



CITY OF CRESTVIEW

Community Development Services

P.O. DRAWER 1209, CRESTVIEW, FLORIDA 32536

Phone # (850) 1560 Fax # (850) 682-8077

PLANNING AND DEVELOPMENT BOARD

July 6, 2020

6:00 PM

Council Chambers

The Public is invited to view our meetings on the City of Crestview Live stream a at <https://www.cityofcrestview.org/488/Agendas> or the City of Crestview Facebook Page. You may submit questions on any agenda item in advance (by 3:00 PM the day of the meeting, please) to cityclerk@cityofcrestview.org.

1 Call to Order

2 Pledge of Allegiance

3 Election of Board Chairman and Co-Chair

4 Approve Agenda

5 Consent Agenda

6 Ordinances

6.1. Ordinance 1770 - Garden Street Annexation

6.2. Ordinance 1771 - Garden Street Comp Plan Amendment

6.3. Ordinance 1772 - Garden Street Rezoning

7 Final Plats and PUDS

8 Special Exceptions, Variances, Vacations and Appeals

9 Action and Discussion Items

9.1. New Land Development Code Chapter 7 - Accessory, Temporary, and Special Use Situations

9.2. New Land Development Code Chapter 9 - Variations from Standards in the LDC

10 Adjournment

All Action Item are for staff and elected officials only and must be submitted for approval no later than the Wednesday 10 days prior to the meeting. Those not listed on the regular agenda who wish to address the council should fill out a yellow card. The Card must be submitted to the City Clerk. Speaking time should be three minutes or less, large groups may designate a spokesperson. All remarks should be addressed to the Council as a whole and not to individual members. All meeting procedures are outlined in the Meeting Rules and Procedures brochure available outside the Chambers. If any person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City Council of the City of Crestview, Florida does not discriminate upon the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American With Disabilities Act to insure access to and participation in the meeting should contact the Office of the City Clerk at (850)682-1560 prior to the meeting to make appropriate arrangements.



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: July 6, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE: 7/1/2020
SUBJECT: Ordinance 1770 - Garden Street Annexation

BACKGROUND:

On May 13, 2020 staff received an application to annex and to amend the comprehensive plan and zoning designations for property located at 294 Garden Street.

The subject property is currently located within unincorporated Okaloosa County with a future land use designation of Mixed Use and a zoning designation of Mixed Use.

The request for voluntary annexation will be presented to City Council via Ordinance 1770 on July 27, 2020 for the first reading.

DISCUSSION:

The property description is as follows:

Property Owner: Bryant Angela F
294 Garden St
Crestview, FL 32536
Parcel ID: 04-3N-23-1840-0006-0010
Site Size: 0.72 Acres
Current FLU: Okaloosa County Mixed Use
Current Zoning: Okaloosa County Mixed Use
Current Land Use: Residential

The following table provides the surrounding land use designations, zoning districts, and existing uses.

Direction	FLU	Zoning	Existing Use
North	Low Density Residential	Single Family Dwelling (R-1A)	Residential
East	Commercial	Commercial	Vacant
South	Okaloosa County Mixed Use	Okaloosa County Mixed Use	Residential
West	Low Density Residential	Single Family Dwelling (R-1A)	Residential

The subject property is currently developed for residential use and a development application has not been submitted. Base on the requested land-use and zoning designations, the property use will continue as a residence.

Staff has reviewed the application based on the criteria detailed in Florida statute 171.043 for annexations and finds the following:

- The property is contiguous to the city limits;
- The property is comprised of one (1) lot in unincorporated Okaloosa County, and is therefore considered compact;
- The annexation of the property would not create an enclave
- The subject property is not included in the boundary of another municipality; and,
- The subject property meets the definition of urban purposes.

Courtesy notices were mailed to property owners within 300 feet of the subject property on June 12, 2020. A letter was sent via certified mail to the Okaloosa Board of County Commissioners on June 12, 2020. The property was posted on June 22, 2020. An advertisement ran in the Crestview News Bulletin on June 24, 2020.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational – these are the four areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability – Achieve long term financial sustainability.

Effectiveness & Efficiency – To efficiently & effectively provide the highest quality of public services.

Quality of Life – these six areas focus on the overall experience when provided by the city.

Community Character – Promote desirable growth with a hometown atmosphere.

Opportunity – Promote an environment that encourages economic and educational opportunity.

FINANCIAL IMPACT

The fees for annexation have been waived for this application as it was received during the moratorium on annexation fees.

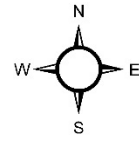
The cost of advertising was \$270.48.

The successful annexation of this property will have positive future impacts, including ad valorem revenue based on future taxable assessed value, development and building permit fees, and utility usage fees.

RECOMMENDED ACTION

Staff respectfully requests a recommendation to the City Council to adopt Ordinance 1770 on first and second reading.

Subject Parcel Aerial Exhibit



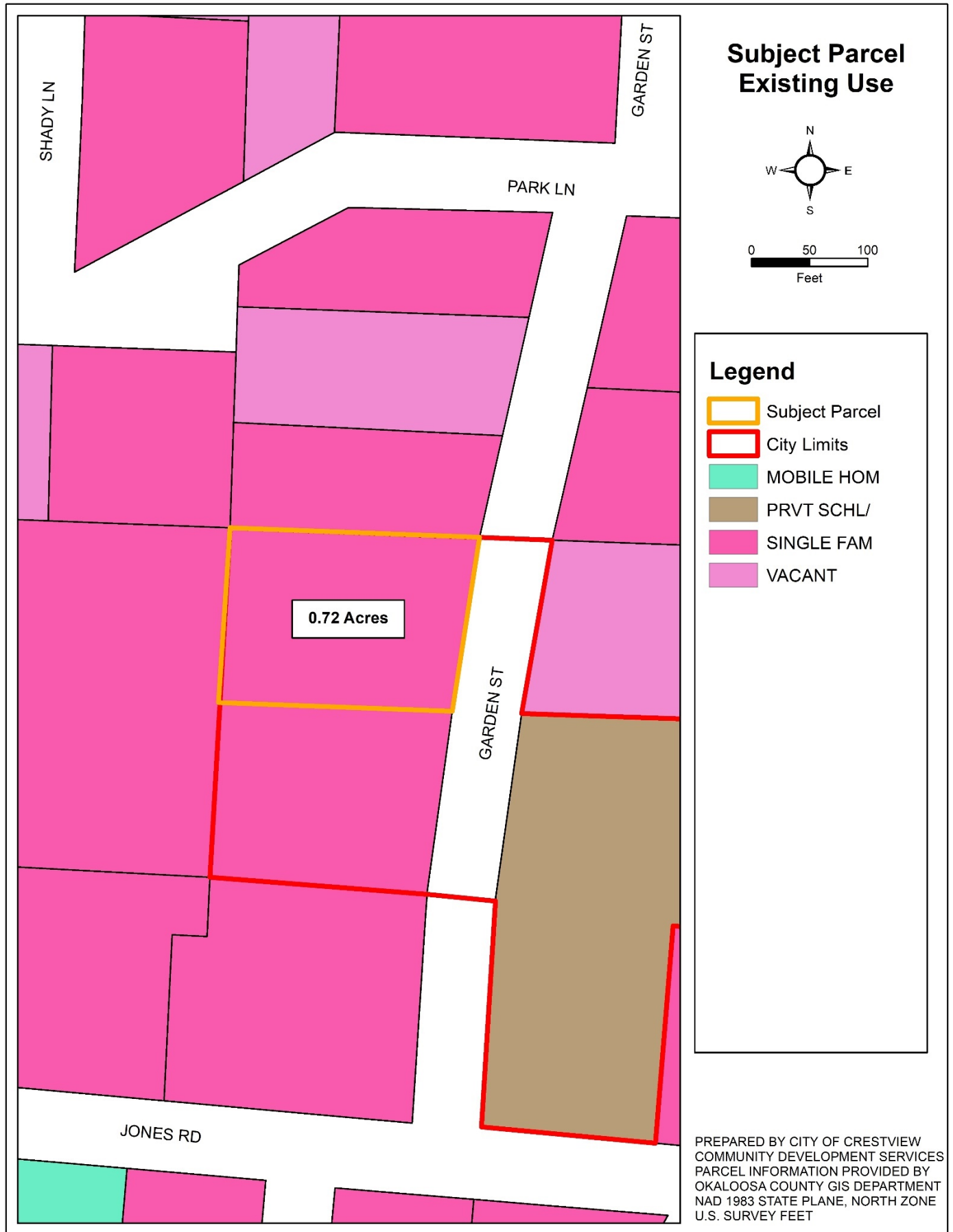
0 50 100
Feet

Legend

-  Subject Parcel
-  City Limits



PREPARED BY CITY OF CRESTVIEW
COMMUNITY DEVELOPMENT SERVICES
PARCEL INFORMATION PROVIDED BY
OKALOOSA COUNTY GIS DEPARTMENT
NAD 1983 STATE PLANE, NORTH ZONE
U.S. SURVEY FEET



Attachments

None

ORDINANCE: 1770

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 0.72 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 4, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:

SECTION 1 – AUTHORITY. The authority for enactment of this ordinance is Chapter 171, Florida Statutes, and Section 2 of the City Charter.

SECTION 2 – LAND DESCRIPTION. The following described unincorporated area contiguous to the City of Crestview, Florida, is hereby annexed to the City:

PIN # 04-3N-23-1840-0006-0010 (Deed recorded in Book 3460, page 457, dated April 30, 2020)

LOT 1, BLOCK 6, OAKDALE MINIATURE FARMS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 129, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

SECTION 3 – BOUNDARY. The existing boundary line of the City of Crestview, Florida, is modified to include the herein referenced tract of land and the base, zoning and land use maps shall be updated to reflect these changes pursuant to law.

SECTION 4 – LAND USE AND ZONING. Pursuant to general law, the property hereby annexed was subject to Okaloosa County land development, land use plan, and zoning or subdivision regulations, which shall remain in full force and effect until rezoning and land use changes are finalized by the City in compliance with the Comprehensive Plan.

SECTION 5 – COMPREHENSIVE PLAN UPDATE. Pursuant to Chapter 163.011, et seq. petitioner for annexation shall apply through the City for a Comprehensive Plan change which will designate the future land use category for the parcel as Low Density Residential (LDR) with Single Family Dwelling District (R-1) zoning to be assigned and run concurrent with the approval and adoption of the Comprehensive Plan

amendment by the proper authorities.

SECTION 6 – MAP UPDATE. The Base, Zoning and Future Land Use Maps shall be updated at the earliest possible date.

SECTION 7 – FILING. Upon passage, the City Clerk is directed to file a copy of this ordinance with the Clerk of Circuit Court of Okaloosa County and with the Florida Department of the State.

SECTION 8 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 9 – SCRIVENER’S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 10 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 11 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 12 – EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW,

FLORIDA ON THE _____ DAY OF _____, 2020.

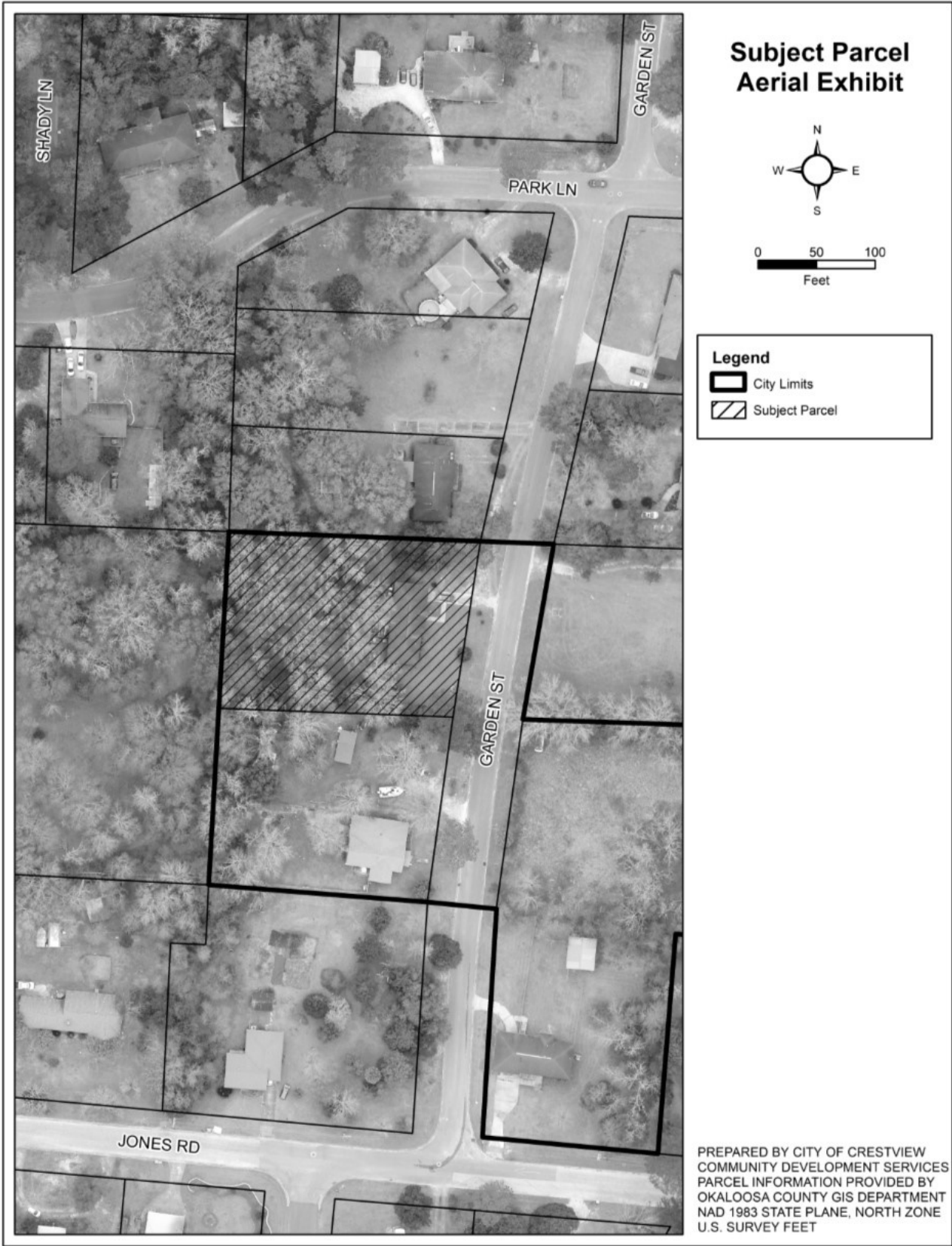
ATTEST:

ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS _____ DAY OF _____, 2020.

J. B. WHITTEN
Mayor

EXHIBIT A





Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: July 6, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE: 7/1/2020
SUBJECT: Ordinance 1771 - Garden Street Comp Plan Amendment

BACKGROUND:

On May 13, 2020 staff received an application to annex and to amend the comprehensive plan and zoning designations for property located at 294 Garden Street.

The application requests the property be given the future land use designation of Low Density Residential (LDR).

The subject property is currently located within unincorporated Okaloosa County with a future land use designation of Mixed Use and a zoning designation of Mixed Use.

The request for a comprehensive plan amendment will be presented to City Council via Ordinance 1771 on July 27, 2020 for the first reading.

DISCUSSION:

The property description is as follows:

Property Owner: Bryant Angela F
294 Garden St
Crestview, FL 32536
Parcel ID: 04-3N-23-1840-0006-0010
Site Size: 0.72 Acres
Current FLU: Okaloosa County Mixed Use
Current Zoning: Okaloosa County Mixed Use
Current Land Use: Residential

The following table provides the surrounding land use designations, zoning districts, and existing uses.

Direction	FLU	Zoning	Existing Use
North	Low Density Residential	Single Family Dwelling (R-1A)	Residential
East	Commercial	Commercial	Vacant
South	Okaloosa County Mixed Use	Okaloosa County Mixed Use	Residential
West	Low Density Residential	Single Family Dwelling (R-1A)	Residential

The subject property is currently developed for residential use and a development application has not been

submitted. Base on the requested land-use and zoning designations, the property use will continue as a residence.

Staff reviewed the request for a comprehensive plan amendment and finds the following:

- The proposed future land use map designation of Low Density Residential is compatible with the surrounding area.
- The proposed future land use map designation of Low Density Residential is consistent with the city's comprehensive plan and land development code.
- The process for adoption of the future land use map amendment follows all requirements of Florida statute sections 163.3184 (3) and (5).
- The proposed amendment involves less than 10 acres.
- The proposed amendment does not involve a text change to goals, policies, and objectives of the comprehensive plan. It only proposes a land use change to the future land use map for a site-specific small-scale development.
- The subject property is not located within an area of critical state concern.

Courtesy notices were mailed to property owners within 300 feet of the subject property on June 12, 2020. A letter was sent via certified mail to the Okaloosa Board of County Commissioners on June 12, 2020. The property was posted on June 22, 2020. An advertisement ran in the Crestview News Bulletin on June 24, 2020.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational – these are the four areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability – Achieve long term financial sustainability.

Effectiveness & Efficiency – To efficiently & effectively provide the highest quality of public services.

Quality of Life – these six areas focus on the overall experience when provided by the city.

Community Character – Promote desirable growth with a hometown atmosphere.

Opportunity – Promote an environment that encourages economic and educational opportunity.

FINANCIAL IMPACT

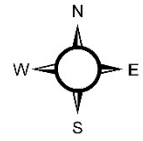
The fees for the comprehensive plan amendment have been waived for this application as it was received during the moratorium on annexation fees.

The is no additional cost of advertising as the comprehensive plan amendment request was included in the advertisement for annexation.

RECOMMENDED ACTION

Staff respectfully requests a recommendation to the City Council to adopt Ordinance 1771 on first and second reading.

Subject Parcel Current FLU



0 50 100
Feet

Legend

- Subject Parcel
- City Limits
- City Future Land Use**
- Commercial (C)
- Industrial (IN)
- Low Density Residential (LDR)
- Medium Density Limited Residential (MDLR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Mixed Use (MU)
- Downtown Mixed Use
- Public Lands (PL)
- Conservation (CON)
- Pending Comp Plan Amendment

County FLU

GARDEN ST

PARK LN

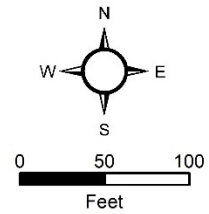
SHADY LN

GARDEN ST

JONES RD

PREPARED BY CITY OF CRESTVIEW
COMMUNITY DEVELOPMENT SERVICES
PARCEL INFORMATION PROVIDED BY
OKALOOSA COUNTY GIS DEPARTMENT
NAD 1983 STATE PLANE, NORTH ZONE
U.S. SURVEY FEET

Proposed Future Land Use



Legend

City Limits

Subject Parcel

City Future Land Use

Commercial (C)

Industrial (IN)

Low Density Residential (LDR)

Medium Density Limited Residential (MDLR)

Medium Density Residential (MDR)

High Density Residential (HDR)

Mixed Use (MU)

Downtown Mixed Use

Public Lands (PL)

Conservation (CON)

Pending Comp Plan Amendment

0.72+/- acres of land
Ex FLU = County FLU
Prop FLU = Low Density Residential (LDR)

PREPARED BY CITY OF CRESTVIEW
COMMUNITY DEVELOPMENT SERVICES
PARCEL INFORMATION PROVIDED BY
OKALOOSA COUNTY GIS DEPARTMENT
NAD 1983 STATE PLANE, NORTH ZONE
U.S. SURVEY FEET

Attachments

None

ORDINANCE: 1771

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) TO LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY 0.72 ACRES, MORE OR LESS, IN SECTION 4, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA, AS FOLLOWS:

SECTION 1 – AUTHORITY. The authority for enactment of this Ordinance is Section 2 of the City Charter, §163.3187 F.S., §166.021 F.S., §166.041 F.S. and the adopted Comprehensive Plan.

SECTION 2 – FINDINGS OF FACT. The City Council of the City of Crestview finds the following:

- A. This amendment will promote compact, orderly development and discourage urban sprawl; and
- B. A public hearing has been conducted after "due public notice" by the Crestview Planning and Development Board sitting as the Local Planning Agency with its recommendations reported to the City Council; and
- C. A public hearing has been conducted by the City Council after "due public notice"; and
- D. This amendment involves changing the future land use designation from Okaloosa County Mixed Use (MU) to Low Density Residential (LDR) on a parcel of land containing 0.72 acres, more or less, lying within the corporate limits of the City; and
- E. This amendment is consistent with the adopted Comprehensive Plan and is in the best interests of the City and its citizens.

SECTION 3 – PURPOSE. The purpose of this Ordinance is to adopt an amendment to the "City of Crestview Comprehensive Plan: 2020." The amendment is described in Section 4 below.

SECTION 4 – FUTURE LAND USE MAP AMENDMENT. The Future Land Use Map is amended by changing the future land use category of a parcel containing approximately 0.72 acres of land, more or less, from Okaloosa County Mixed Use (MU) to Low Density Residential (LDR). For the purposes of this Ordinance and Comprehensive Plan Amendment, the 0.72 acres, more or less, is known as Parcel 04-3N-23-1840-0006-0010 and commonly described as:

A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 4, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, BLOCK 6, OAKDALE MINIATURE FARMS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 129, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

The Low Density Residential (LDR) Future Land Use Category is hereby imposed on Parcel 04-3N-23-1840-0006-0010. Exhibit A, which is attached hereto and made a part hereof by reference, graphically depicts the revisions to the Future Land Use Map and shows Parcel 04-3N-23-1840-0006-0010 thereon.

SECTION 5 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 6 – SCRIVENER’S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 7 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 8 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9 – EFFECTIVE DATE. The effective date of this plan amendment and ordinance shall be thirty-one (31) days after adoption on second reading by the City Council, unless the amendment is challenged pursuant to §163.3187, F.S. If challenged, the effective date shall be the date a Final Order is issued by the State Land Planning Agency or the Administration Commission finding the amendment in compliance with §163.3184, F.S.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW,

FLORIDA ON THE _____ DAY OF _____, 2020.

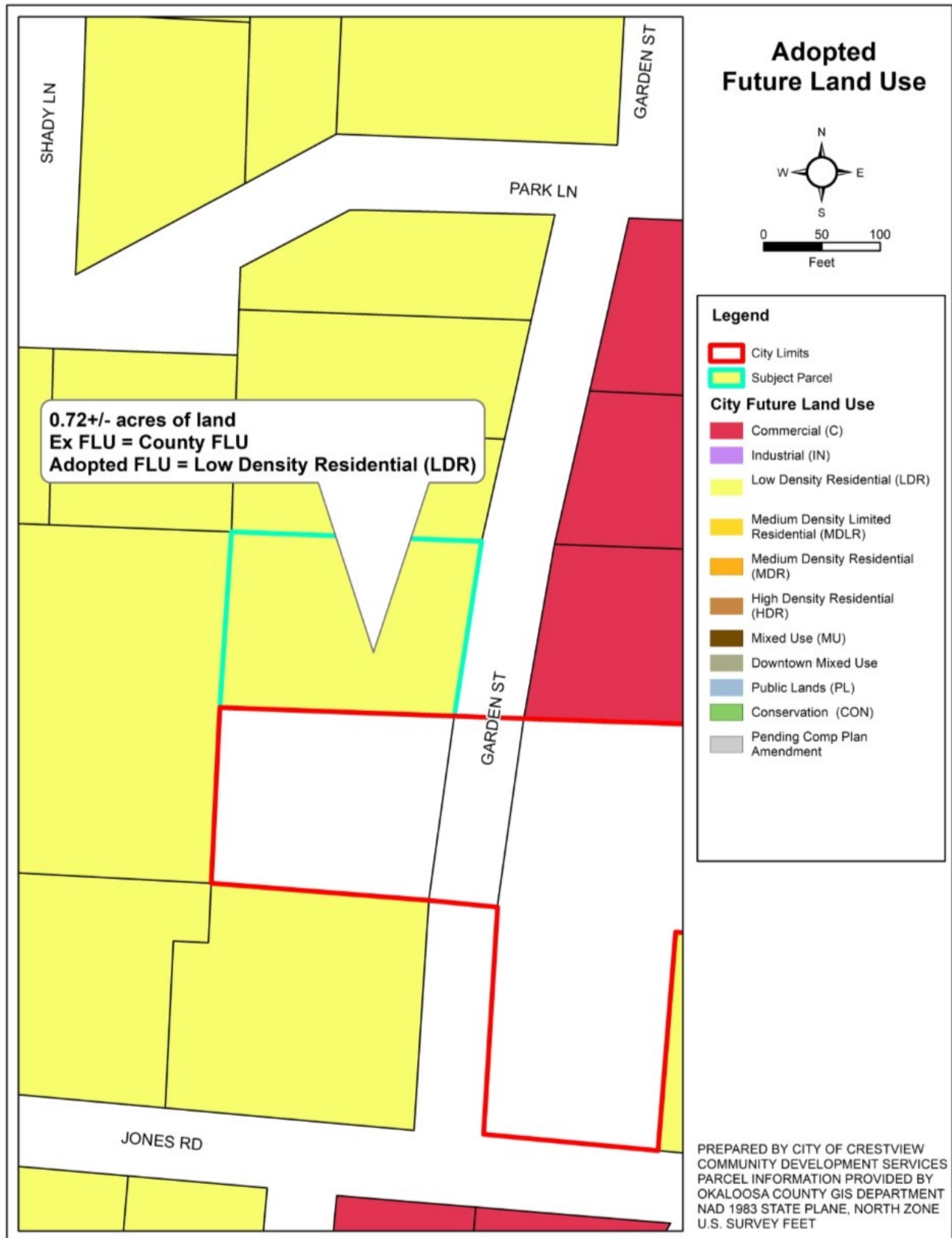
ATTEST:

ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS _____ DAY OF _____, 2020.

J. B. WHITTEN
Mayor

EXHIBIT A





Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: July 6, 2020

TYPE OF AGENDA ITEM: Ordinance

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE: 7/1/2020
SUBJECT: Ordinance 1772 - Garden Street Rezoning

BACKGROUND:

On May 13, 2020 staff received an application to annex and to amend the comprehensive plan and zoning designations for property located at 294 Garden Street.

The application requests the property be given the zoning designation of Single-Family Dwelling District (R-1).

The subject property is currently located within unincorporated Okaloosa County with a future land use designation of Mixed Use and a zoning designation of Mixed Use.

The request for rezoning will be presented to City Council via Ordinance 1772 on July 27, 2020 for the first reading.

DISCUSSION:

The property description is as follows:

Property Owner: Bryant Angela F
294 Garden St
Crestview, FL 32536
Parcel ID: 04-3N-23-1840-0006-0010
Site Size: 0.72 Acres
Current FLU: Okaloosa County Mixed Use
Current Zoning: Okaloosa County Mixed Use
Current Land Use: Residential

The following table provides the surrounding land use designations, zoning districts, and existing uses.

Direction	FLU	Zoning	Existing Use
North	Low Density Residential	Single Family Dwelling (R-1A)	Residential
East	Commercial	Commercial	Vacant
South	Okaloosa County Mixed Use	Okaloosa County Mixed Use	Residential
West	Low Density Residential	Single Family Dwelling (R-1A)	Residential

The subject property is currently developed for residential use and a development application has not been submitted. Base on the requested land-use and zoning designations, the property use will continue as a

residence.

Staff reviewed the request for rezoning and finds the following:

- The proposed zoning is consistent with the proposed future land use designation.
- The uses within the requested zoning district are compatible with uses in the adjacent zoning districts.
- The requested use is not substantially more or less intense than allowable development on adjacent parcels.

Courtesy notices were mailed to property owners within 300 feet of the subject property on June 12, 2020. A letter was sent via certified mail to the Okaloosa Board of County Commissioners on June 12, 2020. The property was posted on June 22, 2020. An advertisement ran in the Crestview News Bulletin on June 24, 2020.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

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Opportunity – Promote an environment that encourages economic and educational opportunity.

FINANCIAL IMPACT

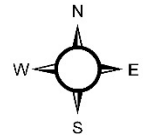
The fees for the rezoning request have been waived for this application as it was received during the moratorium on annexation fees.

There is no additional cost of advertising as the comprehensive plan amendment request was included in the advertisement for annexation.

RECOMMENDED ACTION

Staff respectfully requests a recommendation to the City Council to adopt Ordinance 1772 on first and second reading.

Subject Parcel Current Zoning



0 50 100
Feet

Legend

- City Limits
- Subject Parcel

Zoning

- Commercial (C-1)
- Commercial (C-2)
- Industrial (M-1)
- Single Family Dwelling District (R-1)
- Single Family Dwelling District (R-1A)
- Single or Multi-Family Dwelling District (R-2)
- Multi-Family Dwelling District (R-3)
- Downtown Mixed Use (DMU)
- Planned Unit Development (PUD)
- Agricultural (A)
- Public Lands (P)
- Conservation (E)
- Pending Rezoning

County Zoning

GARDEN ST

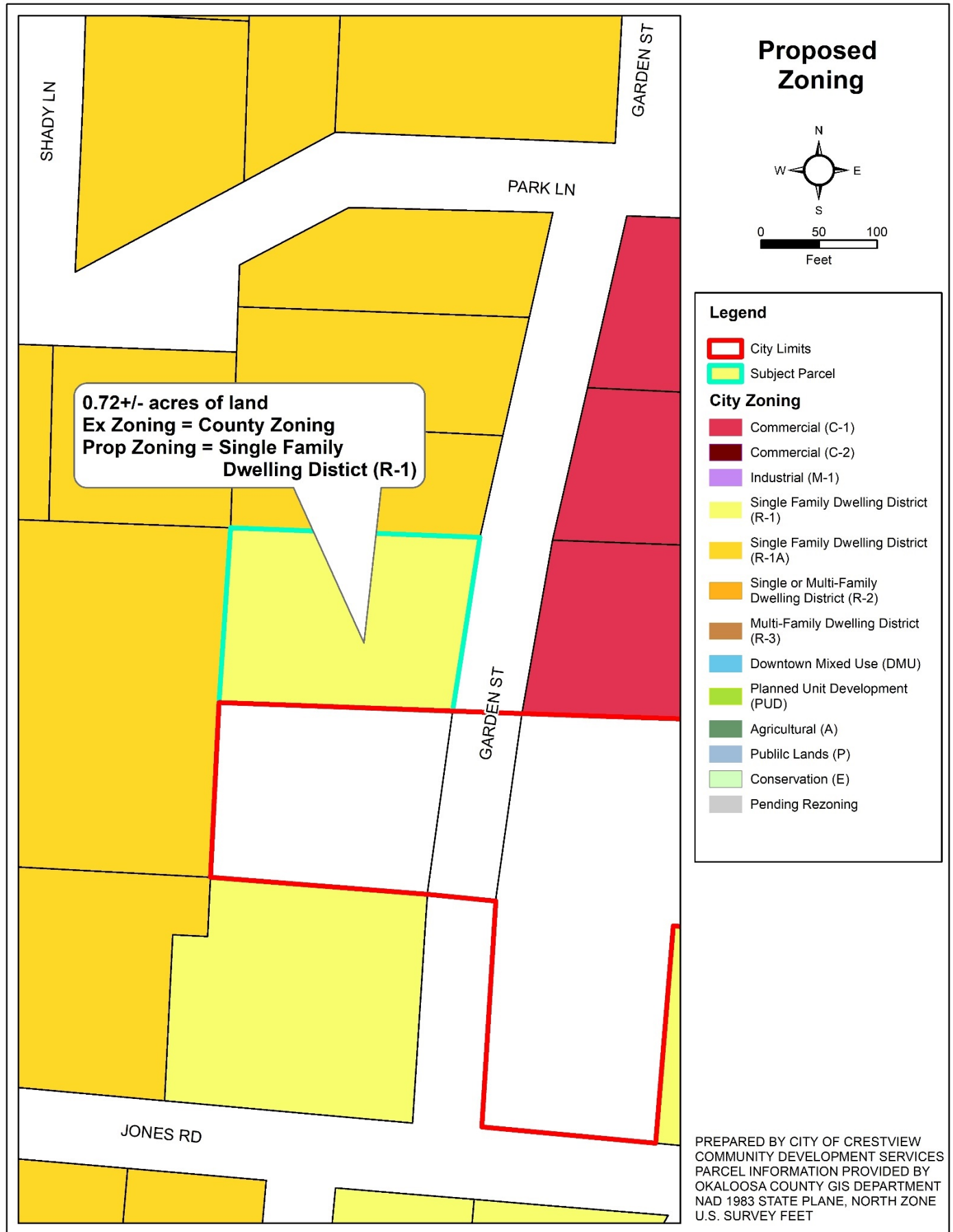
SHADY LN

GARDEN ST

PARK LN

JONES RD

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COMMUNITY DEVELOPMENT SERVICES
PARCEL INFORMATION PROVIDED BY
OKALOOSA COUNTY GIS DEPARTMENT
NAD 1983 STATE PLANE, NORTH ZONE
U.S. SURVEY FEET



Attachments

None

ORDINANCE: 1772

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 0.72 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 4, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO THE SINGLE FAMILY DWELLING DISTRICT (R-1); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:

SECTION 1 – AUTHORITY. The authority for enactment of this ordinance is Section 166.041, Florida Statutes and Chapter 102, City Code.

SECTION 2 – PROPERTY REZONED. The following described 0.72 acres, more or less, of real property lying within the corporate limits of Crestview, Florida, with 0.72 acres, more or less, being formerly zoned Okaloosa County Mixed Use (MU) with the Low Density Residential (LDR) Future Land Use Map designation recently ratified by the City Council through adoption of Ordinance 1771, is hereby rezoned to the Single Family Dwelling District (R-1) to wit:

PIN # 04-3N-23-1840-0006-0010

A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 4, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, BLOCK 6, OAKDALE MINIATURE FARMS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 129, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

SECTION 3 – MAP UPDATE. The Crestview Zoning Map, current edition, is hereby amended to reflect the above changes concurrent with passage of this ordinance, which is attached hereto.

SECTION 4 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5 – SCRIVENER'S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager's designee, without public

hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 6 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 7 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8 – EFFECTIVE DATE. The effective date of this Ordinance shall be the date Comprehensive Plan Amendment is adopted by Ordinance # 1771 and becomes legally effective.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW,
FLORIDA ON THE _____ DAY OF _____, 2020.**

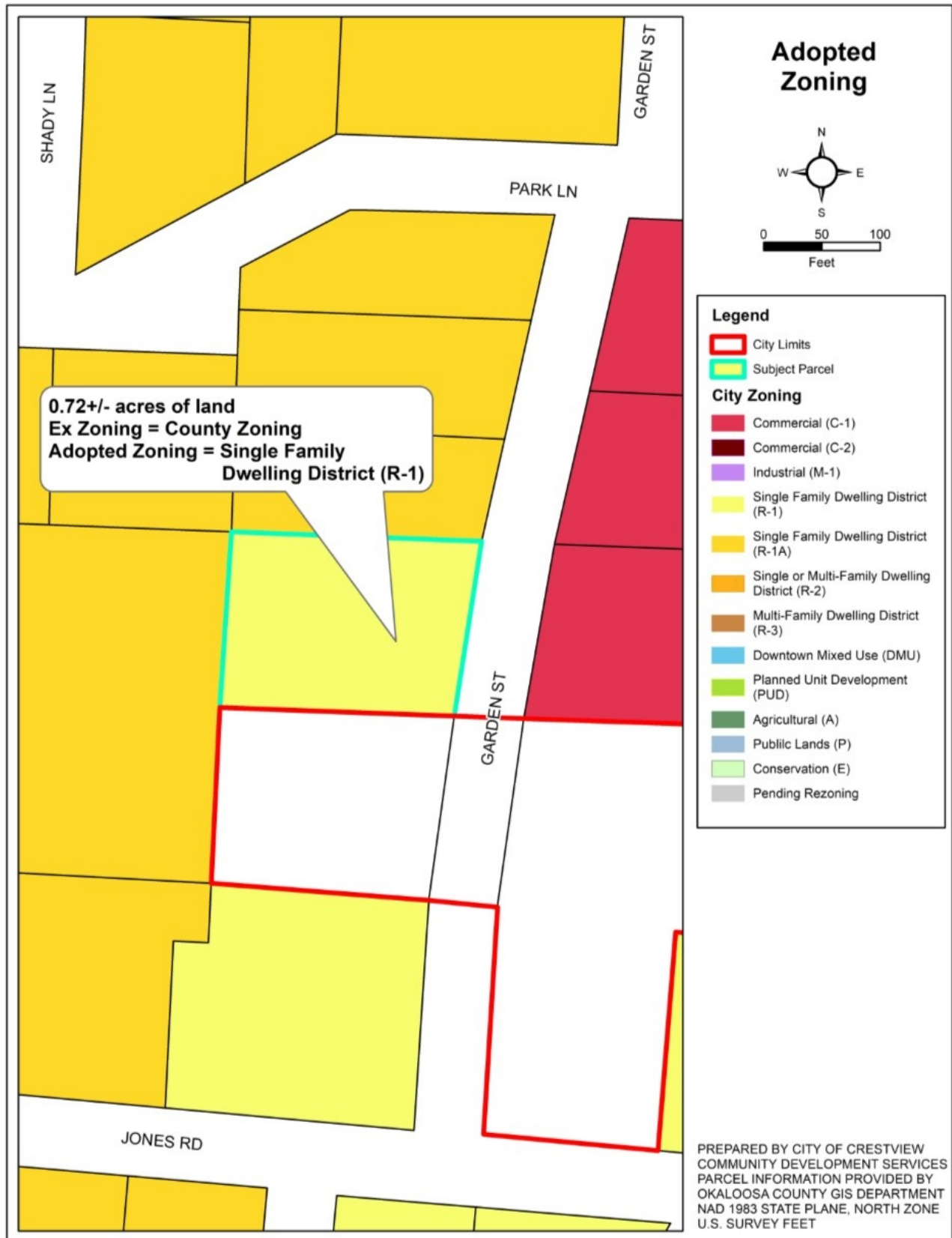
ATTEST:

ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS _____ DAY OF _____, 2020.

J. B. WHITTEN
Mayor

EXHIBIT A





Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: July 6, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE: 7/1/2020
SUBJECT: New Land Development Code Chapter 7 - Accessory, Temporary, and Special Use Situations

BACKGROUND:

The current Land Development Code is based on code written mostly in 1996 and updated sporadically. State, federal statutes and regulations have changed as well as industry best practices. These changes created a multitude of updates, resulting in a code that is very difficult to regulate. On March 5th, the City Council and the Local Planning Agency met to discuss a plan to update the Land Development Code. During the meeting, city staff outlined a plan to systematically review and rewrite the LDC. The results from that effort created a new Administrative Procedures chapter, which created the Planning and Development Board. Changing the duties and procedures for the board. This is chapter 9 Variations for Standards in LDC of the plan.

DISCUSSION:

The purpose of this chapter is to provide standards for accessory, temporary, and special use situations within the City of Crestview, in accordance with the City Code and Comprehensive plan. Any violation of this Chapter, including a property owner's unpermitted accessory structure, or non-compliant property use shall be punished as provided for in section 1-11 of the City Code and Chapter 162, Florida Statutes.

Provide for regulations on accessory structures to include:

- Site Development standards for accessory buildings (storage buildings, utility buildings, sheds, greenhouses, etc.).
- Accessory buildings in the R-1, R-2, R-3 or MX-NC zoning districts shall abide by the following requirements and standards.
- Accessory buildings shall only be placed inside and rear yards, and shall be setback three (3) feet from side and rear property lines.

Provided for storage buildings, storage sheds and detached garages in the C-1, C-2 and C-3 zoning districts that exceed 600 square feet of floor area must provide brick veneer, stone, stucco, or other similar decorative materials to the façade on all sides of the building visible from the public right of way.

Establishes site Development Standards for Fences, Hedges and Walls to include:

- Fences, perimeter hedges and walls may be located on, at, or inside the property line. All fence material must be located on, at or inside the property line, and shall not be located outside of the property line.
- Setback requirements applicable to principle buildings shall not prohibit or restrict the installation of a retaining wall.
- Fences, perimeter hedges, and walls shall not be located within the required visibility triangle.
- Fences and walls must be constructed of wood, masonry, stone, wrought iron, chain link, vinyl, welded wire, or composite materials.
- Electrical fencing may be installed on top of a fence in C-2 or C-3 zoning districts, provided that the electrical fencing is a minimum of six (6) feet above the ground.
- Electrical fencing may be installed in residential areas provided that such fencing shall be limited to rear yards and shall be contained within a fence structure.
- Fence and wall height shall be measured from the natural grade at the base of the fence to the topmost part of the fence.
- A pool fence, at minimum four (4) feet in height shall be required around the perimeter of any outdoor swimming pool. Such fence shall be erected either around the immediate proximity of such pool or around or within the boundary of the real property where such pool is located. No swimming pool permit shall be issued unless there is an existing satisfactory safety barrier on or around such pool, or if a permit for such safety barrier was issued prior to or simultaneously with such pool permit.

Establishes location for Swimming Pools to include:

- There shall be at least six (6) feet between a building and the water's edge of an outdoor swimming pool. There will also be at least six (6) feet between any side or rear property line or building line and the water's edge of an outdoor swimming pool.
- All pool enclosures (enclosure constructed of metal, wood, or similar type material for framing and consisting of screen mesh or any similar material between framing members making up the roof and walls, and which specifically covers a swimming pool or spa), shall have the same front setback as the principal structure and shall be erected at least three (3) feet from the rear or side property line

Establishes sign regulations to include:

- A development permit is required for any sign that is not exempt from the standards and provisions of Sec. 7-2. Application and review procedures for obtaining sign permits are set forth in Chapter 3.
- The installation and maintenance of signs and sign structures shall comply with all applicable building, electrical, and other codes of the City.
- All signs shall be adequately maintained in a structurally sound and safe condition.
- Exempt Signs. The following signs are exempt from the requirement to obtain a development permit.
- Provisionally Exempt Signs. Signs identified in this section may be placed without a development permit, provided that such signs comply with the standards set forth in Table Sec. 7-2.1.
- Prohibited signs also know as Snipe signs, including temporary signs stuck in the ground (sometimes also called bandit signs), and signs attached to utility poles, trees, rocks, or other natural object.
- Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination.
- Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- Temporary signs are permissible subject to receipt of a temporary sign permit specifying type, size,

location, and duration of placement. Temporary sign permits are limited to three (3) per business in any one (1) calendar year. Temporary signs may be displayed for a period not exceeding fifteen (15) days.

- Sign types allowed. A permanent accessory sign may be a ground sign to include a thirty-two (32) square foot reader board, or a building sign. Permanent accessory signs and reader board signs may be changeable copy or automatic changeable facing signs; however, facing or copy shall not rotate or change so rapidly as to cause distraction to a motorist.

Establishes Detached Accessory Dwellings in Residential Zoning Districts to include detached accessory dwellings, also called accessory apartments, guesthouses, helper quarters, mother-in-law suites, and granny flats.

Provided for Detached Caretaker/Security Dwellings (Accessory Dwellings) in Specified Nonresidential Zoning Districts.

Provided for a caretaker dwelling shall be provided by the manager, owner or caretaker of the principle use.

Establishes home occupations that may be permitted as an accessory use in a lawfully established dwelling unit located in the R-1, R-2, R-3, and MX-NC zoning districts. The standards for home occupations are intended to ensure compatibility with other permitted use and with the residential character of the neighborhood.

Establishes special Exception Uses to include Recreational Camps, Roadside, Mobile Vendors temporary Auto Sales

The above list is not a comprehensive list of items included within chapter 7 is intended to point out some of the significant items. The format and adoption of this section will increase the efficiency of the review and regulations of such developments.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Infrastructure- Satisfy current and future infrastructure needs

Communication- To engage, inform and educate public and staff

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Opportunity- Promote an environment that encourages economic and educational opportunity

Play- Expand recreational and entertainment activities within the City

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

There will be no financial impact with this chapter.

RECOMMENDED ACTION

Staff respectfully requests the PDB review this chapter and provide comments at the next meeting.

Attachments

1. DRAFT Chapter 7 - Accessory, Temporary, and Special Use Situations

CHAPTER 7 – ACCESSORY, TEMPORARY, AND SPECIAL USE SITUATIONS

The purpose of this chapter is to provide standards for accessory, temporary, and special use situations within the City of Crestview, in accordance with the City Code and Comprehensive plan. Any violation of this Chapter, including a property owner's unpermitted accessory structure, or non-compliant property use shall be punished as provided for in section 1-11 of the City Code and Chapter 162, Florida Statutes.

Sec. 7-1. – Accessory Structures

- A. Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:
 - 1. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this chapter.
 - 2. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this chapter.
 - 3. Accessory structures shall not be located in a required buffer, landscape area or minimum building setback area.
 - 4. Accessory structures shall be included in all calculations of impervious surface and storm water runoff.
 - 5. Accessory structures shall be shown on any concept development plan with full supporting documentation.
 - 6. No accessory structures used for industrial storage of hazardous, incendiary, noxious or pernicious materials shall be located nearer than 100 feet from any property line.
- B. Site Development standards for accessory buildings (storage buildings, utility buildings, sheds, greenhouses, etc.).
 - 1. Accessory buildings in the R-1, R-2, R-3 or MX-NC zoning districts shall abide by the following requirements and standards:
 - a. In lots within recorded subdivisions and non-platted lots with a depth less than 250 feet:
 - (1) Accessory buildings shall only be placed in side and rear yards, and shall be setback three (3) feet from side and rear property lines.
 - (2) Accessory buildings on a corner lot shall have a setback of fifteen (15) feet from the side or rear property line(s) abutting a street.
 - (3) If an accessory building is proposed to be built closer than ten (10) feet to the principle structure, it must meet the primary setbacks of said principle structure.
 - b. In lots not within recorded subdivisions and with a lot depth of 250 feet or greater:
 - (1) Accessory buildings may be placed in any side, rear or front yards, shall be setback three (3) feet from side and rear property lines and shall not be within any required front setback.
 - (2) Accessory buildings on a corner lot shall have a setback of fifteen (15) feet from any side or rear property line(s) abutting a street.
 - (3) If an accessory building is proposed to be built closer than ten (10) feet to the principle structure, it must meet the primary setbacks of said principle structure.
 - 2. Storage buildings, storage sheds and detached garages in the C-1, C-2 and C-3 zoning districts that exceed 600 square feet of floor area must provide brick veneer, stone, stucco, or other

similar decorative materials to the façade on all sides of the building visible from the public right of way.

3. Carports in any zoning district are allowed in front yards but shall not encroach into any front setback and must remain under twenty (20) feet in height. Otherwise they are held to the same requirements as other accessory buildings in Sec. 7-1(B)(1).

- a. Carports located in the front yards shall have no sides of any material.

C. Site Development Standards for Fences, Hedges and Walls.

1. Location of fences, perimeter hedges and walls.

- a. Fences, perimeter hedges and walls may be located on, at, or inside the property line. All fence material must be located on, at or inside the property line, and shall not be located outside of the property line.
 - b. A fence located on the property line may be shared by adjacent properties.
 - c. Owners of fences on adjacent properties that are not shared shall make provisions for maintenance.
 - d. Setback requirements applicable to principle buildings shall not prohibit or restrict the installation of a retaining wall.
 - e. Fences, perimeter hedges, and walls shall not be located within the required visibility triangle.

2. Materials and appearance requirements.

- a. Fences and walls must be constructed of wood, masonry, stone, wrought iron, chain link, vinyl, welded wire, or composite materials.
 - b. All fences shall be installed with the finished side facing outward, except for the following:
 - (1) Where a fence cannot be constructed on the property line due to an existing fence on the adjacent property line, the finished side may face inward.
 - (2) When an applicant is not granted permission to access the adjacent property to install the fence, the finished side may face inward.
 - c. A fence installed for security purposes in C-2 or C-3 zoning may include barbed wire, provided that the barbed wire is eight (8) feet above the ground.

3. Electrical fencing may be installed for security purposes and shall meet the following standards:

- a. Electrical fencing may be installed on top of a fence in C-2 or C-3 zoning districts, provided that the electrical fencing is a minimum of six (6) feet above the ground.
 - b. Electrical fencing may be installed in residential areas provided that such fencing shall be limited to rear yards and shall be contained within a fence structure.
 - c. All electrical fencing shall be accompanied by signs to provide a warning of the type of fence and the voltage of the fence. Warning signs shall be placed at each corner of the enclosed area; additional signs shall be placed fifteen (15) feet apart along the entire fence. Warning signs shall not exceed four (4) square feet in area each.

4. Height standards.

- a. Fence and wall height shall be measured from the natural grade at the base of the fence to the topmost part of the fence.
 - b. The maximum height for a fence on a lot line on a property zoned R-1, R-2, R-3 or MX-NC and adjacent to a property zoned C-1, C-2 or C-3 shall be eight (8) feet.

- c. Fence may contain decorative columns spaced no less than six (6) feet apart that shall not exceed eight (8) feet in height.
- d. Approval to exceed minimum height standards may be given by the Community Development Services Director, or their designee, upon receipt of satisfactory evidence of the need to exceed height standards.
- e. Height standards provided in Table 7-1.1:

Table 7-1.1 Standards for Fence Heights

Zoning District	Maximum Height in a Side or Rear Yard (feet)	Maximum Height in a Front or Corner-Side Yard
R-1	8	4
R-2	8	4
R-3	8	4
MX-NC	8	4
C-1	8	4
C-2	8	4
C-3	8	6
P	8	4
CON	N/A	N/A

D. Swimming Pools.

1. Location. There shall be at least six (6) feet between a building and the water's edge of an outdoor swimming pool. There will also be at least six (6) feet between any side or rear property line or building line and the water's edge of an outdoor swimming pool.
2. All pool enclosures (enclosure constructed of metal, wood, or similar type material for framing and consisting of screen mesh or any similar material between framing members making up the roof and walls, and which specifically covers a swimming pool or spa), shall have the same front setback as the principal structure and shall be erected at least three (3) feet from the rear or side property line, except if the lot is a corner lot, then the main building corner side setback shall apply; however, if the main dwelling side setbacks are less than three (3) feet, the pool enclosure may take the same side setbacks as the main dwelling.
3. Pool Fencing.
 - a. A fence, at minimum four (4) feet in height shall be required around the perimeter of any outdoor swimming pool. Such fence shall be erected either around the immediate proximity of such pool or around or within the boundary of the real property where such pool is located. No swimming pool permit shall be issued unless there is an existing satisfactory safety barrier on or around such pool, or if a permit for such safety barrier was issued prior to or simultaneously with such pool permit.
 - b. Allowed materials include chain link, wood picket, stockade, woven wire, or woven wood.
 - c. See Florida Building Code, Current Edition for all design and construction requirements.

Sec. 7-2 – Signs.

A. Generally.

1. Purpose. It is the purpose of this section to provide comprehensive and balanced sign regulations that are consistent with constitutional guarantees, promote business growth and retention, achieve clear and effective communication in the City's environment, and to authorize signs which are:
 - a. Consistent with the objectives of the comprehensive plan;
 - b. Compatible with their surroundings;
 - c. Integrated and harmonious with the appearance of the community;
 - d. Legible under the circumstances in which they are seen; and
 - e. Safe for motorists, by preventing visual distraction and visual clutter.
2. In interpreting and applying the provisions of Sec. 7-2, the sign regulations are declared to authorize the maximum allowable signage for the purposes set forth. Any sign authorized by Sec. 7-2 may display noncommercial messages. Nothing in Sec. 7-2 shall be construed to regulate the content of the message displayed on any sign.
3. No person shall move, erect, post, construct, paint, alter, or maintain a sign except in compliance with the standards and requirements set forth in Sec. 7-2.
 - a. A development permit is required for any sign that is not exempt from the standards and provisions of Sec. 7-2. Application and review procedures for obtaining sign permits are set forth in Chapter 3.
 - b. The installation and maintenance of signs and sign structures shall comply with all applicable building, electrical, and other codes of the City.
 - c. All signs shall be located to comply with the clear visibility requirements set forth in **Sec. XXX**.
4. All signs shall be adequately maintained in a structurally sound and safe condition. At a minimum, the following standards shall be met:
 - a. The area around the sign shall be clear of overgrown vegetation or other obstacles so as to make the sign readily visible.
 - b. All damaged or deteriorated panels or structural components shall be replaced.
 - c. Any sign copy shall be maintained securely to the face, and all missing copy shall be replaced.
 - d. All defective, discolored, faded, broken, or torn parts shall be replaced or repaired.
 - e. A sign that becomes unsafe, dangerous, or a threat to public safety shall be replaced, repaired, or otherwise made safe within the time limit set by the City.

B. Exempt Signs. The following signs are exempt from the requirement to obtain a development permit.

1. Regulatory, statutory, traffic control, or directional signs erected on public property by or with permission of the United States, the State of Florida, Okaloosa County or the City.
2. Legal notices and official instruments.
3. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper boxes, and gasoline pumps.
4. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
5. Public warning signs to indicate the dangers of swimming, animals, or similar hazards.

Comment [EADI(1)]: This and other similarly highlighted areas will be completed later during the process of compiling all chapters and appurtenant documents.

6. Memorial signs or tablets, names of buildings, and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
 7. Signs carried by a person.
- C. Provisionally Exempt Signs. Signs identified in this section may be placed without a development permit, provided that such signs comply with the standards set forth in Table Sec. 7-2.1.

Table Sec. 7-2.1 – Standards for Provisionally Exempt Signs

Sign Type	Standards
Entrance, exit, or other directional signs, including parking identification signs.	- Maximum area of four (4) s.f. - No individual letters, symbols, logos or designs in excess of eight (8) inches measured vertically or horizontally - Signs shall not be lighted
"No trespassing" or "no dumping" signs	Maximum area of four (4) s.f.
Home Occupation Nameplate in R-1, R-2, R-3, and MX-NC zoning District	- Maximum area of one (1) s.f. - Limited to one (1) per property - Must be affixed to front wall of the dwelling unit containing the Home Occupation - Signs shall not be lighted - May only contain name identifying business in use as Home Occupation
Campaign Signs	- Maximum area of nine (9) s.f. and maximum height of six (6) feet in R-1, R-2, R-3 and MX-NC zoning districts - Maximum area of thirty-two (32) s.f and maximum height of six (6) feet in C-1, C-2, C-3, P and CON zoning districts - Limited to one sign per property - Limited to the period of the campaign issue - Must be removed within forty-eight (48) hours of the campaign issue being decided
Real estate signs in R-1, R-2, R-3, and MX-NC zoning districts	- One (1) sign per dwelling offered for sale or rent - Located on property offered for sale or rent - Maximum area of nine (9) s.f. - Maximum height of six (6) feet. - Setback a minimum of fifteen (15) from the street curb or edge of pavement - Removed within ten (10) days of property no longer being for sale or rent
Real estate signs in C-1, C-2, C-3, P, and CON zoning districts	- One (1) sign per street frontage - Located on property offered for sale or rent - Maximum area of thirty-two (32) s.f.

	• Maximum height of six (6) feet. • Setback a minimum of twenty (20) from the street curb or edge of pavement • Removed within ten (10) days of property no longer being for sale or rent
Construction signs, R-1, R-2, R-3, and MX-NC zoning districts	• Located on a property where a valid building permit has been issued and has not expired. • Maximum area of thirty-two (32) s.f. • Maximum height of eight (8) feet. • Removed when the certificate of occupancy has been issued
Construction signs, C-1, C-2, C-3, P, and CON zoning districts	• Located on a property where a valid building permit has been issued and has not expired. • Maximum area of all signs not to exceed thirty-two (32) s.f. • Maximum height of eight (8) feet. • Removed when the certificate of occupancy has been issued
Yard or garage sale signs	• Maximum area of four (4) s.f. • Located on the property on which a sale is being conducted. • Limited to the period of the sale • Limited to one sign per property • Must be removed within forty-eight (48) hours of the conclusion of the sale
Automatic Teller Machine (ATM) signs	• Not more than one (1) wall sign • Maximum area of four (4) s.f. • Mounted not more than eight (8) feet above finished elevation of the ATM

D. Prohibited Signs. The following signs are prohibited.

1. Off-premises signs.
2. Portable signs.
3. Snipe signs, including temporary signs stuck in the ground (sometimes also called bandit signs), and signs attached to utility poles, trees, rocks, or other natural object.
4. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination.
5. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe.
6. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

7. Abandoned signs.
 8. Signs erected on or projecting over any public property or right-of-way, with the exception of signs erected by public authority for public purposes.
 9. Any other signs that are not specifically permitted or exempted as set forth in Sec. 7-2.
- E. Temporary Signs. Temporary signs shall comply with the following standards.
1. Temporary signs are permissible subject to receipt of a temporary sign permit specifying type, size, location, and duration of placement. Temporary sign permits are limited to three (3) per business in any one (1) calendar year. Temporary signs may be displayed for a period not exceeding fifteen (15) days.
 2. Each permitted temporary sign shall not exceed a size of sixteen (16) square feet.
 3. Temporary signs shall not be placed in the public right-of-way.
 4. Temporary signs shall not flash, blink, spin, or rotate.
 5. Temporary signs include banners, flags, and pennants. The placement of temporary signs shall comply with the clear visibility requirements set forth in **Sec. XXX**. Such signs shall not block traffic or pedestrian visibility or constitute a vehicular or pedestrian traffic hazard.
 6. The placement of temporary signs shall not cause a public nuisance.
 7. Permissible temporary signs shall be firmly secured to the ground or to a building according to the requirements of the temporary permit. Temporary signs may be attached to or cover an existing permitted sign only for the period during which the temporary sign is permitted.
- F. Permitted permanent accessory signs.
1. Permanent accessory signs to be permitted in C-1, C-2, C-3 zonings, and MX-NC zoning where there is an active business on site.
 2. Sign types allowed. A permanent accessory sign may be a ground sign to include a thirty-two (32) square foot reader board, or a building sign. Permanent accessory signs and reader board signs may be changeable copy or automatic changeable facing signs; however, facing or copy shall not rotate or change so rapidly as to cause distraction to a motorist.
 3. Permissible number area, spacing and height of permanent accessory ground signs: Table 7-2.2.

Table 7-2.2 – Requirements for Permanent Accessory Signs

Sign Type	Maximum Number	Maximum Sign Face Area	Sign Dimensions	Maximum Sign Height	Setback/Spacing
Wall	Single Occupancy: 3 per façade Multiple Occupancy: 1 per façade per tenant	Maximum 20% of façade	N/A	Not to exceed height of roofline	N/A
Awning	No Maximum	N/A	75% of Awning Length	2 feet	N/A
Projecting/ Perpendicular	1 per tenant	6 sq. ft.	Width – 4 feet	3 feet	N/A
Monument/ Ground	1 per street frontage	2 sq. ft. per linear foot of street frontage to a maximum of 240 sq. ft.	No required dimensions	24 feet	Property lines: 5 feet Other ground signs: 10 feet

G. Interstate Highway I-10 Corridor Accessory Signs.

1. Interstate Highway I-10 Corridor accessory signs are allowed in the Interstate Highway I-10 Corridor only.
2. An Interstate Highway I-10 Corridor sign may be a ground sign and may be changeable copy or automatic changeable facing signs; however, facing or copy shall not rotate or change so rapidly as to cause distraction to motorist.
3. One sign permitted per multiple-occupancy complex and each occupant not located in a multiple-occupancy complex.
4. Permissible number, area, spacing and height of Interstate Highway I-10 Corridor Accessory signs: Table 7-2.3.

Table 7-2.3 – Requirements for Interstate Highway I-10 Corridor Signs

Number of Signs	Maximum Sign Face Area	Maximum Height	Setback/Spacing
1	420 sq. ft.	85 feet above the crown of Interstate Highway I-10 nearest the sign	Front property line: 25 feet Side/Rear property line: 50 feet Other permanent ground sign on same site: 100 feet

H. Billboards

1. Billboards are allowed in the Commercial (C-1, C-2, C-3) zoning districts.
2. Interstate Highway I-10 Corridor Billboards are allowed in the Commercial (C-1, C-2, C-3) zoning districts that are also in the Interstate Highway I-10 Corridor.
3. Permissible number, area, spacing and height of billboards: Table 7-2.4.

Table 7-2.4 – Requirements for Billboards

Sign Type	Maximum Number	Maximum Sign Face Area	Maximum Height	Maximum Width	Setback/Spacing
Billboard	1	310 sq. ft.	38 feet	30 feet	Property lines: 10 feet Other billboard on same side of thoroughfare: 1,500 feet
Interstate Highway I-10 Corridor Billboard	1	672 sq. ft.	50 feet above the crown of Interstate Highway I-10 nearest the sign	48 feet	Interstate I-10 right of way: 20 feet Other property lines: 50 feet Other billboard on same side of thoroughfare: 1,500 feet

4. Permits required from other agencies shall be obtained prior to receiving a permit from the Community Development Services department.
- I. Directional Signs. Directional signs giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.
 1. Directional signs located on parcels with single user drives and parking, shall be limited to ten square feet.
 2. Directional signs located on parcels with shared access drives and interconnected parking, shall be limited to 20 square feet.
- J. Signs at entrances to residential developments, farms and ranches.
 1. Generally. Permanent accessory signs may be displayed at the entrance to residential developments, farms and ranches.

2. Restrictions.

- a. Signs are permitted at each entrance into the development, farm or ranch from each abutting street. The sign may be a single sign with two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 32 square feet in size and may be illuminated in a steady light only.
- b. When considering the placement of such signs, the Community Development Services department shall consider the location of public utilities, sidewalks and future street widening.
- c. The Community Development Services department shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owners' association, or some other person who is legally accountable under a maintenance arrangement approved by the department. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for the maintenance of them, the signs shall be removed by the developer or owner.

K. Flags.

1. Number. Not more than four flags or insignias of governmental, religious, charitable, or fraternal organizations may be displayed on any one parcel of land.
2. Size. The maximum distance from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or, in the absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground.

L. Utility signs. Public utility signs that identify the location of underground utility lines and facilities, high-voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three feet in height, and so long as the sign face does not exceed one-half square foot.

Sec. 7-3 – Detached Accessory Dwellings in Residential Zoning Districts

A. Purpose.

1. The Purpose of this section is to ensure a wide variety of housing choices to city residents and allow opportunities for extended family living.
2. This section provides for detached accessory dwellings, also called accessory apartments, guesthouses, helper quarters, mother-in-law suites, and granny flats.
3. The intent of this section is to ensure that the establishment of a detached accessory dwelling in a residential zoning district maintains compatibility of the area by minimizing or avoiding potential negative impacts from a secondary dwelling unit.

B. Applicability. Accessory dwelling units are permissible in R-1, R-2, R-3 and MX-NC when established in compliance with the standards set forth in this section.

C. No more than one (1) accessory dwelling shall be established on any lot, parcel or tract of land.

D. Standards for a detached accessory dwelling.

1. A detached accessory dwelling shall not be allowed on a property where the principle structure is a mobile home, trailer, or of any construction that is not a site-built structure.
2. A detached accessory dwelling shall be held to and reviewed against all applicable building codes, fire codes, and life safety codes required for any new construction dwelling unit.
3. Any detached accessory dwelling shall comply with all site development standards for principle dwelling structures required by the zoning district.

4. Design standards, roof style and materials, and architectural style of the detached accessory dwelling shall be consistent with the principle dwelling.
5. One (1) additional parking space shall be provided, either within an existing garage or carport, or on the driveway. Where on-street parking is established for the neighborhood, on-street parking may be counted to meet this requirement.
6. A detached accessory dwelling shall not exceed 900 square feet or forty (40) percent of the total living area of the principle dwelling on the site, whichever is greater.
7. The existence of a detached accessory dwelling shall not be construed to allow for additional accessory structures on any lot, parcel, or tract of land beyond the number and type of accessory structures permissible with the principle dwelling.
8. There shall be no additional signage to identify the detached accessory dwelling, other than the signage permissible for the principle dwelling.
9. There shall be no additional mailbox, exterior utility equipment, or other evidence of a detached accessory dwelling unit. A detached accessory dwelling unit shall not have separate metered utility service, except as otherwise provided in the Florida Building Code, Current Edition.

Sec. 7-4 – Detached Caretaker/Security Dwellings (Accessory Dwellings) in Specified Nonresidential Zoning Districts.

- A. Purpose. The purpose of this section is to provide for a detached dwelling unit as an accessory to commercial and industrial uses where such dwelling provides for security and caretaking of the principle use.
- B. Applicability. One (1) caretaker dwelling shall be permissible as an accessory structure in the C-1, C-2, and C-3 zoning districts.
- C. Standards.
 1. There shall be no more than one (1) detached caretaker dwelling unit per lot or business establishment, whichever is more restrictive.
 2. The caretaker dwelling shall be provided by the manager, owner or caretaker of the principle use.
 3. The detached caretaker dwelling shall only be located within a side or rear yard.
 4. The detached caretaker dwelling shall not exceed 900 square feet.
 5. The detached caretaker dwelling shall be included in calculations of maximum impervious surface coverage for the site.
 6. The detached caretaker dwelling shall not be located in any required buffer, landscaped area, easement, or stormwater management area.
 7. Two (2) parking spaces shall be provided, which may be shared with parking for the principle use.
 8. The caretaker dwelling shall comply with the setback and height standards applicable to the principle building.
 9. No residential accessory structures shall be permitted.

Sec. 7-5 – Home Occupations

- A. Home occupations may be permitted as an accessory use in a lawfully established dwelling unit located in the R-1, R-2, R-3, and MX-NC zoning districts. The standards for home occupations are intended to ensure compatibility with other permitted use and with the residential character of the neighborhood.
- B. The following and similar uses shall be considered home occupations:
 - 1. An office, such as for professionals and general business.
 - 2. Instruction for teaching, such as, but not limited to, academic tutoring, performing arts, or fine arts, provided that no more than two (2) students are instructed at any one (1) time.
 - 3. Administrative or clerical support service, such as transcription, court reporting, stenography, notary public, or word processing, data entry or addressing services.
 - 4. Authors, composers, or creators of intellectual property.
 - 5. Telephone answering services.
 - 6. Beauty salons, barber shops, nail technicians, or similar personal service, limited to one (1) chair or station.
 - 7. Similar uses: An interpretation that a use is similar shall be based on the tasks and activities normally associated with the proposed use and similarity of those tasks and activities with the tasks and activities of a listed use.
- C. The following uses are specifically prohibited as home occupations:
 - 1. Appliance and motor repairs (small or large).
 - 2. Automotive, vehicle, or watercraft repairs.
 - 3. Florist.
 - 4. Veterinary clinic.
 - 5. Medical office for a doctor, dentist, or other medical practitioner.
 - 6. Repair of radios, televisions, computers, CD or DVD players, or other similar equipment.
 - 7. Any occupation involving hazardous materials.
 - 8. Restaurants.
 - 9. Any other occupation that does not meet the standards set in this section.
- D. All home occupations shall comply with the following standards:
 - 1. A home occupation shall be required to have a City Business Tax Receipt (BTR). There shall be one (1) BTR for each business conducted in the dwelling.
 - 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes and shall not change the residential character of the structure.
 - 3. Not more than twenty-five (25) percent of the habitable floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - 4. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation including outside storage or signs pertaining to the home occupation. However, one (1) unlighted nameplate, not more than one (1) square foot in area, may be attached to the front wall of the dwelling unit identifying the name of the business which constitutes the home occupation.
 - 5. No home occupation shall be conducted in any accessory building, except for the permissible parking of vehicles in a garage or carport.
 - 6. No open storage of equipment shall be permitted except that which is of a quantity and configuration normally used for purely domestic purposes.

7. The home occupation shall not generate noise, vibration, glare, fumes, odors, or electrical interference to adjacent properties.
8. Up to two (2) passenger vehicles, which may be commercially marked, are permissible in association with the home occupation. All permissible vehicles shall be parked within a lawful garage, lawful carport, or on the driveway. However, vehicles with a primary purpose of commercial use are prohibited; such vehicles include well-drilling trucks, tow-trucks, cement mixers, semi-trailers, tractors, refrigerated trucks or vans, graders, or other earth moving equipment. Lawn equipment trailers and similar vehicles are permissible provided that they are screened from public view and limited to one (1) per dwelling. Taxi cabs may be permissible, provided that all such vehicles can be parked within a garage, or carport, or on the driveway.
9. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. The basis for evaluating traffic generated shall be data available from the Institute of Transportation Engineers.
10. Any need for parking generated by the conduct of such home occupation shall be met by the parking areas serving the residential use, such as the driveway, garage, or carport. No vehicle shall block access to the driveway, pedestrian movement on a sidewalk, or be parked in public right-of-way.

Sec. 7-6 – Special Exception Uses

A. Recreational camps.

1. Recreational camps. Recreational camps are allowed by special exception in the Agriculture (A), Commercial (C-1), Industrial (M) and Conservation (C) ~~Commercial (C-1, C-2, C-3) and Conservation (CON)~~ districts in accordance with the following standards.
2. For purposes of this subsection, "Recreational camp" or "Recreational camps" means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for one or more resident or transient members of the public and designed and operated for recreational or other non-profit purposes.
3. The minimum lot area within the A, C-1 or M ~~C-1, C-2 or C-3~~ districts shall be 40 acres. In the ~~C-1, C-2 or C-3~~ CON district the minimum lot area shall be 80 acres.
4. Recreational camps in the ~~C-1, C-2 or C-3~~ CON district may only be allowed in accordance with an approved management plan. The management plan shall be prepared at the expense of the applicant by a person or persons qualified in the appropriate fields of study, and conducted according to professionally accepted standards. At a minimum, the management plan includes the following:
 - a. Description of goals and objectives based on type of natural resources to be managed;
 - b. Description of all proposed uses, including existing and any proposed physical and access improvements;
 - c. Description of prohibited activities, such as mowing in wetland buffers, or removal of native vegetation in protected habitat areas;
 - d. Descriptions of ongoing activities that will be performed to protect, restore, or enhance the natural resources to be protected. This may include:
 - (1) Removal or control of invasive vegetation and debris;

Comment [EADI(2)]: This change is required as a result of redefining the zones.

- (2) Replanting with native vegetation as necessary;
 - (3) Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive foraging, breeding, roosting, and nesting areas;
 - (4) Fencing or other institutional controls to minimize impact of human activities on wildlife and vegetation, such as predation by pets;
 - (5) Prescribed burning, thinning, or comparable activities performed in an environmentally sensitive manner to restore or maintain habitat;
 - (6) Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring, and reporting;
 - (7) Any additional measures determined to be necessary to protect and maintain the functions and values of conservation areas in conjunction with wildfire mitigation;
 - (8) Set of schedules, estimated costs, staffing requirements, and assignments of responsibility for specific implementation activities to be performed as part of the management plan, and identification of means by which funding will be provided;
 - (9) Performance standards with criteria for assessing goals and objectives;
 - (10) Five-year monitoring plan with schedule and responsibility;
 - (11) Ownership and party responsible for management activities;
 - (12) Provision for changes to be reviewed and approved by the City; and
 - (13) Contingency plans for corrective measures or change if goals not met, and recognition of City enforcement authority.
5. The maximum density of cabins, lodges and/or tent campsites shall not exceed one per five acres. Density shall be calculated as gross density and include all land area exclusive of major water bodies starting at the high water mark.
 6. Cabins or lodges shall comply with the Florida Building Code and must contain a minimum of 250 square feet of floor space per occupant with a maximum capacity of 10. Use of mobile homes or recreational vehicles for lodging is prohibited.
 7. A single permanent residence is allowed.
 8. All structures, cabins and tent sites shall be setback a minimum of 200 feet from the property line.
 9. Vehicular access shall be from a paved public roadway.
 10. A unified plan for water distribution and wastewater disposal meeting the requirements of the Health Department shall be provided as part of any application for a recreational camp.
 11. Sanitary facilities including showers, toilets, and sinks shall be provided. Potable water from a municipal water supply shall be used for such sanitary facilities, unless the facility is served by a private well registered, approved and tested by the Department of Health as a limited use public water system.
 12. Recreational camps for five or more members of the public as defined in Section 513.01, Florida Statutes, are subject to the provisions of Chapter 513, Florida Statutes and shall not be permitted as a special exception unless the Department of Business and Professional Regulation has issued a permit for such activity and such permit remains valid and current at all times and such property meets every provision of this section not in conflict with the requirements of Chapter 513, Florida Statutes.

13. Any violation of this section, including a property owner's operating or allowing unpermitted recreational camps shall be punished as provided for in section 1-11 of the City Code and each day that such condition continues is regarded as a new and separate offense. ~~Provided for at beginning of chapter.~~

B. Recreational vehicle parks. Recreational vehicle parks ("RV Parks") are allowed by special exception in the Agriculture (A), Commercial (C-1), Industrial (M) ~~Commercial (C-1, C-2, C-3)~~ and Conservation (C) ~~(CON)~~ districts in accordance with the following standards: :

1. Definitions ~~(Move definitions to new Chapter 2 – Definitions)~~

- a. ~~"RV Park" or "RV Parks", for purposes of this subsection, means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for one or more resident or transient members of the public and designed and operated for profit.~~
- b. ~~"Unit" or "Units" means one trailer or one vehicle used as living quarters for one or more resident or transient members of the public.~~
- c. ~~"Tent" or "Tents" means a portable shelter of cloth or other material, whether designed for camping or fabricated for some other purpose, used for storage or as living quarters for one or more resident or transient members of the public.~~

2. Minimum lot size and density. The minimum lot size and density for RV Parks shall be as follows:

- a. If the parcel is accessed directly from a multi-lane or arterial road as defined in the City of Crestview Comprehensive Plan, the minimum lot size shall be 2.5 acres and the maximum allowable density shall be 18 units per acre, with a maximum of one tent per 25 units.
- b. If the parcel is accessed directly from a collector road as defined in the City of Crestview Comprehensive Plan, the minimum lot size shall be 5 acres and the allowable density shall be 9 units per acre, and a maximum of one tent per 25 units.
- c. If the parcel is accessed from any road which is not an arterial or collector road as defined in the City of Crestview Comprehensive Plan, the minimum lot size shall be 15 acres and the allowable density shall be 6 units per acre, and a maximum of one tent per 25 units.
- d. Density shall be calculated as gross density and include all land area exclusive of major water bodies starting at the high water mark.
- e. For cabins or other permanent structures, the density, setback and other requirements of the zoning district in which the property is located shall apply.
- f. A single permanent residence is allowed.
- g. Cabins and other structures shall comply with the Florida Building Code and must contain a minimum of 250 square feet of floor space per occupant with a maximum capacity of 10.
- h. Use of mobile homes for lodging is prohibited, except that one mobile home may be located onsite for an office, resident manager or security watchman if a permanent residence is not located on the property.

3. Vehicular access shall be from a paved public roadway.

4. A unified plan for water distribution and wastewater disposal meeting the requirements of the Health Department shall be provided as part of any application for a recreational camp.

5. Sanitary facilities including showers, toilets, and sinks shall be provided. Potable water from a municipal water supply shall be used for such sanitary facilities, unless the facility is served

Comment [EADI(3)]: A new chapter will be added to the code that will contain all definitions from all sections in one location. One reason is ensuring that multiple definitions for terms are removed.

by a private well registered, approved and tested by the Department of Health as a limited use public water system.

6. Protection of Resources. In addition to the foregoing requirements, RV Parks in the € CON district may only be allowed in accordance with an approved management plan. The management plan shall be prepared at the expense of the applicant by a person or persons qualified in the appropriate fields of study, and conducted according to professionally accepted standards. At a minimum, the management plan must provide for the following:
- a. Description of goals and objectives based on type of natural resources to be managed;
 - b. Description of all proposed uses, including existing and any proposed physical and access improvements;
 - c. Description of prohibited activities, such as mowing in wetland buffers, or removal of native vegetation in protected habitat areas;
 - d. Descriptions of ongoing activities that will be performed to protect, restore, or enhance the natural resources to be protected. This may include:
 - (1) Removal or control of invasive vegetation and debris;
 - (2) Replanting with native vegetation as necessary;
 - (3) Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive foraging, breeding, roosting, and nesting areas;
 - (4) Fencing or other institutional controls to minimize impact of human activities on wildlife and vegetation, such as predation by pets;
 - (5) Prescribed burning, thinning, or comparable activities performed in an environmentally sensitive manner to restore or maintain habitat;
 - (6) Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring, and reporting;
 - (7) Any additional measures determined to be necessary to protect and maintain the functions and values of conservation areas in conjunction with wildfire mitigation;
 - (8) Set of schedules, estimated costs, staffing requirements, and assignments of responsibility for specific implementation activities to be performed as part of the management plan, and identification of means by which funding will be provided;
 - (9) Performance standards with criteria for assessing goals and objectives;
 - (10) Five-year monitoring plan with schedule and responsibility;
 - (11) Ownership and party responsible for management activities;
 - (12) Provision for changes to be reviewed and approved by the City; and
 - (13) Contingency plans for corrective measures or change if goals not met, and recognition of City enforcement authority.
 - e. ~~Any violation of this section, including a property owner's operating or allowing unpermitted recreational camps shall be punished as provided for in section 1-11 of the City Code and each day that such condition continues is regarded as a new and separate offense.~~ **Provided for at beginning of chapter.**

C. **Itinerant Vendors, Mobile Food Vendors, Peddlers and Solicitors**

1. Purpose and Intent

Comment [EADI(4): This entire section (over 12 pages) has proven to be cumbersome, confusing, and in some aspects not allowed by other regulations. Therefore this entire section is being replaced by a more succinct, clear, and enforceable regulation with the goal of being more in line with the vision of the Strategic Plan.

- a. The purpose of this article ~~subsection~~ is to establish regulations for the location, approval and permitting of itinerant vendors, mobile food vendors, peddlers and solicitors. These administrative regulations are intended to provide orderly and effective management of temporary land use.
- b. The intent of this article ~~subsection~~ is multifaceted and seeks to address the many concerns associated with itinerant vending. The following objectives apply:
 - (1) To aid and encourage small business development and entrepreneurialism, while protecting the interests of established "brick and mortar" businesses.
 - (2) To ensure that itinerant Vending locations are appropriate and will not create any unsafe or unsanitary condition nor put undue strain on nearby "brick and mortar" establishments.
 - (3) To ensure that the parking of vending vehicles or the placement of equipment, merchandise and any wares, will not adversely affect the public amenity and/or the aesthetics and functionality of the streetscape area.
 - (4) To protect the health, safety, and welfare of all citizens of and visitors to Crestview.
- 2. Definitions. The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning: ~~Revise and move to new Chapter 2—Definitions.~~
 - a. *Commissary* means a public food service establishment licensed by the division or a food establishment permitted by the department of agriculture and consumer services, which is utilized by a mobile food dispensing vehicle for the purpose of providing all required support services, including potable water and wastewater disposal that are not available on the mobile food dispensing vehicle. (61-C-0001 FAC.)
 - b. *Division* refers to the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulations.
 - c. *Food code*. this term as used in chapters 61C-1, 61C-3 and 61C-4, F.A.C., means paragraph 1-201.10(B), chapter 2, chapter 3, chapter 4, chapter 5, chapter 6, chapter 7, and sections 8-103.11 and 8-103.12 of the Food Code, 2009 Recommendations of the United States Public Health Service/Food and Drug Administration including Annex 3: Public Health Reasons/Administrative Guidelines; Annex 5: Conducting Risk-based Inspections, herein adopted by reference. A copy of the food code, as adopted by the division, is available on the division's Internet website www.MyFloridaLicense.com/dbpr/hr. A copy of the entire Food Code is available on the U.S. Food and Drug Administration Internet website. Printed copies of the entire food code are available through the National Technical Information Service, 5301 Shawnee Road, Alexandria, VA 22312.
 - d. *Food establishment* as utilized in the Food Code, this term shall apply to public lodging establishments and food service establishments as defined in F.S. ch. 509, according to the context of the applicable rule language.
 - e. *Itinerant vendor* means any and all persons, firms and corporations, as well as their agents and employees, who engage in the temporary and/or transient business which offers services, merchandise, wares, goods, and/or other articles for purchase from one or more stationary or mobile locations and who, for the purpose of carrying on such business may rent, lease, hire, or otherwise occupy a space in any building, structure or occupy any area on a lot or parcel of land or who occupies a vehicle, self-propelled or otherwise, through

~~which any services, merchandise, wares, goods, and/or other articles, may be traded, bartered, sold, offered for sale, or exhibited for sale within the city.~~

- ~~f. *Itinerant vending operations* is a term used in this article that generally refers to the itinerant vending categories as a whole with respect to certain site requirements or components of an itinerant vending use.~~
- ~~g. *Mobile food vendor* means any itinerant vendor, which travels by self-propelled or non-self-propelled vehicle, trailer, wagon, or any other conveyance, from place to place, or from street to street, carrying, conveying or transporting edible goods, such as meats, fish, vegetables, fruit, or other, which are sold, offered for sale, and/or exhibited for sale. The term mobile food vendor includes but is not limited to the terms lunch wagon, cart, ice cream truck, mobile food truck and others.~~
- ~~h. *Peddler* means any person who carries from place to place any goods wares or merchandise which may be sold, is exhibited for sale, and may or may not be immediately delivered, or bartered the same, shall be deemed to be a peddler. All persons who do not keep a regular place of business, open at all times during regular business hours and at the same place, who shall offer for sale goods, wares and merchandise, shall be deemed peddlers under this article. All persons who keep a regular place of business, open at all times in regular business hours and at the same place, who shall, elsewhere than at such regular place of business, personally or through their agents, offer for sale or sell and, at the time of such offering for sale, deliver goods, wares and merchandise, shall also be deemed peddlers as above.~~
- ~~i. *Premises* means the public food service or lodging establishment and the contiguous land or property under the control of the operator. The property may include all yards, alleys, driveways, sidewalks, and other exterior portions of the licensed premises.~~
- ~~j. *Public food service establishments*, as defined in F.S. § 509.013(5), are licensed in accordance with the following classifications and requirements:~~
 - ~~(1) Non-seating:~~
 - ~~(a) *Permanent*. Permanent non-seating establishments are classified as those fixed public food service establishments for which the sole service provided is intended as take-out or delivery, or which do not otherwise provide accommodations for consumption of food by guests on the premises, or premises under the control of the operator. For the purposes of this section, establishments located at food courts and malls are classified in this manner as long as seating is not provided within the premises of the establishment itself.~~
 - ~~(b) *Mobile food dispensing vehicle*. Mobile food dispensing vehicles are classified as any vehicle mounted public food service establishments which are self-propelled or otherwise movable from place to place and include self-contained utilities, such as gas, water, electricity and liquid waste disposal.~~
 - ~~(c) *Caterer*. Caterers are classified as any public food service establishments where food or drink is prepared for service elsewhere in response to an agreed-upon contract for a function or event. The term includes catering kitchens. For the purpose of this rule, the term "caterer" does not include those establishments licensed pursuant to F.S. ch. 500 or F.S. ch. 381, or any other location where food is provided or displayed for sale by the individual meal. A licensed public food~~

~~service establishment that also provides catering services is not required to hold a separate catering license from the division. Caterers must meet all applicable standards of a public food service establishment as provided in rules 61C-1.004, 61C-4.010 and 61C-4.023, F.A.C. Separate independent caterers utilizing the equipment or premises of a licensed public food service establishment are deemed operators as defined by section F.S. § 509.013(2), of such public food service establishment and subject to all applicable requirements of law and rule.~~

~~(2) Temporary public food service establishments and vendors:~~

- ~~(a) Temporary public food service establishments are classified as those establishments operated at temporary food service events as defined in F.S. § 509.013(8). If upon inspection the temporary public food service establishment does not meet minimum sanitation standards as provided in chapters 61C-1 and 61C-4, F.A.C., food service operations shall be discontinued until corrections are complete and verified by the division of hotels and restaurants of the department of business and professional regulation.~~
- ~~(b) Public food service establishments that have a current license may operate one facility at a temporary event as part of the existing license. Each additional facility operated by the same licensee must acquire a separate temporary food service event license.~~

k. ~~Self-sufficient mobile food dispensing vehicle~~ means a public food service establishment classified as a mobile food dispensing vehicle that contains, as part of the vehicle, a three compartment sink for washing, rinsing, and sanitizing equipment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal system in accordance with subparts 5-3 and 5-4 of the food code.

l. ~~Solicitation~~ means a request, directly or indirectly, for money, property, financial assistance, or any other thing of value on the plea or representation that such money, property, financial assistance, or other thing of value or a portion of it will be used for a charitable or sponsor purpose or will benefit a charitable organization or sponsor. The term includes, but is not limited to, the following methods of requesting or securing the promise, pledge, or grant of money, property, financial assistance, or any other thing of value:

- ~~(1) Making any oral or written request;~~
- ~~(2) Making any announcement to the press, on radio or television, by telephone or telegraph, or by any other communication device concerning an appeal or campaign by or for any charitable organization or sponsor or for any charitable or sponsor purpose;~~
- ~~(3) Distributing, circulating, posting, or publishing any handbill, written advertisement, or other publication that directly or by implication seeks to obtain any contribution;~~
~~or~~
- ~~(4) Selling or offering or attempting to sell any advertisement, advertising space, book, card, coupon, chance, device, magazine, membership, merchandise, subscription, sponsorship, flower, admission, ticket, food, or other service or tangible good, item,~~

or thing of value, or any right of any description in connection with which any appeal is made for any charitable organization or sponsor or charitable or sponsor purpose, or when the name of any charitable organization or sponsor is used or referred to in any such appeal as an inducement or reason for making the sale or when, in connection with the sale or offer or attempt to sell, any statement is made that all or part of the proceeds from the sale will be used for any charitable or sponsor purpose or will benefit any charitable organization or sponsor.

- m. A solicitation is considered as having taken place regardless of whether the person making the solicitation receives any contribution. A solicitation does not occur when a person applies for a grant or an award to the government or to an organization that is exempt from federal income taxation under section 501(a) of the Internal Revenue Code and described in section 501(c) of the Internal Revenue Code and is duly registered with the department.
 - n. *Solicitor* means any person, firm, or corporation as well as their agents and employees, who engage in any means of request, directly or indirectly, for money, property, financial assistance, or any other thing of value on the plea or representation that such money, property, financial assistance, or other thing of value or a portion of it will be used for a charitable purpose or will benefit a charitable organization or sponsor. The term shall also include, but is not limited to, taking or attempting to take orders for the sale of goods, wares or merchandise, subscriptions or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of such sale or whether he is collecting advance payments on such sale or not; distributing, circulating, posting, or publishing any handbill, written advertisement, or other publication that directly or by implication seeks to obtain any contribution shall also be included in this term.
 - o. *Temporary food service event* means any event of 30 or fewer consecutive days in duration, advertised and recognized in the community, where food is prepared, served, or sold to the general public.
3. Itinerant vendor, peddler, solicitor compliance certificate—Required:
- a. It shall be unlawful for any person, firm, or corporation, to engage in the business activities of itinerant and/or mobile vending, peddling or solicitation, within the City of Crestview, without first registering with the city by obtaining an itinerant vendor, peddler, and solicitor compliance certificate.
 - (1) Any itinerant vendor, peddler, a or solicitor wishing to engage in the business activities of itinerant and/or mobile vending, peddling or solicitation, within the City of Crestview, shall make application to the growth management **Community Development Services** department on forms provided by the department.
 - (2) The growth management **Community Development Services** department of the City of Crestview shall issue to any itinerant vendor, peddler, or solicitor, a compliance certificate authorizing such itinerant vendor, peddler, or solicitor, to sell, exhibit for sale or offer for sale, in the City of Crestview, any goods, wares and merchandise only after such itinerant vendor, peddler, or solicitor shall have fully complied with the provisions of this article.

- b. The itinerant vendor, peddler, and solicitors compliance certificate shall be valid from October 1st to September 30th of the following year and shall be based on the type of vending, peddling, and/or soliciting each applicant is proposing and the time of year in which application is made. A base annual registration fee shall be established with regards to the following categories:

(1) *Itinerant vending categories.*

- (a) *Itinerant auto oriented sales/events.* This category includes the itinerant sales of self-propelled vehicles and non-self-propelled vehicle trailers, to include but not be limited to cars, trucks, fifth wheel trailers, trailers, campers, off road vehicles, motorcycles, dirt bikes, boats, ski-dos, jet-skis, and others. This category includes temporary auto consignment lots. **If temporary auto consignment lot is not at the location of the permanent motor vehicle sale business, then it must be conducted by a licensed dealership with a permanent sales location within the jurisdictional boundaries of the City of Crestview.** This category does not include the one-time sale of a single vehicle by a resident of the city.
- (b) *Tent sales.* This category includes itinerant sales of both seasonal and non-seasonal items which involve semi-mobile or stationary, temporary sales and sales events, to include but not be limited to Christmas tree lots, firework stands, home mercantile product sales, used merchandise, garage type sales (offsite of a parcel land on which the primary use is residential in nature), farmer's markets, and others. This does not include those temporary sales events conducted on the premises, including the parking lot, of established commercial enterprises, performed exclusively by the owner and/or operator of the commercial enterprise or with the expressed permission from said owner or operator by a commercial vendor of new products which are sold within the commercial enterprise on the premises, within 15 feet of the primary structure.
- (c) *Mobile vending truck/trailer.* This category specifically refers to those itinerant vendors that travel by either self-propelled vehicle or are otherwise pulled or moved by a self-propelled vehicle. This category also includes mobile food dispensing vehicles (MFDV's) including trucks and trailers which utilize either a water and sewer connections or a commissary at another location and ice cream trucks.
- (d) *Mobile food cart.* Is synonymous with push cart, hand cart, hand-drawn cart, and hot dog stand/cart and are a class of MFDV. Push carts are any variety of small, light, non-motorized, self-propelled units, which are moved by hand and are used exclusively for the retail sales of flowers, plant, fruits, vegetables, beverages, pre-packaged food stuffs, hot dogs, sausages, and ice cream.

c. **Background Investigation.**

- (1) Each applicant for an itinerant vendor, peddler, and solicitor compliance certificate shall agree, when making application, to submit to a limited background investigation. Upon receipt of such application, a copy shall be transmitted to the chief of police who shall make the following type investigations:
- (a) **Commercial activities.** The chief of police or designee shall cause an investigation of the applicant's business and moral character to be made as he deems

necessary for the protection of the public health, safety, and welfare. The applicant shall include any and all employee information as deemed necessary by the chief of police.

(b) A copy of all vendor's, solicitor's or peddler's application must be submitted to the chief of police for approval.

- d. Applicants for a compliance certificate under this article must file with the growth management ~~Community Development Services~~ department a signed application which shall give the following information:
 - (1) Name of the applicant and of each person who owns ten percent or more of the outstanding stock or equity interest in the licensed activity.
 - (2) A valid driver's license.
 - (3) The applicants' vehicles' make, model, color and tag number if applicable.
 - (4) Permanent home address, valid telephone number and email address of the applicant.
 - (5) The applicant shall provide their federal employer identification number and sales tax identification number.
 - (6) The address or parcel identification number of the planned vending site, including the property owner's name and telephone number.
 - (7) A notarized statement from the property owner(s) that the temporary use is allowed on the property. The statement must include the temporary use dates (including setup and take-down), location, description type and the name of the business and representative designated by the property owner.
 - (8) A brief description of the nature of the business and the goods, food or beverages to be sold.
 - (9) The address of the commissary, if applicable.
4. Temporary vending permit—Required.
 - a. It shall be unlawful for any person, firm, or corporation, to engage in the business activities of itinerant and/or mobile vending, peddling or solicitation, within the City of Crestview, without first obtaining a Temporary Vending Permit.
 - b. A temporary vending permit shall be issued upon such conditions as the growth management ~~Community Development Services~~ department may reasonably require, assuring compliance with the City of Crestview's Code of Ordinances.
 - (1) All applications received for a particular location will be processed on a first come first serve basis. Any subsequent applications received may be issued once the prior applicant has vacated the premises.
 - (2) A compliance certificate shall have been obtained prior to issuance of a temporary vending permit.
 - (3) All vendors must adhere to all applicable state and local laws
 - c. Applicants for permit under this article must file a signed application with the growth management ~~Community Development Services~~ department. The application shall provide sufficient information to determine if the proposed site and temporary activity comply with this article and other provisions of the Code of Ordinances.
 - d. In addition to the application, all applicants shall submit:
 - (1) Copies of all applicable state licenses.

- (2) Insurance.
- (a) Proof of general liability insurance, such proof in a form acceptable to the city, issued by an insurance company that is licensed to do business in the State of Florida, protecting the applicant from all claims for damages to property or bodily injury, which may arise from operations under or in connection with the vendor's activity.
 - (b) For all motorized mobile vending units, proof of auto liability insurance, such proof in a form acceptable to the city, issued by an insurance company that is licensed to do business in the State of Florida, protecting the applicant from all claims for damages to property or bodily injury, which may arise from the use of a motor vehicle in connection with mobile vending and shall be in an amount no less than \$1,000,000.00 per occurrence.
 - (c) A signed and notarized hold harmless agreement (form to be provided by city).
- (3) A site plan, accurate drawing or pictorial representation of the property to be used, rented, or leased for the temporary vending use, which shall include the following:
- (a) All existing and proposed structures on-site,
 - (b) The structural dimensions and locations in relation to property lines,
 - (c) The zoning district setback lines,
 - (d) Locations of temporary sanitary facilities (Port-o-lets) and waste disposal,
 - (e) Parking areas,
 - (f) Signage, and
 - (g) The means of ingress and egress for vehicular and pedestrian traffic;
 - (h) Any additional information necessary to accurately portray the property and to identify the area to be utilized for the event; and
 - (i) A description of the proposed use
 - (j) Mobile food carts are exempt from this requirement.
- e. Door to door solicitors and peddlers, in addition to subsections 102-602(1) ~~7-6(C)(2)~~ through 102-602(3) ~~7-6(C)(4)~~ above, must provide:
- (1) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
 - (2) A valid driver's licenses for all drivers and related proof of insurance.
 - (3) The length of time and location for which the solicitation or peddling shall occur.
 - (4) A signed and notarized hold harmless agreement (form to be provided by city).
- f. Itinerant vending permit time frames.
- (1) All applicable licensure, certificates and permits must be obtained prior to the installation of any temporary structures, lighting, signage, etc.
 - (2) The application for a temporary vending permit for all uses shall be filed no less than 21 days prior to the date on which the permit is to take effect.
 - (3) Duration of temporary vending permit (TVP) by itinerant vendor category.
 - (a) *Itinerant auto oriented sales/events.* A TVP issued to an itinerant auto oriented sales/event use, shall be valid for a maximum of 15 consecutive days, two times per calendar year. Each 15-day period shall be separated by at least 30 days within the same calendar year. Dates of operation will include dates to assemble and dismantle equipment and/or structures.

- (b) *Tent sales.* A TVP issued to an itinerant tent sales use, shall be valid for a period not to exceed 15 consecutive days, three times per calendar year. Dates of operation will include dates to assemble and dismantle equipment and/or structures.
 - (c) *Mobile vending truck/trailer.* A TVP issued to an itinerant mobile vendor truck/trailer use, shall be valid for period of time not to exceed one year (365 days) from the date of issuance.
 - (d) *Mobile food cart.* A TVP issued to an itinerant mobile food cart use, shall be valid for a period of time not to exceed one year (365 days) from the date of issuance.
 - (e) *Solicitors.* A TVP issued to a solicitor shall be valid for a period of time not to exceed one year (365 days) from the date of issuance.
5. Regulations, requirements, site restrictions.
- a. *Use restrictions.*
 - (1) Temporary vending operations and events shall only occur within Commercial (C-1, and C-2 and C-3), industrial (M-1) and downtown mixed use (DMU) zoning districts.
 - (2) At no time shall any temporary vending operations disrupt the flow of vehicular or pedestrian traffic on or off site.
 - (3) Itinerant auto oriented sales shall not be located on vacant and/or unimproved lands.
 - (4) Itinerant auto oriented sales/events and tent sales shall be limited to one temporary vending permit per parcel of land at any given time.
 - (5) Itinerant auto oriented sales/events and tent sales, when located on any parcel of land or lot of record, with an existing primary use building or structure, shall be limited to one temporary vending permit at any given time.
 - (6) Mobile vending trucks and trailers shall not be located on vacant and/or unimproved lands.
 - (7) There shall not be more than three mobile vending trucks and/or trailers on one parcel of land at any given time.
 - (8) Mobile food carts shall not be required to maintain the applicable zoning district yard regulations but at no time shall any mobile food cart become stationary within any public right of way, obstruct any vision triangle, and/or obstruct or detract from any vehicular or pedestrian traffic flow.
 - b. *Site requirements.*
 - (1) At no time shall a mobile vending truck or trailer be closer than ten feet to one another mobile vending truck or trailer on the same parcel of land.
 - (2) All itinerant vending operations shall maintain the applicable zoning district setback standards, for the zoning district in which they are located.
 - (3) At no time shall any component of an itinerant vending operation be located within ten feet of any permanent structure onsite.
 - c. *Parking.*
 - (1) At no time shall any temporary vending operations restrict the number of parking spaces to a level below what is required by this land development code for the permanent primary use onsite.
 - (2) Adequate parking areas, consistent with current zoning requirements for similar uses shall be maintained during such temporary vending uses.

- ~~(a) Parking spaces required to fulfill the minimum requirements of a principal use, on site or adjacent to the itinerant vending use, as per **section 102-151** of this Code may not be used by any itinerant vendor operation.~~
 - ~~(b) Parking shall only be allowed on designated parking areas identified on the approved site plan.~~
 - ~~(3) No parking will be allowed on any public right-of-way.~~
- d. ~~Traffic:~~
 - ~~(1) Traffic generation shall not adversely impact the flow of traffic on an adjacent roadway.~~
 - ~~(2) The use of any existing access drives on or connected to the property, parcel, or lot on which the itinerant vending use is located is required.~~
- e. ~~Temporary structures:~~
 - ~~(1) Only one temporary structure is allowed per permitted itinerant vending operation.~~
 - ~~(2) Itinerant auto oriented sales/events and tent sales shall be limited by the following:~~
 - ~~(a) The temporary structure may be a tent or a trailer that has been built as an office trailer. Temporary structures do not include motor homes, camp trailers or the like.~~
 - ~~(b) The temporary structure may require a building permit to be obtained and subsequently require an inspection by the building and the fire department prior to operation.~~
- f. ~~Sanitation:~~
 - ~~(1) The site shall be kept clean of all debris, trash, waste, or other unsightly condition.~~
 - ~~(2) Temporary sanitary facilities (Port-o-lets), shall be kept in a clean and working order.~~
- g. ~~Signage:~~
 - ~~(1) Any temporary signage shall be installed and maintained in compliance with chapter 102, Land Use Regulations, article XVI, Signs **Sec. 7-2 of this Chapter.**~~
- h. ~~Utilities:~~
 - ~~(1) New temporary electrical poles shall not be provided. If one exists onsite it may be utilized for the temporary vending operation, provided it meets the following requirements:~~
 - ~~(a) Any use of power from the main structure onsite shall be in accordance with the Florida Building and Life Safety Codes and~~
 - ~~(b) The use of electrical cords is prohibited.~~
- i. ~~Additional mobile food cart requirements:~~
 - ~~(1) Location:~~
 - ~~(a) Mobile food carts shall be permitted to operate in commercial or downtown mixed-use zoning districts in the downtown area, bounded by bowers avenue west to the south, by Ferdon Boulevard to the east, by James Lee Blvd. West to the north, and by Wilson Street to the west.~~
 - ~~(b) Mobile food carts shall only be located on properties where there is an existing use that is non-residential in nature.~~
 - ~~(c) Mobile food carts shall not be placed on an unimproved surface during the course of business.~~

- (d) ~~Mobile food carts selling food and/or beverages shall not stop and conduct business within 100 feet of any indoor and/or outdoor eating establishment including another food cart.~~
 - (e) ~~No more than two mobile food carts shall be located on any block face at any given time except during organized and permitted events.~~
 - (f) ~~At no time, shall placement of a mobile food cart impede pedestrian or vehicular traffic.~~
 - (g) ~~At no time, shall placement of a mobile food cart deteriorate any pedestrian or vehicular site triangle.~~
 - (h) ~~At no time, shall mobile food carts placement be in front of a buildings entrance, a fire hydrant, or emergency exit.~~
 - (i) ~~All applicable permits must be obtained prior to the installation of any temporary structure, lighting, signage, etc.~~
6. ~~Administration.~~
- a. ~~Application shall be made to the growth management **Community Development Services** department, on forms provided by the department, for a compliance certificate and a temporary vender permit prior to any itinerant vending operation setup within the city limits.~~
 - b. ~~Upon approval of the compliance certificate application for operating as an itinerant vendor within the city limits, the applicant may submit a temporary use permit application for the specific location and timeframes for said operation.~~
 - c. ~~The growth management **Community Development Services** department shall review the application the duration of the permit and specifying such conditions as to, location, parking, traffic, access and any other conditions of the activity that may be required for permit issuance.~~
7. ~~Denial or revocation of itinerant vendor compliance certificate and/or temporary vending permit.~~
- a. ~~The growth management **Community Development Services** department may revoke, suspend, or deny the issuance of any itinerant vending compliance certificate or temporary vending permit if it is determined that an applicant has:~~
 - (1) ~~Been convicted of or entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state of the United States, involving moral turpitude, fraudulent or dishonest dealing, or the illegal use or sale of a controlled substance.~~
 - (2) ~~Has obtained a permit by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required permit application.~~
 - (3) ~~Has failed to obtain required approvals from the state or obtain any applicable permits or licenses.~~
 - (4) ~~Upon finding imminent and hazardous threats to public health and safety caused by any use, the growth management **Community Development Services** department may take reasonable steps to prevent public access thereto and to eliminate such hazard and may revoke or suspend a certificate permit.~~
 - (5) ~~Not later than ten days after the filing of a completed application for a vendor's certificate, the applicant shall be notified by the growth management **Community**~~

~~Development Services~~ department of the decision on the issuance or denial of the license. If the issuance of the license is approved, the growth management ~~Community Development Services~~ department may issue a temporary use permit upon review of an application for said permit.

- (6) If the temporary use permit is denied, the applicant shall be provided with a statement of the reasons therefor, which reasons shall be entered in writing on the application.

8. Prohibitions.

- a. No temporary vending permit shall be issued for any itinerant vendor operation in a residential zoning district.
- b. No solicitor, peddler or vendor shall enter into any house, building or other structure or upon any land, parcel, lot, or property, without the prior consent of the owner or occupant thereof where there is placed or posted on the premises in a conspicuous position at or near the usual means of ingress or visible from such location, a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not desire persons engaged in such or similar activity to enter upon the premises.
- c. No solicitor or vendor shall conduct themselves or their business in an unlawful manner or in such manner as to constitute a breach of peace, is offensive to public decency or can be considered menacing to the health, safety or general welfare of the public.
- d. It shall be unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street, sidewalk, public area, public right-of-way or private property in the city, without first obtaining a compliance certificate with the city and securing the required temporary vending permit(s).

9. Exemptions.

- a. The following activities are exempt from the provisions of the article ~~Sec. 7-6(C)~~:
 - (1) Salesmen representing wholesale houses or distributors who sell to local retail merchants from catalogues or samples.
 - (2) Sales of goods, wares, food, or merchandise at festivals, carnivals, celebrations or other special events sponsored and/or permitted by the appropriate governing body or authority.
 - (3) The sale of privately owned and used merchandise, at garage or yard sales conducted on the privately owned or rented premises used as a residence by the seller of such goods.
 - (4) The sale of farm, aqua cultural, grove, horticultural, floricultural, tropical porciculture, or tropical fish farm products, or other products manufactured there from, except intoxicating liquors, wine, or beer.
 - (5) Sales of goods or merchandise purchased with donated funds or donated by the owners thereof, the proceeds whereof are to be applied to any charitable, not-for-profit, or philanthropic purpose.
 - (6) Minors conducting home solicitation sales under the supervision of an adult, or solicitors, salespersons, or agents making calls or soliciting orders on behalf of a religious, charitable, scientific, educational, or veterans' institution or other not-for-profit organization are exempt from this article.

- (7) Any public or nonprofit school which operates a carnival, fair, or other celebration, by whatever name known, which is in operation for three days or less and which includes the sale and preparation of food and beverages must notify the local county health department of the proposed event and is exempt from any temporary food service regulations with respect to the requirements for having hot and cold running water; floors which are constructed of tight wood, asphalt, concrete, or other cleanable material; enclosed walls and ceilings with screening; and certain size counter service. A school may not use this notification process to circumvent the license requirements of this chapter.
10. Appeals-
- a. Appeals may be filed as provided elsewhere within the land development code. A permit may be reinstated provided that the applicant has met all conditions and requirements.
11. Compliance certificate and/or permit nontransferable.
- a. Neither the certificate nor the permit provided for in this article shall be transferable, nor give authority to more than one location, unless provided for by this article, by any person to sell or exhibit goods or merchandise.
12. Display of certificate and permit.
- a. Both the itinerant vending compliance certificate and the temporary vending permit shall be displayed in a conspicuous place on the premises where the sale or exhibit is being conducted and shall remain displayed so long as any goods or merchandise are being sold or exhibited.
13. Prerequisite for issuance of municipal or county occupational license.
- a. A municipality or county may not issue an occupational license to any business coming under the provisions of this chapter until a license has been procured for such business from the division.
14. Penalties.
- a. Any person or business violating any provision of this article or any rule, order, or regulation made pursuant to this article shall be subject to a civil penalty in an amount not to exceed \$500.00. Each day the violation exists shall be considered a separate violation. The penalty provided for herein is cumulative to other remedies or enforcement processes the city may have, including those available under F.S. ch. 162, and section 1-11, General penalty; continuing violations, of the City of Crestview Code of Ordinances.
 - b. For the purposes of this article, a separate offense shall be deemed committed for each day a violation of this article exists, such time commencing on the day the offender is notified of the violation.
 - c. No person or business shall be in violation of this article for catering activity, temporary sales of food, or vending machine activity in accordance with F.S. ch. 509, and Rule 61C-1.002(5)(a), Florida Administrative Code, so long as such person or business is not required to procure a license from the Florida Department of Business and Professional Regulation and/or the department of agriculture, for service of food to the public as a mobile food dispensing vehicle.
15. Reference.
- a. F.S. chs. 500, Food Products and 509, Lodging and Food Service Establishments; Department of Business and Professional Regulations, Division of Hotels and Restaurants,

~~Public Lodging and Food Service Establishments, Administrative Rules (September 2018)
chapter 61C-1 Florida Administrative Code and chapter 61C-4 Public Food Service
Establishments; US Department of Health and Human Services, FDA US Food and Drug
Administration, Food Code 2017.~~

Sec 7-7 – Temporary Uses

A. Roadside and Mobile Vendors

1. Applicability. Unless otherwise specified, roadside and mobile vendors conducting retail sales or displays are permissible as a temporary use in the MX-NC, C-1, C-2 and C-3 zoning districts, in accordance with the standards of this section
2. Unless otherwise specified, temporary uses subject to this section shall not exceed fifteen (15) days in any one (1) month.
3. A temporary use permit is required according to the requirements of the Florida Building Code.
4. Standards for roadside and mobile vendors.
 - a. The applicant shall possess a valid City Business Tax Receipt.
 - b. The applicant shall have written permission from the property owner and the business owner of the site on which the roadside or mobile vendor is proposed.
 - c. The applicant shall demonstrate that the proposed use meets all applicable City, County and State requirements, including, but not limited to a Florida Department of Professional and Business Regulation Mobile Food Dispensing Vehicle License and/or Public Food Service License, if applicable. Proof of an approved Florida Plan Review for hot dog carts and other mobile vendors shall also be submitted, if applicable.
 - d. The proposed use shall provide sufficient on-site parking.
 - e. The proposed use shall not be located in or block a fire lane.
 - f. The hours of operation shall be appropriate for the location.
 - g. The proposed use shall not block or impede any roadway, driveway, accessway, or sidewalk in a way that hinders normal traffic flow or pedestrian traffic flow.
 - h. The applicant shall demonstrate proper control of sanitation and litter associated with the proposed use.
 - i. The applicant shall demonstrate that the proposed use includes proper restroom facilities available during all hours of operation.
5. Stationary Food Trucks (SFT) and stationary Food Dispensing Vehicles (SFDV):
 - a. SFT and SFDV vendors conducting retail sales or displays are permissible in the MX-NC, C-1, C-2 and C-3 zoning districts.
 - b. ~~Definitions:~~ **Move to new Chapter 2 – Definitions.**
 - (1) ~~Stationary Food Truck/Stationary Food Dispensing Vehicle.~~ Refers to Itinerant Vendors that operate in either a self-propelled vehicle or other trailer/vehicle moved by a self-propelled vehicle.
 - (2) ~~Mobile service base.~~ A place for food storage, the cleaning of the equipment, the filling of water tanks, and proper disposal of wastewater and grease and does not include the use of a private home as a mobile service base.
 - (3) ~~Vend.~~ To sell or offer to sell products from a mobile food truck dispensing vehicle.

- c. In addition to the standards for roadside and mobile vendors in Sec 7-7(A)(4), stationary food racks and stationary food dispensing vehicles shall be subject to the following standards:
 - (1) Transferability. Ownership of any SFT and or SFDV permit shall not be transferred.
 - (2) SFT and/or SFDV permits shall be valid for a period not to exceed one (1) year (three hundred sixty-five (365) days) from the date of issuance.
 - (3) The applicant shall obtain all applicable City building permits for the installation of the SFT and/or SFDV for improvements including but not limited to temporary/accessory structures, site improvements, lighting, signage, and utilities prior to issuance of SFT and/or SFDV permit.
 - (4) The applicant shall demonstrate that all applicable City fees including, but not limited to, permitting, business tax receipt and impact fees have been paid prior to issuance of SFT and/or SFDV permit.
 - (5) All equipment and/or utilities associated with the SFT and/or SFDV shall be screened from public view. The SFT and/or SFDV shall not contain any structural defects (i.e. rust, broken parts, holes) and shall contain surfaces that are readily cleanable.
 - (6) The applicant shall demonstrate that the SFT and/or SFDV meets all setback requirements in the applicable zoning district.
- 6. Temporary Auto Sales. Temporary auto sales are permissible if conducted by a dealership licensed by the Florida Department of Motor Vehicles with a permanent sales location within the City of Crestview.
 - a. Temporary auto sales shall be allowed for a maximum of fifteen (15) consecutive days, two (2) times per calendar year per dealership. Dates of operation will include dates to assemble and dismantle equipment and/or structures.
 - b. No more than one (1) temporary auto sales event shall be allowed on any parcel of land and/or lot at any given time.



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: July 6, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE: 7/1/2020
SUBJECT: New Land Development Code Chapter 9 - Variations from Standards in the LDC

BACKGROUND:

The current Land Development Code is based on code written mostly in 1996 and updated sporadically. State, federal statutes and regulations have changed as well as industry best practices. These changes created a multitude of updates, resulting in a code that is very difficult to regulate. On March 5th, the City Council and the Local Planning Agency met to discuss a plan to update the Land Development Code. During the meeting, city staff outlined a plan to systematically review and rewrite the LDC. The results from that effort created a new Administrative Procedures chapter, which created the Planning and Development Board. Changing the duties and procedures for the board. This is chapter 9 Variations for Standards in LDC of the plan.

DISCUSSION:

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this LDC where hardship would otherwise occur. There are several ways that potential relief from hardship is addressed: potential relief through requirements regarding the use of and changes to nonconforming development; potential relief through the grant of a variance from the site development standards of this LDC; potential relief when an administrative decision is appealed; and potential relief when an administrative waiver is granted to modify certain site development standards of this LDC.

Establishes waiver of standards pertaining to metal buildings to include:

- The proposed metal building shall be consistent with the character of the neighborhood within 500 feet of the site of the metal building.
- The metal building and the site on which it is proposed are designed to minimize potential detrimental impacts on properties within 500 feet of the development site. The determination that potential detrimental impacts are minimized.
- Defines Nonconforming Situations as a use, structure, lot, or site feature that was lawfully established and in compliance with regulations applicable to the use, structure, lot, or site feature at the time of establishment of such use, structure, lot, or site feature; and such use, structure, lot, or site feature does not comply with the regulations set forth in this LDC.
- Maintenance. Normal and customary maintenance or repair of nonconforming lots, sites, and structures shall be allowed, provided that such maintenance or repair does not otherwise increase the extent of the nonconformity. Maintenance or repair shall be performed only to ensure safety and to prevent a nuisance.

Defines types of Nonconformities to include:

- A benign nonconformity exists when the degree of nonconformity does not result in a harmful or unsafe condition; a negative impact on public safety or health is not expected to occur due to the continuation or modification of a benign nonconformity. All conforming structures as of January 1, 2020 will be considered benign nonconformities.
- Detrimental nonconformities defined as any use of land or structure that does not comply with the uses permissible in the applicable zoning district, as set forth, shall be considered to be a detrimental nonconformity.

Provided for damage and restoration of nonconforming buildings or structures to include:

- In the event that any nonconforming building or structure is damaged by any means, including fire, flood, wind, explosion, or other act of God, or act of the public enemy, to an extent of less than fifty (50) percent of the total assessed value of the building or structure, such building or structure shall be permitted to be replaced, restored, or reconstructed according to the development standards in effect at the time of original construction. The assessed value shall be determined by an independent appraisal establishing value on the date of the damage event. Where an independent appraisal is not provided, the assessed value shall be the most recent taxable value shown for the structure as determined by the Okaloosa County Property Appraiser on January 1 of the year in which the damage occurred.
- Replacement, restoration, and reconstruction shall be permissible only in compliance with building, plumbing, electrical, gas, mechanical, fire, and other construction and life safety regulations in effect at the time of application for a local development permit to allow such replacement, restoration, or reconstruction.
- Permits for replacement, restoration, or reconstruction shall not be issued after twenty-four (24) months have elapsed since the damage event.

Provided for expansion or modification of benign nonconformities to include:

- Any addition or expansion of the structure shall comply with the standards applicable to the zoning district as set forth in this LDC;
- Any addition or expansion of the structure shall not increase the extent of the nonconformity.
- Any addition or expansion of a structure shall comply with all local development permit requirements as set forth in this chapter.

Establishes procedures for variances to include:

- The application shall include a detailed explanation regarding how the proposed variance complies with each of the requirements of Section 9.02.02.
- An application for a variance for development subject to review of a site development plan shall be processed prior to completion of the site plan review process.
- The application shall be reviewed by the Planning Administrator for compliance with the required findings set forth in Section 9.02.02. A report shall be prepared and provided to the PDB at least seven (7) business days prior to the scheduled hearing date.
- The PDB shall approve, approve with conditions, or deny the application for a variance, based upon findings for each of the provisions set forth in Section 9.02.02. The decision of the PDB shall be reduced to a written order, which shall be issued to the applicant and filed with the Okaloosa County Clerk of Court. An order approving or approving with conditions shall expire within one (1) year of the date of such order, unless development subject to the variance is completed. The order may be extended

once by the PDB for good cause for a period not to exceed one (1) year.

Establishes administrative decisions include decisions by the Community Development Services Director and staff members pertaining to the following matters: zoning determinations, certificates of concurrency, minor plats, administrative waivers, change of use, interpretation of permissible uses within zoning districts, and expedited development orders. A person adversely affected by an administrative decision may appeal such decision to the PDB.

Establishes procedures for consideration of an appeal of an administrative decision to include:

- The consideration of an appeal by the PDB of an administrative decision shall be a de novo quasi-judicial hearing.
- The applicant has the burden of proof to demonstrate that the administrative decision was in error.
- The PDB shall issue a written order containing findings of facts and conclusions of law.

The above list is not a comprehensive list of items included within chapter 9 is intended to point out some of the significant items. The format and adoption of this section will increase the efficiency of the review and regulations of such developments.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational – these are the four areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability – Achieve long term financial sustainability.

Organizational Capacity, Effectiveness & Efficiency – To efficiently & effectively provide the highest quality of public services.

Infrastructure – Satisfy current and future infrastructure needs.

Communication – To engage, inform and educate public and staff.

Quality of Life – these six areas focus on the overall experience when provided by the city.

Community Character – Promote desirable growth with a hometown atmosphere.

Safety – Ensure the continuous safety of citizens and visitors.

Mobility – Provide safe, efficient and accessible means for mobility.

Opportunity – Promote an environment that encourages economic and educational opportunity.

Play – Expand recreational and entertainment activities within the City.

Community Culture – Develop a specific identity for Crestview.

FINANCIAL IMPACT

This will have no financial impact on the existing City budget.

RECOMMENDED ACTION

Staff respectfully requests the Planning and Development Board review and provide comments on this chapter.

Attachments

1. DRAFT Chapter 9 - Variations from Standards in the LDC

CHAPTER 9 – VARIATIONS FROM STANDARDS IN THE LDC

9.00.00 - GENERALLY

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this LDC where hardship would otherwise occur. There are several ways that potential relief from hardship is addressed: potential relief through requirements regarding the use of and changes to nonconforming development; potential relief through the grant of a variance from the site development standards of this LDC; potential relief when an administrative decision is appealed; and potential relief when an administrative waiver is granted to modify certain site development standards of this LDC.

9.00.01 - Waiver of Standards Pertaining to Metal Buildings.

The Planning and Development Board may approve a waiver of standards pertaining to metal building, provided the following standards are met:

- A. The proposed metal building shall be consistent with the character of the neighborhood within 500 feet of the site of the metal building.
- B. The metal building shall be designed to ensure compatibility with development in the zoning district in which it is proposed.
- C. The metal building and the site on which it is proposed are designed to minimize potential detrimental impacts on properties within 500 feet of the development site. The determination that potential detrimental impacts are minimized shall be based on the following:
 1. Proposed architectural design of the metal building;
 2. Proposed placement of the metal building on the site and the relationship to open space on the site;
 3. Proposed fencing and screening; and
 4. Proposed landscaping.

9.01.00 - NONCONFORMING SITUATIONS

9.01.01 - Generally.

- A. Purpose. It is the purpose of this section to address the continuation and potential modification of uses, structures, lots, and site features that meet the following conditions:
 1. A use, structure, lot, or site feature that was lawfully established and in compliance with regulations applicable to the use, structure, lot, or site feature at the time of establishment of such use, structure, lot, or site feature; and
 2. Such use, structure, lot, or site feature does not comply with the regulations set forth in this LDC.This situation is called a nonconformity.
- B. It is the intent of the City to:
 1. Establish two (2) types of nonconformities: benign and detrimental;
 2. Allow continuation of nonconformities until such nonconformities are abandoned;

Comment [EADI(1): These numbers will be reviewed and combined with full document at end of project. They may change at that time.

3. Allow change of use of specified nonconformities;
 4. Allow modifications to specified nonconformities; and
 5. Eliminate or reduce detrimental nonconformities.
- C. It is further the intent of the City that the casual, intermittent, temporary, or illegal use of land, water, buildings, structures, characteristics of use, or any such use in combination shall not be sufficient to establish the existence of a nonconforming use to create rights in the continuance of such use.
- D. Maintenance. Normal and customary maintenance or repair of nonconforming lots, sites, and structures shall be allowed, provided that such maintenance or repair does not otherwise increase the extent of the nonconformity. Maintenance or repair shall be performed only to ensure safety and to prevent a nuisance.
- E. Relocation of nonconforming buildings or structures. A nonconforming structure shall not be moved, in whole or in part, to another location within the City, unless the lot, site, and resulting structure placement conforms in all respects to the standards and requirements of this LDC.

9.01.02 - Types of Nonconformities.

A. Benign nonconformities.

1. A benign nonconformity exists when the degree of nonconformity does not result in a harmful or unsafe condition; a negative impact on public safety or health is not expected to occur due to the continuation or modification of a benign nonconformity. All conforming structures as of January 1, 2020 will be considered benign nonconformities.
2. Only the following situations shall be considered benign nonconformities:
 - a. An encroachment into a required setback of less than ten (10) percent.
 - b. A lot area which is less than the minimum required by not more than ten (10) percent.
 - c. A lot width which is less than the minimum required by not more than ten (10) percent.
 - d. A building feature which is more than the maximum allowed by not more than ten (10) percent.
 - e. A front yard setback that fails to comply with the standards in this LDC due to road widening.
 - f. Provision of off-street parking that contains up to ten (10) percent fewer spaces than required by this LDC or through a parking study.
 - g. Impervious surface coverage in excess of maximum allowed.

B. Detrimental nonconformities.

1. Any use of land or structure that does not comply with the uses permissible in the applicable zoning district, as set forth in **XX**, shall be considered to be a detrimental nonconformity.
2. Any nonconformity of a structure or site that is not identified as a benign nonconformity in **Section 9.01.02.A** shall be considered to be a detrimental nonconformity.

9.01.03 - Continuation of Nonconformities.

- A. A benign or detrimental nonconformity shall be allowed to continue except as follows:
 - 1. The nonconformity is declared to be unsafe or unlawful.
 - 2. The nonconformity is declared to be a public nuisance.
- B. A detrimental nonconformity which is discontinued for a period of 180 consecutive days shall be considered abandoned.
 - 1. Such nonconformity shall not thereafter be reinstated.
 - 2. Any subsequent occupancy of such nonconformity shall be permissible only when such nonconformity has been brought into compliance with the requirements of this LDC.
 - 3. The removal of buildings, structures, equipment, or other aspects of such nonconforming use; the absence of a water utility service deposit or account; or the absence of a current business tax receipt shall be deemed to be prima facie evidence of the discontinuance of a nonconformity.
 - 4. If the reason for discontinuance is the documented action by a governmental agency, the time of delay caused by the governmental agency shall not be calculated as part of the period of discontinuance.
- C. A benign nonconformity may be discontinued for any period of time and shall not be considered abandoned.

9.01.04 - Change of Use.

- A. All rights and obligations associated with a nonconformity shall run with the ownership of the land or water, are not personal to the present owner or tenant of the nonconforming use of land or water and are not affected by a change in ownership or tenancy, except if abandoned.
- B. Benign nonconformities. A land use carried out in or on a lot, site, or structure that has been identified as a benign nonconformity may be changed to any use permissible in the zoning district in which it is located, subject to the requirements set forth in XX. The nonconformities are not required to be modified for compliance with the standards of this LDC.
- C. Detrimental nonconformities. The use of a lot, site, or structure identified as a detrimental nonconformity may be changed, provided the following standards are met:
 - 1. The new use is less intense than the existing use. Intensity shall be determined by impervious surface coverage and either density for residential uses or the floor area ratio for nonresidential uses; or
 - 2. The new use complies with the requirements of this LDC.

9.01.05 - Damage and Restoration of Nonconforming Buildings or Structures.

- A. In the event that any nonconforming building or structure is damaged by any means, including fire, flood, wind, explosion, or other act of God, or act of the public enemy, to an extent of less than fifty (50) percent of the total assessed value of the building or structure, such building or structure shall be permitted to be replaced, restored, or reconstructed according to the development standards in effect at the time of original construction. The assessed value shall be determined by an independent appraisal establishing value on the date of the damage event. Where an independent appraisal is not provided, the assessed value shall be the most recent taxable value shown for the structure as determined by the Okaloosa County Property Appraiser on January 1 of the year in which the damage occurred.

- B. Replacement, restoration, and reconstruction shall be permissible only in compliance with building, plumbing, electrical, gas, mechanical, fire, and other construction and life safety regulations in effect at the time of application for a local development permit to allow such replacement, restoration, or reconstruction.
- C. Permits for replacement, restoration, or reconstruction shall not be issued after twenty-four (24) months have elapsed since the damage event.

9.01.06 - Expansion or Modification of Benign Nonconformities.

- A. A structure which is a benign nonconformity may be modified or expanded, subject to the following standards:
 - 1. Any addition or expansion of the structure shall comply with the standards applicable to the zoning district as set forth in this LDC;
 - 2. Any addition or expansion of the structure shall not increase the extent of the nonconformity; and
 - 3. Any addition or expansion of a structure shall comply with all local development permit requirements as set forth in **Chapter XX**.
- B. A lot or site which is a benign nonconformity may be modified, subject to the following standards:
 - 1. Any additional structures or site features shall comply with the standards set forth in this LDC;
 - 2. The addition of structures or site features shall not increase the extent of the nonconformity; and
 - 3. The addition of structures or site features shall comply with all local development permit requirements as set forth in **Chapter XX**.

9.01.07 - Expansion or Modification of Detrimental Nonconformities.

- A. A structure which is a detrimental nonconformity shall not be expanded.
- B. A structure which is a detrimental nonconformity may be modified, subject to the following standards:
 - 1. The proposed modification of the structure shall be reviewed by the Community Development Services Director.
 - 2. Any modification of the structure shall not increase the extent of the nonconformity;
 - 3. Any modification of the structure shall comply with the standards set forth in this LDC;
 - 4. A modification shall not be permissible when off-street parking and loading required for the modification cannot be provided;
 - 5. When a modification is to allow or accommodate a change of use, the use shall be in compliance with the use requirements of the zoning district as set forth in **Chapter XX**;
 - 6. The modification of the structure shall maintain or improve compatibility of the structure with the neighborhood in which it is located; and
 - 7. Approval of modifications to nonconforming structures shall be conditioned upon the addition or improvement of access, driveways, sidewalks, drainage, and landscaping, in compliance with the requirements of this LDC.

C. A lot or site which is a detrimental nonconformity may be modified, subject to the following standards:

1. The proposed modification of the lot or site shall be reviewed by the Community Development Services Director.
2. Additional or modified structures or other site features shall be permissible only where such additions or modifications improve the degree of conformity or provide for the public safety;
3. The addition or modification of structures or other site features shall not increase the extent of the nonconformity;
4. The addition or modification of structures or other site features shall maintain or improve compatibility of the site with the neighborhood in which it is located;
5. As a condition of approval of applications to add or modify structures or other site features, the applicant may be required to demonstrate that the site is designed in compliance with the requirements of this LDC with regard to access, sidewalks, drainage, and landscaping.

9.01.08 - Specific Requirements for Lots of Record.

When an individual lot or parcel has an area smaller than the requirements of the zoning district in which it is located, but was a lot or parcel of record on January 1, 2021, the permitted uses of the zoning district shall be allowed on such lot or parcel, provided all requirements, other than minimum lot area, depth, or width, are maintained. For residentially zoned lots of record, the minimum side yard setback requirement on such lots or parcels can be modified but shall be not less than ten (10) percent of the lot width and, regardless of lot width, shall not be less than five (5) feet.

9.02.00 - VARIANCES

9.02.01 - Generally.

- A. Purpose. The purpose of a variance is to provide a means to grant permission to depart from the standards of the zoning district where unique characteristics of a parcel together with the imposition of the specific regulations of the zoning district result in a hardship.
- B. Variances granted prior to adoption of this LDC.
 1. Any variance granted before the date of adoption of this LDC shall remain in full force and effect, including any conditions of that variance, except as set forth in **Section 9.02.01.B(2) and (3)**.
 2. Property for which a variance was granted prior to the adoption of this LDC may be developed in accordance with the plans previously approved. Where construction or development does not commence prior to the expiration of the variance, the variance shall have no further force and effect and the provisions of this LDC shall apply to development and use of the property.
 3. Where a variance does not contain an expiration date, and a building permit application has not been submitted for the development for which the variance was granted, such variance shall expire twelve (12) months after the effective date of the order granting the variance. Upon expiration, the variance shall have no further force and effect and the provisions of this LDC shall apply to development and use of the property.

9.02.02 - Required Findings for a Grant of Variance.

- A. In order for an application for a variance to be approved or approved with conditions, the Planning and Development Board (PDB) shall make a positive finding, based on the evidence submitted, for each of the following provisions:
1. The need for the proposed variance is due to the unusual or unique physical shape, configuration, or other physical condition of the development site. These special conditions are not generally applicable to other lands, structures, or buildings in the same zoning district;
 2. The literal interpretation and application of the provisions of this LDC would deprive the property owner of property rights commonly enjoyed by other properties in the same zoning district, resulting in an undue hardship;
 3. The special conditions are not the result of actions of the property owner and are not based solely on a desire to reduce development costs;
 4. Approval of the proposed variance shall not provide to the property any special privilege that is denied to other development sites within the same zoning district;
 5. The proposed variance is the minimum variance that results in reasonable use of the land, building, or structure;
 6. Approval of the proposed variance shall ensure compatibility of the resulting development with the uses of land and character of the adjacent and surrounding neighborhood;
 7. The proposed variance is consistent with the intents and purposes of the requirements of this LDC;
 8. The proposed variance is consistent with the provisions of the Comprehensive Plan; and
 9. The proposed variance is not detrimental to the health, safety, or general welfare of the public.
- B. The PDB shall not consider a nonconforming use of neighboring lands, structures, or buildings in the same zoning district, or a permitted use of lands, structures, or buildings in other zoning districts, when determining whether to grant an application for a variance.

9.02.03 - Procedures for Variances.

- A. Any person requesting a variance from the provisions of this LDC shall submit an application to the City on forms provided by the City.
1. The application shall include the information required for all applications as set forth in **Section XX**.
 2. The application shall include a detailed explanation regarding how the proposed variance complies with each of the requirements of **Section 9.02.02**.
 3. An application for a variance for development subject to review of a site development plan shall be processed prior to completion of the site plan review process.
 4. The appropriate fee as established by the City shall accompany the application. No portion of the fee shall be refunded whether the application is withdrawn by the applicant or is denied by the City.

- B. The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of **Section 9.02.02**.
- C. The application shall be reviewed by the Planning Administrator for compliance with the required findings set forth in **Section 9.02.02**. A report shall be prepared and provided to the PDB at least seven (7) business days prior to the scheduled hearing date.
- D. The PDB shall conduct a quasi-judicial hearing according to the procedures set forth in **Section XX**.
- E. Notice of the hearing shall be provided as set forth in **Section XX**.
- F. The PDB shall approve, approve with conditions, or deny the application for a variance, based upon findings for each of the provisions set forth in **Section 9.02.02**. The decision of the PDB shall be reduced to a written order, which shall be issued to the applicant and filed with the Okaloosa County Clerk of Court. An order approving or approving with conditions shall expire within one (1) year of the date of such order, unless development subject to the variance is completed. The order may be extended once by the PDB for good cause for a period not to exceed one (1) year.
- G. Limitations on the grant of a variance.
 - 1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
 - 2. A variance shall not be granted which authorizes any use or standard that is expressly prohibited by this LDC.

9.02.04 - Appeal of Planning and Development Board Decisions.

The decision of the PDB shall be final, and there shall be no further review thereof except by resort to a court of competent jurisdiction.

9.02.05 - Specific Requirements for Variances Regarding Historic Buildings.

Variances may be issued for the reconstruction, rehabilitation, or restoration of buildings listed on the National Register of Historic Places or the Florida Master Site File. Such variance shall comply with the standards set forth in **Sections 9.02.01, through 9.02.03**, except where compliance would result in the structure losing its historical designation.

9.02.06 - Specific Requirements for Variances in Areas of Flood Hazard.

- A. An application for a variance in an area of flood hazard identified in **Chapter XX** shall comply with the findings and procedures set forth in **Sections 9.02.01 through 9.02.03**.
- B. In addition to the required findings set forth in **Section 9.02.02**, the PDB shall make the following findings when a variance is requested in an area of flood hazard:
 - 1. There is no anticipated danger to public safety from materials that may be swept onto other lands thereby causing the injury of others;
 - 2. There is no anticipated danger to life and property resulting from flooding or erosion;
 - 3. The proposed facility and its contents are not susceptible to flood damage and the potential effects of such damage;
 - 4. The proposed facility and services to the public provided by the facility are of such importance to the community that maximum protection from flood waters shall be ensured;

5. The facility requires a waterfront location, and is considered a water-dependent facility;
 6. There are no alternative locations for the proposed use that are not subject to flooding or erosion damage;
 7. Safe access to the property can be maintained in times of flood for ordinary and emergency vehicles;
 8. The proposed variance is the minimum required to avoid undue hardship and is designed to address the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 9. The proposed variance shall not result in increased costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- C. Variances shall not be granted within any designated floodway if any increase in flood levels would occur during the base flood discharge.

9.03.00 - APPEALS OF ADMINISTRATIVE DECISIONS

9.03.01 - Applicability.

Administrative decisions include decisions by the Community Development Services Director and staff members pertaining to the following matters: zoning determinations, certificates of concurrency, minor plats, administrative waivers, change of use, interpretation of permissible uses within zoning districts, and expedited development orders. A person adversely affected by an administrative decision may appeal such decision to the PDB.

9.03.02 - Notice of Intent to File an Appeal of an Administrative Decision.

- A. Prior to filing an application for an appeal of an administrative decision, an affected party shall file a Notice of Intent to Appeal within five (5) business days following the administrative decision, determination, or action to be appealed. The City shall provide a form for filing a Notice of Intent to Appeal. No fee shall be required.
- B. When a Notice of Intent to Appeal is filed, all work that is the subject of the appeal on a site shall be stayed for ten (10) business days.

9.03.03 - Filing an Appeal of an Administrative Decision.

- A. Within ten (10) business days following filing of a Notice of Intent to Appeal, the affected party filing the Notice of Intent may file an application to appeal an administrative decision.
- B. The application shall include a detailed explanation regarding how the applicant is adversely affected by the administrative decision. Where the administrative decision was based on technical standards, the applicant shall provide detailed data and analysis regarding alleged errors in the application of the technical standards.
- C. The appropriate fee as established by the City shall accompany the application. The application shall not be accepted without the filing fee. No portion of the fee shall be refunded.
- D. Upon receipt of an application to appeal an administrative decision, the Planning Administrator shall schedule the appeal to be heard by the PDB.
- E. The administrative decision subject to the Notice of Intent shall become final and effective if an application to appeal is not timely filed.

9.03.04 - Stay of Work.

Filing an appeal of an administrative decision stays all work on the premises and all proceedings in furtherance of the action appealed that is subject to the appeal. When the Planning Administrator determines that a stay would cause imminent peril to life or property, the Planning Administrator shall notify the PDB of the determination. Only the work necessary to avoid imminent peril to life or property shall be permissible; all other work shall be stayed.

9.03.05 - Procedures for Consideration of an Appeal of an Administrative Decision.

- A. The consideration of an appeal by the PDB of an administrative decision shall be a de novo quasi-judicial hearing.
- B. The Planning Administrator shall prepare a report following the procedure for preparation of a compliance report set forth in **Section XX**.
- C. Notice of the hearing shall be provided as set forth in **Section XX**.
- D. The applicant has the burden of proof to demonstrate that the administrative decision was in error.
- E. The PDB shall determine whether the provisions of this LDC have been properly applied and shall take action as follows:
 - 1. Affirm the administrative decision that is the subject of the appeal;
 - 2. Reverse, wholly or in part, the administrative decision that is the subject of the appeal;
or
 - 3. Modify the administrative decision that is the subject of the appeal.
- F. The PDB shall issue a written order containing findings of facts and conclusions of law.

9.03.06 - Appeal of Planning and Development Board Decisions.

The decision of the PDB shall be final, and there shall be no further review thereof except by resort to a court of competent jurisdiction.