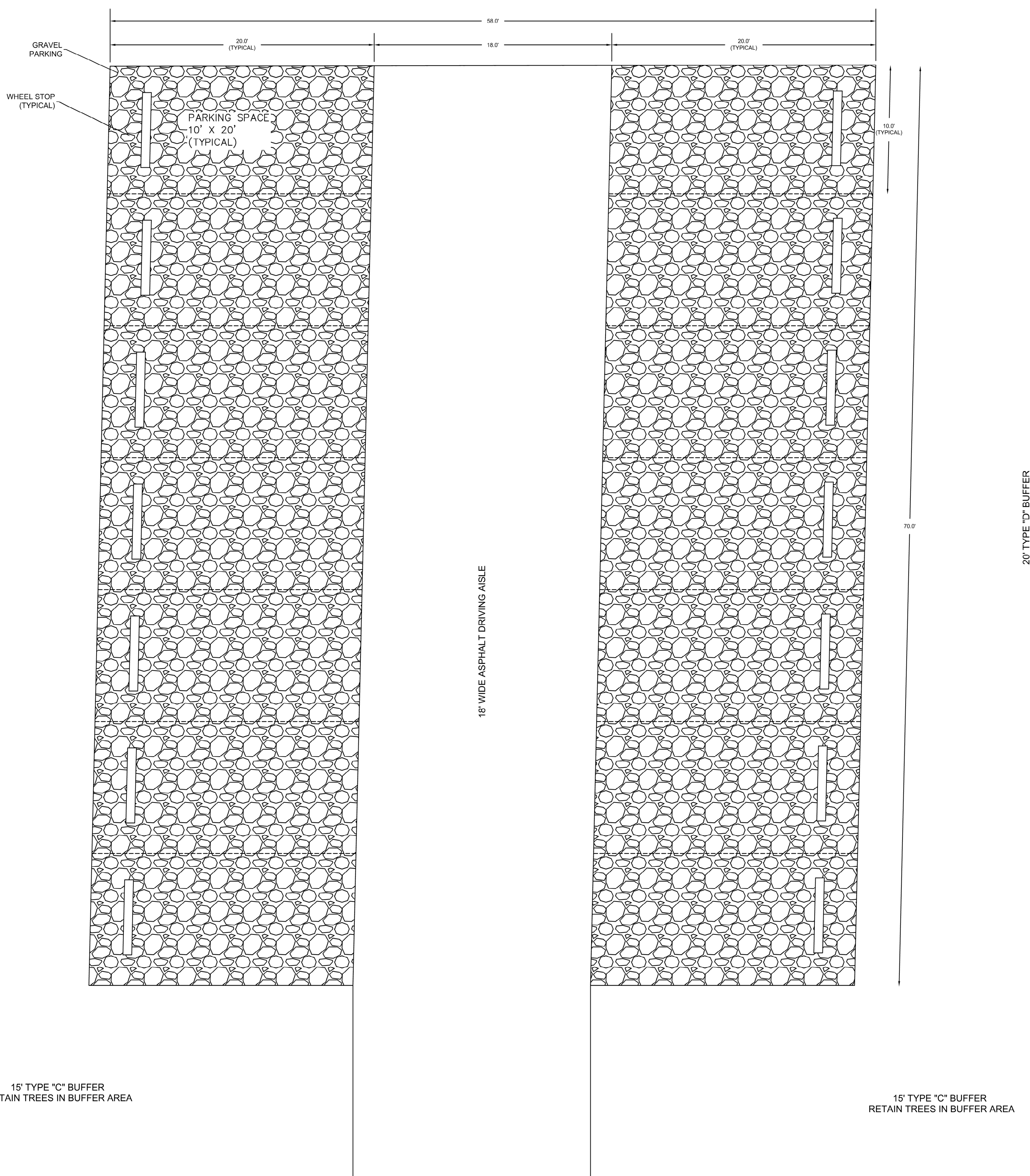
End of Exhibit B

A CONCEPTUAL SITE PLAN

100.00'(P) S.89°54'22"W. 100.21'(M)

20' TYPE "D" BUFFER  
RETAIN TREES IN BUFFER AREA

LOT 394  
(VACANT)



105.00'(P) S.1°18'13"W. 104.67'(M)

20' TYPE "D" BUFFER  
RETAIN TREES IN BUFFER AREA

20' TYPE "D" BUFFER  
RETAIN TREES IN BUFFER AREA

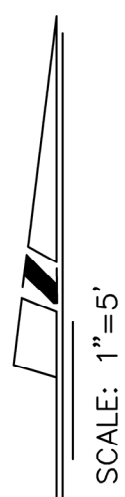
105.00'(P) N.1°20'36"E. 104.84'(M)

EAST (ASSUMED) 100.00'(P) EAST 100.05'(M)

LEE STREET(P) N.E. 5th TERRACE(F)  
50' PUBLIC R/W 18' ASPHALT PAVEMENT

LEGAL DESCRIPTION:

Lot 394 of KNIGHTS ADDITION TO CRYSTAL RIVER, according to the Plat thereof as recorded in Plat Book 1, Page(s) 28, of the Public Records of Citrus County, Florida.



Revisions:

Job No.: 1022-621
Scale: 1"=5'
Date of Survey: 11/02/2022
Field Book & Page: H 312 P 16

I hereby certify that the survey represented hereon meets all applicable requirements of the Standards of Practice as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper.

Signed and Sealed

Willis R. Howell  
Willis R. Howell, Inc.  
Professional Land Surveyor No. 5448  
Florida Licensed Business No. 6990

4752 West Abeline Drive  
Dunnellon, Florida 34433  
Telephone: (352) 746-2511  
Facsimile: (352) 746-7230

**WILLIS R. HOWELL, INC.**

Blumenauer & Blumenauer, P.A.

P.O. Box 15  
Minneola, FL 34755

Attorneys and Counselors at Law

352-404-6862  
www.blumenauerlaw.com

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March 23, 2023

City of Crystal River  
Department of Planning & Community Development  
Attn: Jenette Collins  
123 Northwest Highway 19  
Crystal River, FL 34432

**RE: JJ Gipe Autobody LLC, Alternate Key #1080720, Rezoning Application**

Dear Ms. Collins,

I represent JJ Gipe Autobody LLC d/b/a/ Special T-Auto and its owner Justin Gipe with respect to the rezoning of property owned by JJ Gipe Autobody LLC located at Alternate Key #1080720, with address of NE 5<sup>th</sup> Terrace, Crystal River, Florida.

After appearing before the Crystal River City Council on February 13, 2023, with its original rezoning request and receiving feedback from the Councilmembers, JJ Gipe Autobody respectfully seeks to have this property rezoned from Medium Residential/R2 to Highway Commercial/PUD.

For over 15 years, this property has been used for parking vehicles being serviced and repaired by Special T-Auto. This use began with the original owner of Special-T based on a handshake with the neighbors. It was not until several years later that the original owner of Special-T Auto purchased this lot. The current owner purchased Special-T Auto under the reasonable expectation he could continue to use the property in this way. Use of this lot is a necessary and integral part of the business. Only recently, did it come to the attention of Special-T Auto that this use was not in compliance with existing zoning requirements.

Based on feedback from the City Council on its original rezoning request, Special-T seeks to amend the FLUM to change the FLU category to Highway Commercial and rezone it to a PUD. The PUD site plan provides for continued parking in compliance with the City's site-design requirements. Furthermore, the approved site plan would be binding on all owners providing for stability in use of the site and peace of mind.

Please find our completed applications enclosed with this letter. If we can provide any additional information in support of this application, please do not hesitate to contact me at 352-404-6862 or [nicole@blumenauerlaw.com](mailto:nicole@blumenauerlaw.com).

Sincerely,

//original signed//

Nicole M. Blumenauer, Esq.  
Blumenauer & Blumenauer, P.A.

Encls.



# City of Crystal River

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 AMENDMENT

**Fee: Small Scale - \$250 for 50 ac or fewer      Large Scale - \$750 for > 50 ac  
TO BE PAID AT TIME OF APPLICATION**

Check One: Small Scale  # Acres .24      AltKey: 1080720  
Large Scale  # Acres               Parcel #: 17E18S2200203940

Name of Petitioner(s): JJ Gipe Autobody, LLC

Address of Petitioner(s): 853 NE 5th Street

City Crystal River State FL Zip Code 34429

Phone # 518-396-8733 Fax #                                  Cell #                                 

Email Address: specialtautocollision@gmail.com

Legal Description attached: Yes  No  Survey attached: Yes  No

Street address of property (if applicable): 0 NE 5th Terrace, Crystal River

Existing Land Use: MDR/R2 Proposed Land Use: HC/PUD

Reason for Request: This lot has been used for 15 years by Special-T Auto across the road to temporarily park registered and insured cars while waiting to be serviced. Special-T Auto seeks compliance with the code to continue to use this lot for its business.

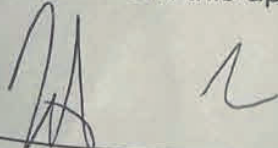
The following items are required (applications will not be processed if these items do not accompany the application):

- Deed or Proof of Ownership
- Notarized signature of the current property owner(s) and the Agent's signature, if applicable.
- Survey or aerial of property from Property Appraiser website, printed on paper that is no less than 11" x 17". (Provide a complete legal description of area under consideration.)
- Paid application fee

I Justin Gipe, for JJ Gipe Autobody LLC, being first duly sworn, affirm and say that I am the:  
(check one)

owner, or

the legal representative authorized to speak on behalf of the subject matter, of the property described in this application.

  
Signature

1 cypress Blvd E  
Address

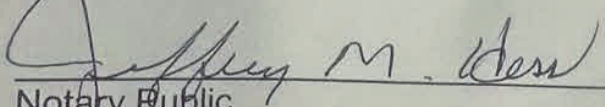
518 396 8733  
Phone Number

Homosassa FL 34446  
City, State, Zip Code

State of Florida

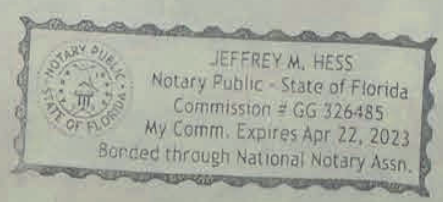
County of citrus

The foregoing instrument was acknowledged before me this 22, day of MARCH,  
2023, by Justin Gipe, who is personally known to me or has  
produced FL. DRIVERS lic as identification and who did/did not take an  
oath.

  
Notary Public

Commission No.: GG 326485

Commission Expires: 4-22-23





**PLANNED UNIT DEVELOPMENT (PUD) REZONING APPLICATION**

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

**Applicant Information:**

Name: JJ GIPE AUTOBODY LLC  
Address: 853 NE 5th Street, Crystal River, FL 34429  
Phone #: 518-396-8733 Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
Email Address: specialtautocollision@gmail.com

**Property Description:**

Parcel Account #: 17E18S2200203940 Alt. Key # 1080720  
Street Address (or street & avenue location): 0 NE 5th Terrace, Crystal River, FL 34429

Legal Description: Section 22, Township 18S, Range 17E; specifically, Lot 394 of Knights Addition To Crystal River, as recorded in Plat Book 1, Page 28, of the Public Records of Citrus County, Florida

(or attachment)

Property Acreage: 0.24 Sq. ft.: 10,080, approximately  
Present F.L.U.M. Designation: Medium Density Residential  
Present Zoning Designation: R-2

**PROPOSED NEW PUD**

Reason for the Request: Special-T Auto has been using this lot for 15 years to park registered and insured vehicles while waiting to be serviced at their shop across the road. To continue to use this lot for parking, Special-T must rezone the property to allow for this use.

Explain Consistency with the Future Land Use Plan: Applicant is seeking to amend the FLUM to Highway Commercial to allow for a PUD for this use. However, this property borders HC/CH to the south of it.

**Additional Contact Information (other than Owner or Agent)**

Name: Nicole M. Blumenauer, Esq.  
Address: PO Box 15 Minneola, FL 34755  
Phone #: 352-404-6862 Fax #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
Email Address: nicole@blumenauerlaw.com

**Fee: PUD < 20 Acres @\$1,000 plus \$5/acre or ≥ 20 Acres @\$2,000 plus \$5/Acre;  
PUD AMENDMENT \$500 - To be paid at time of application submittal**



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**Attachments:**

1. Survey & Legal Description
2. Deed, or other proof of ownership
3. Map (see Checklist)

The City of Crystal River may, within reason, request additional information, if the information provided by the applicant is insufficient to analyze the proposed change in zoning. Information submitted by the applicant at either the Planning Commission or City Council public hearing(s), which is beyond the scope of that submitted to the City in the original application, shall be grounds for a continuation of the public hearing until such time that the Planning Commission and Staff can review and analyze such information.

Check	See Requirements (Sec. 10.01.03 LDC)
<input checked="" type="checkbox"/>	A. The application shall include a map of the area that can be found on the Citrus County Property Appraiser website ( <a href="http://www.citruspa.org">www.citruspa.org</a> )
<input checked="" type="checkbox"/>	1. The current zoning district designations for the subject property and all adjacent properties. The zoning map can be found at <a href="http://www.crystalriverfl.org">www.crystalriverfl.org</a>
<input checked="" type="checkbox"/>	2. The land use categories from the Future Land Use Map that can be found at <a href="http://www.crystalriverfl.org">www.crystalriverfl.org</a>
<input checked="" type="checkbox"/>	B. A statement shall be provided including the following information:
<input checked="" type="checkbox"/>	1. A justification for the proposed zoning.
<input checked="" type="checkbox"/>	2. Submit Master Plan of Development



Prepared by and Return to:  
Fidelity Title Services, LLC  
TRACY KJOS  
217 N. Apopka Ave.  
Inverness, Florida 34450  
Our File Number: 21-070823  
Consideration \$312000

**For official use by Clerk's office only**

STATE OF Florida ) **SPECIAL WARRANTY DEED**  
COUNTY OF Citrus ) (Corporate Seller)

THIS INDENTURE, made this December 14, 2021, between Special-T Auto, LLC, a Florida Limited Liability Company, whose mailing address is: 853 NE 5th St., Crystal River, Florida 34429, party of the first part, and JGIPE Auto Body, LLC, a Florida Limited Liability Company, whose mailing address is: 11128 West Cove Harbor Dr. Crystal River FL 34428, party/parties of the second part,

**WITNESSETH:**

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

Lots 375 and 394 of KNIGHTS ADDITION TO CRYSTAL RIVER, according to the Plat thereof as recorded in Plat Book 1, Page(s) 28, of the Public Records of Citrus County, Florida.

17E18S2200203750 / 3940

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on 12/16/21.

Signed, sealed and delivered  
in the presence of:

Special-T Auto, LLC, a Florida Limited Liability  
Company

Witness #1 signature [Signature]

By: [Signature]  
Timothy S. Wiese  
Title: President

Print witness name Tracy Lopez

Witness #2 signature [Signature]

(Corporate Seal)

Print witness name Ashley Newman

State of Florida  
County of Citrus

Sworn to ( or affirmed ) and subscribed before me by means of (  ) physical presence or (  ) online notarization, this 16  
day of December, 2021 by Timothy S. Wiese, President of Special-T Auto, LLC, a Florida Limited Liability Company who is  
personally known to me or who has produced [Signature] as identification.

[Signature]  
Notary Public

Print Notary Name

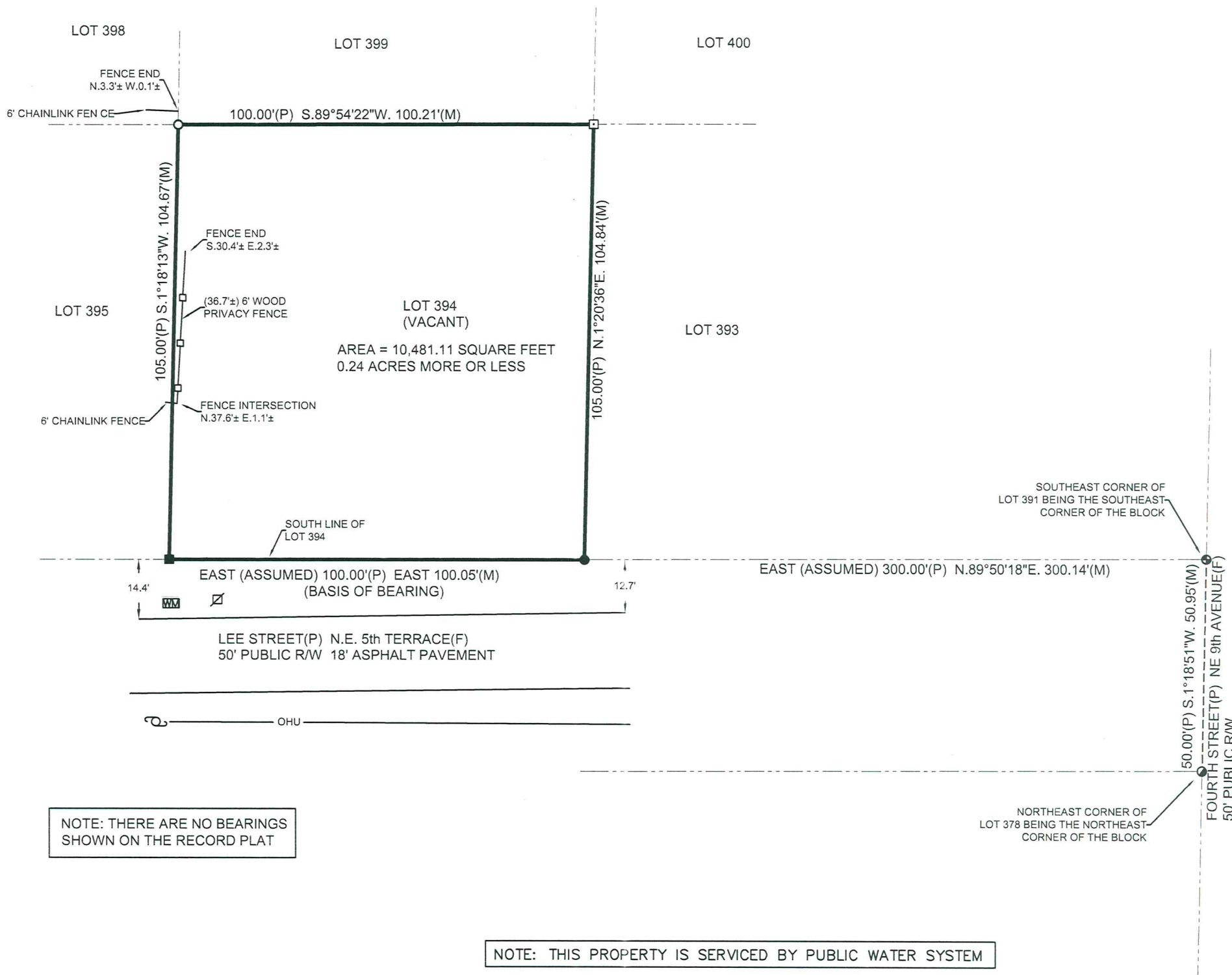
My Commission Expires:

AFFIX NOTARY SEAL :



# A BOUNDARY SURVEY

For Legal Description, Notes and Legend See Reverse Side  
This Sketch is Not Complete Without Sheet 2 of 2



NOTE: THERE ARE NO BEARINGS SHOWN ON THE RECORD PLAT

NOTE: THIS PROPERTY IS SERVICED BY PUBLIC WATER SYSTEM

**CERTIFIED TO:**  
JJGIPE Auto Body, LLC

Revisions:

Job No.: 1022-621
Scale: 1"=30'
Date of Survey: 11/02/2022
Field Book & Page: H 312 P 16

I hereby certify that the survey represented hereon meets all applicable requirements of the Standards of Practice as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper.

Nov 29 2022  
Signed and Sealed

Willis R. Howell  
Willis R. Howell  
Willis R. Howell, Inc.  
Professional Land Surveyor No. 5448  
Florida Licensed Business No. 6990

4752 West Abeline Drive  
Dunnellon, Florida 34433  
Telephone: (352) 746-2511  
Facsimile: (352) 746-7230

**WILLIS R. HOWELL, INC.**

Sheet 2 of 2:

Job No: 1022-621

Sheet 2 of 2 is not complete without Sheet 1 of 2

LEGAL DESCRIPTION:

Lot 394 of KNIGHTS ADDITION TO CRYSTAL RIVER, according to the Plat thereof as recorded in Plat Book 1, Page(s) 28, of the Public Records of Citrus County, Florida.

NOTES:

1. The bearings shown hereon are based on an assumed bearing of East on the South line of the described lot.
2. This survey is based on an assumed horizontal datum for the Southeast corner of Lot 391 being the Southeast corner of the Block and the Northeast corner of Lot 378 being the Northeast corner of the Block of the described subdivision.
3. This property is subject to all restrictions as shown on the record plat.
4. This survey is of visible features only. Underground encroachments, septic tanks, sprinkler systems or utilities, if any, were not located, unless requested. Improvements & fences on or near property lines may be exaggerated to clarify location.
5. There may be additional restrictions that are not recorded on this plat may be found in the Public Records of Citrus County, Florida.
6. The signing party or parties prohibit additions or deletions to survey maps or reports without the written consent of the signing party or parties.
7. This survey map is valid only to those persons or entities named hereon. Willis R. Howell, Inc., will assume no responsibility for the unauthorized reproduction and/or redistribution of this survey map.
8. This survey has been prepared without the benefit of a current title report or abstract and therefore does not necessarily indicate all encumbrances on the property.
9. This is a Boundary Survey of a residential lot located in a recorded subdivision. The accuracy for this type of survey was found to be acceptable and was achieved by comparison of multiple measurements and independent verification.
10. Legal description furnished by client.

FLOOD STATEMENT:

By graphic plotting only, the property shown hereon appears to lie in Flood Zone "AE" (Base Flood Elevation 11.00' North American Vertical Datum of 1988), located on Community Panel No. 12017C-0189-E, according to the Flood Insurance Rate Map (FIRM) for Citrus County, revised date of 01/15/2021.

LEGEND:

R/W	=	Right-of-Way	■	=	Found 4"x4" Concrete Monument: No I.D.
⊕	=	Centerline	□	=	Found 4"x4" Concrete Monument: LB 1108
(C)	=	Calculated	■	=	Found 4"x4" Concrete Monument: RLS 2340
(D)	=	Deed	○	=	Found 5/8" Iron Rod & Cap: LB 7314
(F)	=	Field	●	=	Found 5/8" Iron Rod & Cap: LB 2168
(M)	=	Measured in Field	●	=	Found 1" Iron Pipe: No I.D.
(P)	=	Plat	●	=	Found 1/2" Iron Rod: No I.D.
C/E	=	Covered Entry	⊙	=	Set 5/8" Iron Rod & Cap LB 6990
C/S	=	Concrete Slab	●	=	Found Nail and Disk: LB 6478
A/C	=	Air Conditioner	BC	=	Back of Curb
—OHU—	=	Overhead Utilities	PT	=	Point of Tangency
-T-	=	Overhead Telephone	PC	=	Point of Curvature
⊕	=	Power Pole	RCP	=	Reinforced Concrete Coated Pipe
←	=	Guy Wire Anchor	CMP	=	Corrugated metal Pipe
⊕	=	Water Meter	MES	=	Mitered End Section
⊕	=	Utility Splice Box	PCC	=	Point of Compound Curvature
⊕	=	Electric Box/Transformer	PRC	=	Point of Reverse Curvature
△	=	Descriptive Point	PCP	=	Permanent Control Point
☆	=	Light Pole	PRM	=	Permanent Reference Monument
P/E	=	Pool Equipment	PRCCF	=	Public Records of Citrus County, Florida
D.U.E.	=	Drainage & Utility Easement	DIST.	=	Distance
			⊕	=	4" WELL

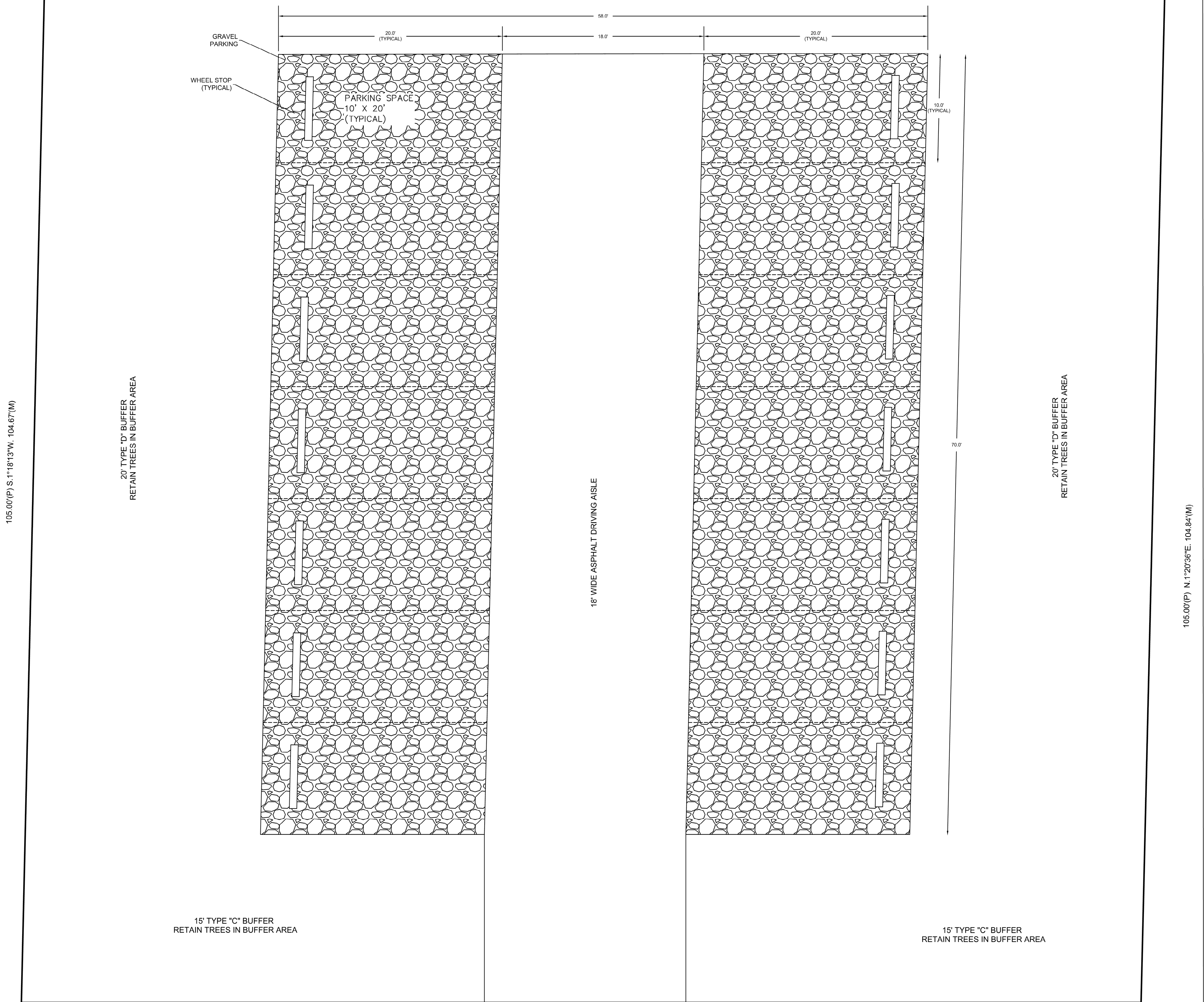
WILLIS R. HOWELL, INC.  
 4752 West Abeline Drive, Dunnellon, Florida 34433  
 Telephone: (352) 746-2511 Facsimile: (352) 746-7230

# A CONCEPTUAL SITE PLAN

100.00'(P) S.89°54'22"W. 100.21'(M)

20' TYPE "D" BUFFER  
RETAIN TREES IN BUFFER AREA

LOT 394  
(VACANT)

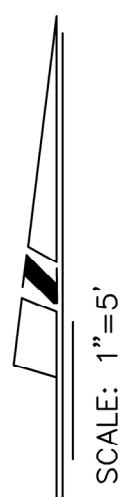


EAST (ASSUMED) 100.00'(P) EAST 100.05'(M)

LEE STREET(P) N.E. 5th TERRACE(F)  
50' PUBLIC R/W 18' ASPHALT PAVEMENT

**LEGAL DESCRIPTION:**

Lot 394 of KNIGHTS ADDITION TO CRYSTAL RIVER, according to the Plat thereof as recorded in Plat Book 1, Page(s) 28, of the Public Records of Citrus County, Florida.



**Revisions:**

Job No.: 1022-621
Scale: 1"=5'
Date of Survey: 11/02/2022
Field Book & Page: H 312 P 16

I hereby certify that the survey represented hereon meets all applicable requirements of the Standards of Practice as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper.

Signed and Sealed

Willis R. Howell  
Willis R. Howell, Inc.  
Professional Land Surveyor No. 5448  
Florida Licensed Business No. 6990

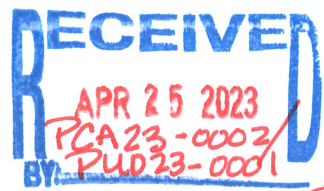
4752 West Abeline Drive  
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Facsimile: (352) 746-7230

**WILLIS R. HOWELL, INC.**

**PCA23-0002/PUD23-001**

**PUBLIC INPUT**





4/20/2023

Re: File PCA23-0002/PUD23-0001

Dear Jenette Collins,

Thank you for sending out the notice, unfortunately due to prior engagements I will not be able to attend this meeting.

I'm writing this letter to stress my opposition for making this change. This has come before the City on two separate occasions and has had zero support. The folks that live in this neighborhood full-time deserve to not have commercial interests creep into their backyards. There are opportunities to obtain commercial property that would suit this business, however converting a residential property into one does not seem like the correct decision. This has been an eyesore to the community and continues to be with very little effort to make any changes. I hope you can agree to these points and continue to not allow this to happen.

Sincerely,

Ryan Lampasona

State Farm Agent

352-464-3210



# CITY OF CRYSTAL RIVER PLANNING COMMISSION

## STAFF REPORT

Planning and Community Development Services Department

MEETING DATE:	Thursday, May 4, 2023
APPLICATION NUMBER:	PZT23 – 0003: Text Amendment to the Land Development Code – Establishing a Means for Revising an Existing Special Use Permit for a Mobile Outdoor Commercial Kitchen
APPLICANT:	City of Crystal River, Department of Planning and Community Development Services. 123 NW Highway 19, Crystal River, FL. 34428
PROPOSED LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT:	Text amendment to Section 4.08.02 Boundaries / Design Criteria by making changes to criteria and Mobile Outdoor Commercial Kitchen as a Special Use in the Downtown Commercial Waterfront Overlay District (DCWOD).
PROJECT MANAGER:	Brian Herrmann, <i>CNU-A, LEED AP</i> Director of Planning and Development Services

### INTRODUCTION:

The **Downtown Commercial Waterfront Overlay District (DCWOD)** is a relatively small area primarily comprised of waterfront properties in the heart of downtown. In addition to being its own “overlay district”, the area is also part of the City’s **Community Redevelopment Area (CRA)**. As a result, all property must adhere to the development standards for both the DCWOD and the CRA District. Rather than utilizing the **Table of Permitted Uses in Chapter 2** of the **Land Development Code**, the DCWOD contains its own “**use table**” with just 18 functions. While many uses are “**permitted by-right**”, in 2020 the city formally adopted a text amendment to add “**Special Uses**” to the district’s use table.

A “Special Use” is a land use that must be approved by the City Council. The Council must review the proposal to ensure that it will be “*compliant with the standards of the zoning district, while also considering its location, design, method of operation, and impact before deeming it to be appropriate and compatible.*” The City Council also adopted the **Mobile Outdoor Commercial Kitchen (MOCK)** as the first “Special Use” within the DCWOD district. The standards for a MOCK include the following:

1. The MOCK must be located outdoors on the same property and under the same ownership as the primary restaurant within the DCWOD.
2. The MOCK shall clearly be secondary to the facility’s main indoor commercial kitchen.
3. The use must meet all criteria established by both the zoning and building departments and be inspected by the city’s zoning and building officials.

4. Aesthetic alterations are required and shall be in keeping with the underlying CRA district design standards.
5. The MOCK shall be sited outdoors in a semi-permanent state. Wheels, hitches, and similar apparatus may be removed; however, these must be easily installed should the structure need to be relocated.
6. The City shall retain the right to revoke the Special Use Permit at any time should it feel as though the use no longer meets the provisions upon which it was approved.

**BACKGROUND ON THE APPLICANT:**

The owners of **Charlies Fish House** proposed to establish a Mobile Outdoor Commercial Kitchen as the first Special Use in the DCWOD District. They did so to fully utilize their property, specifically a vacant “peninsular shaped” portion that jutted outward into the harbor. They sought to maintain ownership of Charlies Fish House as the “primary” restaurant while adding a new, covered outdoor dining area to the site’s peninsula. The new dining area, known as “**The Point**”, was intended to be “secondary” to the primary restaurant and kitchen.

As the “secondary use” on the property such a site would typically be reviewed and approved by city staff. However, in this case the owners were proposing to utilize a separate kitchen for the



**Current condition of the applicant’s site: one property with two restaurants – one primary restaurant and one subsidiary or secondary restaurant.**

new facility, one that was technically a food truck. While the truck would never leave the site, and would be fully screened from view, such a use is not permitted in the underlying zoning district – nor either of the overlays. As a result, the owners made the request to allow a Mobile Outdoor Commercial Kitchen as a Special Use at “The Point”. The request met all six of the aforementioned standards and as a result was permitted by the City Council.

### **REQUEST TO ADD LANGUAGE TO REVISE THE SPECIAL USE PERMIT**

Having garnered full approval from the City Council, the applicant now wishes to subdivide the property into two separate parcels, allowing both **Charlies Fish House** and **The Point at Charlies** to function as two completely distinct and unique restaurants. If allowed to do so the current proprietor would continue to own and operate The Point at Charlies (currently the subsidiary or secondary restaurant) while selling the property that houses Charlies Fish House (currently the primary restaurant) to a new owner.

Both of the aforementioned locations are significant in their size and potential appeal. In addition, they each contain the following infrastructure:

- Their own building comprised of a restaurant and kitchen;
- Their own parking lot that adheres to the use's required amount of parking spaces;
- Their own restrooms;
- Their own water and sewer infrastructure; and
- Their own landscaping.

Upon completion the Point at Charlies will have a fully enclosed, fully hidden and unrecognizable "food truck" on site that meets all of the criteria for a Mobile Outdoor Commercial Kitchen. In fact, the dining area received its Special Use permit for this reason.

However, this has now become an extremely unique situation. While the Special Use permit is no longer critical in terms of a "secondary kitchen" for the property, it does provide a sense of credibility that this use was thoroughly reviewed and supported by the City Council. In fact, today both of the dining areas can make an argument that aside from the Mobile Outdoor Commercial Kitchen they have all of the appropriate infrastructure that accompanies a "primary use". Therefore, Staff feels as though the aforementioned Special Use permit must be revised by adding appropriate language to **Section 4.08.02 Boundaries and Design Criteria**. Such language will provide a means for addressing such a truly unique situation.

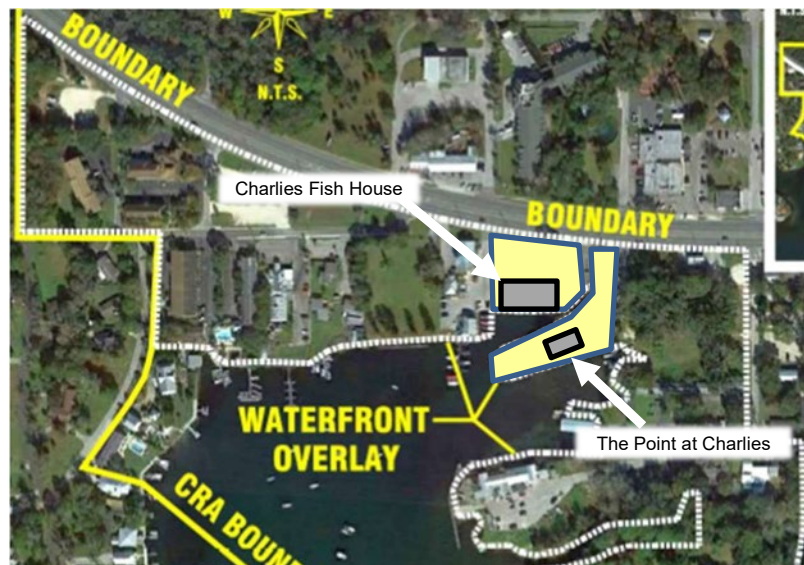
### **THE CURRENT AND NEWLY PROPOSED STANDARDS FOR A SPECIAL USE IN THE DCWOD:**

The following standards outline the newly proposed process for revising an existing "Special Use" to operate a "Mobile Outdoor Commercial Kitchen" within the DCWOD.

- C. An applicant in possession of a "Special Use" permit to operate a "Mobile Outdoor Commercial Kitchen" in the Downtown Commercial Waterfront Overlay District may petition the City Manager to maintain the "Special Use" permit if:*
- 1. the property that currently contains the "primary restaurant" will be subdivided and separated from the parcel that currently contains the "Mobile Outdoor Commercial Kitchen"; and*
  - 2. Upon subdivision of the property, each restaurant on each parcel shall now be deemed to be a "primary use" and adhere to the necessary standards for such a use; and*

3. the original applicant that received the Special Use permit to operate a Mobile Outdoor Commercial Kitchen as a “secondary use” shall now use the Special Use permit to operate a Mobile Outdoor Commercial Kitchen at a restaurant deemed to be the parcel’s “primary use”; and
4. Upon subdivision of the parcel, the property containing the restaurant that transitioned from a “secondary use” to a “primary use” shall adhere to all standards for a “primary use” as conveyed in the City’s Land Development Code. This includes the provisions for both the Downtown Commercial Waterfront Overlay District and the Community Redevelopment Area (CRA) District.

If the applicant and their property adhere to the aforementioned provisions the City Manager may grant his or her approval to split the two parcels and maintain the Special Use permit for a Mobile Outdoor Commercial Kitchen on the parcel that will transition its use from secondary to primary.



Proposed condition for the applicant’s site: two separate parcels or properties each containing its own restaurant.

The proposed text remains consistent with the goals and intentions conveyed in the City’s Comprehensive Plan. Specifically:

- **Goal 1, Objective 1.2:** Development and redevelopment will be encouraged in the portion of the City denoted in the Future Land Use Map as Community Redevelopment Area.
- **Goal 1, Objective 1.2:** Policy B: New commercial uses shall submit a parking plan providing adequate parking and safe, convenient traffic flow.

- **Goal 2, Objective 2.1:** Policy E: Land development regulations shall continue to be implemented which ensure the compatibility of the proposed use with adjacent uses: regulations shall include provisions designed to mitigate incompatibility, such as setbacks, landscaped buffers, building orientation, scale, parking lot landscaping, or driveway location.
- **Goal 3, Objective 3.1:** Policy C: Land development regulations may include overlay techniques, form-based codes, historic district designations, or revised zoning district regulations for mixed use development within the Community Redevelopment Area District in order to accommodate the grid roadway network, existing land uses, and enhancement of the existing urban character.

**SUMMARY:**

In order to obtain a **Special Use** permit for a **Mobile Outdoor Commercial Kitchen** in the Downtown Commercial Waterfront Overlay District (DCWOD) a property must demonstrate that it intends to operate a primary restaurant and kitchen as well as another eating area to be serviced by a subsidiary kitchen. If this is the case, the subsidiary kitchen may receive a Special Use permit for a Mobile Outdoor Commercial Kitchen. This is what the applicant in this case originally demonstrated to the City Council.

The aforementioned text amendment adds language to the current provisions in order to address an extremely rare and unusual scenario. In this case the original applicant, who received a Special Use permit from the City Council, has now decided that they would like to subdivide their parcel into two unique properties while upgrading the former “subsidiary” restaurant into a “primary” restaurant. The new provisions in the text provide a means for the applicant to maintain their Special Use permit for the Mobile Outdoor Commercial Kitchen while also allowing the aforementioned activity to occur.

Given the rare nature of this request, as well as the fact that the “food truck” that serves as a Mobile Outdoor Commercial Kitchen is nearly completely screened from view, it is likely that the only impact will be on paper. Therefore, staff feels as though the proposed text amendment is appropriate and should be made.

**PLANNING COMMISSION RECOMMENDATION:**

Staff believes that the Planning Commission should recommend approval of the proposed text amendment.

**ATTACHMENTS:**

1. Staff Report
2. PowerPoint

**ORDINANCE NO. 23-O-24**

**AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING ORDINANCE NUMBER 05-O-08, APPENDIX A – LAND DEVELOPMENT CODE OF CITY OF CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; AMENDING SECTION 4.08.02 BOUNDARIES/DESIGN CRITERIA BY MAKING CHANGES TO CRITERIA AND MOBILE OUTDOOR COMMERCIAL KITCHEN AS A SPECIAL USE IN THE DOWNTOWN COMMERCIAL WATERFRONT OVERLAY DISTRICT (DCWOD); PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; 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 Section 4.08.02 Boundaries/Design Criteria making changes to criteria and Mobile Outdoor Commercial Kitchen as a special use in the Downtown Commercial Waterfront Overlay District (DCWOD), 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. AMENDMENT OF THE LAND DEVELOPMENT CODE.**

The City Council of the City of Crystal River, Florida, hereby adopts this Ordinance by amending Section 4.08.02 Boundaries/Design Criteria making changes to criteria and Mobile Outdoor Commercial Kitchen as a special use in the Downtown Commercial Waterfront Overlay District (DCWOD), as shown in **Exhibit "A"**, attached hereto, and incorporated herein 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.

**APPROVED** on First Reading after due public notice and public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**ADOPTED** on Second Reading after due public notice and public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**ATTEST:**

**CITY OF CRYSTAL RIVER**

\_\_\_\_\_  
**MIA FINK, CITY CLERK**

\_\_\_\_\_  
**JOE MEEK, MAYOR**

**APPROVED FOR CORRECTNESS  
AND FORM:**

**VOTE OF COUNCIL:**

Meek: \_\_\_\_\_

Brown: \_\_\_\_\_

Guy: \_\_\_\_\_

Fitzpatrick: \_\_\_\_\_

Holmes: \_\_\_\_\_

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

EXHIBIT "A"

Note: Underlined language is proposed language.

TEXT AMENDMENT 1 – THAT SECTION 4.08.02 BOUNDARIES/DESIGN CRITERIA, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED BY ADDING SECTION C., AS FOLLOWS:

**4.08.02. Boundaries/design criteria.**

C. An applicant in possession of a "Special Use" permit to operate a "Mobile Outdoor Commercial Kitchen" in the Downtown Commercial Waterfront Overlay District may petition the City Manager to maintain the "Special Use" permit if:

1. The property that currently contains the "primary restaurant" will be subdivided and separated from the parcel that currently contains the "Mobile Outdoor Commercial Kitchen"; and
2. Upon subdivision of the property, each restaurant on each parcel shall now be deemed to be a "primary use" and adhere to the necessary standards for such a use; and
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If the applicant and their property adhere to the aforementioned provisions the City Manager may grant his or her approval to split the two parcels and maintain the Special Use permit for a Mobile Outdoor Commercial Kitchen on the parcel that will transition its use from secondary to primary.

END OF EXHIBIT "A"



PERMIT NO: \_\_\_\_\_ ORDINANCE NO. \_\_\_\_\_

# City of Crystal River

Planning & Community Development  
123 Northwest Highway 19  
Crystal River, FL 34432  
Telephone: (352) 795-4216  
[development@crystalriverfl.org](mailto:development@crystalriverfl.org)

## APPLICATION FOR LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT

Fee: \$500 DUE AT TIME OF APPLICATION

PZT23-0003

Name of Petitioner(s): City of Crystal River, Dept of Planning and Community Development Services  
Contact Person: Brian Herrmann, CNU-A, LEED AP, Director

Address of Petitioner(s): 123 NW HWY 19  
Crystal River, FL 34428

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone # 352-795-4216, Ext 308 Cell # \_\_\_\_\_  
Email Address: bherrmann@crystalriverfl.org

State the LDC Code Section(s) that you wish to Amend: Amends Section 4.08.02 Boundaries/design criteria for criteria and for Mobile Outdoor Commercial Kitchen in the CRA DCWOD.

Reason for Proposed Amendment: It is necessary to address the criteria to facilitate implementation of criteria and standards for Mobile Outdoor Commercial Kitchen use.

State evidence of consistency of the Proposed Amendment with the Comprehensive Plan.  
Provides consistency with Goals, Objectives, and Policies of the Future Land Use Element to preserve, protect and improve the character of the City through implementation of compatibility standards in the LDC.

I BRIAN HERRMANN, being first duly sworn, affirm and say that I am the:  
(check one) \_\_\_\_\_ owner, or  the legal representative authorized to speak on behalf of the subject matter, of the property described in this application.

Brian O. Herrmann \_\_\_\_\_ Date 3/29/2023  
Signature \_\_\_\_\_

BRIAN D. HERRMANN  
Print Name \_\_\_\_\_

State of Florida  
County of Citrus

The foregoing instrument was acknowledged before me by ( ) physical presence or ( ) remote audio-visual means this 29 day of MARCH, 20 23, by BRIAN HERRMANN who is personally known to me or has produced FL DL as identification and who did not take an oath.

Zachary Ciciera  
Notary Public

 ZACHARY CICIERA  
Notary Public  
State of Florida  
Comm# HH250215  
Expires 4/6/2026

**The following items are required (applications will not be processed if these items do not accompany the application):**

- Standard Application Form
- Notarized Letter of Authorization, if acting on another's behalf
- Copy of the proposed text change.
- Copy of the proposed ordinance in strike-through and underline form.
- Attach as many additional pages as necessary.



# CITY OF CRYSTAL RIVER PLANNING COMMISSION

## STAFF REPORT

Planning and Community Development Services Department

<b>MEETING DATE:</b>	Thursday, May 4, 2023 at 5:30 PM.																																																																																																					
<b>APPLICATION NO:</b> PZT23-0001 – 23-O-22 Text Amendment to the Bed and Breakfast use in the LDC																																																																																																						
<b>PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENT:</b>	Staff is proposing two text amendments to the Land Development Code for the <b>Bed and Breakfast</b> land use. <b>TEXT AMENDMENT ONE:</b> Changes to both the Permitted Uses and Supplemental Uses that are found in <b>Table 2.03.02 Permitted Uses:</b> <b>Table 2.03.02. Permitted Uses.</b>																																																																																																					
	<table border="1"> <thead> <tr> <th></th> <th colspan="13">Zoning Districts</th> </tr> <tr> <th>P = Permitted S = Supplemental</th> <th>RC</th> <th>RW</th> <th>R1</th> <th>R2</th> <th>R3</th> <th>NBR</th> <th>CW</th> <th>CG</th> <th>CH</th> <th>IND</th> <th>CON</th> <th>PI</th> <th>MXD</th> </tr> </thead> <tbody> <tr> <td><b>OFFICES &amp; SERVICES</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Bed and breakfast</td> <td></td> <td></td> <td></td> <td>S</td> <td>S</td> <td>S</td> <td>PS</td> <td>PS</td> <td>PS</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Car wash est.</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>S</td> <td></td> <td></td> <td></td> <td></td> <td rowspan="3">See Sect. 4.06.01 and 4.06.03</td> </tr> <tr> <td>Caterer</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>P</td> <td></td> <td>P</td> <td>P</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Day Care Center (adult or child)</td> <td></td> <td></td> <td></td> <td>S</td> <td>S</td> <td>S</td> <td>P</td> <td>P</td> <td>P</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Zoning Districts													P = Permitted S = Supplemental	RC	RW	R1	R2	R3	NBR	CW	CG	CH	IND	CON	PI	MXD	<b>OFFICES &amp; SERVICES</b>															Bed and breakfast				S	S	S	PS	PS	PS						Car wash est.									S					See Sect. 4.06.01 and 4.06.03	Caterer						P		P	P					Day Care Center (adult or child)				S	S	S	P	P	P				
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<b>APPLICANT:</b>	City of Crystal River																																																																																																					
<b>PROJECT MANAGER:</b>	Brian D. Herrmann; Director Planning and Community Development Services Department																																																																																																					

### **BACKGROUND INFORMATION:**

Currently, the city has two dramatically different sets of standards for its **Bed and Breakfast (B&B)** land use. If the site is located in the **CW, CG, or CH** zoning district then the use is permitted “by right”, meaning the use does not need to adhere to any additional or **Supplemental Standards**. The one exception to this is if the proposed use is located downtown in the **Community Redevelopment Area (CRA)**. In this case, the underlying zoning district will sometimes require that the “CRA’s design standards” be applied to the proposed site. As a result, staff will request improvements to any signage, parking, or landscaping.

Unlike the **CW, CG, or CH** zoning districts listed above, a site that is located in the **R2, R3, or NBR** zoning district is likely to be surrounded by property that is either primarily residential or even entirely residential. Therefore, an applicant wishing to establish a **Bed and Breakfast** in one of these three zoning districts must adhere to a lengthy and often ambiguous set of Supplemental Standards.

Because the standards for two different Bed and Breakfast uses have the potential to be so different, staff is proposing changes that will ensure similar standards for every site with this use. The first change will no longer permit the use in either the R2 or R3 zoning district. These two districts promote multi-family residential development with significant intensity. This is not ideal for a Bed and Breakfast. In addition, the staff proposes to make the Bed and Breakfast land use a

Supplemental Use in the four remaining zones in which the use is permitted. These include NBR, CW, CG, and CH. Finally, the Supplemental Standards shall be updated and expanded. The new provisions shall ensure that no ambiguity or questions exist regarding the specific intent of each standard. Once these changes are made, the city will have appropriate standards that are easily obtainable and suitable given the potential for a mix of uses within the permitted zoning districts.

**PROPOSED TEXT AMENDMENTS:**

The staff is proposing two amendments to the text of the City of Crystal River Land Development Code. The first amendment directly impacts **2.03.02 Table of Permitted Uses** and consists of three significant changes.

**TEXT AMENDMENT #1**

**2.03.02. - Table of permitted uses.**

Table 2.03.02. Permitted Uses.

P = Permitted S = Supplemental	Zoning Districts													PI	PUD	MXD	
	R-C	R-W	R-1	R-2	R-3	NBR	CW	CG	CH	IND	CON						
<b>OFFICES &amp; SERVICES</b>																	
Bed and breakfast inns				S	S	S	PS	PS	PS								
Car wash establishments									S								
Caterer						P		P	P								
Day care center (adult or child)				S	S	S	P	P	P				P				
Dispatching or communications office (excludes the warehousing or actual distribution of goods)								P	P								

First, as conveyed above, staff proposes to remove the use from the R2 and R3 zoning districts. Typically, a Bed and Breakfast is found in a single-family home. These two zoning districts promote multi-family residential development. Given the general intensity and proximity of neighbors within these two districts the use does not seem to be ideal, or even appropriate here.

Second, staff proposes that the four remaining districts in which the use shall be allowed (NBR, CW, CG, CH) become “Supplemental” as opposed to “Permitted” by right. This will require applicants to meet the **Supplemental Standards** found in **Table 5.05.04**. These standards have been clarified and simplified to truly reflect a **Bed and Breakfast** land use.

In addition, the aforementioned change will also close an existing loophole in the city’s code. Currently, a Bed and Breakfast land use requires no supplemental standards in the **CW, CG, and CH** zoning districts. By code there is almost no difference between a Bed and Breakfast with no Supplemental Standards and a **Resort Housing use (short term rental)**. As a result, applicants have been able to establish and advertise a Resort Housing Unit (short term rental) while using the standards for a Bed and Breakfast to garner their approval. They do so because a Bed and Breakfast is permitted in the aforementioned zoning districts, whereas as a Resort Housing Unit is limited to the **CW** zoning district in downtown Crystal River.

**TEXT AMENDMENT #2**

The second major text amendment to the Land Development Code is specific to the Supplemental Standards found in **Section 5.05.04. – Bed and Breakfast Inn**. Staff intends to update and expand these standards

with new language to ensure that there is no ambiguity or questions regarding the specific intent of each provision. In the past this was not the case.

5.05.04. - Bed and breakfast inn.

~~A. A bed and breakfast inn is permissible in CW, CG, and CH zoning districts, subject to the standards applicable to the zoning district.~~

B.A. ZONING DISTRICTS. A bed and breakfast inn is permissible in a single family home located in the CW, CG, CH, R-2, R-3, and NBR zoning districts, subject to the standards of the zoning district and the supplemental standards set forth below.

~~C.B. INTENSITY.~~ A property containing a bed and breakfast may house a maximum of ten (10) adult guests. The main house may utilize up to four (4) bedrooms for its guests. Each bedroom may contain a maximum of two beds. If an Accessory Dwelling Unit (ADU) is located on the property, the ADU may be used as an additional guest room for rent. It may contain a maximum of two beds.

~~The manager of the bed and breakfast inn shall reside in the inn.~~

~~D.C. RESIDENCE.~~ An owner or property manager of the bed and breakfast shall reside daily at the inn and sleep overnight at the inn, ensuring that the inn functions as their primary place of residence whenever guests are on site.

One or more of the four (4) bedrooms, or any additional bedrooms located within the house may be occupied as the primary living quarters and overnight space for either the owner or the property manager (as well as any family). If an Accessory Dwelling Unit (ADU) is located on the property the ADU may also be used as the primary living and overnight space for either the owner or property manager (as well as any family).

~~Density shall not exceed the allowable residential density as set forth in Table 4.01.01. Each two (2) bedrooms or lodging rooms shall be the equivalent of one (1) residential dwelling unit. Where the equivalent number of residential dwellings contains a fraction, the number shall be round up to the next whole number. All bedrooms shall be counted in the determination of density, whether occupied by the owner, the owner's family in residence in the bed and breakfast inn, or guests.~~

~~E.D. BUILDING CONFIGURATION.~~ A newly constructed building in which the bed and breakfast inn is located shall be substantially similar in design, appearance, and character to residential dwellings located within a two hundred-foot radius. Distance shall be measured from all property lines of the lot on which the bed and breakfast inn is located.

~~F.E. BREAKFAST AND EVENTS.~~ A "full" or "continental" breakfast shall be offered to all guests of the inn. Social events, and activities shall be limited to the guests or lodgers in of the inn, and shall not be solicited by held out to the general public.

~~G.F. PARKING.~~ A minimum of one parking space shall be provided on site for the owner / manager of the inn, as well as one parking space for each rentable room. for the bed and breakfast inn shall be located as follows: To the maximum extent practicable, both temporary parking spaces and required parking spaces shall be located to the side or rear of the principal structure.

- ~~1. Two (2) temporary (check-in / out) parking spaces may be located in a driveway in front of the inn.~~
- ~~2. All other required parking spaces shall be located to the side or rear of the principal structure.~~
- ~~3. On-street parking shall not count toward meeting the parking requirements of the bed and breakfast inn.~~

~~H.G. SIGNAGE.~~ One (1) sign identifying the bed and breakfast inn shall be allowed, subject to the following standards: One (1) of the following types of signs identified in Chapter 12 of the Land Development Code may be sited along the primary street that fronts the bed and breakfast: a Projecting Sign, a Suspended Sign, or a Yard Sign.

- ~~1. The maximum sign area shall be eight (8) square feet.~~
- ~~2. The sign shall have color, design, and materials consistent with the color, design, and materials of the inn.~~
- ~~3. The sign shall not be illuminated.~~
- ~~4. The sign shall be only a monument sign or a building mounted sign.~~

H. LANDSCAPING. At a minimum, all lots shall meet the following planting requirements:

1. PRIVATE FRONTAGE PLANTINGS. The front yard addressing a street (area extending from the primary façade to the lot line) shall contain a minimum of one (1) overstory tree, one (1) understory tree, and (2) two shrubs for every 35 linear ft. of lot frontage. If the parcel is a corner lot, then the same requirement shall apply to the side yard (area extending from the secondary façade to the lot line).
2. BUILDING FOUNDATION. One (1) shrub (minimum 18" tall boxwood hedge) shall be planted for every 3 linear feet of building foundation. Plantings shall be a maximum of 18" from the building.
3. Existing plantings may be counted towards the requirement.

(Ord. No. 05-O-08, §§ 1, 2, 5-17-2005; Ord. No. 20-O-01, § 2(Exh. A), 1-13-2020)

In short, if the aforementioned changes are made, the intended impact will be as follows:

- A. **ZONING DISTRICT:** The current text associated with letter A will be removed and replaced with text that limits the use to a single family home in the CW, CG, CH, and NBR zoning districts while also requiring the use of the Supplemental Standards.
- B. **INTENSITY:** Currently the number of guests permitted in a B&B is tied to each unit’s density as well as its underlying zoning district. The newly proposed standards take a simpler approach, allowing no more than ten (10) adult guests to occupy any Bed and Breakfast (including an ADU). The main house may rent a maximum of four (4) bedrooms, each comprised of two (2) beds for lodging. If an ADU is present, one additional bedroom comprised of two (2) beds may be used by guests.
- C. **RESIDENCE:** The new provisions strengthen and clarify the current standards, requiring an owner or property manager to reside daily at the inn and sleep overnight on the property; thereby serving as their primary place of residence. The property manager or owner (including any family) may choose to reside in one or more of the bedrooms that comprise the main house or they may choose to occupy the entire ADU.
- D. **BUILDING CONFIGURATION:** No changes are proposed.
- E. **BREAKFAST & EVENTS:** Breakfast is not defined nor required to be provided in the current standards. The new provisions require that either a “full” or “continental” breakfast is offered to each guest.
- F. **PARKING:** A specific number of parking spaces is not required in the current standards, other than two temporary spots for check-in and check-out. The new standards require at least one permanent parking space for the manager or owner of the inn as well as one parking space per rentable room. These shall be located to the side or rear of the principal structure.
- G. **SIGNAGE:** The current provisions reference sign standards from a chapter of the LDC that was recently overhauled by the city. The new standards are from the updated chapter and require one of three types of signage (Projecting Sign, Suspended Sign, Yard Sign) to be installed along the inn’s primary street frontage.
- H. **LANDSCAPING:** Such provisions are new to the Supplemental Standards. They require:
  - **Private Frontage Plantings:** a min. of one overstory tree, one understory tree, and two shrubs for every 35 linear ft. of lot frontage (on a front and side street); as well as
  - **Building Foundation Plantings:** one 18" shrub, (i.e. a boxwood hedge) shall be planted every 3 linear feet of building foundation. Plantings shall be a maximum of 18" from the building.
  - **Existing plantings:** may be counted towards the aforementioned requirements.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

As conveyed above, the proposed text amendments will remove two existing zoning districts from the table of permitted uses (R2 and R3) and establish the other four permitted zoning districts as Supplemental Uses (with Supplemental Standards). All of the proposed changes to the text of the City’s Land Development Code are consistent with the specific **GOALS, OBJECTIVES, and POLICIES** found in the City of Crystal River Comprehensive Plan. These include:

**Goal #2 which states:**

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



**Objective #2.1 which states:**

*“Provide for reasonable use of property while protecting, conserving, and maintaining the natural resources and systems identified in this and other elements of this Plan.”*

**Objective #2.8 which states:**

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

**Goal #3 which states:**

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

**Objective #3.2 which states:**

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

**Policy #3.2 A 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.”*

**PLANNING COMMISSION RESPONSIBILITIES:**

As conveyed in Subsection (B. #2) of 8.02.03 of the Crystal River LDC, 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.

**STAFF RECOMMENDATION:**

A Bed and Breakfast is typically found in a single-family home. In addition, the R2 and R3 zoning districts tend to promote multi-family residential development that has a greater intensity. As a result, it is appropriate to remove the use from these two zoning districts.

In addition, the four remaining districts in which the use shall be allowed (NBR, CW, CG, CH) should become “Supplemental Uses” as opposed to “Permitted” by right. This will require applicants to meet the **Supplemental Standards** found in **Table 5.05.04**. These standards have been clarified and simplified to truly reflect a **Bed and Breakfast** land use.

Finally, the aforementioned change will also close an existing loophole in the city’s code that treats a **Bed and Breakfast** with no Supplemental Standards and a **Resort Housing use (short term rental)** similarly. This loophole has allowed applicants to establish and advertise a Resort Housing Unit (short term rental) while using the standards for a Bed and Breakfast to garner their approval.

**Based on the three items conveyed above, the staff feels as though the proposed amendment to the text of the Land Development Code is necessary and shall receive a recommendation of approval from the City’s Planning Commission.**

**PLANNING COMMISSION ACTION:**

- PZT23-0001 - Text Amendment to the City of Crystal River Land Development Code

**SUPPORTING DIAGRAMS, ILLUSTRATIONS & TABLES:**

Please see the PowerPoint presentation provided by Staff.

**SUMMARY OF PUBLIC COMMENTS:**

Staff has not received any public comments regarding this proposal.

**ORDINANCE NO. 23-O-22**

**AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING ORDINANCE NUMBER 05-O-08, APPENDIX A – LAND DEVELOPMENT CODE OF CITY OF CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; AMENDING SECTION 2.03.00. LAND USES PERMITTED IN EACH ZONING DISTRICT, TABLE 2.03.02. TABLE OF PERMITTED USES TO ALLOW BED AND BREAKFAST AS A SUPPLEMENTAL USE IN CERTAIN ZONING DISTRICTS; AMENDING SECTION 5.05.04. BED AND BREAKFAST INN BY CHANGING SUPPLEMENTAL STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; 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 Section 2.03.00. Land Uses Permitted in Each Zoning District, Table 2.03.02. Table of Permitted Uses by allowing Bed and Breakfast as a supplemental use in certain zoning districts, and by amending Section 5.05.04. Bed and Breakfast Inn by changing supplemental standards, 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. AMENDMENT OF THE LAND DEVELOPMENT CODE.**

The City Council of the City of Crystal River, Florida, hereby adopts this Ordinance by amending Section 2.03.00 Land Uses Permitted in Each Zoning District, Table 2.03.02 Table of Permitted Uses by allowing Bed and Breakfast Inns as a supplemental use in certain zoning districts, and by amending Section 5.05.04 Bed and Breakfast Inn by changing supplemental standards, as shown in **Exhibit "A"**, attached hereto, and incorporated herein 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.

**APPROVED** on First Reading after due public notice and public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**ADOPTED** on Second Reading after due public notice and public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**ATTEST:**

**CITY OF CRYSTAL RIVER**

\_\_\_\_\_  
**MIA FINK, CITY CLERK**

\_\_\_\_\_  
**JOE MEEK, MAYOR**

**APPROVED FOR CORRECTNESS  
AND FORM:**

**VOTE OF COUNCIL:**

Meek: \_\_\_\_\_

Brown: \_\_\_\_\_

Guy: \_\_\_\_\_

Fitzpatrick: \_\_\_\_\_

Holmes: \_\_\_\_\_

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

EXHIBIT "A"

Note: Underlined language is proposed language and ~~struck through~~ language is proposed to be deleted.

TEXT AMENDMENT 1 – THAT SECTION 2.03.00 LAND USES PERMITTED IN EACH ZONING DISTRICT, TABLE 2.03.02 TABLE OF PERMITTED USES, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED (UNDER HEADING OF OFFICES AND SERVICES) REVISING BED AND BREAKFAST INNS AS FOLLOWS:

2.03.02. - Table of permitted uses.

Table 2.03.02. Permitted Uses.

P = Permitted S = Supplemental	Zoning Districts													
	R-C	R-W	R-1	R-2	R-3	NBR	CW	CG	CH	IND	CON	PI	PUD	MXD
<b>OFFICES &amp; SERVICES</b>														
Bed and breakfast inns				<del>S</del>	<del>S</del>	S	<del>PS</del>	<del>PS</del>	<del>PS</del>					
Car wash establishments									S					
Caterer						P		P	P					
Day care center (adult or child)				S	S	S	P	P	P			P		
Dispatching or communications office (excludes the warehousing or actual distribution of goods)								P	P					
													See Section 4.04.00	See Section 4.06.01 and 4.06.03

TEXT AMENDMENT 2 – THAT SECTION 5.05.04 BED AND BREAKFAST INN, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED AS FOLLOWS:

5.05.04. - Bed and breakfast inn.

~~A. A bed and breakfast inn is permissible in CW, CG, and CH zoning districts, subject to the standards applicable to the zoning district.~~

B.A. ZONING DISTRICTS. A bed and breakfast inn is permissible in a single family home located in the CW, CG, CH, R-2, R-3, and NBR zoning districts, subject to the standards of the zoning district and the supplemental standards set forth below.

G.B. INTENSITY. A property containing a bed and breakfast may house a maximum of ten (10) adult guests. The main house may utilize up to four (4) bedrooms for its guests. Each bedroom may contain a maximum of two beds. If an Accessory Dwelling Unit (ADU) is located on the property, the ADU may be used as an additional guest room for rent. It may contain a maximum of two beds.

~~The manager of the bed and breakfast inn shall reside in the inn.~~

D.C. RESIDENCE. An owner or property manager of the bed and breakfast shall reside daily at the inn and sleep overnight at the inn, ensuring that the inn functions as their primary place of residence whenever guests are on site.

One or more of the four (4) bedrooms, or any additional bedrooms located within the house may be occupied as the primary living quarters and overnight space for either the owner or the property manager (as well as any family). If an Accessory Dwelling Unit (ADU) is located on the property the ADU may also be used as the primary living and overnight space for either the owner or property manager (as well as any family).

~~Density shall not exceed the allowable residential density as set forth in Table 4.01.01. Each two (2) bedrooms or lodging rooms shall be the equivalent of one (1) residential dwelling unit. Where the equivalent number of residential dwellings contains a fraction, the number shall be round up to the next whole number. All bedrooms shall be counted in the determination of density, whether occupied by the owner, the owner's family in residence in the bed and breakfast inn, or guests.~~

~~E.D. BUILDING CONFIGURATION.~~ A newly constructed building in which the bed and breakfast inn is located shall be substantially similar in design, appearance, and character to residential dwellings located within a two hundred-foot radius. Distance shall be measured from all property lines of the lot on which the bed and breakfast inn is located.

~~F.E. BREAKFAST AND EVENTS.~~ A "full" or "continental" breakfast shall be offered to all guests of the inn. Social events, and activities shall be limited to the guests or lodgers in of the inn, and shall not be solicited by held out to the general public.

~~G.F. PARKING.~~ A minimum of one parking space shall be provided on site for the owner / manager of the inn, as well as one parking space for each rentable room. ~~for the bed and breakfast inn shall be located as follows:~~ To the maximum extent practicable, both temporary parking spaces and required parking spaces shall be located to the side or rear of the principal structure.

- ~~1. Two (2) temporary (check in / out) parking spaces may be located in a driveway in front of the inn.~~
- ~~2. All other required parking spaces shall be located to the side or rear of the principal structure.~~
- ~~3. On street parking shall not count toward meeting the parking requirements of the bed and breakfast inn.~~

~~H.G. SIGNAGE.~~ ~~One (1) sign identifying the bed and breakfast inn shall be allowed, subject to the following standards:~~ One (1) of the following types of signs identified in Chapter 12 of the Land Development Code may be sited along the primary street that fronts the bed and breakfast: a Projecting Sign, a Suspended Sign, or a Yard Sign.

- ~~1. The maximum sign area shall be eight (8) square feet.~~
- ~~2. The sign shall have color, design, and materials consistent with the color, design, and materials of the inn.~~
- ~~3. The sign shall not be illuminated.~~
- ~~4. The sign shall be only a monument sign or a building mounted sign.~~

~~H. LANDSCAPING.~~ At a minimum, all lots shall meet the following planting requirements:

- ~~1. PRIVATE FRONTAGE PLANTINGS.~~ The front yard addressing a street (area extending from the primary façade to the lot line) shall contain a minimum of one (1) overstory tree, one (1) understory tree, and (2) two shrubs for every 35 linear ft. of lot frontage. If the parcel is a corner lot, then the same requirement shall apply to the side yard (area extending from the secondary façade to the lot line).
- ~~2. BUILDING FOUNDATION.~~ One (1) shrub (minimum 18" tall boxwood hedge) shall be planted for every 3 linear feet of building foundation. Plantings shall be a maximum of 18" from the building.
- ~~3. Existing plantings may be counted towards the requirement.~~

(Ord. No. 05-O-08, §§ 1, 2, 5-17-2005; Ord. No. 20-O-01, § 2(Exh. A), 1-13-2020)

**END OF EXHIBIT "A"**



PERMIT NO: \_\_\_\_\_ ORDINANCE NO. \_\_\_\_\_

# City of Crystal River

Planning & Community Development  
123 Northwest Highway 19  
Crystal River, FL 34432  
Telephone: (352) 795-4216  
[development@crystalriverfl.org](mailto:development@crystalriverfl.org)

## APPLICATION FOR LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT

P2T23-0001

Name of Petitioner(s): City of Crystal River, Dept of Planning and Community Development Services  
Contact Person: Brian Herrmann, CNU-A, LEED AP, Director

Address of Petitioner(s): 123 NW HWY 19  
CRYSTAL RIVER, FL 34428

City State Zip Code  
Phone # 352- 795-4216, EXT 308 Cell # \_\_\_\_\_  
Email Address: bherrmann@crystalriverfl.org

State the LDC Code Section(s) that you wish to Amend: Table 2.03.02 Permitted Uses; and Section 5.05.04 Bed and breakfast inn

Reason for Proposed Amendment: Amends standards for Bed and breakfast inn as a supplemental use within certain land use categories to provide for clarity and revised development criteria.

State evidence of consistency of the Proposed Amendment with the Comprehensive Plan.  
Provides consistency with Goals, Objectives and Policies of the Future Land Use Element to preserve, protect and improve the character of the City through implementation of compatibility standards in the LDC.

I BRIAN D. HERRMANN, being first duly sworn, affirm and say that I am the:  
(check one) \_\_\_\_\_ owner, or  the legal representative authorized to speak on behalf of the subject matter, of the property described in this application.


Brian D. Herrmann \_\_\_\_\_  
Signature Date

BRIAN D. HERRMANN  
Print Name

State of Florida  
County of Citrus

The foregoing instrument was acknowledged before me by ( ) physical presence or ( ) remote audio-visual means this 29 day of MARCH, 2023, by BRIAN HERRMANN who is personally known to me or has produced FL DL as identification and who did not take an oath.

[Signature]  
Notary Public

 ZACHARY CICIERA  
Notary Public  
State of Florida  
Comm# HH250215  
Expires 4/6/2026



The following items are required (applications will not be processed if these items do not accompany the application):

- Standard Application Form
- Notarized Letter of Authorization, if acting on another's behalf
- Copy of the proposed text change.
- Copy of the proposed ordinance in strike-through and underline form.
- Attach as many additional pages as necessary.



# CITY OF CRYSTAL RIVER PLANNING COMMISSION

## STAFF REPORT

Planning and Community Development Services Department

MEETING DATE:	May 4, 2023																																																																																																		
APPLICATION # NUMBER	PZT23-0002 Text Amendment to add “Kayak, Canoe, or Paddleboard Rental with Launch” to the Land Development Code																																																																																																		
PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENT:	<p>The 1<sup>st</sup> text amendment to the City’s Land Development Code proposes to add <b>Kayak, Canoe, or Paddleboard Rental with Launch</b> as a new land use in Table 2.03.02 as follows:</p> <p>Table 2.03.02. Permitted Uses.</p> <table border="1"> <thead> <tr> <th></th> <th colspan="13">Zoning Districts</th> </tr> <tr> <th>P = Permitted S = Supplemental</th> <th>RC</th> <th>RW</th> <th>R1</th> <th>R2</th> <th>R3</th> <th>NBR</th> <th>CW</th> <th>CG</th> <th>CH</th> <th>IND</th> <th>CON</th> <th>PI</th> <th>MXD</th> </tr> </thead> <tbody> <tr> <td>RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY, INFRASTRUCTURE</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Govt. offices and/or maint. facilities</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td></td> <td>P</td> <td></td> </tr> <tr> <td><u>Kayak, Canoe, or Paddleboard Rental with Launch</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td><u>S</u></td> <td></td> <td><u>S</u></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Libraries</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>P</td> <td>P</td> <td>P</td> <td></td> <td></td> <td>P</td> <td></td> </tr> <tr> <td>Public parking lots</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>P</td> <td>P</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>See Sect. 4.06.01 and 4.06.03</p>		Zoning Districts													P = Permitted S = Supplemental	RC	RW	R1	R2	R3	NBR	CW	CG	CH	IND	CON	PI	MXD	RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY, INFRASTRUCTURE														Govt. offices and/or maint. facilities							P	P	P	P		P		<u>Kayak, Canoe, or Paddleboard Rental with Launch</u>							<u>S</u>		<u>S</u>					Libraries							P	P	P			P		Public parking lots								P	P				
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Public parking lots								P	P																																																																																										
	<p>The 2<sup>nd</sup> text amendment to the City’s Land development Code proposes to add Supplemental Standards in order to better support the new land use. These are located in <b>Section 5.05.19. – Kayak, Canoe, or Paddleboard Rental with Launch.</b></p> <p>The proposed amendments are supported by the City’s Comprehensive Plan.</p>																																																																																																		
APPLICANT:	City of Crystal River																																																																																																		
PROJECT MANAGER:	Brian D. Herrmann; Director Planning and Community Development Services Department																																																																																																		

### BACKGROUND INFORMATION:

This application is for two interrelated text amendments to the city’s Land Development Code. If approved, the city will add a new Supplemental Land Use, **Kayak, Canoe, or Paddleboard Rental with Launch** to **Section 2.03.02 Table of Permitted Uses**. A Supplemental Use is a “land use that is permissible, subject to compliance with the standards of the zoning district **AND** the supplemental standards that are specified for the use.” Supplemental standards are found in Section 5.05.00 of the Land Development Code, with Section 5.05.19 specifically addressing the land use *Kayak, Canoe, or Paddle Board Rental with Launch*.

Currently, **“Watercraft and Watercraft Accessory Sales and /or Rentals”** is a permitted land use in both the **Waterfront Commercial (CW)** and **Highway Commercial (CH)** zoning districts as conveyed in Section 2.03.02 Table of Permitted Uses. However, the definition for this land use is wide open, and lacking any specificity regarding the type of “watercraft” vessel that is allowed. The new use, *Kayak, Canoe, or Paddleboard Rental with Launch* would be permitted in the same zoning districts; however, it would limit one’s options to just three types of self-propelled watercraft: kayaks, canoes, or paddleboats.

The same issue applies to the **Downtown Commercial Waterfront Overlay District**, an area located in the heart of downtown, where the City’s new Riverwalk is proposed to be built. It has its own **USE TABLE**, with all parcels either zoned Waterfront Commercial (CW) or Highway Commercial (CH). As with the main use table (above), this table also contains an extremely broad and undefined land use titled **“Water Dependent Uses”**. Therefore, by adding *Kayak, Canoe, or Paddleboard Rental with Launch* to the Table of Permitted Uses in Section 2.03.02 those in the Overlay District must also adhere to the same limits and restrictions regarding these three types of self-propelled watercraft.

**TEXT AMENDMENT # 1**

The proposal is being made in order to ensure that the use, which is sometimes quite intense and has the capability to cause significant impacts on the surrounding community will be thoroughly reviewed by both the City Council as well as the staff. As such, the Table of Permitted Uses located in Section 2.03.02 will list the function as a Supplemental Use in both the Waterfront Commercial (CW) zoning district and the Highway Commercial (CH) zoning district.

	Zoning Districts												
P = Permitted S = Supplemental	RC	RW	R1	R2	R3	NBR	CW	CG	CH	IND	CON	PI	MXD
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY, INFRASTRUCTURE													
Government offices and/or maintenance facilities							P	P	P	P		P	See Sect. 4.06.01 and 4.06.03
<u>Kayak, Canoe, or Paddleboard Rental with Launch</u>							<u>S</u>		<u>S</u>				
Libraries							P	P	P			P	
Public parking lots								P	P				

**TEXT AMENDMENT # 2**

As conveyed previously *Section 5.05.19 Kayak, Canoe, or Paddle Board Rental with Launch* contains a list of supplemental requirements that are applicable to the land use and must be adhered to by the applicant in order for the use to be approved. Because the use is quite unique and will impact the

character and intensity of its location in which it is to be approved, specifically the waterfront, the following Supplemental Standards shall apply.

**Section 5.05.19 Kayak, Canoe, or Paddleboard Rental with Launch**

**DEFINITION:** A kayak, canoe, or paddleboard rental facility with launch is a privately owned business that charges a fee to rent a kayak, canoe, or paddleboard to an individual while also providing a space for them to launch into the waterway (canal, stream, river, bay, etc.). The individual may be on their own or part of a tour that is organized through the rental facility.

- A. The form and character of this use may vary with each application. **The City Council shall have an opportunity to review each proposal for a Kayak, Canoe, or Paddleboard Rental with Launch,** including a site plan and either an illustrative plan or illustrative renderings in order to determine whether it will be compatible with the surrounding uses and development pattern of the area, specifically the:

- 1. proposed function,
- 2. proposed site design, and
- 3. potential operational impacts

of the new use upon its neighbors, the waterway, and the neighborhood or area.”

Having reviewed the staff’s report and considered the proposed application (as conveyed above), the City Council shall either **(1) approve the proposal, (2) deny the proposal, or (3) approve the proposal with additional stipulations added by the City Council.**

- B. If the proposal is approved by the City Council (“as is” or “with additional stipulations”), then City staff shall ensure that following standards will also apply to the proposed use.

- 1. **Applicable Code:** Except where specifically addressed herein, the standards of the underlying zoning district or overlay district shall apply.
- 2. **Location:** The proposed site shall be located on private property, outside of the right-of-way, and upon a publicly accessible waterway.
- 3. **Movement:** The design of the site, and its subsequent use shall not impede or negatively impact vehicular, pedestrian, or water traffic flow in any way.
- 4. **Storage:** Storage for ALL kayaks, canoes, paddleboards, or similar seaworthy craft shall take place:
  - i. indoors within a roofed building; or
  - ii. behind an 8-foot-high masonry wall or wooden fence.

All watercraft shall remain in the allotted storage area until they must be moved in order to accommodate a paid customer or staff member intending to use the craft in the water.

- 5. **Landscaping:** In addition to the minimum landscaping that is required for the site the following criteria shall apply:
  - i. At a minimum the exterior sides of the masonry wall or wooden fence that is used for storage shall be lined (on all sides) with an “opaque hedge wall” of shrubs. The “hedge wall” shall consist of (1) shrub per (3) linear feet at a minimum of (3) feet in height. Additional trees and shrubs are permitted and encouraged for screening.

The aforementioned provisions ensure that these facilities will be thoroughly reviewed on a case by case basis to ensure that they are not only appropriate for the site, but the potential benefits far outweigh any negative impacts.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

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

**Goal #2 which states:**

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

**Objective #2.1 which states:**

*“Provide for reasonable use of property while protecting, conserving, and maintaining the natural resources and systems identified in this and other elements of this Plan.”*

**Objective #2.8 which states:**

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

**Goal #3 which states:**

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

**Objective #3.2 which states:**

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

**PLANNING COMMISSION RESPONSIBILITIES:**

As conveyed in Subsection (B. #2) of 8.02.03 of the Crystal River LDC, 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.

**STAFF RECOMMENDATION:**

Given that the proposed text amendments will provide further clarity and definition regarding two extremely broad land uses while ensuring that the City Council will thoroughly vet each proposal for any negative or harmful impacts the staff recommends that the Planning Commission approve the proposed text amendments to the City’s Land Development Code.

**PLANNING COMMISSION ACTION:**

- PZT23-0002 - Text Amendment to the City of Crystal River Land Development Code

**SUPPORTING DIAGRAMS, ILLUSTRATIONS & TABLES:**

Please see the PowerPoint presentation provided by Staff.

**SUMMARY OF PUBLIC COMMENTS:**

Staff has not received any public comments regarding this proposal.

**ORDINANCE NO. 23-O-23**

**AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING ORDINANCE NUMBER 05-O-08, APPENDIX A – LAND DEVELOPMENT CODE OF CITY OF CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, AS AMENDED; AMENDING SECTION 2.03.00. LAND USES PERMITTED IN EACH ZONING DISTRICT, TABLE 2.03.02. TABLE OF PERMITTED USES BY ADDING KAYAK, CANOE, AND PADDLEBOARD LAUNCH AS A SUPPLEMENT USE IN CERTAIN ZONING DISTRICTS; ADDING SECTION 5.05.19 KAYAK, CANOE, PADDLEBOARD LAUNCH HAVING SUPPLEMENTAL STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; 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 Section 2.03.00 Land Uses Permitted in Each Zoning District, Table 2.03.02 Table of Permitted Uses by adding Kayak, Canoe, or Paddleboard Rental with Launch as a supplement use in certain land use districts, and by adding Section 5.05.19 Kayak, Canoe, or Paddleboard Rental with Launch having supplemental standards, 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. AMENDMENT OF THE LAND DEVELOPMENT CODE.**

The City Council of the City of Crystal River, Florida, hereby adopts this Ordinance by amending Section 2.03.00 Land Uses Permitted in Each Zoning District, Table 2.03.02 Table of Permitted Uses by adding Kayak, Canoe, or Paddleboard Rental with Launch as a supplement use in certain land use districts, and by adding Section 5.05.19 Kayak, Canoe, or Paddleboard Rental with Launch having supplemental standards, as shown in **Exhibit “A”**, attached hereto, and incorporated herein 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.

**APPROVED** on First Reading after due public notice and public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**ADOPTED** on Second Reading after due public notice and public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**ATTEST:**

**CITY OF CRYSTAL RIVER**

\_\_\_\_\_  
**MIA FINK, CITY CLERK**

\_\_\_\_\_  
**JOE MEEK, MAYOR**

**APPROVED FOR CORRECTNESS  
AND FORM:**

**VOTE OF COUNCIL:**

Meek: \_\_\_\_\_

Brown: \_\_\_\_\_

Guy: \_\_\_\_\_

Fitzpatrick: \_\_\_\_\_

Holmes: \_\_\_\_\_

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



EXHIBIT "A"

Note: Underlined language is proposed language.

TEXT AMENDMENT 1 – THAT SECTION 2.03.00 LAND USES PERMITTED IN EACH ZONING DISTRICT, TABLE 2.03.02 TABLE OF PERMITTED USES, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY AMENDED (UNDER HEADING OF RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY, INFRASTRUCTURE) TO ADD KAYAK, CANOE, OR PADDLEBOARD RENTAL WITH LAUNCH AS FOLLOWS:

Table 2.03.02 of Permitted Uses.

P = Permitted S = Supplemental	Zoning Districts												
	RC	RW	R1	R2	R3	NBR	CW	CG	CH	IND	CON	PI	MXD
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY, INFRASTRUCTURE													
Government offices and/or maintenance facilities							P	P	P	P		P	
<u>Kayak, Canoe, or Paddleboard Rental with Launch</u>							<u>S</u>		<u>S</u>				See Sect. 4.06.01 and 4.06.03
Libraries							P	P	P			P	
Public parking lots								P	P				

TEXT AMENDMENT 2 – THAT A NEW SECTION 5.05.19. KAYAK, CANOE, OR PADDLEBOARD RENTAL WITH LAUNCH, OF APPENDIX A – LAND DEVELOPMENT CODE OF THE CRYSTAL RIVER, FLORIDA, CODE OF ORDINANCES, IS HEREBY ADDED AS FOLLOWS:

Section 5.05.19 Kayak, Canoe, or Paddleboard Rental with Launch

**DEFINITION:** A kayak, canoe, or paddleboard rental facility with launch is a privately owned business that charges a fee to rent a kayak, canoe, or paddleboard to an individual while also providing a space for them to launch into the waterway (canal, stream, river, bay, etc.). The individual may be on their own or part of a tour that is organized through the rental facility.

- A. The form and character of this use may vary with each application. The City Council shall have an opportunity to review each proposal for a Kayak, Canoe, or Paddleboard Rental with Launch, including a site plan and either an illustrative plan or illustrative renderings in order to determine whether it will be compatible with the surrounding uses and development pattern of the area, specifically the:
1. proposed function,
  2. proposed site design, and
  3. potential operational impacts
- of the new use upon its neighbors, the waterway, and the neighborhood or area."

Having reviewed the staff's report and considered the proposed application (as conveyed above), the City Council shall either (1) approve the proposal, (2) deny the proposal, or (3) approve the proposal with additional stipulations added by the City Council.

- B. If the proposal is approved by the City Council ("as is" or "with additional stipulations"), then City staff shall ensure that following standards will also apply to the proposed use.
1. **Applicable Code:** Except where specifically addressed herein, the standards of the underlying zoning district or overlay district shall apply.
  2. **Location:** The proposed site shall be located on private property, outside of the right-of-way, and upon a publicly accessible waterway.
  3. **Movement:** The design of the site, and its subsequent use shall not impede or negatively impact vehicular, pedestrian, or water traffic flow in any way.
  4. **Storage:** Storage for ALL kayaks, canoes, paddleboards, or similar seaworthy craft shall take place:
    - i. indoors within a roofed building; or
    - ii. behind an 8-foot-high masonry wall or wooden fence.

All watercraft shall remain in the allotted storage area until they must be moved in order to accommodate a paid customer or staff member intending to use the craft in the water.
  5. **Landscaping:** In addition to the minimum landscaping that is required for the site the following criteria shall apply:
    - i. At a minimum the exterior sides of the masonry wall or wooden fence that is used for storage shall be lined (on all sides) with an "opaque hedge wall" of shrubs. The "hedge wall" shall consist of (1) shrub per (3) linear feet at a minimum of (3) feet in height. Additional trees and shrubs are permitted and encouraged for screening.

**END OF EXHIBIT "A"**



PERMIT NO: \_\_\_\_\_ ORDINANCE NO. \_\_\_\_\_

# City of Crystal River

Planning & Community  
Development  
123 Northwest Highway 19  
Crystal River, FL 34432  
Telephone: (352) 795-4216  
[development@crystalriverfl.org](mailto:development@crystalriverfl.org)

## APPLICATION FOR LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT

Fee: \$500 DUE AT TIME OF APPLICATION

PZT23-0002

Name of Petitioner(s): City of Crystal River, Dept of Planning and Community Development Services  
Contact Person: Brian Herrmann, CNU-A, LEED AP, Director

Address of Petitioner(s): 123 NW HWY 19  
Crystal River, FL 34428

City

State

Zip Code

Phone # 352-795-4216, Ext 308 Cell # \_\_\_\_\_

Email Address: bherrmann@crystalriverfl.org

State the LDC Code Section(s) that you wish to Amend: Table 2.03.02 Permitted Uses; and adds Section 5.05.19 Kayak, Canoe, Paddleboard Launch

Reason for Proposed Amendment: It is necessary to address the location of kayak, canoe, and paddleboard businesses in the City and develop site standards for safety and compatibility.

State evidence of consistency of the Proposed Amendment with the Comprehensive Plan.  
Provides consistency with Goals, Objectives, and Policies of the Future Land Use Element to preserve, protect and improve the character of the City through implementation of compatibility standards in the LDC.

I BRIAN D. HERRMANN, being first duly sworn, affirm and say that I am the:  
(check one) \_\_\_\_\_ owner, or  the legal representative authorized to speak on behalf of the subject matter, of the property described in this application.

Brian D. Herrmann  
Signature

3/29/2023  
Date

BRIAN D. HERRMANN  
Print Name

State of Florida  
County of Citrus

The foregoing instrument was acknowledged before me by ( ) physical presence or ( ) remote audio-visual means this 29, day of MARCH, 2023, by BRIAN HERRMANN who is personally known to me or has produced FL DL as identification and who did not take an oath.

Zachary Ciciera  
Notary Public



ZACHARY CICIERA  
Notary Public  
State of Florida  
Comm# HH250215  
Expires 4/6/2026

The following items are required (applications will not be processed if these items do not accompany the application):

- Standard Application Form
- Notarized Letter of Authorization, if acting on another's behalf
- Copy of the proposed text change.
- Copy of the proposed ordinance in strike-through and underline form.
- Attach as many additional pages as necessary.