



# CITY OF CRYSTAL RIVER CITY COUNCIL

## STAFF REPORT

Planning and Community Development Services Department

<b>MEETING DATE:</b>	October 25, 2021 – FIRST READING
<b>APPLICATION #:</b>	PZ21-0089 – Text Amendment to Land Development Code
<b>APPLICANT:</b>	City of Crystal River, 123 NW US Highway 19, Crystal River, Fl. 24429
<b>PROPOSED ZONING TEXT AMENDMENT:</b>	Multiple text amendments to the City’s Land Development Code are proposed that will: <ol style="list-style-type: none"><li>1. Improve the ability of Staff to provide customer service to residents and developers within the City; or</li><li>2. Impart new regulations within the zoning ordinance that will bring the City into compliance with Federal and State regulations; or</li><li>3. Impart new regulations that update or improve upon the City’s existing zoning while benefitting the citizens that live, work, and recreate in the community; or</li><li>4. Improve upon the City’s built environment.</li></ol> These amendments are supported by the City’s Comprehensive Plan.
<b>PROJECT MANAGER:</b>	Brian Herrmann, CNU-A, LEED AP, Director, Planning and Community Development Services Department

### **BACKGROUND INFORMATION:**

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

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

### **PROPOSED AMENDMENTS:**

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

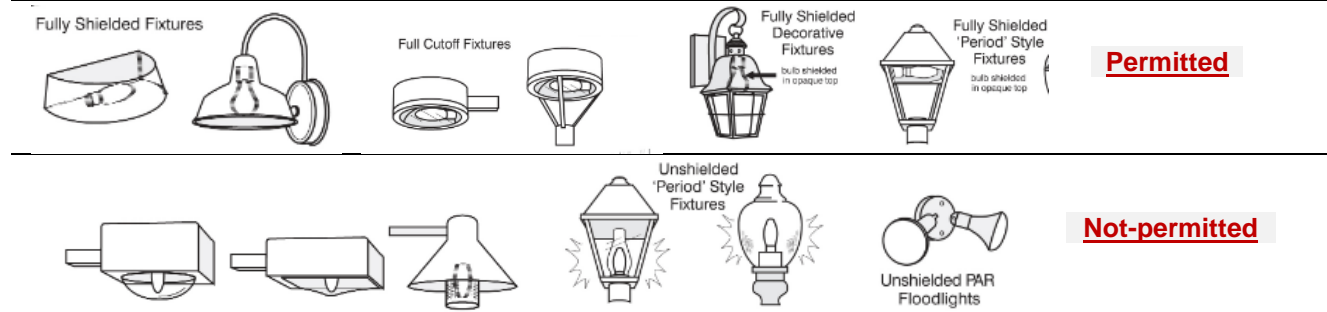
- #1 Section 4.03.04 – Lighting
- #2 Section 4.07.09 – Uses: Residential Accessory Dwelling Units in the CRA
- #3 Section 4.07.10 – Administration: Administrative Waivers in the CRA
- #4 Section 5.01.05 – Accessory Dwelling Units in R-W, R1, R2, R3, NBR, CW, CG, IND, CON, PI
- #5 Section 5.01.06 – Accessory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

**TEXT AMENDMENT #1**

4.03.04. – Lighting.

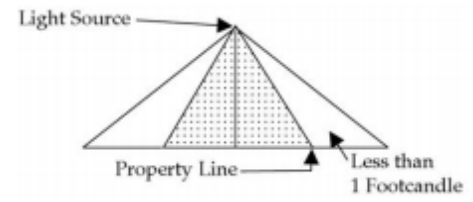
**Lighting**  
**GENERAL**

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



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

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



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

**REASON FOR THE CHANGE:**

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

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

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

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

**TEXT AMENDMENT #2**

4.07.09.- Uses.

**RESIDENTIAL****Accessory Dwelling Unit (ADU)**

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

***Supplementary Standards***

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

**REASON FOR THE CHANGE:**

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

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

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

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

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

**TEXT AMENDMENT #3**

4.07.10 – Administration  
Review Process

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

a. **Applicability.**

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

b. **Adjustment Criteria.**

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

**REASON FOR THE CHANGE:**

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

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

**TEXT AMENDMENT #4**

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

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

- A. An ~~A~~ accessory ~~D~~ dwelling ~~Unit (ADU): is intended to provide not-for-hire housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered as an apartment, hotel, or any other kind of multifamily use and shall not be used as a rental unit.~~
1. ~~Is located on the same lot as the Principal Building. Only one (1) A~~ accessory ~~D~~ dwelling ~~Unit shall be permitted per parcel. It may be attached by a back-building, contained within a standalone outbuilding, or located within the Principal Building. Examples include but are not limited to a dwelling unit in a guest house, a unit above or beside a garage, and a unit that occupies a small portion of the principal dwelling.~~
  2. ~~Is intended to provide housing for relatives, guests, domestic helpers, caretakers, security personnel, or park rangers, and renters (Minimum three (3) consecutive month rental required, except for Resort Housing Units located in the (CW) Waterfront Commercial zoning district). An accessory dwelling unit shall not be considered as an apartment, hotel, or any other kind of multifamily use and shall not be used as a rental unit.~~
  3. ~~May be a Modular Home, but may not be a Mobile Home.~~
  4. ~~May not have its main entrance through the garage doors, but may be located toward a side street, alley, or internal to the lot. If the unit is located within the Principal Building, a separate door (from the garage doors) shall be used.~~
  5. ~~Shall not require additional parking, except in the case of guest room(s) for a Bed & Breakfast, which shall be calculated as part of the required parking. Parking may be accessed from an alley, side street, or front street. However, parking may only be accessed from the front when there is no alley or side street present.~~
  6. ~~General Design:~~
    - a. ~~Primary walls shall be clad in wood, cement fiber siding, brick, concrete masonry units with stucco (CBS), reinforced concrete with stucco, shingle, and / or board & batten.~~
    - b. ~~Crawlspace openings and the undercroft of foundations, decks, and porches shall be framed in lattice, vertical pickets, and / or hogs pen pattern (wood or similar).~~
    - c. ~~Roof overhangs shall have a minimum 8" overhang at eave and rake. Box eaves (porkchops) shall be prohibited.~~
- B. ~~A~~ accessory ~~D~~ dwelling ~~Units~~ within a ~~P~~ principal ~~B~~ building shall comply with the following standards:
1. An ~~A~~ accessory ~~D~~ dwelling ~~Unit~~ shall not be construed to be located within a ~~P~~ principal ~~B~~ building when it is connected to the ~~P~~ principal ~~B~~ building ~~only~~ by a breezeway or roofed passageway.
  2. ~~No more than one (1) accessory dwelling shall be permitted.~~
  23. An ~~A~~ accessory ~~D~~ dwelling ~~Unit~~ shall not be permissible within a nonconforming ~~P~~ principal ~~B~~ building.

34. An Accessory Dwelling Unit shall not be permissible where a variance or waiver is necessary in order to allow the Accessory Dwelling Unit.
45. An Accessory Dwelling Unit shall not occupy more than twenty-five (25) percent of the total floor area of a single floor of the Principal Building.
- C. Freestanding Accessory Dwelling Units comply with the following standards:
1. ~~The floor area shall not exceed four hundred fifty (450) square feet. Each floor of the main body of the ADU shall not exceed:~~
    - Width: 30 feet max.
    - Depth: 30 feet max.
  2. An Accessory Dwelling Unit shall be located only within a rear yard. However, an Accessory Dwelling Unit may be located within the side yard of a lot that is 100 feet wide with the permission of the Supervisory Planner.
  3. A separate water meter shall be provided for a freestanding Accessory Dwelling Unit.
  4. An accessory dwelling shall comply with all standards set forth in sections 5.01.02 and 5.01.04, except for any restrictions on building height, which may not exceed two stories and the maximum height for the zoning district (Table 4.02.02.C. Standards for Building Heights and Setbacks).

#### REASON FOR THE CHANGE:

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

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

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

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

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

**TEXT AMENDMENT #5**

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

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

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

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

**REASON FOR THE CHANGE:**

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

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

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

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

- ~~A. — All fences shall comply with the Florida Building Code. Wooden posts shall be pressure-treated and shall be resistant to decay, corrosion, and termite infestation.~~
- ~~B. — Fences or hedges may be located in any front, side, and rear yard setback areas.~~
- ~~C. — No fences or hedges shall exceed four (4) feet in height when placed in the front yard.~~
- ~~D. — Each fence or hedge located in the side and rear yard shall not exceed the height of six (6) feet, except as set forth in subsection I. below.~~
- ~~E. — In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle, as described in section 6.04.04.~~
- ~~F. — All fences shall be placed with the finished side facing the adjoining property or the right-of-way.~~
- ~~G. — Any fence or wall that provides structural support to a building shall be considered part of the building and shall be required to meet the building setback standards.~~

- ~~H. A fence may tie in to a building to complete the enclosure of a yard, where such fence does not provide support as set forth in subsection G, above.~~
- ~~I. No barbed wire or electric fences in any form shall be permitted in any zoning district. However, a security fence in an industrial zoning district may use barbed wire, provided that the fence shall not exceed eight (8) feet in height and the barbed wire on top of the fence shall not exceed an additional one (1) foot. A commercial zoning district may apply for the same type fencing with approval by the city manager.~~
- ~~J. No fence or hedge shall be constructed or installed in such a manner as to interfere with stormwater management facilities or to impede drainage on the site.~~
- ~~K. All fences, hedges, and walls shall be continually maintained for safety and appearance, consistent with the requirements of the LDC.~~
- ~~L. Classification of fences on vacant properties (properties within the CRA district must comply with chapter 4 of the Land Development Code for appearance.)~~
- ~~A. On lots with a main structure that has a vacant adjacent lot under the same ownership, the fence must meet all applicable codes. No accessory structure other than a fence may be constructed on an adjacent vacant property. The maximum height in the front cannot exceed four (4) feet from grade, must be a minimum of fifty (50) percent transparent and the fence must be constructed along the entire vacant lot (all sides). Adjacent vacant lot must be maintained at all times.~~
- ~~B. Vacant lots (stand-alone): Four (4) foot maximum height measured from grade. Materials must meet fencing criteria for fifty (50) percent transparency. No accessory structure or use other than a fence is allowed on stand-along vacant properties. The property must be maintained at all times.~~

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

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

5.01.11. - Fences, walls, and hedges.

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

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

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

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

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

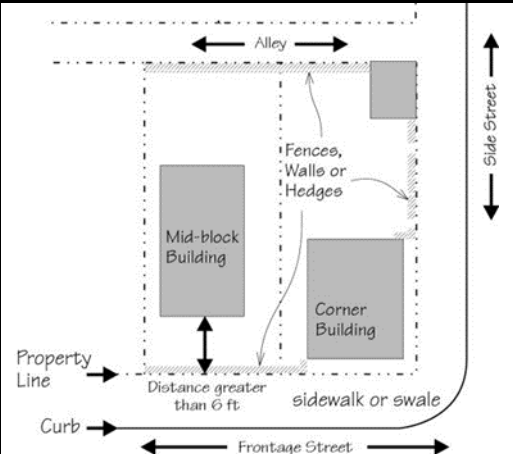
**D. Changes in Character and Intensity with Zone.**

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

**E. Materials and Height.**

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

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

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

**Notes:**  
<sup>1</sup> Area from 4 feet behind the front plane of the primary structure, extending forward of the front plane of the primary structure (including: porches, etc.)  
<sup>2</sup> Side and Rear Yard (4 ft. behind the front plane of the primary structure extending back towards the rear yard).  
<sup>3</sup> Side & Rear Yard Adj. to the ROW (4 ft. behind the front plane of the primary structure extending back toward the rear yard & abutting a side street ROW).

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

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

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**REASON FOR THE CHANGE:**

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

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

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

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

**TEXT AMENDMENT #7**

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

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

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

**REASON FOR THE CHANGE:**

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

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

**TEXT AMENDMENT #8**

6.04.02.- Access and driveway design requirements.

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

A. An access point shall include either a one-way access, a two-way access, or a pair of one-way accesses, ~~provided that the paired access points are not more than fifty (50) feet apart, measured from the centerlines of the access drives.~~ (This standard allows for a circular drive). ~~with a fifteen-foot turning radius.~~

F. Accessways and driveways shall comply with the following standards:

~~1. Residential driveways shall be a maximum of ten (10) feet in width at the lot line and may increase to a maximum of twenty (20) feet in width.~~

1. Residential Driveway Dimensions: Residential Driveways shall be designed in a manner that minimizes disruption of pedestrian corridors and the streetscape. (images are not regulatory; the text is)

a. Residential Driveway ROW Apron. A Residential Driveway in which a sidewalk is present within the ROW on the same side of the street (or planned and funded to be constructed within the ROW on the same side of the street) shall not exceed a maximum of twelve (12) feet in width within the ROW. Any paved driveway area not connected to a sidewalk shall be bounded by grass.

i. If the sidewalk is located (or planned) at the back of the ROW, immediately adjacent to the property line then the first three (3) feet of driveway located on the parcel shall be paved and not exceed a maximum of twelve (12) feet in width. This paved area shall be bordered by grass.

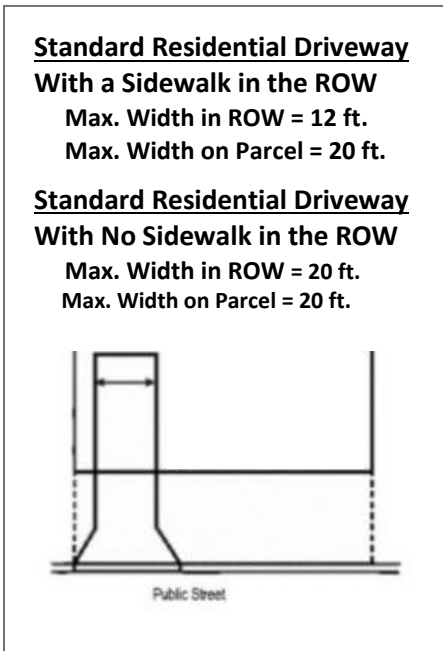
ii. Reserved.

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

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

b. Standard Residential Driveway. A Standard Residential Driveway may be a minimum of twelve (12) feet in width and a maximum of twenty (20) feet in width when located between the lot line and the carport, garage, or parking area under the house.

c. Ribbon Residential Driveway. A Ribbon Residential Driveway is an acceptable alternative to a Standard Residential Driveway as it reduces the overall impervious



surface coverage. While there is no minimum width required for a ribbon driveway, they shall be subject to the same twenty (20) foot maximum width established for a Standard Residential Driveway. Individual ribbons shall only be permitted within the property (not the right of way) and shall measure between one and one-half (1½) feet and two and one-half (2½) feet in width. The driveway may contain ROW aprons as conveyed above.

d. Circular Residential Driveway. A Circular Residential Driveway shall measure twelve (12) feet in width, including the width of the ROW. The two points of access shall not be sited more than fifty (50) feet apart, measured within the ROW from the centerline of each drive. The driveway may contain ROW aprons as conveyed above. For purposes of this subsection, a Circular Residential Driveway shall be considered to be one (1) driveway.

e. Residential Driveway Garage Apron. A paved Residential Garage Apron, or the final four (4) feet of driveway (depth) providing access to, and located directly in front of the garage(s) may extend up to 24 feet in width, or the width of the garage door opening(s), whichever is less, when measured from the outer edges of:

- i. A “two car” garage with **one garage door opening**, or
- ii. A “two car” garage with **two individual garage door openings** that are separated by a minimum of six (6) inches of fiber cement, wood, brick, stucco or vinyl siding that comprises the primary structure.

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

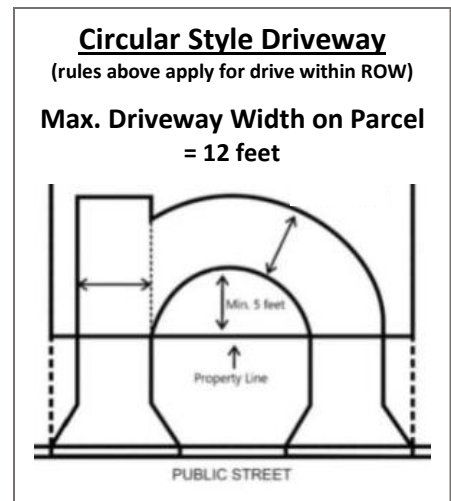
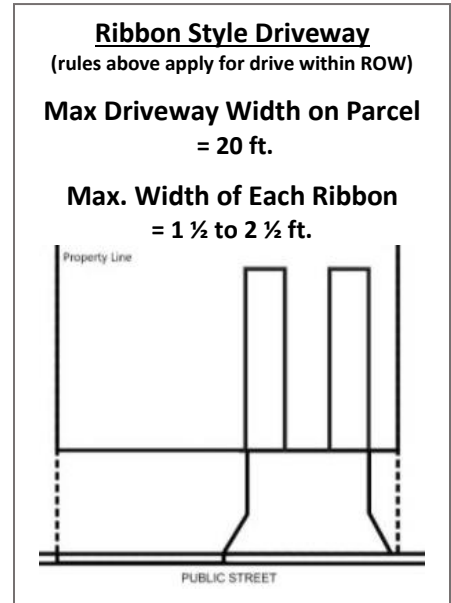
f. This provision (f.) shall be applicable throughout the entire City, including the Community Redevelopment Area (CRA):

- i. Residential driveways shall be paved with a material that supports the anticipated load and context.
- ii. Pervious or semi-pervious paving materials are required in the CRA and strongly encouraged elsewhere. Where possible, such materials shall be used in combination with on-site stormwater control devices.

g. One parking pad may be installed in the front or side yard adjacent to an approved residential driveway. The pad shall be no wider than ten (10) feet and no longer than twenty (20) feet. It shall be set back a minimum of ten (10) feet from the front property line and shall extend outward from the driveway on the side. An additional “paved” area may be established to provide vehicular access from the street side at a rate of two feet (out) and one foot (up) toward the pad (area equals 10’ in width by 5’ in depth). The access is purposefully tight. An alternative paving material (brick, asphalt, stone) is strongly encouraged for use on the parking pad.

h. A house that is raised and wishes to provide parking underneath the unit may do so. As with a garage the driveway that provides access to the area shall be limited to 20 feet in width and all other provisions shall apply (a paved “Residential Garage Apron” shall not be permitted unless a garage is present). Parking areas under the house shall be shown on the development plan.

2. Non-residential accessways shall not exceed eighteen (18) feet in width. When a landscaped median is provided, each one-way access shall not exceed eleven (11) feet in width.



3. The minimum effective curb radius shall be utilized. No part of the turning radius shall extend over the property line.
4. Non-residential curb-cuts / driveways for newly developed parcels or existing parcels in which the use changes:
  - a. Vehicular access that is provided by a curb-cut that exceeds the width currently allowed by code and / or FDOT standards shall be reduced so as to adhere to the provisions of the ordinance or FDOT standards.
  - b. A parcel with two or more curb cuts providing vehicular access (ingress and egress) to the frontage shall be redesigned and / or closed so that only one vehicular access (providing both ingress and egress) remains to the use's frontage. Front and side access shall be treated similarly for a corner lot.

**REASON FOR THE CHANGE:**

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

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

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

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

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

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

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

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

**TEXT AMENDMENT #9**

Table 6.04.07(A). Parking space requirements.

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

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

**REASON FOR THE CHANGE:**

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

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

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

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

Many Cities throughout the U.S. are removing parking minimums from their use tables. There is significant data showing that the local market adjusts to ensure that parking is still provided, but only to the degree to which it is needed. This is a market-based approach. In fact, to date, the impact has been positive, with very little negative feedback. While the City is not proposing to implement this approach, the data does support the fact that many communities are over-parked (contain too many parking spaces based on actual demand). A visit to any strip mall located in Crystal River demonstrates this fact.

**TEXT AMENDMENT #10**

8.02.00 Planning Commission.

8.02.02 Membership and Terms.

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

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

**REASON FOR THE CHANGE:**

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

**TEXT AMENDMENT #11**

9.03.00 Administrative Waivers

9.03.01 Authority and limitations

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

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

**The following items shall either:**

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

**NOT PERMITTED FOR ADMINISTRATIVE WAIVER:**

1. Maximum Density (du/ac) – Table 4.01.01. Max. Density and Housing Types in Res. Zoning Districts.
2. Permissible Housing Types – Table 4.01.01. Max. Density and Housing Types in Res. Zoning Districts.

3. Minimum Roof Pitch shall be 5:12 – 4.01.03.B. Appearance Standards for Single Family Dwellings.
4. Minimum Roof Overhang of 18 inches – 4.01.03.C. Appearance Standards for Single Family Dwellings.
5. Maximum Lot Area (sq. ft.) – Table 4.02.01.G. Design Standards for Lots.
6. Maximum Floor Area Ratio for Lots – Table 4.02.01.G. Design Standards for Lots.
7. Minimum Plant Size at Time of Planting – 4.05.02.B. – Specifications for Landscaping and Vegetation.
8. Required Plants per 100 linear feet of property line – Table 4.05.03.B. Types & Plant Req. for Buffers.
9. Table 4.05.05.D. Credit for Existing Trees.
10. 5.01.11.C. - Fences, walls, and hedges. Classification of fences on vacant properties (#1 and #2).
11. Permitted Fences, Walls, and Hedges; Permitted Height; Permitted and Prohibited Materials; and the last column to the right with General Remarks, Fences, Walls, and Hedges – Table 5.01.11.A. Fence, Wall, and Hedge Design.
12. Signs shall not exceed the maximum size standard located in 12.00.13. SIGN CHART.

**10% MAXIMUM ADMINISTRATIVE WAIVER PERMITTED:**

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

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

**REASON FOR THE CHANGE:**

This change allows the Director of the Planning Department, as opposed to the City Manager to allow for a relatively small increase to the overall percentage that the staff may administratively amend a standard by.

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

**TEXT AMENDMENT #12**

10.00.06.- Combining lots.

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

**REASON FOR THE CHANGE:**

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

**TEXT AMENDMENT #13**

10.02.00. – Notice requirements.

10.02.01.- Generally.

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

**REASON FOR THE CHANGE:**

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

**TEXT AMENDMENT #14**

10.02.03.- Mailed Notice Requirements.

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

**REASON FOR THE CHANGE:**

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

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

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

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

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

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

**Goal 2 of the Comprehensive Plan, which states:**

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

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

**Objective 2.8 of the Comprehensive Plan, which states:**

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

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

**Goal 3 of the Comprehensive Plan, which states:**

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

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

**Objective 3.1 of the Comprehensive Plan, which states:**

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

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

**Objective 3.2 of the Comprehensive Plan, which states:**

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

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

**Policy A of the Comprehensive Plan, which states:**

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

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

**Policy C of the Comprehensive Plan, which states:**

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

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

**SUMMARY OF PUBLIC COMMENTS:**

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

**PLANNING COMMISSION RESPONSIBILITIES:**

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

**SUPPORTING ATTACHMENTS, DIAGRAMS, and POWERPOINT PRESENTATIONS:**

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

**STAFF RECOMMENDATION:**

The Staff Report expresses very specific reasons why each of the aforementioned text amendments was proposed as well as the potential benefits to the City should the changes be made (**see: Reason For The Change**). In addition, the report outlines the ways in which each of the 14 amendments is supported by the City's Comprehensive Plan. Finally, as previously conveyed, the proposed changes will:

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

Given the reasons stated above as well as the support of the City's Planning Commission, Staff recommends that the City Council approve all 14 Text Amendments to the City of Crystal River Land Development Code.

**PLANNING COMMISSION RECOMMENDATION:**

The Crystal River Planning Commission voted 7-0 to recommend approval of the fourteen (14) amendments to the Text of the City of Crystal River Land Development Code.

**CITY COUNCIL ACTION:**

Vote on the 14 Text Amendments to the City of Crystal River Land Development Code.