



CITY OF CRESTVIEW

Community Development Services

P.O. DRAWER 1209, CRESTVIEW, FLORIDA 32536

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

PLANNING AND DEVELOPMENT BOARD

October 5, 2020

6:00 PM

Council Chambers

PLANNING AND DEVELOPMENT BOARD

The Public is invited to view our meetings on the City of Crestview Live stream a at <https://www.cityofcrestview.org> 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 Approve Agenda
- 4 Public Opportunity to speak on Agenda items
- 5 Consent Agenda
- 6 Ordinances
- 7 Final Plats and PUDS
 7. Shoal River Landing Phase 1
- 8 Special Exceptions, Variances, Vacations and Appeals
- 9 Action Items
 9. Chapter 1 - General Administration
 9. Chapter 4 - Zoning Districts and Overlays
 9. Chapter 5 - Environmental and Resource Protection

- 9. Chapter 6 - Design and Development Standards
- 9. Chapter 7 - Accessory, Temporary, and Special Use Situations
- 9. Chapter 8 - Standards for Transportation, Access, Parking, and Loading
- 9. Chapter 9 - Variations from Standards in the LDC
- 9. Proposed New FLU Map
- 9. Preliminary New Zoning Map

10 Comments from the Audience

11 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: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Shoal River Landing Phase 1

BACKGROUND:

D.R. Horton, the developer, has almost completed the construction of the infrastructure for a 341 lot, single family subdivision development on the 193.35± acre parcel located on Okaloosa Ln, (PIN # 27-3N-23-0000-0010-0010). Matt Zinke, P.E. is the Authorized Agent and Engineer for the project.

Final Plat for this review is regarding Phase 1 of the subdivision, encompassing 64.49 acres shown on the original preliminary plat.

Construction plans and preliminary plat were previously reviewed and approved by the City Council on January 14, 2019, following LPA approval and recommendation on December 18, 2018.

DISCUSSION:

As per our City Code, final plats are only approved by the City Council. However, the plat also includes a place to be signed by the LPA (PDB) chairman. Because this board is mostly new, and has a new chairman, we wanted to present this project as a courtesy prior to calling the chairman in to sign the plat.

Additionally, considering we have new members on this board, and this new board has yet to review a subdivision, we thought this would be a good opportunity to go over the main elements of subdivision developments, and what the scope of this board's review should be.

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

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

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

This item has no direct effect on the current City Budget.

RECOMMENDED ACTION

There is no action needed by this board at this time. The Chairman of the Board will need to sign the plat when the plat is presented by staff. The Chairman will be notified at that time.

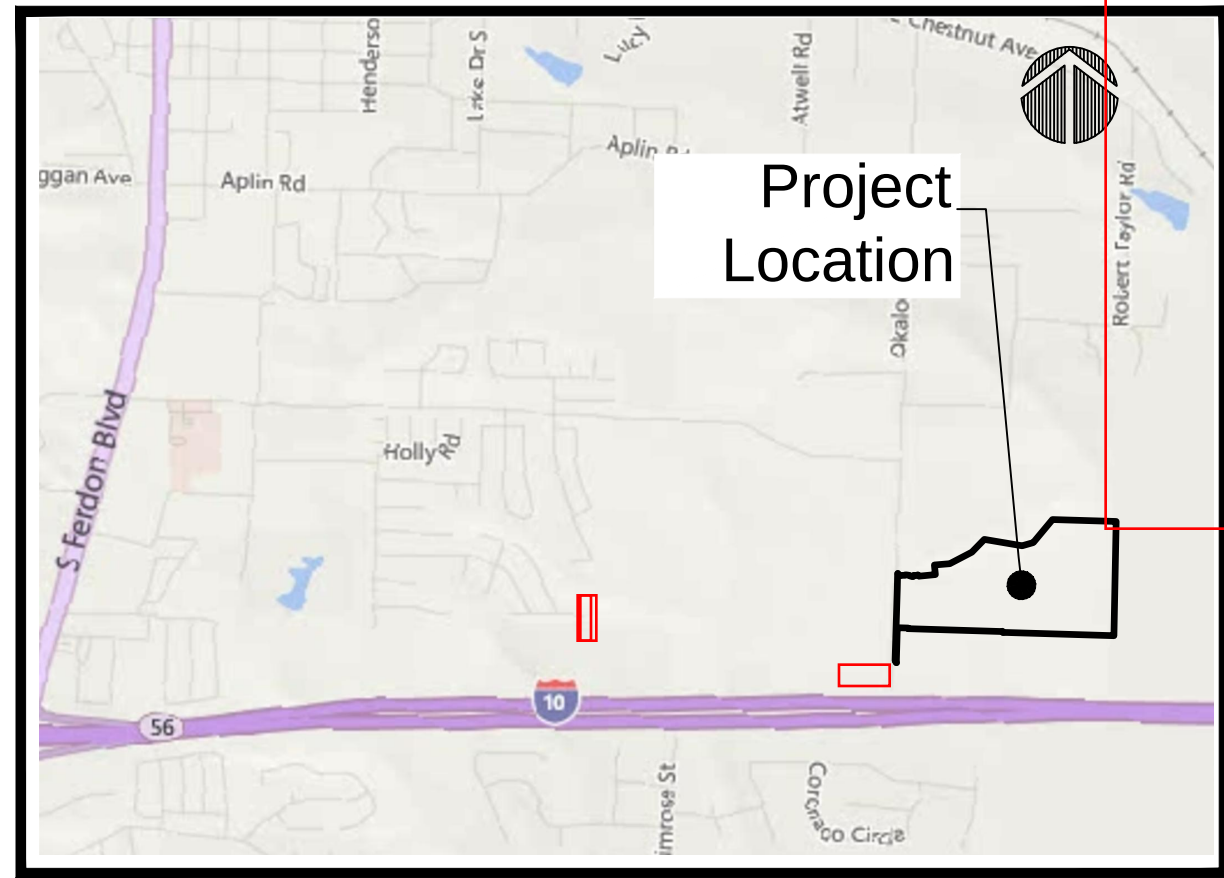
Attachments

1. Final Plat 9.15.20

SHOAL RIVER LANDING PHASE 1

A RESIDENTIAL SUBDIVISION IN SECTION 27, TOWNSHIP 3 NORTH, RANGE 23 WEST,
CITY OF CRESTVIEW, OKALOOSA COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____



VICINITY MAP (NOT TO SCALE)

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT 68V SHOAL RIVER (FL) 2019, LLC AND OKALOOSA COUNTY BCC, AS OWNERS OF THE LANDS HEREON PLATTED AS "SHOAL RIVER LANDING PHASE 1", DO HEREBY DEDICATE TO THE CITY OF CRESTVIEW IN FEE SIMPLE, ALL PUBLIC RIGHTS-OF-WAY AS SHOWN HEREON. FURTHERMORE, 68V SHOAL RIVER (FL) 2019, LLC AND OKALOOSA COUNTY BCC DO HEREBY GRANT A NON-EXCLUSIVE EASEMENT FOR THE PURPOSES OF INSTALLATION, MAINTENANCE AND REPAIR OF VARIOUS UTILITIES INCLUDING CENTURY LINK, COX COMMUNICATIONS, GULF POWER COMPANY, AND OKALOOSA GAS DISTRICT OVER SAID PUBLIC RIGHTS-OF-WAY AS SHOWN HEREON. 68V SHOAL RIVER (FL) 2019, LLC AND OKALOOSA COUNTY BCC HEREBY REQUEST THAT THIS PLAT BE RECORDED IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

68V SHOAL RIVER (FL) 2019, LLC

BY: NATHAN COX
MANAGER

WITNESS

OKALOOSA COUNTY BCC

BY: JOHN HOFSTAD
OKALOOSA COUNTY ADMINISTRATOR

WITNESS

WITNESS

ACKNOWLEDGMENT:

STATE OF ALABAMA, COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 2020 BEFORE ME, AN OFFICER DULY AUTHORIZED AND ACTING, PERSONALLY APPEARED NATHAN COX, WHO IS PERSONALLY KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT OF DEDICATION OR WHO HAS PRODUCED _____ AS IDENTIFICATION, AND AS MANAGER OF 68V SHOAL RIVER (FL) 2019, LLC, ACKNOWLEDGED TO AND BEFORE ME THAT SAID INSTRUMENT IS HIS/HER FREE ACT AND DEED.

NOTARY PUBLIC, STATE OF ALABAMA, COUNTY OF BALDWIN

MY COMMISSION EXPIRES: _____

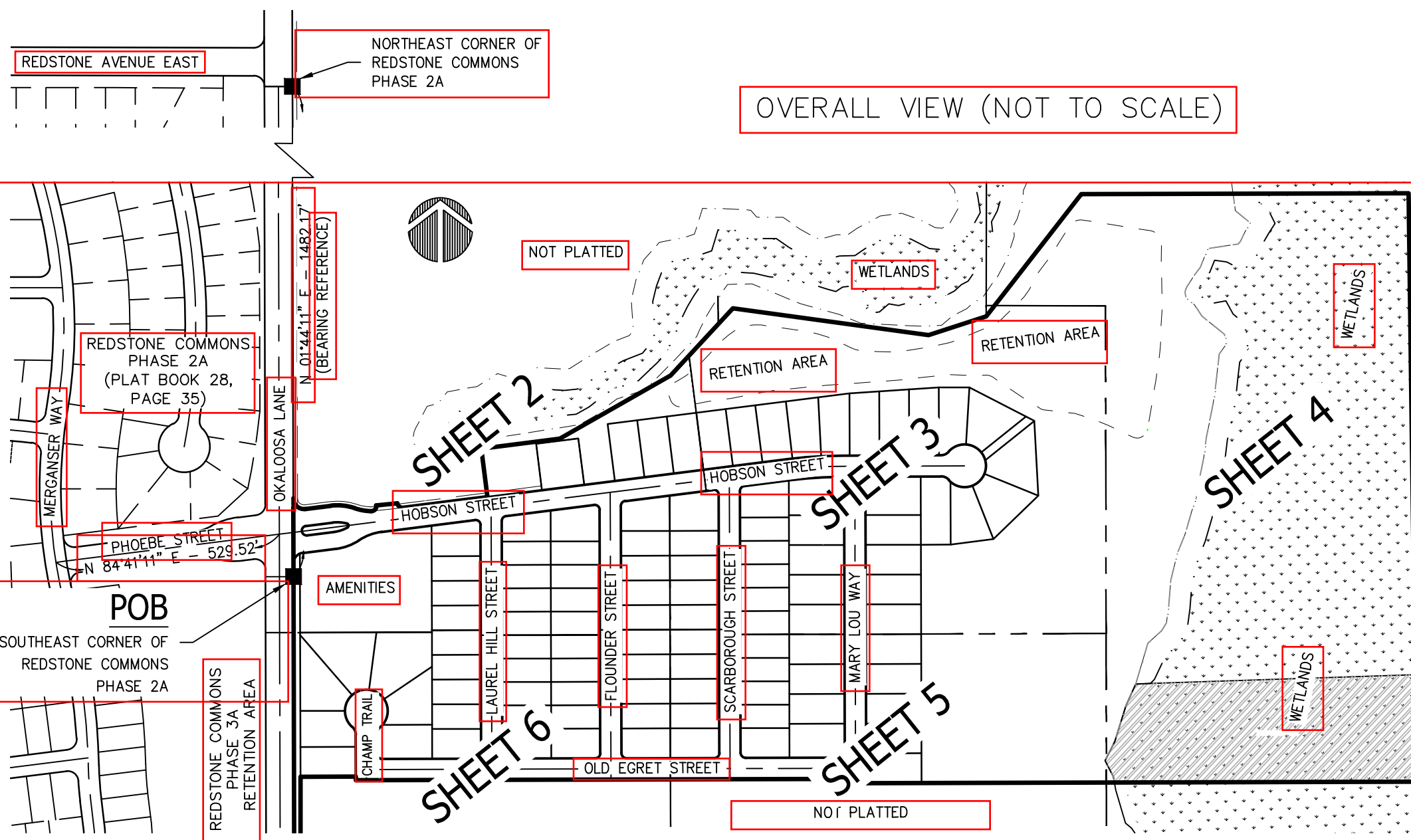
ACKNOWLEDGMENT:

STATE OF FLORIDA, COUNTY OF OKALOOSA

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 2020 BEFORE ME, AN OFFICER DULY AUTHORIZED AND ACTING, PERSONALLY APPEARED D. JOHN HOFSTAD, WHO IS PERSONALLY KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT OF DEDICATION OR WHO HAS PRODUCED _____ AS IDENTIFICATION, AND AS OKALOOSA COUNTY ADMINISTRATOR, ACKNOWLEDGED TO AND BEFORE ME THAT SAID INSTRUMENT IS HIS FREE ACT AND DEED.

NOTARY PUBLIC, STATE OF FLORIDA, COUNTY OF OKALOOSA

MY COMMISSION EXPIRES: _____



INDEX

SHEET 1 — COVER SHEET WITH APPROVALS
SHEETS 2-6 — DETAIL VIEW SHEETS

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN SECTION 27, TOWNSHIP 3 NORTH, RANGE 23 WEST, CITY OF CRESTVIEW, OKALOOSA COUNTY, FLORIDA, LYING EAST OF, AND ADJACENT TO REDSTONE COMMONS PHASE 2A (PLAT BOOK 28, PAGE 35) AND PHASE 3A (PLAT BOOK 28, PAGE 39), AND LYING EAST OF OKALOOSA LANE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE AFORESAID REDSTONE COMMONS PHASE 2A, SAID POINT LYING ON THE EAST RIGHT-OF-WAY LINE OF SAID OKALOOSA LANE; THENCE N 01°44'11" E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 183.75 FEET TO A POINT OF CUSP ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, PROCEED ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 97°02'59", AN ARC DISTANCE OF 42.35 FEET, (CHORD BEARING = S 46°47'19" E, CHORD = 37.46 FEET), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 84°41'11" E, A DISTANCE OF 60.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 125.00 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26°21'46", AN ARC DISTANCE OF 57.51 FEET, (CHORD BEARING = S 82°07'56" E, CHORD = 57.01 FEET), TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 125.00 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°42'37", AN ARC DISTANCE OF 38.64 FEET, (CHORD BEARING = S 77°48'21" E, CHORD = 38.48 FEET), TO A POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 12.00 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 98°39'09", AN ARC DISTANCE OF 20.66 FEET, (CHORD BEARING = N 44°00'46" E, CHORD = 18.20 FEET); THENCE N 86°09'35" E, A DISTANCE OF 50.02 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 12.00 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 18.85 FEET, (CHORD BEARING = S 50°18'49" E, CHORD = 16.97 FEET), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 84°41'11" E, A DISTANCE OF 199.99 FEET; THENCE N 05°18'49" W, A DISTANCE OF 115.00 FEET; THENCE N 84°41'11" E, A DISTANCE OF 186.16 FEET; THENCE N 62°16'04" E, A DISTANCE OF 299.67 FEET; THENCE N 44°42'14" E, A DISTANCE OF 215.47 FEET; THENCE S 80°18'46" E, A DISTANCE OF 464.10 FEET; THENCE N 73°51'49" E, A DISTANCE OF 142.55 FEET; THENCE N 39°46'32" E, A DISTANCE OF 363.80 FEET; THENCE S 88°15'49" E, A DISTANCE OF 769.43 FEET TO A POINT LYING ON THE EAST LINE OF AFORESAID SECTION 27; THENCE S 01°06'42" W ALONG SAID EAST LINE, A DISTANCE OF 1382.89 FEET; THENCE DEPARTING SAID EAST LINE, N 88°15'49" W, A DISTANCE OF 1293.65 FEET; THENCE S 89°26'44" W, A DISTANCE OF 50.04 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 12.00 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 18.85 FEET, (CHORD BEARING = N 43°15'49" W, CHORD = 16.97 FEET), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 88°15'49" W, A DISTANCE OF 1138.00 FEET; THENCE N 01°44'11" E, A DISTANCE OF 8.56 FEET; THENCE N 88°15'49" W, A DISTANCE OF 130.00 FEET TO A POINT ON A LINE LYING PARALLEL TO, AND 15.00 FEET EAST OF THE AFORESAID EAST RIGHT-OF-WAY LINE OF OKALOOSA LANE; THENCE S 01°44'11" W ALONG SAID PARALLEL LINE, A DISTANCE OF 425.37 FEET TO A POINT OF NON-TANGENT INTERSECTION WITH A CURVE, CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 66°25'19", AN ARC DISTANCE OF 28.98 FEET (CHORD BEARING = N 31°28'19" W, CHORD = 27.39 FEET) TO A POINT OF TANGENCY WITH THE AFORESAID EAST RIGHT-OF-WAY LINE OF OKALOOSA LANE; THENCE N 01°44'11" E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 872.87 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 64.49 ACRES, MORE OR LESS.

TITLE CERTIFICATION:

THE UNDERSIGNED TITLE EXAMINER, AS ASSISTANT VICE PRESIDENT OF ALLIANT NATIONAL TITLE INSURANCE COMPANY, A TITLE INSURER LICENSED IN THE STATE OF FLORIDA, CERTIFIES THAT THE LANDS AS DESCRIBED AND SHOWN ON THE PLAT ARE IN THE NAME OF, AND APPARENT RECORD TITLE IS HELD BY 68V SHOAL RIVER (FL) 2019, LLC AND OKALOOSA COUNTY BCC AND THAT ALL TAXES HAVE BEEN PAID ON SAID PROPERTY AS REQUIRED BY SECTION 197.192, FLORIDA STATUTES, AS AMENDED; AND THE OFFICIAL RECORD BOOK AND PAGE NUMBER OF ALL MORTGAGES, LIENS, OR OTHER ENCUMBRANCES AGAINST THE LAND, AND THE NAMES OF ALL PERSON HOLDING AN INTEREST IN SUCH MORTGAGE, LIEN OR ENCUMBRANCE ARE AS FOLLOWS:

THIS REPORT IS NOT TITLE INSURANCE. PURSUANT TO SECTION 627.7843, FLORIDA STATUTES, THE MAXIMUM LIABILITY OF THE ISSUER OF THIS PROPERTY INFORMATION REPORT FOR ERRORS OR OMISSIONS IN THIS PROPERTY INFORMATION REPORT IS LIMITED TO THE AMOUNT PAID FOR THIS PROPERTY INFORMATION REPORT, AND IS FURTHER LIMITED TO THE PERSON(S) EXPRESSLY IDENTIFIED BY NAME IN THE PROPERTY INFORMATION REPORT AS THE RECIPIENT(S) OF THE PROPERTY INFORMATION REPORT.

OPINION RENDERED ON THE _____ DAY OF _____, 2020.

CHRISTOPHER M. PEDERSEN
ALLIANT NATIONAL TITLE INSURANCE COMPANY
SENIOR COMMERCIAL PROJECT EXAMINER, AVP

SURVEYOR'S NOTES:

- THIS PLAT HAS BEEN PREPARED FROM A PREVIOUS BOUNDARY SURVEY OF THE SUBJECT PROPERTY PREPARED BY THIS FIRM AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS DEFINED IN CHAPTER 61G17-6 OF THE FLORIDA STATUTES.
- BEARING SHOWN HEREON WERE REFERENCED TO THE EAST LINE OF REDSTONE COMMONS PHASE 2A, SAID LINE BEARING N 01°44'11" E, AS SHOWN ON SAID RECORD PLAT AND ESTABLISHED ON FLORIDA STATE PLANE, NORTH ZONE, NORTH AMERICAN DATUM OF 1983.
- NO SEARCH OF THE PUBLIC RECORDS WAS DONE BY GUSTIN, COTHERN & TUCKER, INC.
- CAPTIONS WHICH APPEAR OUTSIDE THIS PHASE OF THE SUBDIVISION ARE FOR CONVENIENCE ONLY. NO CONVEYANCE OR PROMISE TO CONVEY ANY LANDS OR ANY INTEREST IN LANDS OUTSIDE THIS SUBDIVISION PHASE IS INTENDED OR IMPLIED.
- LINE EXTENDING FROM CURVED LINES ARE RADIAL UNLESS OTHERWISE SHOWN.
- UNDERGROUND ENCROACHMENTS, IF ANY, NOT LOCATED EXCEPT AS SHOWN HEREON.

APPROVAL OF CITY COUNCIL

THIS CERTIFIES THAT THIS PLAT WAS PRESENTED TO THE CITY COUNCIL OF CRESTVIEW, OKALOOSA COUNTY, FLORIDA AND APPROVED BY THEM ON THE ____ DAY OF _____, 2020.

MAYOR

ATTEST BY: _____
CITY CLERK

CITY CLERK VERIFICATION

THE UNDERSIGNED HEREBY ATTESTS THAT THIS PLAT WAS GRANTED FINAL APPROVAL BY THE CITY COUNCIL IN SESSION ASSEMBLED ON THE DATE MENTIONED ABOVE AS A MATTER OF PUBLIC RECORD. FURTHER, THAT THIS INSTRUMENT WAS DULY AUTHENTICATED BY THE PRESENTING OFFICER OF THE CITY COUNCIL.

CITY CLERK

CITY ENGINEER'S CERTIFICATE

THE UNDERSIGNED CERTIFY THAT THE SUBDIVISION AS IT APPEARS ON THIS PLAT CONFORMS TO THE APPLICABLE REGULATIONS RELATING TO THE SUBDIVISION OF LAND AND IS ACCORDINGLY APPROVED, BY SUCH APPROVAL, THE UNDERSIGNED DO NOT CERTIFY AS TO THE CORRECTNESS OF THE BOUNDARY, STREET OR OTHER LINES SHOWN ON THIS PLAT.

APPROVED: _____
CITY ENGINEER, CITY OF CRESTVIEW

DATE

COMMUNITY DEVELOPMENT SERVICES MANAGER

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS PLAT CONFORMS TO THE GENERAL ENGINEERING STANDARDS AND MEETS PLAT SPECIFICATIONS SET FORTH BY THE CITY OF CRESTVIEW CODE OF ORDINANCES.

COMMUNITY DEVELOPMENT SERVICES MANAGER

LOCAL PLANNING AGENCY

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS PLAT WAS PRESENTED TO THE LOCAL PLANNING AGENCY OF THE CITY OF CRESTVIEW, FLORIDA, AND WAS APPROVED BY THEM ON THE _____ DAY OF _____, 2020.

LPA CHAIRMAN OR LPA VICE CHAIRMAN

COUNTY SURVEYOR:

THIS IS TO CERTIFY THAT THIS PLAT WAS REVIEWED BY THE OKALOOSA COUNTY SURVEYOR AND MEETS THE REQUIREMENTS OF CHAPTER 177 OF THE STATUTES AND WAS APPROVED BY HIM/HER ON THE _____ DAY OF _____, 2020.

CLAYTON M. JOHNSON, PROFESSIONAL SURVEYOR AND MAPPER #7178
OKALOOSA COUNTY SURVEYOR

CERTIFICATION BY TAX COLLECTOR:

I, BEN ANDERSON, DO HEREBY CERTIFY THAT TAXES HAVE BEEN PAID FOR THE TAX YEAR _____ FOR THE PROPERTY DESCRIBED HEREON TO THE BEST OF MY KNOWLEDGE AS OF THE _____ DAY OF _____, 2020.

BEN ANDERSON, TAX COLLECTOR, OKALOOSA COUNTY, FLORIDA

CLERK'S CERTIFICATE OF RECORDING:

I, _____, CLERK OF THE CIRCUIT COURT, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 2020

IN PLAT BOOK _____ PAGE _____

JD PEACOCK II
CLERK OF THE CIRCUIT COURT

SURVEYOR'S CERTIFICATE:

I, ALLEN E. TUCKER, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1, PLATTING.

ALLEN E. TUCKER, PROFESSIONAL SURVEYOR AND MAPPER NO. 4584
GUSTIN, COTHERN & TUCKER, INC. L.B. NO. 3501
121 HART STREET NICEVILLE, FLORIDA 32578
PHONE: (850) 678-5141 FAX: (850) 729-2460

Prepared September 2020

PREPARED BY:

Gustin, Cothern & Tucker, Inc.
Land Surveying

121 Hart Street Niceville, FL 32578 (850) 678-5141

SHOAL RIVER LANDING PHASE 1

SHEET 1 OF 6

SHOAL RIVER LANDING PHASE 1

A RESIDENTIAL SUBDIVISION IN SECTION 27, TOWNSHIP 3 NORTH, RANGE 23 WEST, CITY OF CRESTVIEW, OKALOOSA COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____

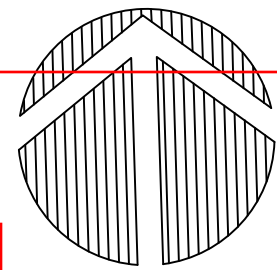
LEGEND:

- (°) = DEGREES
(') = MINUTES OR FEET
(") = SECONDS
L.B. = LAND SURVEYING BUSINESS
O.R. = OFFICIAL RECORDS
P.C. = PAGE
P.C.P. = PERMANENT CONTROL POINT
R = RADIUS
D = DELTA (CENTRAL ANGLE)
CB = CHORD BEARING (DIRECTION)
C = CHORD LENGTH
P.O.B. = POINT OF BEGINNING
R/W = RIGHT OF WAY
C/L = CENTERLINE
E.P.A. = ENVIRONMENTAL PRESERVATION AREA
L.B. = LAND SURVEYING BUSINESS
No. or # = NUMBER
C1-C9 = CURVE & LETTER TO CURVE TABLE
L1-L2 = LINE & NUMBER TO LINE TABLE
○ = SET 1/2" CAPPED IRON ROD.
(L.B. #3501)
⊙ = PERMANENT CONTROL POINT (P.C.P.)
SET NAIL AND DISC (L.B. #3501)
⊙ = PERMANENT CONTROL POINT (P.C.P.)
FOUND NAIL AND DISC (L.B. #3501)
□ = SET PERMANENT REFERENCE MONUMENT.
(P.R.M.) (4" X 4" CONCRETE
MONUMENT, L.B. #3501)

Building Setbacks

FRONT: 25'
REAR: 25'
SIDE: 7.5'
*CORNER: 15'

*CORNER SETBACKS (SIDE
SETBACKS AT CORNERS AS
DESIGNATED) ARE 15 FEET,
UNLESS OTHERWISE NOTED.
PLEASE REFER TO LOT 18.



NORTH

GRAPHIC SCALE
1" = 40'

CURVE TABLE

CURVE#	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	25.00'	42.35'	97°02'59"	37.46'	S 46°47'19" E
C2	125.00'	57.51'	26°21'46"	57.01'	S 82°07'56" E
C3	125.00'	38.64'	17°42'37"	38.48'	S 77°48'21" E
C4	12.00'	20.66'	98°39'09"	18.20'	N 44°00'46" E
C5	12.00'	18.85'	90°00'00"	16.97'	S 50°18'49" E
C6	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C7	125.00'	57.51'	26°21'46"	57.01'	N 71°30'18" E
C8	1050.00'	10.82'	0°35'26"	10.82'	N 84°58'54" E
C9	1050.00'	67.75'	3°41'50"	67.74'	N 87°07'32" E
C10	1050.00'	50.62'	2°45'44"	50.61'	S 89°38'41" E
C11	25.00'	21.03'	48°11'23"	20.41'	S 67°38'29" W
C12	50.00'	45.25'	51°51'10"	43.72'	N 69°28'23" E
C13	50.00'	41.67'	47°44'41"	40.47'	S 60°43'41" E
C14	50.00'	20.58'	23°34'41"	20.43'	S 25°04'00" E
C15	50.00'	32.44'	37°10'10"	31.87'	S 51°8'26" W
C16	50.00'	40.56'	46°28'46"	39.46'	S 47°07'53" W
C17	50.00'	55.12'	63°09'39"	52.37'	N 78°02'54" W
C18	50.00'	5.58'	6°23'38"	5.58'	N 43°16'16" W
C19	25.00'	21.03'	48°11'23"	20.41'	S 64°10'08" E
C20	12.00'	18.85'	90°00'00"	16.97'	N 46°44'11" E
C21	12.00'	18.85'	90°00'00"	16.97'	S 43°31'08" E
C22	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C23	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C24	125.00'	57.51'	26°21'46"	57.01'	N 71°30'18" E
C25	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C26	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C27	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C28	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C29	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C30	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C31	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C32	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C33	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C34	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C35	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C36	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C37	25.00'	21.03'	48°11'23"	20.41'	N 25°49'52" E
C38	50.00'	6.67'	7°38'53"	6.67'	N 46°06'07" E
C39	50.00'	64.91'	74°22'48"	60.45'	N 50°51'6" E
C40	50.00'	42.44'	48°37'53"	41.18'	N 56°25'04" W
C41	50.00'	42.22'	48°23'08"	40.98'	S 75°04'25" W
C42	50.00'	42.14'	48°17'22"	40.90'	S 26°44'10" W
C43	50.00'	42.80'	49°02'41"	41.50'	S 21°55'52" E
C44	25.00'	21.03'	48°11'23"	20.41'	S 22°21'31" E
C45	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C46	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C47	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C48	25.00'	38.24'	87°37'58"	34.62'	S 10°11'56" E
C49	5.00'	5.91'	67°40'06"	5.57'	S 28°31'14" W
C50	85.00'	33.13'	22°19'54"	32.92'	S 73°31'14" W
C51	11.00'	17.28'	90°00'00"	15.56'	N 50°18'49" W
C52	11.00'	7.07'	36°49'31"	6.95'	N 13°05'57" E
C53	85.00'	33.13'	22°19'54"	32.92'	S 84°08'52" E
C54	5.00'	5.91'	67°40'06"	5.57'	S 39°08'52" E
C55	25.00'	28.98'	66°25'19"	27.39'	N 31°28'29" W

NOTICE: THIS PLAT, AS RECORDED IN ITS
GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF
THE SUBDIVIDED LANDS DESCRIBED HEREIN AND
WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN
AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL
FORM OF THIS PLAT. THERE MAY BE
ADDITIONAL RESTRICTIONS THAT ARE NOT
RECORDED ON THIS PLAT THAT MAY BE FOUND
IN THE PUBLIC RECORDS OF THIS COUNTY.

Prepared September 2020

PREPARED BY:

Gustin, Cothorn & Tucker, Inc.
Land Surveying

121 Hart Street Niceville, FL 32578 (850) 678-5141

SHOAL RIVER LANDING PHASE 1

SHEET 2 OF 6



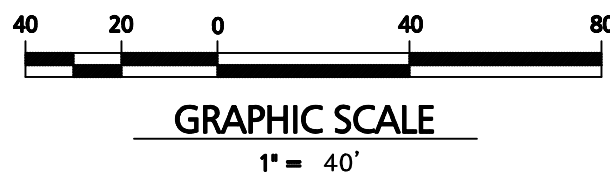
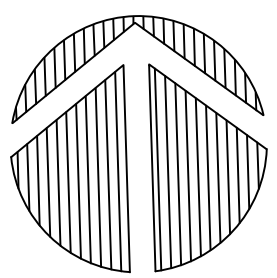
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SHOAL RIVER LANDING PHASE 1

A RESIDENTIAL SUBDIVISION IN SECTION 27, TOWNSHIP 3 NORTH, RANGE 23 WEST, CITY OF CRESTVIEW, OKALOOSA COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____

CURVE TABLE					
CURVE#	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	25.00'	42.35'	97°02'59"	37.46'	S 46°47'19" E
C2	125.00'	57.51'	26°21'46"	57.01'	S 82°07'56" E
C3	125.00'	38.64'	17°42'37"	38.48'	S 77°48'21" E
C4	12.00'	20.66'	98°39'09"	18.20'	N 44°00'46" E
C5	12.00'	18.85'	90°00'00"	16.97'	S 50°18'49" E
C6	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C7	125.00'	57.51'	26°21'46"	57.01'	N 71°30'18" E
C8	1050.00'	10.82'	0°35'26"	10.82'	N 84°58'54" E
C9	1050.00'	67.75'	3°41'50"	67.74'	N 87°07'32" E
C10	1050.00'	50.62'	2°45'44"	50.61'	S 89°38'41" E
C11	25.00'	21.03'	48°11'23"	20.41'	S 67°38'29" W
C12	50.00'	45.25'	51°51'10"	43.72'	N 69°28'23" E
C13	50.00'	41.67'	47°44'41"	40.47'	S 60°43'41" E
C14	50.00'	20.58'	23°34'41"	20.43'	S 25°04'00" E
C15	50.00'	32.44'	37°10'10"	31.87'	S 51°8'26" W
C16	50.00'	40.56'	46°28'46"	39.46'	S 47°07'53" W
C17	50.00'	55.12'	63°09'39"	52.37'	N 78°02'54" W
C18	50.00'	5.58'	6°23'38"	5.58'	N 43°16'16" W
C19	25.00'	21.03'	48°11'23"	20.41'	S 64°10'08" E
C20	12.00'	18.85'	90°00'00"	16.97'	N 46°44'11" E
C21	12.00'	18.96'	90°30'36"	17.05'	S 43°31'08" E
C22	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C23	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C24	125.00'	57.51'	26°21'46"	57.01'	N 71°30'18" E
C25	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C26	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C27	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C28	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C29	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C30	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C31	12.00'	18.85'	90°00'00"	16.97'	N 46°44'11" W
C32	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C33	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C34	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C35	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C36	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C37	25.00'	21.03'	48°11'23"	20.41'	N 25°49'52" E
C38	50.00'	6.67'	7°38'53"	6.67'	N 46°06'07" E
C39	50.00'	64.91'	74°22'48"	60.45'	N 5°05'16" E
C40	50.00'	42.44'	48°37'53"	41.18'	N 56°25'04" W
C41	50.00'	42.22'	48°23'08"	40.98'	S 75°04'25" W
C42	50.00'	42.14'	48°17'22"	40.90'	S 26°44'10" W
C43	50.00'	42.80'	49°02'41"	41.50'	S 21°55'52" E
C44	25.00'	21.03'	48°11'23"	20.41'	S 22°21'31" E
C45	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C46	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C47	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C48	25.00'	38.24'	87°37'58"	34.62'	S 10°11'56" E
C49	5.00'	5.91'	67°40'06"	5.57'	S 28°31'14" W
C50	85.00'	33.13'	22°19'54"	32.92'	S 73°31'14" W
C51	11.00'	17.28'	90°00'00"	15.56'	N 50°18'49" W
C52	11.00'	7.07'	36°49'31"	6.95'	N 13°05'57" E
C53	85.00'	33.13'	22°19'54"	32.92'	S 84°08'52" E
C54	5.00'	5.91'	67°40'06"	5.57'	S 39°08'52" E
C55	25.00'	28.98'	66°25'19"	27.39'	N 31°28'29" W



LEGEND:

- (°) = DEGREES
- (') = MINUTES OR FEET
- (") = SECONDS
- L.B. = LAND SURVEYING BUSINESS
- O.R. = OFFICIAL RECORDS
- P.G. = PAGE
- P.C.P. = PERMANENT CONTROL POINT
- A = ARC LENGTH
- R = RADIUS
- D = DELTA (CENTRAL ANGLE)
- CB = CHORD BEARING (DIRECTION)
- C = CHORD LENGTH
- POB = POINT OF BEGINNING
- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- E.P.A. = ENVIRONMENTAL PRESERVATION AREA
- L.B. = LAND SURVEYING BUSINESS
- No. or # = NUMBER
- C1-C9 = CURVE & LETTER TO CURVE TABLE
- L1-L2 = LINE & NUMBER TO LINE TABLE
- = SET 1/2" CAPPED IRON ROD, (L.B. #3501)
- ⊙ = PERMANENT CONTROL POINT (P.C.P.) SET NAIL AND DISC (L.B. #3501)
- ⊙ = PERMANENT CONTROL POINT (P.C.P.) FOUND NAIL AND DISC (L.B. #3501)
- = SET PERMANENT REFERENCE MONUMENT, (P.R.M.) (4" X 4" CONCRETE MONUMENT, L.B. #3501)

Building Setbacks

- FRONT: 25'
- REAR: 25'
- SIDE: 7.5'
- *CORNER: 15'

*CORNER SETBACKS (SIDE SETBACKS AT CORNERS AS DESIGNATED) ARE 15 FEET, UNLESS OTHERWISE NOTED. PLEASE REFER TO LOT 18.

NOTICE: DRAINAGE EASEMENT TO BE 5' OFF OF ALL REAR AND SIDE LOT LINES.

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Prepared September 2020

PREPARED BY:

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SHOAL RIVER LANDING PHASE 1

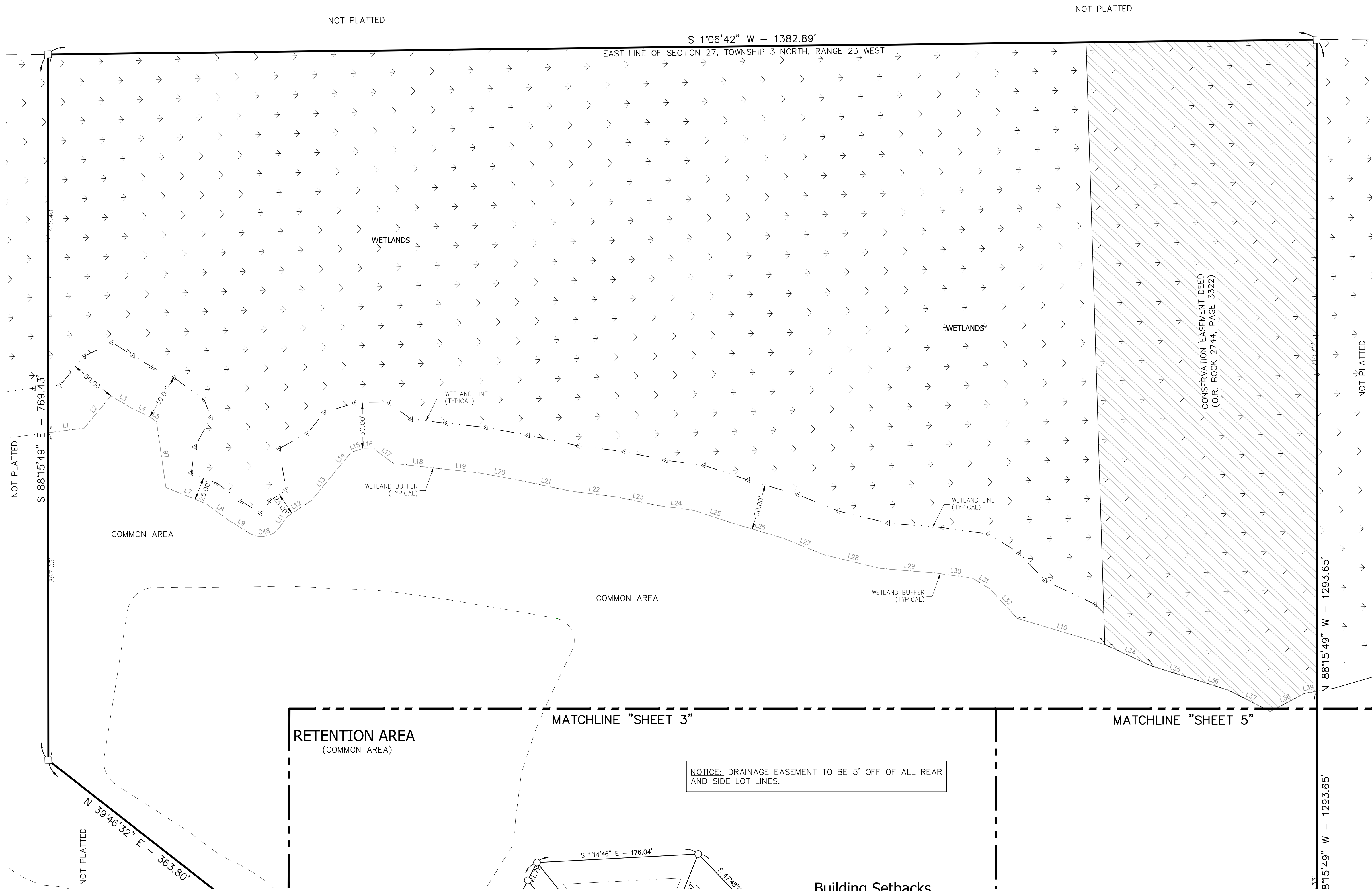
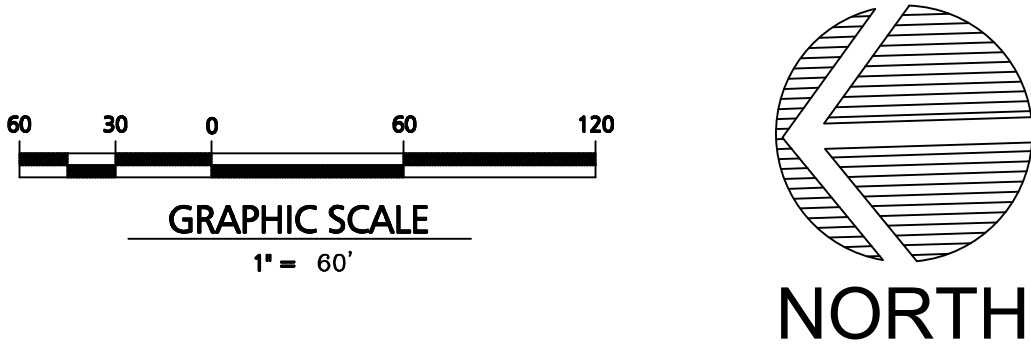
SHEET 3 OF 6



SHOAL RIVER LANDING PHASE 1

A RESIDENTIAL SUBDIVISION IN SECTION 27, TOWNSHIP 3 NORTH, RANGE 23 WEST, CITY OF CRESTVIEW, OKALOOSA COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____



LINE TABLE		
LINE#	DISTANCE	BEARING
L1	39.73	S 5°37'58" E
L2	45.41	S 48°42'33" E
L3	25.61	S 32°07'01" W
L4	22.99	S 27°22'43" W
L5	8.68	S 38°23'07" W
L6	72.39	S 83°35'14" W
L7	47.42	S 23°52'42" W
L8	30.33	S 38°13'24" W
L9	26.41	S 33°37'03" W
L10	99.75	S 18°29'57" W
L11	12.37	S 54°00'55" E
L12	32.45	S 32°07'16" E
L13	44.32	S 48°30'33" E
L14	23.95	S 49°18'31" E
L15	11.88	S 15°27'13" E
L16	13.69	S 1°53'28" W
L17	26.19	S 38°44'09" W
L18	52.96	S 8°21'10" W
L19	41.14	S 7°48'02" W
L20	44.13	S 12°23'56" W
L21	57.85	S 13°31'29" W
L22	50.35	S 8°58'35" W
L23	45.75	S 13°37'17" W
L24	39.53	S 9°22'30" W
L25	46.53	S 20°14'30" W
L26	55.58	S 18°02'35" W
L27	48.11	S 24°02'55" W
L28	63.49	S 15°21'27" W
L29	62.33	S 6°34'37" W
L30	38.42	S 9°35'10" W
L31	22.14	S 33°43'46" W
L32	43.79	S 48°55'59" W
L34	56.44	S 26°18'07" W
L35	49.92	S 19°08'35" W
L36	37.14	S 19°32'24" W
L37	51.27	S 28°31'30" W
L38	42.66	S 25°33'18" E
L39	13.46	S 7°51'44" E

CURVE TABLE					
CURVE#	RADIUS	LENGTH	DELTA	CHORD	BEARING
C48	25.00'	38.24'	87°37'58"	34.62'	S 10°11'56" E

Building Setbacks

FRONT: 25'
REAR: 25'
SIDE: 7.5'
*CORNER: 15'

*CORNER SETBACKS (SIDE SETBACKS AT CORNERS AS DESIGNATED) ARE 15 FEET, UNLESS OTHERWISE NOTED. PLEASE REFER TO LOT 18.

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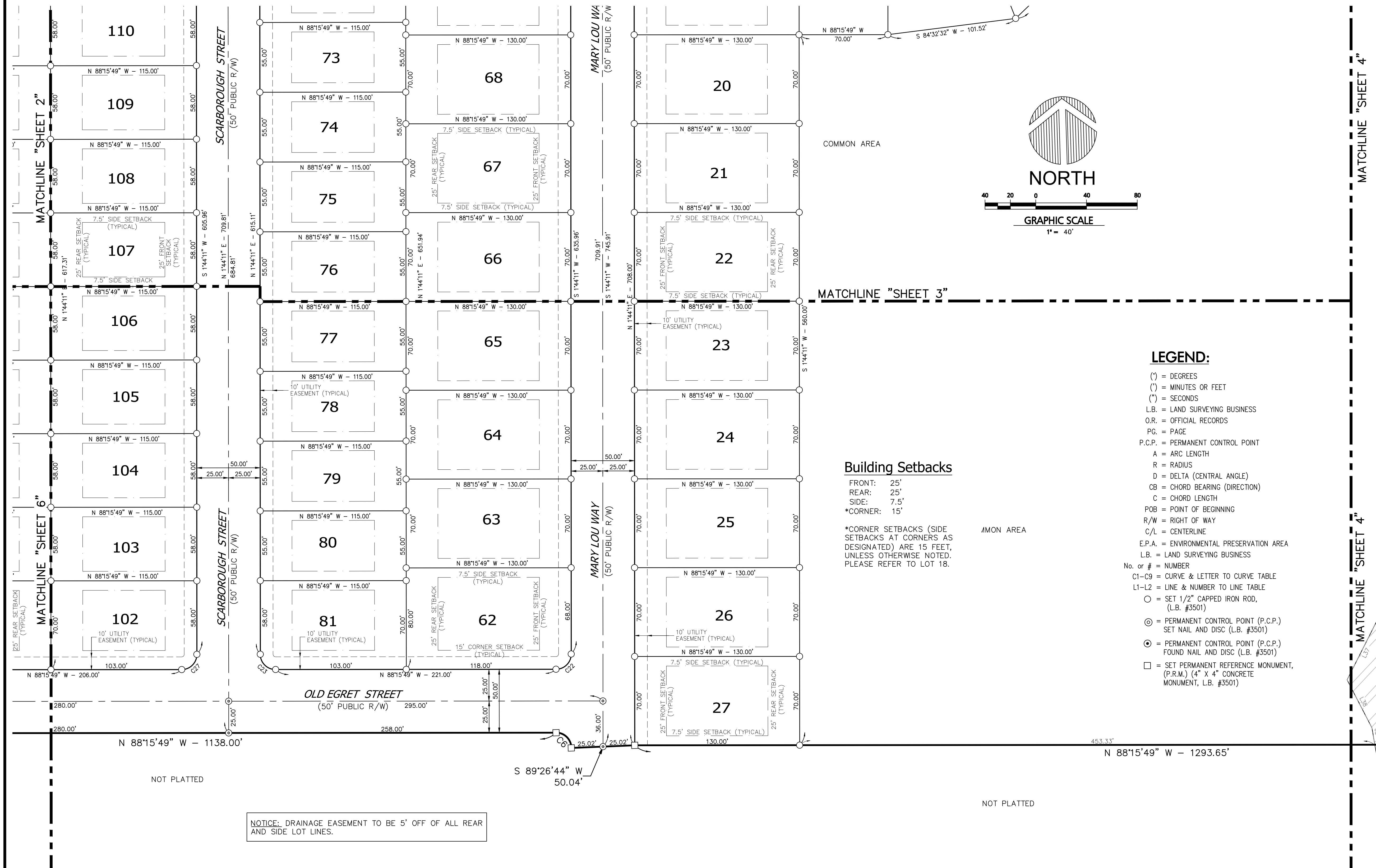
SHOAL RIVER LANDING PHASE 1

SHEET 4 OF 6

SHOAL RIVER LANDING PHASE 1

A RESIDENTIAL SUBDIVISION IN SECTION 27, TOWNSHIP 3 NORTH, RANGE 23 WEST, CITY OF CRESTVIEW, OKALOOSA COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____



CURVE TABLE					
CURVE#	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	25.00'	42.35'	97°02'59"	37.46'	S 46°47'19" E
C2	125.00'	57.51'	26°21'46"	57.01'	S 82°07'56" E
C3	125.00'	38.64'	17°42'37"	38.48'	S 77°48'21" E
C4	12.00'	20.66'	98°39'09"	18.20'	N 44°00'46" E
C5	12.00'	18.85'	90°00'00"	16.97'	S 50°18'49" E
C6	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C7	125.00'	57.51'	26°21'46"	57.01'	N 71°30'18" E
C8	1050.00'	10.82'	0°35'26"	10.82'	N 84°58'54"
C9	1050.00'	67.75'	3°41'50"	67.74'	N 87°07'32" E
C10	1050.00'	50.62'	2°45'44"	50.61'	S 89°38'41" E
C11	25.00'	21.03'	48°11'23"	20.41'	S 67°38'29" W
C12	50.00'	45.25'	51°51'10"	43.72'	N 69°28'23" E
C13	50.00'	41.67'	47°44'41"	40.47'	S 60°43'41" E
C14	50.00'	20.58'	23°34'41"	20.43'	S 25°04'00" E
C15	50.00'	32.44'	37°10'10"	31.87'	S 51°8'26" W
C16	50.00'	40.56'	46°28'46"	39.46'	S 47°07'53" W
C17	50.00'	55.12'	63°09'39"	52.37'	N 78°02'54" W
C18	50.00'	5.58'	6°23'38"	5.58'	N 43°16'16" W
C19	25.00'	21.03'	48°11'23"	20.41'	S 64°10'08" E
C20	12.00'	18.85'	90°00'00"	16.97'	N 46°44'11" E
C21	12.00'	18.96'	90°30'36"	17.05'	S 43°31'08" E
C22	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C23	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C24	125.00'	57.51'	26°21'46"	57.01'	N 71°30'18" E
C25	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C26	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C27	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C28	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C29	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C30	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C31	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C32	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C33	12.00'	17.37'	82°57'01"	15.90'	N 43°12'41" E
C34	12.00'	20.33'	97°02'59"	17.98'	S 46°47'19" E
C35	12.00'	18.85'	90°00'00"	16.97'	S 46°44'11" W
C36	12.00'	18.85'	90°00'00"	16.97'	N 43°15'49" W
C37	25.00'	21.03'	48°11'23"	20.41'	N 25°49'52" E
C38	50.00'	6.67'	7°38'53"	6.67'	N 46°06'07" E
C39	50.00'	64.91'	74°22'48"	60.45'	N 5°05'16" E
C40	50.00'	42.44'	48°37'53"	41.18'	N 56°25'04" W
C41	50.00'	42.22'	48°23'08"	40.98'	S 75°04'25" W
C42	50.00'	42.14'	48°17'22"	40.90'	S 26°44'10" W
C43	50.00'	42.80'	49°02'41"	41.50'	S 21°55'52" E
C44	25.00'	21.03'	48°11'23"	20.41'	S 22°21'31" E
C45	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C46	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C47	25.00'	36.19'	82°57'01"	33.11'	N 43°12'41" E
C48	25.00'	38.24'	87°37'58"	34.62'	S 10°11'56" E
C49	5.00'	5.91'	67°40'06"	5.57'	S 28°31'14" W
C50	85.00'	33.13'	22°19'54"	32.92'	S 73°31'14" W
C51	11.00'	17.28'	90°00'00"	15.56'	N 50°18'49" W
C52	11.00'	7.07'	36°49'31"	6.95'	N 13°05'57" E
C53	85.00'	33.13'	22°19'54"	32.92'	S 84°08'52" E
C54	5.00'	5.91'	67°40'06"	5.57'	S 39°08'52" E
C55	25.00'	28.98'	66°25'19"	27.39'	N 31°28'29" W

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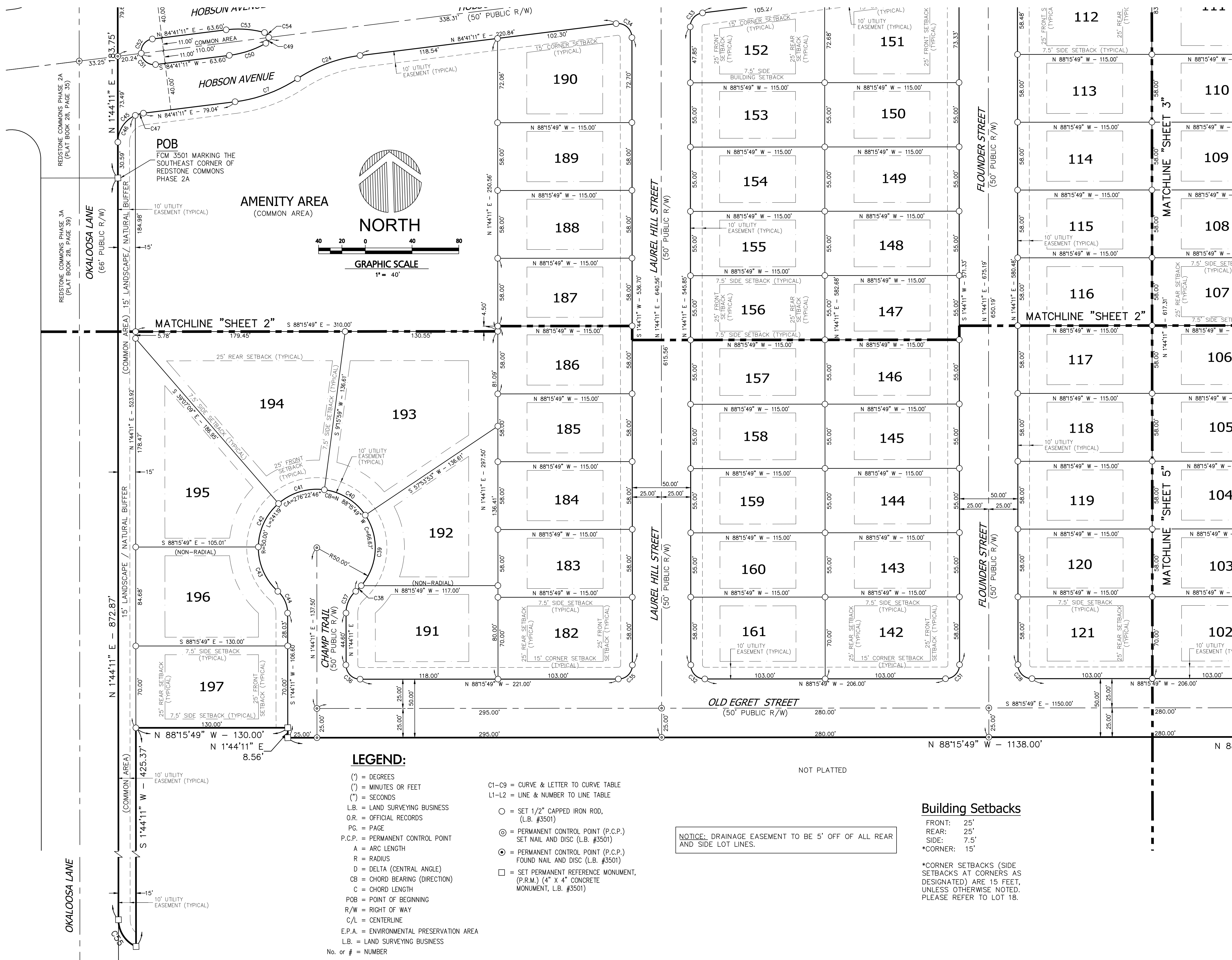
SHOAL RIVER LANDING PHASE 1

SHEET 5 OF 6

SHOAL RIVER LANDING PHASE 1

A RESIDENTIAL SUBDIVISION IN SECTION 27, TOWNSHIP 3 NORTH, RANGE 23 WEST, CITY OF CRESTVIEW, OKALOOSA COUNTY, FLORIDA

PLAT BOOK _____, PAGE _____



CURVE TABLE				
CURVE#	RADIUS	LENGTH	DELTA	CHORD
C1	25.00'	42.35'	97°02'59"	37.46'
C2	125.00'	57.51'	26°21'46"	57.01'
C3	125.00'	38.64'	17°42'37"	38.48'
C4	12.00'	20.66'	98°39'09"	18.20'
C5	12.00'	18.85'	90°00'00"	16.97'
C6	12.00'	18.85'	90°00'00"	16.97'
C7	125.00'	57.51'	26°21'46"	57.01'
C8	1050.00'	10.82'	0°35'26"	10.82'
C9	1050.00'	67.75'	3°41'50"	67.74'
C10	1050.00'	50.62'	2°45'44"	50.61'
C11	25.00'	21.03'	48°11'23"	20.41'
C12	50.00'	45.25'	51°51'10"	43.72'
C13	50.00'	41.67'	47°44'41"	40.47'
C14	50.00'	20.58'	23°34'41"	20.43'
C15	50.00'	32.44'	37°10'10"	31.87'
C16	50.00'	40.56'	46°28'46"	39.46'
C17	50.00'	55.12'	63°09'39"	52.37'
C18	50.00'	5.58'	6°23'38"	5.58'
C19	25.00'	21.03'	48°11'23"	20.41'
C20	12.00'	18.85'	90°00'00"	16.97'
C21	12.00'	18.85'	90°00'00"	16.97'
C22	12.00'	18.85'	90°00'00"	16.97'
C23	12.00'	18.85'	90°00'00"	16.97'
C24	125.00'	57.51'	26°21'46"	57.01'
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C32	12.00'	18.85'	90°00'00"	16.97'
C33	12.00'	17.37'	82°57'01"	15.90'
C34	12.00'	20.33'	97°02'59"	17.98'
C35	12.00'	18.85'	90°00'00"	16.97'
C36	12.00'	18.85'	90°00'00"	16.97'
C37	25.00'	21.03'	48°11'23"	20.41'
C38	50.00'	6.67'	7°38'53"	6.67'
C39	50.00'	64.91'	74°22'48"	60.45'
C40	50.00'	42.44'	48°37'53"	41.18'
C41	50.00'	42.22'	48°23'08"	40.98'
C42	50.00'	42.14'	48°17'22"	40.90'
C43	50.00'	42.80'	49°02'41"	41.50'
C44	25.00'	21.03'	48°11'23"	20.41'
C45	25.00'	36.19'	82°57'01"	33.11'
C46	25.00'	36.19'	82°57'01"	33.11'
C47	25.00'	36.19'	82°57'01"	33.11'
C48	25.00'	38.24'	87°37'58"	34.62'
C49	5.00'	5.91'	67°40'06"	5.57'
C50	85.00'	33.13'	22°19'54"	32.92'
C51	11.00'	7.07'	36°49'31"	6.95'
C52	85.00'	33.13'	22°19'54"	32.92'
C53	5.00'	5.91'	67°40'06"	5.57'
C54	25.00'	28.98'	66°25'19"	27.39'
C55	25.00'	28.98'	66°25'19"	27.39'

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THIS PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Prepared September 2020

PREPARED BY:

Gustin, Cothorn & Tucker, Inc.
Land Surveying

121 Hart Street Niceville, FL 32578 (850) 678-5141

SHOAL RIVER LANDING PHASE 1

SHEET 6 OF 6



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Chapter 1 - General Administration

BACKGROUND:

Chapter 1 is General Administration.

DISCUSSION:

This sets the purpose and intent for the entire LDC.

It provides for applicability, responsibility, how it is to be interpreted, and discusses in general any boards and their operation and oversight by the council.

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

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

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

This item has no direct effect on the current City Budget.

RECOMMENDED ACTION

Staff respectfully requests comments and any discussion on this Chapter.

Attachments

1. Chapter 1 - General Administration

CHAPTER 1 GENERAL ADMINISTRATION

1.00.00 - GENERALLY

1.00.01 - Purpose and Intent.

- A. The primary purpose of this Land Development Code (LDC) is implementation of the goals and objectives of the City of Crestview Comprehensive Plan (Comprehensive Plan).
- B. This LDC is further intended to accomplish the following:
 - 1. Protecting, promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals, and general welfare;
 - 2. Guiding and accomplishing coordinated and harmonious development in accordance with the existing and future needs of the City;
 - 3. Conserving the value of land, buildings, and resources, and protecting landowners from potential adverse impacts of proposed developments;
 - 4. Protecting the character and maintaining the stability of residential, business, industrial, recreation, and public areas;
 - 5. Guiding and regulating the growth of the City, concentrating the more intense development in areas of high capability and limiting development in areas of low capability;
 - 6. Directing and controlling the type, distribution, and intensity of development; and
 - 7. Being equitable, in terms of consistency, with established regulation and procedures, respecting the rights of property owners while taking into consideration the interests of all the citizens of the City.

1.01.00 - Title

This code shall be known as and entitled the "Crestview Land Development Code" and may be referred to as the "LDC."

1.02.00 - Authority

This LDC is enacted pursuant to the requirements and authority of Chapter 163, Part II, F.S., and Chapter 166, F.S.

1.03.00 - APPLICABILITY

1.03.01 - Generally.

Except as otherwise provided in this LDC:

- A. The use of any parcel of land, or any structure, or any combination thereof, within the corporate limits of the City shall be in conformance with the requirements of this LDC.
- B. All development shall conform to the standards, criteria, requirements, and procedures of this LDC.

1.03.02 - Exceptions.

Previously approved projects that are identified as exempt from the provisions of this LDC are exempt only to the extent of the previous approval and are exempt from the provisions of this LDC only to the extent that such provisions are inconsistent with the prior, unexpired approval. Specific requirements regarding existing, valid development orders and permits are set forth in the appropriate chapters.

1.04.00 - ADMINISTRATIVE RESPONSIBILITY FOR IMPLEMENTATION

(Refer to Chapter 3, 3.00.10 – Administrative Decisions Makers and Enforcement Officers, for further and more specific information pertaining to these and other positions.)

1.04.01 - City Manager.

The City Manager is the chief administrative official of the City (see the Crestview Code of Ordinances). For the purposes of this LDC, the City Manager is assigned to administer, interpret, and implement the standards, criteria, and procedures of this LDC where the Community Development Services Director or other specific staff position within the City has not been designated for such action.

1.04.02 - Community Development Services Director.

The Community Development Services Director, or assignee, is the City staff person designated to issue development orders for expedited development, approve compliance reports, authorize administrative waivers, and other actions required for implementation of this LDC as specifically designated by the Community Development Services Director. The Community Development Services Director shall be responsible for agendas for boards identified in Chapter 3.

1.05.00 - INTERPRETATIONS

1.05.01 - Generally.

- A. In interpreting and applying the provisions of this LDC, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare of the community.
- B. In the interpretation and application of this LDC, all standards, provisions, and requirements shall be liberally construed in favor of the objectives and purposes of the City and shall not be construed to limit or repeal any other powers granted to the City under State law.
- C. It is not intended by this LDC to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties.
- D. Specific provisions of this LDC shall be followed in lieu of general provisions that may be in conflict with the specific provision.
- E. Where provisions of this LDC conflict with other regulations, the more stringent restrictions shall be applied.
- F. Where written text and illustrations are in conflict, the written text shall govern.

1.05.02 - Responsibility for Interpretation.

- A. In the event that any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of this LDC, the Community Development Services Director shall be responsible for interpretation. In the interpretation of this LDC, the Community Development Services Director shall be guided by the requirements of the Comprehensive Plan.
- B. Responsibility for interpretation by the Community Development Services Director shall be limited to standards, regulations, and requirements of this LDC, and shall not be construed to include interpretation of any technical codes adopted by reference in this LDC. Interpretation shall not be construed to override the responsibilities given to any commission, board, or official named in other sections or chapters of this LDC.

1.05.03 - Rules for Interpretation of Boundaries.

Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the rules set forth in this section shall apply.

- A. Where such district boundaries are indicated as approximately following section or quarter section lines, street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.
- B. In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the boundary is indicated by dimensions, shall be determined by use of the scale appearing on the official zoning map.
- C. Where a district boundary divides the area of a lot unequally, the district classification and regulations of the larger portion shall apply to the remaining smaller portion of the lot.
- D. Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- E. In case any further uncertainty exists, the City Council shall interpret the intent of the official zoning map as to the location of such boundaries.

1.05.04 - Rules of Construction.

The rules of construction set forth in the *Crestview Engineering Standards Manual* shall apply to the provisions set forth in this LDC.

1.05.05 - Days; Computation of Time.

Throughout this LDC, "day" or "days" means calendar days, except where business days are specifically identified. The method required for the computation of time shall be as set forth in the Crestview Code of Ordinances.

1.06.00 - BOARDS

1.06.01 - Generally.

- A. The City Council has established the boards identified in this chapter for the purpose of implementing the provisions of this LDC.
- B. All procedures pertaining to matters before the boards are set forth in the appropriate chapters of this LDC.

1.06.02 - Requirements for All Boards.

- A. The City Council shall make appointments to boards identified in this chapter, based on the eligibility and board composition requirements, if any, set forth for each board.
 - 1. Specific rules for each board can be found in Chapter 3 – Administrative Procedures.
- B. The City Council shall have authority to revoke any appointment for reasonable cause, including but not limited to, failure to be a resident or qualified elector of the City, conviction of a felony, or conviction of an offense involving moral turpitude while in office.
- C. Absences. The City Council shall revoke the appointment of any board member who fails, without good cause, to attend three (3) consecutive regular board meetings, or a total of four (4) regular meetings or special meetings within any twelve (12) month period. The City Clerk shall determine whether an absence is excused.
- D. Officers.
 - 1. At the last regular meeting of each fiscal year, each board shall elect a chairperson and vice chairperson, both of whom shall serve for the subsequent calendar year.

2. Officers may serve up to two (2) consecutive one (1) year terms.
 3. When the chairperson departs, an election shall be held at the next meeting of the board to elect a new chairperson who shall serve for the remainder of the calendar year.
 4. The chairman shall be responsible for procedures of meetings and hearings and shall take such action as may be necessary to preserve order and the integrity of all proceedings.
 5. The vice Chairperson shall act as Chairperson in the absence of the Chairperson.
- E. Meetings, hearings, and workshops.
1. Each board shall establish a regular meeting day, time, and place.
 2. Special meetings and workshops may be called by the Chairperson or upon the majority vote of members at a regular meeting.
 3. When required, a public hearing may be held during a regular or special meeting, provided that notice has been given in accordance with the requirements set forth in the appropriate section of this code or State Statute.
 4. When a public hearing is a quasi-judicial hearing, the hearing shall comply with the requirements set forth in the appropriate section or State Statute.
 5. If there is no business scheduled for a regular meeting prior to the deadline for applications, the Chairperson may cancel the regularly scheduled meeting.
- F. Rules of procedure. A board shall take actions and transact business in conformity with the provisions of applicable State law. A board may adopt additional rules of procedure as needed.
- G. Records.
1. Any decision made by a board shall be recorded and entered into the minutes of the meeting or hearing.
 2. All records shall be public records as set forth by applicable State law.
 3. A board shall keep a record of minutes of meetings and decisions, including recommendations, resolutions, findings, and determinations.
- H. The City Clerk shall be responsible for support to boards, including making a record of meetings, providing required notices, providing notices of vacancies to the City Council, providing notices of absences per Section 1.06.02.C, and other such support as may be required for the appropriate conduct of board business.
- I. Compensation. All board members serve without compensation. However, where travel is required by the City Council, travel expenses shall be paid in accordance with City policy for travel reimbursement.

1.07.00 - DOCUMENTS REFERENCED

The City shall annually publish a list of documents, codes, and manuals which are adopted for regulation of development within the City in addition to this LDC.



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Chapter 4 - Zoning Districts and Overlays

BACKGROUND:

Chapter 4 - Zoning Districts and Overlays.

DISCUSSION:

The purpose of this chapter is to provide standards for the zoning districts and overlays within the City of Crestview, in accordance with the City Code and Comprehensive plan. This serves to update both the regulations that developments are reviewed by and to bring properties into compliance with existing and planned uses. The goal is to provide for adequate space for controlled growth consistent with available and planned infrastructure.

This chapter will be provided in a final draft format next month as scheduled along with a revised zoning map, the Design and Development Standards chapter. A full discussion of the chapter's contents will be conducted at that time. Together these two chapters will provide the greatest impact on the future of developments in the decades to come in Crestview.

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

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Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

This item has no direct impact on the current City budget.

RECOMMENDED ACTION

Staff respectfully requests comments and any discussion on this Chapter.

Attachments

1. Chapter 4 - Zoning Districts and Overlays

CHAPTER 4 – ZONING DISTRICTS AND OVERLAYS

The purpose of this chapter is to describe the zoning districts and permissible uses of land within the City of Crestview, in accordance with the City Code and Comprehensive plan. Any violation of this Chapter shall be punished as provided for in section 1-11 of the City Code and Chapter 162, Florida Statutes.

Sec. 4-1. – Land use districts, density and intensity.

Land use categories and adopted densities and intensities are as described below:

Land Use Category	Use Description	Allowed Density/Intensity
R - Residential	Residential Development	Maximum of 10 units per acre
MU – Mixed Use	Mixed Use development with residential and non-residential uses	Maximum of 25 units per acre or FAR of 2.0
C – Commercial	Commercial Development	No maximum FAR
IN – Industrial	Industrial Development	No maximum FAR
PL – Public Lands	Limited to development of recreation, schools, churches, institutional uses, utilities, and government facilities.	Maximum FAR of 0.8
CON - Conservation	Educational or recreational uses coincidental to and compatible with the conservation purpose of the district	Maximum impervious surface coverage of 5%

Sec. 4-2 – Official Zoning Map

Zoning districts and zoning district boundaries are hereby established and declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the map designated the as "Official Zoning Map of the City of Crestview, Florida." The Official Zoning Map is on file in the City of Crestview City Hall. Such map and all notations, references and other information shown thereon are as much a part of this chapter as if the information set forth thereon was fully described and set out in this section.

Sec. 4-3 – Establishment and Purpose of Zoning Districts

The City is divided into zoning districts as described in this Sec. 4-3.

A. Residential Districts.

1. R-1 – Single-Family Low-Density District. The Single-Family Low-Density zoning district is established to provide for single-family dwellings, accessory dwelling units and allowed accessory structures customarily associated with residential development in legacy neighborhoods and un-platted residential areas. The maximum density is 6.0 dwelling units per acre.

2. R-2 – Single-Family Medium-Density District – The Single-Family Medium-Density zoning district is established to provide for single-family dwellings in traditional residential neighborhoods. The R-2 zoning district is limited to single-family homes and allowed accessory structures. The maximum density is 8.0 dwelling units per acre.
 3. R-3 – Multi-Family Dwelling District - The Multi-Family Dwelling Density zoning district is established to provide for single- and multi-family dwellings in higher-density residential neighborhoods. The R-3 zoning district is limited to single- and multi-family homes and accessory structures. The maximum density is 15.0 dwelling units per acre.
- B. Mixed Use Districts.
1. MU – Mixed-Use Neighborhood Commercial District – The Mixed-Use Neighborhood Commercial district is established to provide for single- and multi-family dwellings coincident with, directly adjacent to small, low impact commercial developments including small-scale retail sales, small professional offices, service industries, bed-and-breakfasts, other similar uses and accompanying accessory uses. Uses may be limited by location due to impacts and compatibility issues. The maximum density for dwellings is 25.0 dwelling units per acre, and the maximum allowed floor area ratio (FAR) for commercial uses is 2.0
- C. Commercial and Industrial Districts.
1. C-1 – Commercial Low-Intensity District – The Commercial Low-Intensity District is established to provide for multi-family apartments and low-intensity commercial uses including restaurants, small-scale retail sales, service industries, entertainment, light manufacture and repair, small professional offices, hotels, gas stations, other similar uses and allowed accessory uses. Uses may be limited by location due to impacts and compatibility issues. The maximum allowed floor area ratio (FAR) is 2.0.
 2. C-2 – Commercial High-Intensity District – The Commercial High-Intensity District is established to provide for high-intensity commercial developments including restaurants, large-scale retail sales and service industries, entertainment, light manufacture and repair, professional offices, hotels, gas stations, other similar uses and allowed accessory uses. Uses may be limited by location due to impacts and compatibility issues. There is no maximum allowed floor area ratio (FAR) in the C-2 zoning district.
 3. C-3 – Industrial District – The Industrial District is established to provide for all types of manufacture and repair as well as gas stations, other similar uses and accompanying accessory uses. Uses may be limited by location due to impacts and compatibility issues. There is no maximum allowed floor area ratio (FAR) in the C-3 zoning district.
- D. Public Land and Conservation Districts.
1. P – Public Lands District – The Public Lands district is established to provide for municipal, governmental or otherwise institutional uses such as City, County, State or Federal buildings, parks, schools, other similar uses and allowed accessory uses. Uses may be limited by location due to impacts and compatibility issues. The maximum allowed floor area ratio (FAR) is 2.0.
 2. CON – Conservation District – The Conservation District is established to provide for passive recreation or educational uses that are compatible with the conservation purpose of the district. Such passive uses include passive parks, open spaces and areas designated for protection, such as water bodies, wetlands, and habitats for protected species.

Sec. 4-4 – Zoning District Comparison to Future Land Use Categories

- A. The Future Land Use Map of the Comprehensive Plan establishes allowable land uses within the City. The zoning districts set forth within this LDC must be consistent with the Future Land Use Map. Any rezoning of land must maintain this consistency. Table 4-4.1 sets forth the allowable zoning districts which are consistent with each land use category from the Future Land Use Map.
- B. When a parcel of land is annexed or rezoned, it is necessary to assign a new zoning district to a piece of land. The following criteria shall be applied to the determination of the appropriate zoning district:
 1. Whether the requested zoning district is consistent with the future land use category according to Table 4-4.1.
 2. Whether the uses within the requested zoning district are compatible with the uses in adjacent zoning districts. Compatibility is determined by considering scale of use; intensity of use as determined by floor area ratio and impervious surface coverage; hours of operation; impacts from noise in parking lots or structures; noise from outdoor gathering places; noise from outdoor speakers; noise from processes such as from body shops, equipment shops, and industrial activities; lighting from parking lots or structures and vehicles; and security lighting. Compatibility shall consider the range of allowable uses on parcels adjacent to the proposed rezoning parcel and the typical impacts for those uses.
 3. Whether the requested use is substantially more intense or less intense than allowable development on adjacent parcels. The range of uses permissible according to the land use category and zoning district on the adjacent parcels is the basis for determination. The existence of a nonconforming use on adjacent parcels which is substantially more or less intense than the requested zoning shall not establish the sole reason for denial of the requested zoning.
 4. Whether the requested use is based on soil types, topography, protection of natural resources, and protection of designated historic areas.

Table 4-4.1

Future Land Use:	Zoning Districts:								
	R-1	R-2	R-3	MX-NC	C-1	C-2	C-3	PL	CON
Residential (R)	x	x	x						
Mixed Use (MU)			x	x	x				
Commercial (C)					x	x			
Industrial (I)							x		
Public Lands (P)								x	
Conservation (CON)									x

Sec. 4-5 – Establishment and Purpose of Overlay Districts

- A. Purpose. The purpose of overlay districts is to provide a means of modifying the site design and development requirements applicable to the underlying zoning district(s).
- B. Downtown Design Overlay District (DDOD). The Downtown Design Overlay District (DDOD) is established to preserve and promote the downtown area of Crestview. The intent of the DDOD is to provide flexibility in location and design requirements to support and encourage economic development in the downtown area.

1. The DDOD is intended as a location where specific site design features will be provided to ensure flexibility in the location of activities, accessory structures, and other site design requirements, consistent with a downtown location.
2. The DDOD is intended to encourage the provision of design features necessary to support economic development and to maintain appropriate the development characteristics within the DDOD.

Sec. 4-6 – Land Uses Permissible in each Zoning District

A. How to read the Table of Permissible Uses (Table 4-6.1)

1. Within the Table 4-6.1, the letter “P” indicates that the land use is permissible, subject to compliance with the standards of the zoning district.
2. The letter “S” indicates that the use is permissible, subject to compliance with the standards of the zoning district, and the supplemental standards specified for the use. Supplemental standards are contained in Chapter 7, Section 7-6 – Special Exception Uses.
3. An empty cell indicates the use is prohibited.
4. Any use that is not identified in Table 4-6.1 is prohibited unless it is found to be substantially similar by the Planning Administrator.
 - a. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 4-6.1. Examples of characteristics to be considered include the following:
 - (1) Typical hours of operation;
 - (2) Use of outdoor storage;
 - (3) Trip generation rates;
 - (4) Generation of noise, light pollution, odor, smoke, electromagnetic interference, or vibration; and
 - (5) Customary activities associated with the use.
 - b. A requested use shall be consistent with the Comprehensive Plan.
 - c. A requested use shall be consistent with the purposes of the zoning district applicable to the parcel.
 - d. The administrative interpretation of uses shall be subject to appeal, as set forth in Chapter 9.

Table 4-6.1 – Permissible Uses in Each Zoning District

Principal Land Uses:	Zoning Districts								
	R-1	R-2	R-3	MX-NC	C-1	C-2	C-3	P	CON
Residential Uses									
Single-family dwelling	P	P	P	P					
Duplex or Triplex			P	P					
Multifamily Structure			P	P	P				
Apartment / Townhouse			P	P	P				
Manufactured homes	P	P	P	P					
Manufactured homes in parks			P	P					

Nonresidential Uses									
	R-1	R-2	R-3	MX-NC	C-1	C-2	C-3	P	CON
Alcohol package store (no consumption on premises)					P	P			
Animal hospital or veterinary clinic					P	P			
Arenas, band shell, amphitheater, outdoor performance area					P	P		P	
Artisan studio				P	P	P			
Asphalt or concrete plant							P		
ATM kiosk				P	P	P	P	P	
Bait and tackle				P	P	P			
Barber, beauty salon, nail salons, aesthetician, and other similar uses				P	P	P			
Bed and breakfast lodging				P	P	P			
Building materials, building supply, enclosed lumber yard						P	P		
Business support services, such as copying, mailing, printing, private mail service				P	P	P	P		
Car wash or detailing facility					P	P	P		
Cemetery								P	
Community Center, club, or lodge				P	P	P			
Commercial recreation, including bowling, laser tag, video arcades, go karts, and other similar uses					P	P			
Residential subdivision public community/amenity center	P	P	P	P					
Cultural facility, such as library, museum, or gallery				P	P	P			
Day-care (child), nursery school, kindergarten, or pre-kindergarten				P	P				
Day-care (adult)				P	P				
Distribution centers, may include warehousing, dispatch offices, vehicle yards						P	P		
Drug stores and pharmacies					S	S			
Essential public / municipal services	P	P	P	P	P	P	P	P	
Farmer's market, outdoor sales, roadside vendors				P	P	P		P	
Financial institutions, banks, credit unions, brokerages, no drive-up window					P	P			
Financial institutions, banks, credit unions, brokerages, with drive-up window					P	P			
Food stores, specialty, such as bakeries, candy, ethnic groceries, catering services				P	P	P			
Fortune tellers and psychics				P	P				
Freight and moving companies					P	P	P		

Fuel/gasoline station, may include convenience store, restaurant, automotive supplies, but not repair					P	P	P		
Funeral homes, mortuaries, crematoria					P	P			
Garden, community or neighborhood	P	P	P	P	P			P	P
Golf course	P	P	P	P					
Grocery store, supermarket					P	P			
Group home, congregate living facility and similar uses			P	P	P				
Health clubs, exercise clubs, spas, gyms				P	P	P			
Hospital					P	P	P	P	
Hotels, motels, inns and similar lodging facilities					P	P			
Ice vending machine				P	P	P	P	P	
Industrial uses, heavy industry with nuisance factors, such as odor, noise, vibration, electronic interference							P		
Junk or salvage yards, recycling facilities							P		
Kennel with outdoor runs					P	P			
Kennel, no outdoor runs				P	P	P	P		
Laboratories, medical					P	P	P		
Laboratories, industrial						P	P		
Landscaping materials, plants, stone, mulch, gravel, supplies, greenhouse, nursery yards					P	P	P		
Laundry facility, self-service				P	P	P	P		
Lounge, bar or nightclub					P	P			
Light manufacturing, light assembly, fully enclosed building, no nuisance factors				P	P	P	P		
Heavy manufacturing and intense industrial activities including production, fabrication, assembly, outdoor storage, with nuisance factors							P		
Medical and dental clinics, outpatient facilities					P	P			
Medical facility for recovery or rehabilitation services, includes substance abuse center, physical or mental rehabilitation, overnight stays					P	P			
Medical marijuana dispensary					S	S			
Nursing home or convalescent facility, overnight stay			P	P	P	P			
Offices, general, includes offices for trades or construction businesses				P	P	P	P		
Parking lot or parking garage, commercial					P	P	P		
Pawnshops					P	P			
Personal services, such as jewelry				P	P	P			

repair, shoe repair, tailoring, dry cleaning pick-up center									
Professional offices, accounting, government operations, legal services, bookkeeping, realtors, brokers, insurance, etc.				P	P	P			
Religious facility	P	P	P	P	P	P	P	P	
Repair shops, small equipment, small appliances					P	P	P		
Restaurants, drive-up and fast food				Sit down only	P	P			
Retail shops, freestanding or within centers, includes department stores or specialty shops such as art, antiques, furniture, florist, appliances, jewelry, books, electronic media, office supplies, automotive supplies, etc.				P	P	P			
Retail, large-scale discount establishments, big-box stores					P	P			
RV, motor homes, travel trailers, or manufactured home sales lot					S	S	S		
Schools: academic, charter, public or private	P	P	P	P	P	P		P	
Schools: business, commercial, trade, vocational				P	P	P	P	P	
Self-storage, mini-storage facilities				P	P	P	P		
Stone, granite, monument sales					P	P			
Studios for personal instruction, such as music, dancing, art or photography				P	P	P			
Tattoo parlors and body-piercing studios				P	P	P			
Terminals, bus, transit, includes truck stop						P	P		
Theaters, movie or performing arts					P	P			
Towers, radio, TV, telecommunication	P	P	P	P	P	P	P	P	
Trades, maintenance services, and heavy repair services, including outdoor storage, equipment yards, machine shops, welding shops, towing services						P	P		
Uses that are adult-oriented, including bookstores, movie stores, theaters, entertainment, and retail stores					P	P			
Vehicle: repair, body shop						P	P		
Vehicle: sales and rentals, including automobiles, trucks, and motorcycles					P	P			
Vehicle: construction, heavy equipment sales and rental						P	P		
Vehicle: storage yards					P	P			

Warehousing, not including self-services storage					P	P	P		
Wholesalers					P	P			

Sec. 4-7 – Change of Use Requirements

- A. A request to change the permissible use of a parcel of land or structure shall be considered according to the procedures established in Chapter 9 – Variations from Standards in the LDC.
- B. A change of the permissible use of a parcel of land or structure shall meet the following criteria:
 1. The requested use is permissible according to Table 4-6.1, Permissible Uses in Each Zoning District.
 2. When the requested use has greater impacts than the existing use it shall be established only in compliance with the following site design and development standards:
 - a. Parking, loading, handicapped access, stacking lanes, or driveway standards set forth in Chapter 8.
 - b. Landscaping and buffering requirements set forth in Chapter 6.
 - c. Level of service standards set forth in the City of Crestview Engineering Standards Manual.
 - d. Impervious surface coverage standards for the applicable zoning district, set forth in Chapter 6.
 3. The requested use does not require exterior building alterations, except that such alterations may be permissible in compliance with applicable building and safety codes.
 4. The requested use can be granted a new Certificate of Occupancy.



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Chapter 5 - Environmental and Resource Protection

BACKGROUND:

Chapter 5 - Environmental and Resource Protection

DISCUSSION:

This chapter is geared towards environmental and resource protection elements.

Wetlands Protection

Habitat Protection

Air Quality

Historical and Archaeological Resources

Floodplain Management

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

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 chapter will have no direct impact on the current City budget.

RECOMMENDED ACTION

Staff respectfully requests comments and any discussion on this Chapter.

Attachments

1. Chapter 5 - Environment and Resource Protection

CHAPTER 5 – ENVIRONMENT AND RESOURCE PROTECTION

5.00.00 – Purpose and Intent.

The purpose of this chapter is to protect the existing natural resources in the City. These standards preserve the natural environment and protect wildlife habitat and migration corridors.

5.01.00 – Applicability.

The standards in this chapter shall apply to all new development and redevelopment within the City, except for development on lots of record that were approved for single-family residential use prior to the effective date of this LDC.

5.02.00 – Wetlands protection.

- A. The natural function of wetlands within the City shall be protected. Potential wetlands are identified in the Comprehensive Plan; however, final delineation shall be established by an independent survey conducted in accordance with the methodology set forth in the Florida Statutes.
 - 1. Wetlands shall not be removed, altered, or destroyed, except where permitted and mitigated as required by the Florida DEP, NFWFMD, and the U.S. Army Corps of Engineers. Proof of permit shall be provided by the City. Areas approved for mitigation shall be protected through a conservation easement with the City as a party to the easement.
 - 2. A de minimus exemption may be granted by the Florida DEP, NFWFMD, and the U.S. Army Corps of Engineers. Where exempted, proof of exemption shall be provided to the City.
 - 3. Where an applicant is exempt from permitting requirements of the State of Florida or the U.S. Army Corps of Engineers, the City shall determine whether a local development permit is required to protect the natural function of the wetlands.
- B. Setbacks required.
 - 1. Principle buildings and all site development shall be setback from wetlands and water bodies a minimum of twenty-five (25) feet unless Florida DEP, NFWFMD and the U.S. Army Corp of Engineers provide written approval for the proposed development to encroach into the 25-foot setback.
 - 2. Within the required setback the following activities are permissible:
 - a. Marinas;
 - b. Piers;
 - c. Boardwalks;
 - d. Walking trails;
 - e. Riprap, but not shoreline armoring;
 - f. Installation of buoys or other aids to navigation;
 - g. Fences;
 - h. Bridges, both pedestrian and vehicular; or
 - i. Docks.
 - 3. Development activity which is determined by the City to be water dependent or water related may be allowed.

5.03.00 – Habitat Protection

- A. It is the purpose of this section to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened or special concern status in the City. It is the intent of this section to require that an appropriate amount of land shall be set aside to protect habitat of rare, endangered or special concern plant and animal species.
- B. Areas subject to the standards of this section shall be those identified in Chapter 11 of the Comprehensive Plan as habitat for rare and endangered species, threatened species, or species of special concern.

- C. A habitat management plan shall be prepared as a prerequisite to the approval of any development proposed on a site containing areas subject to this section. The habitat management plan shall be prepared by an ecologist, biologist, or other related professional. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.
- D. The site development plan for a site containing protected habitat shall not be approved except in compliance with the requirements for habitat protection set forth in the habitat management plan. Where land is set aside as protected habitat, such land shall be adjacent to existing viable habitat, a wetland, floodplain, or wildlife corridor, except when such locations are not available.

5.04.0 – Air Quality

5.04.01 – Compliance with State and Federal Regulations.

To protect and enhance the air quality of the City, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida DEP. In all cases the strictest of the applicable standards shall apply. No person shall operate a regulated source of air pollution without a valid operation permit.

5.04.02 – Testing Required

Air pollution emissions shall be tested, and results reported in accordance with techniques and methods adopted by the Florida DEP and submitted to the State. These tests shall be carried out under supervision of the State and at the expense of the person responsible for the source of emissions.

5.05.0 – Historical and Archaeological Resources

5.05.01 – Applicability

The requirements of this section pertain to all structures and sites with identified historical or archaeological significance as determined by listing on the Florida Master Site File or the National Register of Historic Places.

5.05.02 – Survey Requirements

1. Where a proposed development is located on a protected historical or archaeological site, a survey shall be conducted by a State of Florida qualified archaeologist or similar expert. The survey shall contain recommendations on methods of preservation, protection, or mitigation of resources on the site. The survey shall be submitted along with the application according to the submittal, review, and decision-making procedures set forth in Chapter 3. Any proposed development shall be consistent with the findings and recommendations contained in the survey.
2. Where previously unidentified historical or archaeological resources are unearthed during site preparation, excavation, construction or development activity on a site, development shall be suspended, and the City shall be notified. The City shall determine if a survey is required.

5.06.00 – Floodplain Management

- A. Title & Intent. These regulations shall be known as the Floodplain Management Ordinance of the City of Crestview, hereinafter referred to as “this section.”
 1. Scope. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or

replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

2. Intent. The purposes of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 - a. Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
 - b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - c. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - d. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - e. Minimize damage to public and private facilities and utilities;
 - f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 - h. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
 3. Coordination with the Florida Building Code. This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
 4. Warning. The degree of flood protection required by this section and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.
 5. Disclaimer of Liability. This section shall not create liability on the part of City Council of City of Fort Walton Beach or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.
 6. Definitions. All definitions are found in Chapter 2 and are applicable to all sections of this LDC.
- B. Applicability.
1. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
 2. Areas to which this section applies. This section shall apply to all flood hazard areas within the City of Crestview, as established in Sec. 5-8(B)(3), except as provided in Sec. 5-8(B)(4).
 3. Basis for establishing flood hazard areas. The Flood Insurance Study for Okaloosa County, Florida and Incorporated Areas dated December 6, 2002, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps

that establish flood hazard areas are on file at the City of Crestview City Hall, located at 198 Wilson Street N, Crestview, FL 32536.

4. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Sec. 5-8(E) of this code, the Floodplain Administrator may require submission of additional data. Where field-surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 - a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
 - b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
5. Other laws. The provisions of this section shall not be deemed to nullify any provisions of local, state, or federal law.
6. Abrogation and greater restrictions. This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by this section.
7. Interpretation. In the interpretation and application of this section, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
- C. Duties and Powers of the Floodplain Administrator.
 1. Designation. The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
 2. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Sec. 5-8(G).
 3. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
 - a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
 - c. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - d. Provide available flood elevation and flood hazard information;
 - e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - f. Review applications to determine whether proposed development will be reasonably safe from flooding;
 - g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures,

h. Coordinate with and provide comments to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

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- e. Notify the Federal Emergency Management Agency when the corporate boundaries of City of Crestview are modified; and
 - f. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
9. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City of Crestview City Hall, located at 198 Wilson Street N, Crestview, FL 32536.
- D. Permits.
- 1. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures, and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.
 - 2. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
 - 3. Buildings, structures, and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures, and facilities that are exempt from the Florida Building Code, Building and any further exemptions provided by law, which are subject to the requirements of this section:
 - a. Railroads and ancillary facilities associated with the railroad.
 - b. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
 - c. Temporary buildings or sheds used exclusively for construction purposes.
 - d. Mobile or modular structures used as temporary offices.
 - e. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
 - f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

- g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - i. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
4. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
 - a. Identify and describe the development to be covered by the permit or approval.
 - b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - c. Indicate the use and occupancy for which the proposed development is intended.
 - d. Be accompanied by a site plan or construction documents as specified in Sec. 5-8(E).
 - e. State the valuation of the proposed work.
 - f. Be signed by the applicant or the applicant's authorized agent.
 - g. Give such other data and information as required by the Floodplain Administrator.
 - h. For projects proposing to enclose areas under elevated buildings, include a signed Declaration of Land Restriction (Nonconversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
 5. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Code, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
 6. Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
 7. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of this section or any other ordinance, regulation, or requirement of this community.
 8. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable federal, state, or local permits be obtained before commencement of the permitted development, including but not limited to the following:
 - a. The North West Florida Water Management District; F.S. § 373.036;
 - b. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.;
 - c. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141;
 - d. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055;
 - e. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act;

- f. Compliance with the Endangered Species Act by obtaining an Incidental Take Permit, an Incidental Take Statement, a "not likely to adversely affect" determination from the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS), or an official letter from NMFS or USFWS concurring that the project has "No Effect" on proposed or listed species or designated critical habitat; and
 - g. Other federal permits and approvals.
- E. Site Plans and Construction Documents.
 - 1. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:
 - a. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary, for review of the proposed development.
 - b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Sec. 5-8(E)(2)(b) or (c) of this code.
 - c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Sec. 5-8(E)(2)(a) of this code.
 - d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 - e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - g. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
 - h. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
 - i. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

- 2. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices;
 - b. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source, or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 - c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

- (2) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

3. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
 - a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sec. 5-8(E)(4) of this code and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 - b. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 - c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified Sec. 5-8(E)(4) of this code.
 - d. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zones V and VE), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
4. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

F. Inspections.

1. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
2. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.
3. Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.

4. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 - a. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 5-8(E)(2)(c)(2). of this code, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
 5. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Sec. 5-8(F)(4).
 6. Manufactured homes. The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.
- G. Variances and Appeals.
1. The Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this section. Pursuant to F.S. § 553.73(5), the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.
 2. Appeals. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this section. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court, as provided by Florida Statutes.
 3. Limitations on authority to grant variances. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Sec. 5-8(G)(7) of this code, the conditions of issuance set forth in Sec. 5-8(G)(8) of this code, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.
 4. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Sec. 5-8(E)(3) of this code.
 5. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
 6. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of Sec. 5-8(G)(4), is the minimum

necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

7. Considerations for issuance of variances. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:
 - a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - d. The importance of the services provided by the proposed development to the community;
 - e. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - f. The compatibility of the proposed development with existing and anticipated development;
 - g. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - h. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
 - j. The 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, streets and bridges.
8. Conditions for issuance of variances. Variances shall be issued only upon:
 - a. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
 - b. Determination by the Board of Adjustment that:
 - (1) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (2) The granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances; and
 - (3) The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - c. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - d. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

H. Violations.

1. Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the

Florida Building Code is presumed to be a violation until such time as that documentation is provided.

2. Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
 3. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.
- I. Flood Resistant Development—Buildings and Structures.
1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Sec. 5-8(D)(3) of this code, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 5-8(O) of this code.
 2. Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
 - a. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
 - b. Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.
 3. Critical facilities. No new critical facilities shall be permitted or constructed within the 500-year floodplain.
 4. Minimum elevation. In addition to the requirements of the Florida Building Code, the elevation of the lowest floor of all buildings, including those outside the special flood hazard area, shall be at least 12 inches above the higher of the elevation of the surface of the center of the street or of the curb of the street abutting or adjacent to the property.
- J. Flood Resistant Development—Subdivisions.
1. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
 2. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
 - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Sec. 5-8(E)(2)(a) of this code; and

- c. Compliance with the site improvement and utilities requirements of Sec. 5-8(K) of this code.
- K. Flood Resistant Development—Site Improvements, Utilities, and Limitations.
 - 1. Minimum requirements. All proposed new development shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
 - 2. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
 - 3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
 - 4. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 5-8(E)(3)(a) of this code demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
 - 5. Limitations on placement of fill. Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zones A, AE, AH, and AO only), fill shall comply with the requirements of the Florida Building Code, and be designed and compacted per section 2.4 of ASCE 24.
 - 6. Limitations on sites in coastal high hazard areas (Zones V and VE). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Sec. 5-8(E)(3)(d) of this code demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Sec. 5-8(O)(8)(c) of this code.
- L. Flood Resistant Development—Manufactured Homes.
 - 1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.B
 - 2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - a. In flood hazard areas (Zones A, AE, AH, and AO) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this section. Foundations for manufactured homes subject to Sec. 5-8 (L)(6) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
 - b. In coastal high hazard areas (Zones V and VE), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this section.

3. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
4. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Sec. 5-8(L)(5) or (L)(6) of this code, as applicable.
5. General elevation requirement. Unless subject to the requirements of Sec. 5-8(L)(6) of this code, all manufactured homes that are placed, replaced, or substantially improved on sites located:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zones A, AE, AH, and AO) or Section R322.3 (Zones V and VE).
 - e. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Sec. 5-8(L)(5) of this code, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
 - (1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zones A, AE, AH, and AO) or Section R322.3 (Zones V and VE); or
 - (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 48 inches in height above grade.
 - f. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.
 - g. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.
- M. Flood Resistant Development—Recreational Vehicles and Park Trailers.
 1. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
 2. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Sec. 5-8(M)(1) of this code for temporary placement shall meet the requirements of Sec. 5-8(L) of this code for manufactured homes.
- N. Flood Resistant Development—Tanks.
 1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

2. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Sec. 5-8(N)(3) of this code shall:
 - a. Be permitted in flood hazard areas (Zones A, AE, AH, and AO) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - b. Not be permitted in coastal high hazard areas (Zones V and VE).
 - c. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
 - d. Tank inlets and vents. Tank inlets, fill openings, outlets, and vents shall be:
 - (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- O. Flood Resistant Development—Other Development.
 1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:
 - a. Be located and constructed to minimize flood damage;
 - b. Meet the limitations of Sec. 5-8(K)(4) of this code if located in a regulated floodway;
 - c. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - d. Be constructed of flood damage-resistant materials; and
 - e. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
 2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 5-8(K)(4) of this code.
 3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 5-8(K)(4) of this code.
 4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Sec. 5-8(K)(4) of this code. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 5-8(E)(3)(c) of this code.
 5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zones V and VE). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - a. Structurally independent of the foundation system of the building or structure;

- b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - c. Have a maximum slab thickness of not more than four (4) inches.
- 6. Decks and patios in coastal high hazard areas (Zones V and VE). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
 - a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
 - c. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
 - d. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- 7. Other development in coastal high hazard areas (Zones V and VE). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state, or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
 - a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- 8. Nonstructural fill in coastal high hazard areas (Zones V and VE). In coastal high hazard areas:
 - a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
 - c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance

is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

DRAFT



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Chapter 6 - Design and Development Standards

BACKGROUND:

Chapter 6 – Design and Development Standards.

DISCUSSION:

The purpose of this chapter is to provide developers information pertinent to how they could develop their property based on the zoning.

Provides relevant information for general lots dimensions, setbacks, building heights, compatibility standards and metal building standards.

Provides development standards for residential areas. This includes such things as the minimum lot sizes, floor area ratios, and setbacks. It also provides for minimum building standards in addition to the Florida Building Code.

Lists those same standards for the Mixed-Use District. In addition, it specifically addresses the mixed-use potential in this area. Also covered is the Downtown Design Overlay District.

Provides standards for commercial and industrial districts. Same as the prior sections, it gives the setbacks, lot sizes and a myriad of other pertinent information.

References the Crestview Engineering Standards Manual that is currently being developed. This document will guide all developments within the city. This section also references the requirement for adequate lighting to be provided.

Discusses the standards for subdivisions. (.04 - .05 are reserved for potential future sections or overlays) This section gets into the meat of how subdivisions may be laid out from the lot and block configuration to the interconnectivity of streets.

Provides landscape development section. This discusses everything from the landscape buffers required to the protected trees and replacing removed trees.

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 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

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

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

This item has no direct effect on the current City Budget.

RECOMMENDED ACTION

Staff respectfully requests comments and any discussion on this Chapter.

Attachments

1. Chapter 6 Design and Development Standards

CHAPTER 6 - DEVELOPMENT STANDARDS

6.00.00 - GENERALLY

6.00.01 - Applicability.

- A. The purpose of this chapter is to provide development standards applicable to all development activity within the City. Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the development standards for the applicable zoning district and the development standards for all zoning districts as set forth in this chapter.

6.00.02 - Measurements.

A. Lot Width and Lot Frontage.

1. Lot width is the horizontal distance between side lot lines measured at the intersection of the front setback and the side lot lines.

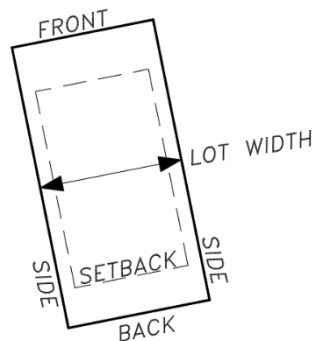


Figure 6.00.02 (A). Lot Width

2. Lot frontage is the property line affronting a roadway right-of-way which provides the principal access and is used by the U.S. Postal Service for the delivery of mail to the structure located on the property.
 - a. Minimum lot frontage for residential zoned property shall be twenty-five (25) feet.
- B. Setbacks.
 1. Setbacks are measured as the shortest distance from the face of the exterior building wall to the property line.
 2. The rear yard setback for any waterfront lot is measured to the mean high-water line.
 3. Eave overhangs of the primary structure shall meet the specifications and requirements of the current Florida Building Code.
 - a. Eave overhangs of equal to or less than the limits of the Florida Building Code shall not be included as a main part of any building.
 - b. No eave overhang shall be closer than three (3) feet from any property line.
 - c. The City Building Official may provide additional requirements.

- C. Specific measurement requirements for flag lots.
 - 1. The design requirements for platting flag lots are set forth in Section 6.07.03.C.
 - 2. A flag lot is exempt from the frontage requirements set forth in this LDC, provided that the width of the pole or access portion of the lot is not less than twenty-five (25) feet.
 - 3. The maximum length of the pole portion of the lot, measured from the right-of-way to the end of the pole at the point of connection to the flag is 150 feet.
 - 4. The setbacks for a flag lot are measured for the flag portion of the lot, excluding the pole portion of the lot.
- D. The impervious surface ratio is calculated by dividing the total of all impervious surfaces on the lot by the total lot area. Water bodies are impervious surfaces.
- E. Building height.

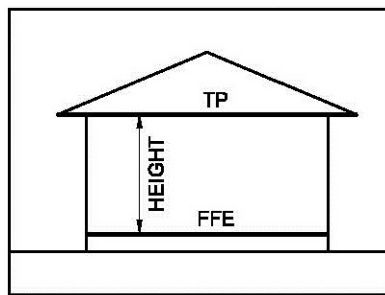


Figure 6.00.02 (E). Building Height.

- 1. Building height is measured from the top of the floor at the finished floor elevation to the top plate of the highest habitable floor.
- 2. Calculation of maximum building height shall not include the roof above the top plate of the highest habitable floor.
- 3. Calculation of maximum building heights shall not include water towers, utility facility, or appurtenances or attachments such as chimneys, elevator shafts, antennas, decorative architectural features, steeples, air conditioning equipment enclosures, cupolas, weather vanes, and other similar building features. All appurtenances or attachments which are exempt for purposes of calculating the maximum height shall not be habitable. In certain zoning districts, it may be necessary to calculate the height of a building from mean sea level in order to determine compatibility with the Eglin Air Force Base mission, in which case appurtenances shall also be considered.

6.00.03 - Compatibility Standards Pertaining to Building Height in All Zoning Districts.

- A. Applicability. The standards set forth in this section apply to buildings other than single-family dwellings when such buildings are located adjacent to parcels zoned to allow single-family residential use.
- B. Maximum height standards.

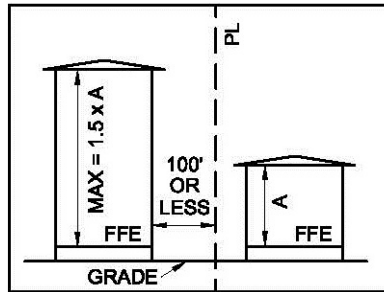


Figure 6.00.03 (B). Building Height & Distance from SFR

1. The maximum height for buildings located 100 feet or less from a parcel with a single-family residential use shall not exceed two (2) times the average height of single-family dwellings in the adjacent or surrounding block.

6.00.04 - Standards Pertaining to Metal Buildings in all Zoning Districts.

A. Applicability.

1. The standards set forth in this section apply to principal buildings and accessory buildings larger than 1,000 sq. Ft.
2. The requirement for a veneer applies to metal building facades that are visible from a public right-of-way.
3. Metal buildings within the IN zoning district are exempt from the requirements in this section.

B. Standards.

1. Facades subject to this section shall have a veneer added consisting of brick, stucco, stone, or a similar decorative material.
2. The decorative material shall be applied to 100 percent of the façade.

C. Waiver Entitlement. The requirements of this section may be waived by the Planning and Development Board, pursuant to certain review criteria as outlined in Chapter 3.

6.01.00 - DEVELOPMENT STANDARDS IN RESIDENTIAL DISTRICTS

6.01.01 - Site Development Standards.

- A. Lots existing before the effective date of this Chapter shall continue to be considered as compliant regardless of any requirements of this Chapter that are not met.
- B. The base standards for development in residential zoning districts are provided in Table 6.01.01.
- C. A lot of record is a lot established on or before December 31, 2020. A lot of record is exempt from the lot area requirements set forth in Table 6.01.01.

Table 6.01.01. Development Standards in Residential Zoning Districts.

Development Feature	R-1	R-2	R-3
Maximum base density (dwelling units per acre) **Controlled by FLU	FLU	FLU	FLU
Minimum lot area (square feet)	8,000	6,000	5,000
Minimum lot width (feet)	75	70	50
Maximum impervious surface (%)	50	50	75
Minimum setbacks (feet)			
Front setback (along right of way)	30	25	25
Side setback (Lot line intersecting right of way)	10	7.5	5.0
Rear setback (intersecting side lot lines)	25	20	15
Maximum building height (feet)	35	35	70

6.01.02 - Residential Design Standards.

- A. All single-family dwellings, whether site-built or built off-site and moved onto the lot shall comply with the following design standards. In all cases below, the Florida Building Code shall be complied with.
1. The minimum width of the building shall be sixteen (16) feet.
 2. The minimum roof pitch shall be 3:12.
 3. The minimum roof overhang shall be twelve (12) inches, exclusive of porches and patios.
 4. All homes shall be situated on the lot so that the front door of the home faces the front yard.
 5. The building shall be constructed according to standards established by the Florida Building Code.
 6. The exterior siding material shall consist of wood, masonry, concrete, stucco, Masonite, or vinyl lap or other materials of like appearance. Where vinyl lap siding is used, the siding shall not have a shiny surface or be reflective.
 7. The dwelling shall be attached to a permanent foundation system, including supporting, blocking, leveling, securing, and anchoring the home and connecting multiple and expandable sections of the home. The foundation shall be designed and constructed according to the requirements of the current Florida Building Code.
 8. Roof materials shall be any material approved by the Florida Building Code.

9. For dwellings elevated forty-eight (48) inches or less, the area beneath the home shall be enclosed by brick, concrete, wood, rock, vinyl or other materials specifically manufactured for this purpose and shall enclose the space between the floor joists and the ground level, except for the required minimum ventilation and access. Such access shall remain closed when not being used for that purpose. Dwellings located within flood zones A or V are exempt from this requirement.
10. For manufactured homes, all tongues, wheels, axles, transporting lights and other towing apparatus shall be removed from the site prior to occupancy.
11. At each exterior door, there shall be a landing that is a minimum of thirty-six (36) inches by thirty-six (36) inches. Such landing shall be permanently affixed to the ground and shall be constructed of materials similar to other housing in the surrounding area, where porches, landings, or stoops are constructed.

6.02.00 - DEVELOPMENT STANDARDS IN MIXED-USE DISTRICTS

6.02.01 - Site Development Standards.

- A. The base standards for development in the mixed-use zoning districts are provided in Table 6.02.01, except as modified below.
- B. Specific site development standards are provided for townhouse development in Section XXX.
- C. Specific site development standards apply within the Downtown Design Overlay District, as set forth in Section 6.02.04. Standards in the DDOD supersede the standards in the underlying zoning district.

Table 6.02.01. Development Standards in Mixed-Use Zoning Districts.

Development Feature	MU
Maximum base density (dwelling units per acre)	25.0
Maximum gross floor area ratio	2.0
Minimum lot area	None
Minimum lot width (feet)	50
Maximum impervious surface (%)	80
Minimum setbacks (feet)	
Front yard	20
Side yard	7.5
Rear yard	15

Maximum building height (feet)	70
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6.02.02 - Standards for Mixing Uses on One (1) Lot.

- A. Uses identified in Table XXX for the mixed-use zoning district may be combined on one (1) development lot or parcel.
- B. When combining uses, the development may include the maximum number of residential units based on the density calculation plus the maximum amount of floor area based on the floor area ratio. Residential dwelling units are not included in the calculation of floor area.
- C. Shared parking is required. A parking study shall be prepared according to the standards set forth in Section 6.06.06 to demonstrate the actual parking requirements for the project.
- D. Where multiple uses and multiple buildings are proposed on one (1) lot, there is no buffer requirement between buildings containing different uses.
- E. Multiple buildings proposed on one (1) lot shall have an integrated design. An integrated design shall not be construed to mean that buildings are identical.
- F. Access to residential units shall be separated from access to nonresidential development in order to provide privacy for residents. A shared entrance to a building may be established, provided that the interior entrances to the residential areas and nonresidential areas are separated.
- G. Balconies, courtyards, plazas, recreation areas, and outdoor gathering places shall be located and designed to ensure privacy for residents.
- H. Buildings may have a common wall. However, when separated, the separation shall be a minimum of five (5) feet to ensure space for maintenance of each building.

6.02.03 - Standards for Mixing Uses Within One (1) Building.

- A. Uses identified in Table 2.03.02 for the mixed-use zoning district may be combined within one (1) building. The building may stand alone on a development parcel or may be integrated into a mixed-use development consisting of multiple buildings.
- B. When combining uses, the development may include the maximum number of residential units based on the density calculation plus the maximum amount of floor area based on the floor area ratio. Residential dwelling units shall not be included in the calculation of floor area.
- C. Shared parking is required. A parking study shall be prepared according to the standards set forth in Section 6.06.06 to demonstrate the actual parking requirements for the project.
- D. Access to residential units shall be separated from access to nonresidential development in order to provide privacy for residents within the building. This requirement may be met when an elevator serves upper floor residential units through a secured access method, such as key-activated access to residential floors.
- E. Balconies, courtyards, plazas, recreation areas, and outdoor gathering places shall be located and designed to ensure privacy for residents.

6.02.04 - Site Development Standards for the Downtown Design Overlay District (DDOD).

- A. The DDOD is intended to provide development standards specific to the downtown area of Crestview. The boundary is shown on the Official Zoning Map.
- B. The development standards shown in Table 6.02.04 below supersede and replace the development standards otherwise required for the underlying zoning district. Where no standard is provided in Table 6.02.04, the standards of the underlying zoning district are required.
- C. Buildings within the DDOD are not subject to the standards set forth in Section 6.00.03.
- D. In addition to signs permissible subject to the standards set forth in Section 5.03.00, development within the DDOD may have one (1) sandwich sign in compliance with the following standards:
 - 1. The sign shall not exceed two (2) feet in width.
 - 2. The color and font shall be consistent with the color and font of other signs for the business displaying the sandwich sign.
 - 3. The sign shall include the business name or logo.
 - 4. The sign shall be located on private property. Where five (5) feet of width on the sidewalk can be maintained free of obstruction, the sign may be placed on the public sidewalk. When a sign is proposed to be located on the public sidewalk, the owner shall provide proof of insurance naming the City as an insured party.
 - 5. A sandwich sign shall only be displayed during the hours of operation of the business named on the sign.
 - 6. The sign shall have no lights of any kind.
- E. New development or redevelopment shall include sidewalks that are consistent with the requirements in the Engineering Standards Manual of Crestview.
- F. Development in the DDOD is exempt from providing additional off-street parking spaces as set forth in Section 6.06.02 provided that there is sufficient public parking capacity in the block in which the proposed business is located. Twenty-five (25) percent of the parking in adjacent blocks may be counted.

Figure 6.02.04 (F). Boundaries of DDOD

- A. The City shall evaluate the available capacity of public parking in the DDOD on a regular basis and make the information available to applicants upon request.
- B. If the City determines that available public parking capacity is insufficient for the proposed business, the applicant shall provide the required number of off-street parking spaces. The applicant may submit a parking study acceptable to the City that demonstrates the parking needs of the proposed business.

Table 6.02.04. Development Standards Within the Downtown Design Overlay District.

Development Feature	Standards
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Minimum lot width (feet)	None
Maximum impervious surface (%)	100
Minimum setbacks (feet)	
Front setback	0
Side setback	0
Rear setback	0
Setback abutting an alley	5
Maximum building height (feet)	120

6.03.00 - DEVELOPMENT STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

6.03.01 - Site Development Standards.

- A. The base standards for development in commercial and industrial zoning districts are provided in Table 6.03.01.
- B. Specific site development standards apply within the Downtown Design Overlay District, as set forth in Section 6.02.04.
- C. Proposed building height, including appurtenances and building attachments, in any district shall be analyzed to determine if it exceeds any limitations of the Eglin Air Force Base. In consultation with an Eglin AFB representative, the City may establish the maximum height at less than the heights in the table below, but no less than the maximum structure height (above mean sea level) causing no major negative mission impacts for Eglin AFB, as depicted in the Map.

Table 6.03.01. Development Standards in Institutional, Commercial, and Industrial Zoning Districts.

Development Feature	C1	C2	C-3
Maximum gross floor area ratio	2.0	None	None
Minimum lot area	None	32,000 s.f.	65,000 s.f.
Minimum lot width (feet)	None	100	100
Maximum impervious surface (%)	80	80	95
Minimum setbacks (feet)			
Front yard	30	20	10
Side yard	20	10	0

Rear yard	10	20	20
Maximum building height (feet)	50	100	None

6.03.02 - Nuisance/Pollution Standards for Industrial Developments.

- A. All uses and activities conducted in the C-3 zoning district shall conform to the standards of performance described below. The failure to conform to any such standards is hereby declared to be a public nuisance.
1. Fire and explosion hazards: All activities and all storage of flammable and explosive materials or products at any place shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment, as prescribed by all applicable fire prevention laws, ordinances, and regulations.
 2. Radiation: Any operation involving radiation (e.g. the use of neutrons, protons and other atomic or nuclear particles) shall be conducted in accordance with the codes, rules, and regulations of State and Federal regulating agencies. Radiation limitations shall not exceed quantities established as safe by the United States Bureau of Standards.
 3. Electromagnetic radiation: For the purpose of these regulations, electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than planned and intentional sources of electromagnetic energy, which would interfere with the proper operation of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission (FCC) regarding such sources of electromagnetic radiation. Further, said operations, in compliance with the FCC regulations, shall be unlawful if such radiation causes an abnormal degradation of performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems or harmonic content. The determination of "abnormal degradation of performance" and of "quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Radio Manufacturers' Association.
 4. Toxic or hazardous matter: Any activity involving the use or storage of toxic or hazardous matter shall comply with all State, Federal and local laws and all regulations of any Federal, State, or local agency concerning pollution control or toxic substances.
 5. Waste disposal: No activity shall be conducted which results in the discharge of any liquid or solid waste, including industrial wastes, into any public or private sewage system, the ground, or any lake, stream, or other body of water, in violation of any provision of State, Federal or local law or any regulation of any State, Federal or local agency.

6. Vibration: No use of any property shall cause perceptible earth vibrations beyond any property line, except when pilings are driven for structure foundations. All stamping machines, punch presses, press brakes, hot forgings, steam board hammers, or similar devices shall be placed on shock absorption mountings and on suitable reinforced concrete footings. No machine shall be loaded beyond the capacity, as described by the manufacturers.
7. Heat, cold, dampness, or movement of air: Activities on any property which produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot lines are not permitted.
8. Glare: There shall be no direct or sky-reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise so as to be visible at, or interfere with uses on, adjacent properties.
9. Smoke, dust, and particulate matter: There shall be no emission of visible smoke, dust, dirt, fly ash, or any particulate matter from any pipes, vents, or other openings or from any other source, into the air which can cause damage or irritation to health, animals, vegetation, or to any form of property or which results in the violation of any applicable Federal, State or local requirements.
10. Odor: There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement. Any process which may involve the creation or emission of any such odors shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.
11. Noise: Reserved.

6.04.00 – 6.05.00 – Reserved.

6.06.00 - STANDARDS FOR SITE PREPARATION AND IMPROVEMENTS

Site preparation and site improvements for all developments within the City of Crestview shall comply with the requirements set forth in the *Crestview Engineering Standards Manual*. Any deviations for any reason from that *Manual* shall be only at the sole discretion of the Director of Public Services.

6.06.01 - Site Lighting.

Site lighting is required for all new developments. A lighting plan shall be provided as part of the initial submittal to demonstrate compliance with the following standards:

- A. Lighting shall be designed to shine downward and not skyward.
- B. Lighting shall be shielded to avoid glare and direct illumination of adjacent properties.
- C. Only full-cut off lighting fixtures shall be permitted.
- D. Lighting within a subdivision may be placed at the time of the house construction. However, said lighting shall be required to be in place for the entire subdivision prior to the time of acceptance of the roadways by the City.

- E. Commercial development lighting shall not create glare or other hinderance to any roadways and drivers.

6.07.00 - Design Standards for Subdivisions.

A. Blocks.

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - a) The provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - b) The need for convenient and safe access, circulation, and control of pedestrian and vehicular traffic;
 - c) Zoning requirements as to lot sizes and dimensions; and
 - d) Limitations and opportunities of topography.
2. Blocks shall be a minimum of five hundred (500) feet and a maximum of 1,320 feet in length.
3. Rights-of-way for pedestrian crosswalks may be required in order to provide direct pedestrian access to schools, shopping centers, and parks. Such crosswalks shall be a minimum of ten (10) feet in width.

B. Lots.

1. The lot size, width, depth, shape, orientation, and the minimum building setback lines shall comply with the requirements for the zoning district set forth in this LDC.
2. Corner lots for residential use shall have extra width to permit appropriate building setback from, and orientation to, adjacent streets on all sides.
3. Side lot lines shall be approximately at right angles to straight right-of-way lines or radial to curved right-of-way lines. Side lot lines are defined as any lot line that intersects a Right of Way line.
4. Double frontage and reverse frontage lots shall be avoided. Where such lots are necessary to provide separation of residential development from arterial streets or to meet specific orientation requirements, the access to such lots shall be from the street with the lower functional classification. A landscaped buffer strip with a fence, in addition to landscaping and buffering required by Section 6.08.05 shall be provided along the property line abutting the street with the higher functional classification.

C. Specific requirements for flag lots.

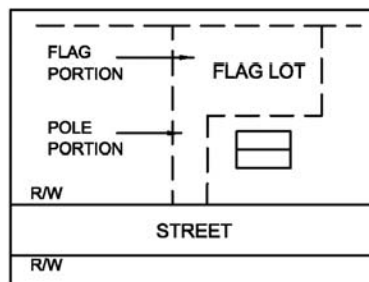


Figure 6.07.03 (C). Illustration of a flag lot

1. A flag lot is any lot that does not entirely front on a public street. Frontage is provided by a private driveway. See Figure 6.07.03.C for an illustration of a flag lot.
 2. Flag lots are permissible in the R-1 zoning district and shall be measured and meet the dimensional requirements set forth in Sections 6.00.02.C and Table 6.01.01.
 3. Each private driveway shall serve only up to two (2) flag lots.
 4. There shall be no more than two (2) abutting private driveways.
 5. The design, dimensions, and construction requirements for driveways shall comply with the *Crestview Engineering Standards Manual*.
 6. Nothing in this section shall be construed to prohibit flag lots in a planned unit development.
- D. Access requirements.
1. Each lot shall have frontage on and permanent access to an existing or proposed paved public street.
 - a. Private Streets are only allowed where an HOA is established in perpetuity.
 - b. Private streets will not be accepted by the City for ownership or maintenance until the streets meet the standards for all streets as identified in the current edition of the *Crestview Engineering Standards Manual*.
 2. A subdivision plat shall include streets as established by transportation plans in the Comprehensive Plan, the Transportation Planning Organization, or other similar plan. The arrangement, character, extent, width, grade, and location of all streets shall conform to the plans of the State, Okaloosa County, and the City, respectively, and shall be considered in their relation to existing and planned streets, to topographical conditions, and to public convenience and safety.
 3. Alleys shall be provided to serve multifamily development, commercial development, and industrial development.
 5. All streets shall be designed and constructed in compliance with the standards of the City set forth in the *Crestview Engineering Standards Manual*. All costs shall be paid by the developer.
 6. Subdivisions shall include sidewalks and bicycle paths or lanes in compliance with the standards set forth in Chapter 8 of this Land Development Code and the *Crestview Engineering Standards Manual*.
- E. Easements. All lots within a subdivision shall provide easements for stormwater drainage, water systems, sanitary sewer systems, gas lines, electric lines, cables, telephone lines, and utility poles. Standards for such utility easements are set forth in the *Crestview Engineering Standards Manual*.
- F. Site improvements.
1. All subdivisions shall be required to have underground utility service (electrical, cable television and telephone) unless all lots within the subdivision front existing streets that currently are serviced above ground.
 2. If the subdivision plat proposes ten (10) lots or more then a recreation facilities assessment equal to 5% of the predevelopment land value according to the property appraiser shall be

due prior to the issuance of a Preliminary Development Order. In some cases, land can be deeded to the City provided that land is deemed of sufficient size and quality to be utilized as a public City Park. This shall be at the sole discretion of the Director of Crestview Recreation Enrichment Services Department.

3. Land which is determined to be unsuitable for subdivision due to flooding, bad drainage, or other features likely to be harmful to the health, safety, and general welfare of future residents, shall not be subdivided, unless adequate methods of correction and mitigation are formulated by the developer and approved by the City and any other agency having jurisdiction.
4. All standards for site preparation and improvement set forth in Section 6.09.00 shall be met.
5. All applicable standards set forth in Chapter 5, Environmental and Resource Protection, shall be met.
6. All applicable standards set in the Crestview Engineering Standards manual shall be met.

G. The street and block layout.

- (1) *Streets.* The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood. This shall apply to all streets, including private streets.
 - a. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.
 - b. Proposed streets may be required to extend to the boundary lines of the tract to be subdivided where such an extension is required to connect with streets in an existing, platted, or planned subdivision. The extension or connection requirement by the city will be based upon traffic circulation or public safety issues and compatibility of adjacent land uses.
 - c. In a proposed subdivision of 50 lots or more adjacent to an existing or platted subdivision where extension of proposed streets to the boundaries would dead end with no feasible street connections, there shall be at least two entrance streets into the subdivision where feasible. Interior streets shall be designed so as to provide more than one route to as many residences as feasible.
 - d. If the proposed subdivision is adjacent to an undeveloped area, at least one proposed street shall terminate at a boundary line of the undeveloped area. A temporary turning circle shall be required at the end of that street or streets with an outside diameter of 60 feet. This requirement may be waived if the traffic pattern of the subdivision contains more than one exit to a city or county road or if traffic circulation or public safety requirements do not dictate a street terminus at a boundary line of the undeveloped area.
 - e. If an existing half-width public or private street or other right-of-way easement is parallel and contiguous with the boundary of a proposed subdivision, the other half-width right-of-way will be dedicated in the proposed subdivision and shall be the width necessary to create a right-of-way along the entire boundary of the proposed subdivision which meets minimum width requirements as set forth in article VIII of this chapter. If the additional right-of-way required to continue the existing dedicated road or other easement in a continuous, orderly manner is not in the proposed subdivision, the developer will prepare the agreement or easement for dedicating the additional right-of-way required and will attempt to obtain such right-of-way. However, the city may assist in acquisition of such right-of-way when in the public interest, where governmental action is necessary

to acquire the property and the developer advances all costs and expenses incurred by the city in taking such action.

- f. A cul-de-sac or local dead-end street shall not exceed 1,320 feet in length.

6.08.0 STANDARDS FOR LANDSCAPE DEVELOPMENT

6.08.01 Intent.

1. It is the intent of this Section to:
 - a. Establish minimum landscaping standards for all development within the City;
 - b. Protect the public's health, safety, and welfare;
 - c. Protect the natural environment, ecosystem, existing wetlands, and waterways;
 - d. Improve the quality of appearance of the built environment by preserving natural elements where possible and incorporating new landscaped areas;
 - e. Protect and improve property values;
 - f. Establish an integrated system of landscaping and beautification of the City's corridors;
 - g. Ensure visual accessibility to businesses.
 - h. The City of Crestview encourages innovative water conservation planning, design and techniques, including xeriscape landscaping methods as defined in the *Crestview Engineering Standards Manual*.

6.08.02 Definitions.

1. Definitions of terms used in this chapter can be found in Chapter 2 - Definitions.

6.08.03 Applicability.

1. This section applies to all new development.
 - a. New development within an existing multi-use structure, non-residential, or multi-family development shall be required to provide landscaping in conformance with this section only to the portions of the site containing the new development, unless Sub-Section 6.08.03 (3) applies.
2. This section shall apply to existing development and redevelopment when any of the following occurs:
 - a. When a Change in Use requires the construction of additional parking and/or vehicle use area(s).
 - b. When any principal nonresidential structure or complex of structures is enlarged by 50 percent or more in gross floor area, the entire site shall conform to the requirements of this Section.

- c. When alterations to any principal nonresidential or multifamily structure or complex of structures exceed 30 percent of the assessed value over an 18-month period, the entire site shall be made to conform to the requirements of this Section.
- d. When any vehicle use area is constructed or established, or when an existing vehicle use area is enlarged by 50 percent or greater, the entire vehicle use area shall conform to the requirements of this Section.
 - i. When an existing vehicle use area is enlarged by less than 50 percent, that portion of the vehicle use area shall conform to the requirements of this Section.
- 3. The following development is exempted from the requirements of this section:
 - a. Single Family detached dwellings.
 - b. Duplex dwellings.
- 4. New subdivisions are subject to the requirements of Section 6.07.03.

6.08.04 Administrative Modifications.

- a. The Director of Community Development Services, or designee, shall have the authority to modify the requirements of this section when he or she determines that it is physically impossible or, for all intents and purposes, wholly impractical, for a development to meet the requirements of this Section.
- b. This determination shall be based upon the location, placement, or configuration of existing structures, site dimensions, site topography, underground and overhead utilities, and other physical characteristics of the development site itself.
- c. If it is determined that modifications are required, the Director, or designee, may allow for the following only:
 - 1. Placement of required trees elsewhere on site;
 - 2. Grouping(s) of required trees;
 - 3. Waiver of a portion of the requirements, provided that the requirements of this section are implemented to the fullest extent on those portions of the development site that can physically accommodate these requirements.

6.08.05 Landscape Plan Required.

- a. To ensure compliance with the standards of this section, a landscape plan demonstrating how landscaping will be planted on a development site shall be included as a part of any application for development approval for the following:
 - 1. Special Use Permit;
 - 2. Commercial Site Plan of any size;
 - 3. Any commercial Subdivision;
- b. No submittal for any development shall be deemed complete unless a landscape plan has been submitted.
- c. No development order or development permit shall be issued until a landscape plan has been submitted and approved as meeting the requirements of this section.

- d. Landscape plans shall be signed and sealed by a landscape architect who is licensed to practice in the State of Florida, and in good standing.
- e. Landscape plans shall be submitted to the Planning and Zoning Department, separately from or as a component part of required development plans. In either case, the application process will not proceed to review without the Landscape Plan.
- f. All landscape materials depicted on the approved landscape plan shall be installed prior to the issuance of a Certificate of Occupancy.
- g. Landscape plans shall include the following contents and information:
 - 1. Location of all existing trees that are on the protected trees list on a development site, with their species (common name), DBH, and crown or spread identified.
 - 2. Denote existing trees to be removed and those to be saved, together with a table of this information.
 - i. For all protected trees being removed, a certified arborist is required to determine if those trees can be safely moved to another location on the site, or state if they cannot.
 - 3. Locations of all landscaping improvements including species (common name), crown, and DBH of trees and species of shrubs, grasses and ground cover(s).
 - 4. Total landscaped area, total impervious surface areas, and total project limits.
 - 5. Location of all proposed driveways, parking areas, sidewalks, buildings, walls, fences, signs, and any other non-landscape components which will intersect and/or be constructed or installed within the required landscape areas.
 - 6. Any utilities, overhead or underground, in the vicinity of the landscape areas shall be shown. Any potential impacts with the utilities shall be noted. Acceptance of the landscape material by an effected utility company may be required, such as trees adjacent to an overhead power line.
 - 7. Location of any proposed irrigation system or other watering apparatus.
 - 8. Reference to the applicable sections identifying the minimum landscape and installation requirements of this code.
 - 9. A statement indicating that the balance of all areas within the required landscape, outside of the trees and shrubs shall be planted with turf grass and or groundcover plants.
 - 10. A statement indicating that all disturbed areas outside of the planned improvements shall be sodded or seeded.
 - 11. A statement(s) and/or graphic(s) providing for the protection of saved trees onsite.
 - 12. Any other required or pertinent design or detail information in written or graphic form.

6.08.06 Requirements – Perimeter Landscape.

- a. There are different types of perimeter landscape yards that developments may be required to install. Perimeter landscape requirements reflect the proposed property use and the adjacent property uses and/or zoning districts.

b. The following perimeter landscape areas shall be required in accordance with the applicable portions of this Section:

1. Right-of-Way (ROW) Landscape Buffer.
2. Side Perimeter Landscape Buffer.
3. Adjacent Use Buffer.

6.08.07 Requirements – Right-of-Way Landscape Buffer Yard.

4. There shall be a continuous landscaped area, a minimum of 10-foot wide, adjacent to all rights-of-way.
 - i. When parking areas abut ROW Landscape Buffer yards, wheel stops shall be provided to prevent any overhang into the landscape area.
 - ii. Sidewalks shall not be located within the right-of-way landscape buffer yard.
 - iii. A maximum of two vehicle accessways, meeting the width requirements of Section XXXX, through ROW Landscape Buffer yards, per right-of-way shall be allowed.
 - a) Developments with greater than 500 linear feet of right-of-way frontage shall be allowed one additional accessway through the ROW Adjacent Landscape Yard.
 - b) Accessways shall at no time be less than 50 feet apart, as measured from the centerline of driveway throats of each accessway.
5. When a development's disturbed area or project area, does not extend the full length of the right-of-way frontage of the property, the required perimeter landscape may be placed within the dedicated project area only, provided the following:
 - i. When the remainder of the frontage contains natural growth of native trees, shrubs and grasses to sufficiently create or maintain a visual barrier between the right-of-way and the proposed development.
 - ii. The remainder of the frontage is kept and maintained in its natural state.
 - iii. The landscape plan identifies that the area is to be maintained in a natural state and that when the area no longer provides an acceptable visual barrier, landscaping improvements in keeping with the provisions of this code shall be installed.
 - iv. If this area is developed in the future, then it will be required to meet the requirements of this code.
6. Right-of-way adjacent landscape areas shall utilize, to the greatest extent practical, existing trees, provided those trees are identified within the Approved Tree Species List. See Section XXXX for the approved species list and tree protection bonuses.
7. Right-of-way adjacent landscape areas shall provide vegetation in accordance with the following:
 - i. One tree per 25 linear feet, or fraction thereof, of total right-of-way frontage with 50 percent of the trees being a shade species.

- a) Any required trees deemed to be within the visibility triangle will be required to be planted elsewhere. (Refer to the *Crestview Engineering Standards Manual*) for more information)
 - b) Any trees that would conflict with existing utilities, such as overhead power, shall be planted elsewhere.
 - c) In no case will driveways, utilities, or other such conflicts result in a reduction of the required trees or landscape area. Such required landscape shall be moved elsewhere within the development.
 - ii. Two shrubs per five (5) linear feet of right-of-way frontage.
 - a) Shrubs shall be of a species that will reach a mature height of no less than 24".
 - iii. The balance of the landscaped area shall be planted with turf grass and other landscaping treatments.
- c. Side Perimeter Landscape Yards.
 - 1. There shall be a continuous side perimeter landscape yard, a minimum of five-foot-wide, adjacent to the property line, in accordance with the following:
 - i. When there is an existing use on the adjacent property and a buffer yard is not required.
 - ii. When there is a planned use on the adjacent property and a buffer yard is not required.
 - iii. Cross Vehicle Access-drives meeting the minimum width requirements as per Section XXXX, shall be allowed up to three per side.
 - a) When not connecting to an existing Cross Vehicle Access drive, landscaping shall be required to meet this Chapter.
 - 2. Side perimeter landscape yards shall provide vegetation in accordance with the following:
 - i. Two shrubs or one bush per five (5) linear feet of property line.
 - a) Shrubs shall be of a species that will reach a mature height of no less than 24".
 - b) Bushes shall be of a species that will reach a mature height of no less than 6'.
 - ii. The balance of the landscaped area shall be planted with turf grass and other landscaping treatments.
- d. Buffer Yards.
 - 1. Buffer yards shall generally be located along the outer perimeter of a parcel and shall extend from the property line inward the required width.
 - 2. Required buffer yards shall not be developed, except for required underground and overhead utility facilities and in accordance with the provisions of Section 102-84.

3. Buffer yards shall be required between uses with different densities and/or intensities and between different zoning districts in accordance with the following:
 - i. A buffer yard meeting the requirements as identified in Sub-section xxxx shall be provided in the following situations and/or circumstances:
 - a) Buffer widths shall be determined based on Table 6.08.07.1.
 - 1) Where redevelopment of an existing single-family dwelling occurs adjacent to single family or duplex residential development, in conformance with this code and the character of the single-family dwelling is preserved and there are 10 or less required parking spaces, the buffer yard requirement may be satisfied by the placement of an eight-foot tall wood or vinyl/plastic privacy fence around the entire side and rear yards.

Table 6.08.07.1

	R-1	R-2	R-3	C-1	C-2	C-3
R-1	N/A	A	B	C	D	D
R-2	A	N/A	A	C	D	D
R-3	B	A	N/A	C	C	C
C-1	C	C	C	N/A	A	A
C-2	D	D	C	A	N/A	A
C-3	D	D	C	A	A	N/A

- b) The buffer widths referenced above shall be as follows:
 - 1) A = 5', B=10', C=15', D=30'.
4. Buffer Yard vegetation requirements:
 - i. The expectation with this section is that a visual and audible barrier or screen is created between dissimilar uses through the use of aesthetically appealing landscaping, fencing, walls, or other methods.
 - ii. All plants in the buffer shall be bushes and trees of an approved species that will reach a mature height of no less than 6'.
 - a) Small shrubs will not be allowed unless coupled with a 6' privacy fence.
 - iii. Buffer Yard approved vegetation list. Vegetation not on this list must be approved by the Community Development Services Director, or designee:
 - a) Japanese privet (*Ligustrum japonicum*)
 - b) Azalea (*Rhododendron* spp.)
 - c) Japanese cleyera (*Cleyera japonica*)
 - d) Wax myrtle (*Myrica cerifera*)

- e) Pampas grass (*Cortaderia selloana*)
 - f) Silverthorn (*Elaeagnus pungens*)
 - g) Cherry elaeagnus, Gumi (*Elaeagnus multiflora*)
 - h) English holly (*Ilex aquifolium*)
 - i) Chinese holly (*Ilex cornuta*)
 - j) Japanese holly (*Ilex crenata*)
 - k) Yaupon holly (*Ilex vomitoria*)
 - l) Oleander (*Nerium oleander*)
 - m) Chinese juniper (*Juniperus chinensis*)
 - n) Savin juniper (*Juniperus sabina*)
 - o) Rocky mountain juniper (*Juniperus scopulorum*)
 - p) Bottlebrush buckeye (*Aesculus parviflora*)
- iv. Bushes shall be planted sufficiently close so that at full maturity, there will be no visual space between the bushes.
 - v. Walls and fences may be allowed provided they are constructed in such a manner as to create the intended visual and audible barrier.
 - a) No wall or fence may be constructed less than 6' in height.
 - b) All fences and walls will require approval from the Building Department.
- e. Protected Trees.
- 1. No person shall cut, remove or damage any protected tree in a manner which causes the tree to die within a period of two years without first obtaining a Land Clearing and Protected Tree Removal permit, or without such removal being approved as part of a development order that provided a landscape plan as required by 6.08.05. A detached single-family dwelling or duplex dwelling is exempt from the requirements of this section as provided for in 6.08.03 except that they must replant a tree listed on the Protected Tree List or Tree Replant List, with such replacement tree measuring a minimum of 1.5 inches DBH.
 - 2. Protected Tree List. The following types of species comprise the protected tree list (* denotes shade trees):
 - i. Species type A: Small, four-inch to seven-inch DBH
 - a) Dogwood (*Cornus florida*)
 - b) Redbud (*Ceris Canadensis*)
 - c) Ashe's magnolia (*Magnolia ashei*)
 - ii. Species type B: Medium, eight-inch to 13-inch DBH.
 - a) American holly (*Ilex opaca*)
 - b) Southern magnolia (*Magnolia grandiflora*)*

- c) Eastern (or Southern) red cedar (*Juniperus virginiana*)*
 - iii. Species type C: Large, 14-inch and larger DBH.
 - a) Live oak (*Quercus virginiana*)
 - b) Laurel oak (*Quercus laurifolia*)*
 - c) Sweet gum (*Liquidambar styraciflua*)*
 - d) Sycamore (*Platanus occidentalis*)*
 - e) Pecan (*Carta illinoensis*)*
 - f) Water oak (*Quercus nigra*)*
 - g) Red maple (*Acer rubrum*)*
- 3. Trees identified by a certified arborist as diseased or dead shall not be required to be replaced.
- 4. Every effort shall be made to save the trees on this list during any site development or clearing for any reason.
- 5. Allowances to the site development may be provided to encourage retaining protected trees. The Director of Community Development Services, or designee, may review a plan submitted by the developer to determine the extent of such allowances. Those may include such allowances as reduced parking requirements, reduced landscape area requirements or other allowances.
- 6. Trees on this list must be preserved based at a ratio of one tree for each 3,600 square feet of impervious surface area proposed by any site development.
- 7. Where protected trees cannot be kept or relocated, they must be replaced by a species listed in the Tree Replant and Protected Trees list. Enough trees shall be planted to replace a minimum of fifty percent the diameter of the removed protected tree. Multiple trees shall be used to reach fifty percent, but in no case shall any of these replacement trees be less than 2" in diameter.
- 8. On sites proposed for development where no existing protected trees are identified, the developer shall be required to plant one new tree from either the Protected Tree List or Tree Replant List per 3,600 square feet of proposed impervious surface area. One third of trees planted, or fraction thereof shall be of Species type A, one third or fraction thereof shall be of Species type B, and one third or fraction thereof shall be of Species type C. The size of each new tree shall be no less than 2" in diameter.
- 9. Tree Replant List. In addition to the three categories of trees identified in subsection 1, the following trees may be planted to meet the minimum tree replanting requirements of subsection 5. Replanted tree must be of the same species type as the tree removed. Trees not on this list may be used only if approved by the Community Development Services director or designee. (* Denotes shade trees):
 - i. Species type A: Small.
 - a) Dahoon holly (*Ilex cassine*)*
 - b) Fringe tree (*Chionanthus virginicus*)

- c) Red bay (*Persea borbonia*)*
 - d) Swamp bay (*Persea palustris*)*
 - e) Sassafras (*Sassafras albidum*)
 - f) Yaupon (*Ilex vomitoria*)
 - g) Wild olive (*Osmanthus americanus*)
 - h) Scrubby post oak (*Quercus margaretta*)
 - i) Southern crabapple (*Malus angustifolia*)
 - j) Eastern Hophornbeam (*Ostrya virginiana*)
 - k) Red buckeye (*Aesculus pavia*)
 - l) Pindo palm (*Butia capitata*)
 - m) Sago palm (*Cycas revoluta*)
- ii. Species type B: Medium.
- a) Cherry laurel (*Prunus caroliniana*)*
 - b) Large-leaved magnolia (*Magnolia macrophylla*)*
 - c) American hornbeam (*Carpinus caroliniana*)
 - d) River birch (*Betula nigra*)*
 - e) Florida maple (*Acer barbatum*)*
 - f) Sweetbay (*Magnolia virginiana*)*
 - g) Ginko (*Ginko biloba*)*
 - h) Bradford pear (*Pyrus calleryana* "Bradford")
 - i) Ash (*Fraxinus* spp.)*
 - j) London planetree (*Plantanus x acerfolia*)*
 - k) Sabal (cabbage) palm (*Sabal palmetto*)
- iii. Species type C: Large.
- a) Tulip tree (*Liriodendron tulipifera*)
 - b) Willow oak (*Quercus phellos*)
 - c) Black gum (*Nyssa sylvatica*)
 - d) Southern red oak (*Quercus falcata*)*
 - e) Shumard's red oak (*Quercus shumardii*)*
 - f) Hackberry (*Celtis laevigata*)*
 - g) White oak (*Quercus alba*)*
 - h) Bald cypress (*Taxodium distichum*)
 - i) Walnut (*Juglans nigra*)*

- j) Chinese elm (*Ulmus parvifolia*)*
- k) Hickory (*Carya* spp.)*
- l) Yellow buckeye (*Aesculus flava*)*
- m) Canary island date palm (*Phoenix canariensis*)

10. Prohibited tree list.

- i. The following prohibited species may not be used to meet any landscape requirement:
 - a) Paper mulberry (*Broussonetia papyrifera*)
 - b) Australian pine (*Casuarina equisetifolia*)
 - c) Ear tree (*Enterolobium cyclocarpum*)
 - d) Punk tree (*Melaleuca* spp.)
 - e) Chinaberry (*Melia azedarach*)
 - f) Brazilian pepper (*Schinus terebinthifolius*)
 - g) Downy rosemyrtle (*Rhodomyrtus tomentosa*)
 - h) Bishopwood (*Bischofia javanica*)
 - i) Chinese Tallow Tree or Popcorn Tree (*Triadica sebifera*)



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

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

BACKGROUND:

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

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.

This was presented at the last meeting and is still available for review and comment.

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

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

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

This item has no direct effect on the current City Budget.

RECOMMENDED ACTION

Staff respectfully requests comments and any discussion on this Chapter.

Attachments

1. 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 (5) 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 (5) 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.
 4. Open-air or screened porches are allowed as structural additions in any zoning district. In front or side yards, they must meet the primary structure setbacks as set by the zoning district. In rear yards, they shall be setback three (3) feet from the rear property line.
- 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 at least six (6) feet off 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, including any decorations, barbed wire, or other fixtures.

- 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.

Comment [BH1]: Lets look at pool enclosures

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.

Comment [EADI(2): This and other similarly highlighted areas will be completed later during the process of compiling all chapters and appurtenant documents.

5. Public warning signs to indicate the dangers of swimming, animals, or similar hazards.
 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

Comment [BH3]: So entrance sign cant be lighted?

Comment [BH4]: Does this work this work?

	- 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

Comment [BH5]: Same with this

D. Prohibited Signs. The following signs are prohibited.

- Off-premises signs.
- Portable signs.
- 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 or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe.

Comment [BH6]: What if they are on the property? What if we did temporary and charged for them.

Comment [BH7]: Based on who opinion?

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.

Comment [BH8]: Need away to permit and regulate.

Comment [NS9]: See Subsection 1 of this section. (Temporary signs are permissible subject to receipt of a temporary sign permit....)

Comment [NS10]:

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 facade	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	No required dimensions	24 feet	Property lines: 5 feet Other ground signs:

		maximum of 240 sq. ft.			10 feet
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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.

Comment [BH11]: Do all of these meet the state requirements.

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) and industrial (C-3) zoning districts.
2. Interstate Highway I-10 Corridor Billboards are allowed in the Commercial (C-1, C-2) and Industrial (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. 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.

Comment [BH12]: Do we have these?

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, mother-in-law suites, or similar low intensity second housing unit.
 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.

Comment [BH13]: Were did this come from?

Comment [BH14]: Lets look at this.

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.

Comment [BH15]: Lets look at this.

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.

Comment [BH16]: This is home occupation?

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 accompanied by patient foot traffic 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.

Comment [DB17]: What about doctors doing web-based visits?

Comment [NS18]: See proposed change.

Comment [BH19]: Need to look at 3d printing.

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.

Comment [BH20]: How do you do this with a salon?

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. Pharmaceutical Sales.

1. Pharmaceutical Sales. After review of an application and plans by the Community Development Services director or designee, the following may be approved as special exceptions within the Commercial (C-1, C-2), and Industrial (C-3) District:
 - a. Stores manufacturing, selling, leasing or renting pharmaceutical equipment, supplies and consumables, including prescription and non-prescription medicines and holistic medicine supplies, and Medical Marijuana Treatment Centers licensed by the State of Florida, provided the following requirements are met:
 - (1) Minimum Lot Size Requirements. The minimum required lot size is 32,670 square feet.
 - (2) Building Size Requirements.
 - (a) Floor Area. The minimum building size is 2,500 square feet floor area. The “floor area” of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment – except equipment, open or enclosed, located on the roof – penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines, and enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in “floor area.”

- (b) Floor Area Ratio. The maximum building size is limited by a floor area ratio of 0.10. The “floor area ratio” of the building on any lot is the floor area of the building on that lot divided by the area of such lot.
- (3) Minimum Yard Requirements. The minimum required front, side and rear yards shall meet the requirements of the zoning district in which the property lies.
- (4) Minimum Off-Street Parking and Loading Requirements; Location. The parking and loading requirements shall be as follows:
 - (a) One space for each 150 square feet of floor area, plus one space per employee on the largest staffed shift. When calculation of the number of required parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number. Employee parking shall be designated by permanent signage.
 - (b) Provisions for the off-street loading and number of required berths shall be made in accordance with Article VIII of the Land Use Regulations. On-street loading or unloading is prohibited. Loading areas shall not obstruct pedestrian pathways.
 - (c) Parking spaces shall meet the minimum size set forth in Article VIII.
 - (d) All driveways, access aisles and parking spaces shall be surfaced in paver bricks, concrete or asphalt. Wheel stops are required for each parking space.
 - (e) Parking and loading spaces are prohibited in landscape buffers, easement areas and right of way areas.
 - (f) The provision of parking spaces and passenger loading areas for persons who have disabilities is governed by Chapter 553, Florida Statutes.
 - (g) All required parking shall be provided on the same lot or project as the principle use. The location of required parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. A minimum queuing distance of 25 feet is required between the property line and the first parking space.
 - (h) Off-site parking shall not be used to determine compliance with minimum parking spaces set forth in this section.
 - (i) A minimum of ten percent of the required parking spaces shall be located at the side or rear of each building it is intended to serve. A public pedestrian walk shall connect all parking areas to a facility entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lit, and unobstructed.
- (5) Number of Structures. Only one structure may be located on the parcel.
- (6) Landscaping and Buffering. Article XXIII of the Land Use Regulations applies to the uses authorized as special exceptions, except that any exemptions set forth in Section 102-572 shall not apply.
- (7) Site and Development Plan Review. Site and development plan review shall be required.
- (8) Outdoor Refuse Collection and Storage Areas. No outdoor refuse collection or storage area shall be located in a street yard, and all such areas shall maintain a minimum setback of ten feet from any lot line and shall be enclosed and on a paved or concrete surface.

B. 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) and Industrial (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;
 - (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

Comment [EADI(21)]: This change is required as a result of redefining the zones.

(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.~~
- C. 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), Industrial (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:

Comment [EADI(22): 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.

- 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 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.**
- D. **Itinerant Vendors, Mobile Food Vendors, Peddlers and Solicitors**
- 1. Purpose and Intent
 - 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.**

Comment [EADI(23): This entire section (over 12 pages) has proven to be cumbersome, confusing, and in some aspects not allowed by other regulations. Therefor 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. *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 building's 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 (BTR).

- 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 trucks and stationary food dispensing vehicles shall be subject to the following standards:
 - (1) Transferability. Ownership of any SFT and or SFDV ~~permit~~ BTR shall not be transferred.
 - (2) ~~SFT and/or SFDV permits BTR 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~~BTR.
 - (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~~BTR.
 - (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.

DRAFT



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Chapter 8 - Standards for Transportation, Access, Parking, and Loading

BACKGROUND:

Chapter 8 - Standards for Transportation, Access, Parking, and Loading

DISCUSSION:

This chapter deals with certain development specifications and references the new Crestview Engineering Standards Manual that is being developed:

Transportation - this element covers road layouts in subdivisions and driveway connections in commercial developments.

Accessibility - more about driveways

Parking and Loading - parking spaces and requirements.

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

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 chapter has no direct impact on the current City budget.

RECOMMENDED ACTION

Staff asks for comments and review on this chapter.

Attachments

1. Chapter 8 - Standards for Transportation, Access, Parking and Loading

CHAPTER 8 – STANDARDS FOR TRANSPORTATION, ACCESS, PARKING AND LOADING

Sec. 8-1 – Purpose and Intent.

This chapter is provided to establish standards and requirements for the entire transportation system, including access, streets, bicycle ways, sidewalks, off-street parking, on-street parking, loading areas, stacking lanes for drive-thru situations, and transit.

Sec. 8-2 – Applicability.

All development and redevelopment shall be designed, constructed, and established in compliance with the standards set forth in this chapter.

All sections listed in this chapter shall comply with any specifications or requirements listed in the Crestview Engineering Standards Manual. In the case of conflict, the Crestview Engineering Standards Manual shall rule.

Sec. 8-3 – Streets, Access Management, and Right-of-Way Protection.

A. Purpose.

1. The purpose of this section is to ensure a safe and efficient traffic circulation system, manage access, establish right-of-way widths for future transportation facilities, and prohibit encroachment of structures into existing rights-of-way.

B. Right-of-Way Requirements.

1. Minimum right-of-way requirements for new roadways are provided in Table 8-3(1)

Table 8-3(1)

Street Type	Urban Section (feet)	Transitional Section (feet)
Local, dead end less than 30 units	40	40
Local	50	50
2-lane collector, one way	60	60
4-lane undivided arterial	96	96
4-lane divided arterial	112	112

2. Use of Rights-of-way.

- a. Construction, maintenance, or use of a public right of way requires a development order or development permit issued as set forth in the procedures of Chapter 3.
- b. Encroachment shall not unreasonably restrict the public use of the right-of-way.
- c. No person shall willfully obstruct any portion of the right-of-way for a new roadway.
- d. The following uses of a public road are specifically permissible and are not a violation of this section:
 - (1) The improvement of a public road by the owner of a property adjacent to the public road with landscaping, shrubbery, or grass consistent with the use of the public right-of-way for road purposes, with approval from Public Services.
 - (2) Parking motor vehicles on that portion of public road not used as traffic lanes if not otherwise prohibited.
 - (3) The replacement or maintenance of existing utility facilities.

Comment [EADI(1): This should be discussed.

- e. No person shall remove grass, earth, or sand from, or dig up, any street, or deposit material of any kind on any street or right-of-way, without City authorization.

Sec. 8-4 – Access Management

- A. Street arrangement and layout shall meet the following standards:
 1. The arrangement, character, extent, width, grade and location of all streets shall be consistent with the existing street network, and with the Crestview Engineering Standards Manual, Current Edition.
 2. The arrangement of streets shall either:
 - a. Provide for the continuation or appropriate projection of existing planned or platted streets in surrounding areas; or
 - b. Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
 3. When a project site abuts two (2) or more City Streets, access shall be from the city street with the lower functional classification. Where the City determines that other access standards preclude placement of a drive on the street with the lower functional classification, an alternate design may be approved.
 4. The separation between access points on State-maintained roads shall be in accordance with the Florida Department of Transportation (FDOT) rules. On roads that are not maintained by the State, the separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in Table 8-4(1).

Table 8-4(1)

Functional Class of Road	Distance between access points (feet)
Major arterial	200
Minor arterial	150
Major collector	100
Minor collector	20

5. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

Sec. 8-5 – Street Access and Driveway Design Requirements

- A. All ingress and egress driveways onto a City street shall be located to allow the greatest degree of safety to both pedestrian and vehicular traffic on a City street. All proposed development must meet these standards for vehicular access and circulation:
 1. Access design shall ensure that an entering standard passenger vehicle will not encroach upon the exit lane of a two-way driveway.
 2. Access design shall ensure that a right-turning exit vehicle shall be able to see only the first through traffic lane available without encroaching into the adjacent through lane.

3. There shall be sufficient onsite storage to accommodate queued vehicles waiting to park or exit without using any portion of the street right-of-way or in any other way interfering with street traffic.
 4. Number, location, and separation requirements for driveways. Driveways shall be designed to adequately accommodate the volume and normal character of vehicles anticipated to be attracted to the development.
 - a. The number of driveways shall be determined by existing site conditions and ensuring safe and efficient access and use for both pedestrian and vehicular traffic on a City Street.
 - b. The edge of a driveway for all uses other than a single-family residential dwelling shall be located a minimum of seventy-five (75) feet from the proposed right-of-way line of a street intersection.
 - c. The edge of a driveway for a single-family residential dwelling shall be located a minimum of twenty-five (25) feet from the proposed right-of-way line of a street intersection.
 5. Where two (2) or more driveways connect a single development site to any one (1) City street, a minimum clear distance of fifty (50) feet, measured along the curb line of the proposed driveway curb radii, shall be provided.
 6. The edge of a driveway for uses other than a single-family residential dwelling shall be located a minimum of twenty-five (25) feet from the proposed property line. Where a property line is the same as the right-of-way line referenced in Sec. 8-5(4)(b), the minimum distance shall be the standards in Sec.8-5(4)(b).
 7. Opposing driveway intersections.
 - a. Opposing driveway intersections for uses other than a single-family dwelling shall be located directly across from each other along City streets.
 - b. If conditions prohibit locating a proposed driveway intersection directly opposite an existing or proposed driveway intersection along a City street, the offsets between the existing and proposed intersections shall be a minimum of one hundred fifty (150) feet.
 8. Driveways shall be located and designed to ensure that vehicles do not back onto the City right-of-way, except for driveways serving a single-family dwelling in single-family developments and residential zoning districts.
- B. Driveway Design.
1. Depressed curbing may be required across driveway openings, in order to promote the continual flow of street stormwater runoff.
 2. Driveways shall intersect the City street at an angle as near ninety (90) degrees as site conditions permit, and in no case shall be less than seventy-five (75) degrees.
 3. All driveway aprons shall be paved from the existing or proposed edge of pavement back to the existing or proposed right-of-way line. Paving within this area shall comply with the City's paving specifications as set forth in the Crestview Engineering Standards Manual.
 4. Driveways located within a state or county right-of-way shall be designed in accordance with State or County Standards.

Sec. 8-6 – Bicycle and Pedestrian Ways

- A. Generally.

1. Bicycle and pedestrian ways shall be considered during the planning and development of on-site and off-site transportation facilities, including the connection and extension of existing bicycle and pedestrian ways on or serving State, regional, and local transportation systems.
2. Bicycle Way Access and Connectivity.
 - a. Bicycle lanes, paths, and other ways shall connect traffic generators and shall be located along a direct line, convenient for users.
 - b. Bicyclists shall have equal access to all streets whenever possible and feasible.
 - c. Within a neighborhood, lines shall be considered through cul-de-sacs, making use of greenways, utility rights-of-way, and other open ways.
 - d. Bicycle ways shall be designed and constructed in compliance with the standards set forth in the Crestview Engineering Standards Manual.
3. Sidewalks.
 - a. The purpose of this section is to require sidewalks to be constructed in conjunction with all new development and redevelopment.
 - b. Sidewalks are required along the street frontage of all lots where new development, redevelopment, subdivisions, or change of use is proposed.
 - c. Where a sidewalk is already provided, but the sidewalk is in disrepair and/or does not meet current standards for sidewalk location, width, and construction, such sidewalk shall be brought up to current standards as part of the development or redevelopment of the lot.
 - d. Where no sidewalks exist, the developer will be required to include the addition of sidewalks as part of the proposed development, redevelopment, subdivision, or change of use.
 - e. Sidewalks shall be designed and constructed in compliance with the standards set forth in the Crestview Engineering Standards Manual.
 - f. Sidewalks located within a State or County right-of-way shall be designed in accordance with State or County standards.
 - g. Sidewalk width requirements are set forth in Table 8-6(1)

Table 8-6(1)

Location	Minimum width (feet)
Arterial streets (major or minor)	8
Collector streets	6
All other streets	5

- h. Location. All sidewalks shall be constructed along the width of yards fronting upon a street right-of-way. Corner lots at street intersections shall have sidewalks constructed to, extended to, and ramped up to the street pavement in compliance with Federal and State ADA requirements. Sidewalks shall be constructed in the street right-of-way with the rear edge on the front property line and shall be constructed in compliance with the standards set forth in the Crestview Engineering Standards Manual.
- i. Internal sidewalks. Nonresidential and multifamily residential developments shall be responsible for providing an internal (on-site) sidewalk network. The internal sidewalk network shall connect buildings, parking areas and common open spaces to public

sidewalks. Internal sidewalks shall be at least five (5) feet in width and may be located within landscape buffer areas to achieve connectivity.

- j. Maintenance of sidewalks. It shall be the duty of all owners of real property in the City that abuts any constructed public sidewalks to keep and maintain those sidewalks in good repair at all times, including the proper maintenance of vegetative materials such as trees, grass, hedges and shrubs, to keep such materials from encroaching on the sidewalks. The City may require reconstruction or implement special assessments to ensure that sidewalks are maintained in good condition.
- k. Waiver. Sidewalk construction may be waived at the discretion of the Planning Administrator or their designee, if it is determined that the waiver request meets at least one (1) of the following criteria:
 - (1) There are physical constraints which would make the construction of a sidewalks impossible or impractical. Such constraints shall include, but not be limited to, insufficient right-of-way, extreme grade problems, and when construction would have a significant negative impact on the natural environment.
 - (2) There are roadway improvements scheduled within the upcoming year of the City's capital improvement plan which would result in construction activities that would destroy a significant portion of the sidewalk constructed by the developer.

Comment [NS2]: Do we keep this?

Comment [EADI(3)]: This is a question for PS and Tim.

Sec. 8-7 – Visibility Requirements

See Crestview Engineering Standards Manual.

Sec. 8-8 – Requirements for Parking and Loading.

A. Generally.

- 1. All development and redevelopment shall provide off-street parking in compliance with the standards set forth in this section.
 - a. Within the MU zoning district, parking facilities shall be provided and shared by all uses within a mixed-use development site. Standards are set forth in Sec. 8-10(G).
 - b. On-street parking spaces, spaces in municipal parking lots, and spaces in off-site private parking lots may be counted toward meeting the parking requirement for a development site. Standards for counting on-street, municipal, and private parking lot spaces are set forth in Sec. 8-9.
 - c. In situations not addressed by Sec. 8-8(1)(a) and Sec.8-8(1)(b), developments shall provide off street parking as set forth in Sec. 8-8(B).
- 2. Limitation on use of parking facilities. Required off-street parking spaces, access driveway, and aisles shall not be used for any purpose other than vehicular parking. This prohibition applies to, but is not limited to:
 - a. Storage of goods and equipment;
 - b. Location of dumpsters and other refuse containers;
 - c. Location of goods and materials offered for sale;
 - d. Storage of inoperable vehicles and equipment;
 - e. Repair activities;
 - f. Special events; and

Comment [EADI(4)]: This could be an issue.

- g. Any other activity that occupies the required spaces, drives and aisles on a temporary or permanent basis.
- 3. Calculating the number of parking spaces.
 - a. The gross floor area of a building shall be used to calculate parking requirements.
 - b. When the calculation results in a fraction, the result shall be rounded up to one (1) parking space.
 - c. For places of assembly with open seating, such as benches or pews, the calculation of parking spaces shall be based on the occupancy as rated by the fire marshal.
 - d. When a site is occupied by two (2) or more separate and individual uses, the parking spaces required shall be determined by a parking study according to the requirements for such study set forth in Sec. 8-10.
- B. Standards for Parking.
 - 1. The minimum number of vehicular parking spaces and bicycle spaces are provided in Table 8-8(1).
 - 2. Parking spaces to meet Federal and State ADA requirements shall be provided in addition to the parking requirements set forth in Table 8-8(1).

Table 8-8(1)

Use	Vehicle spaces (minimum)	Bicycle spaces (minimum)
Residential Uses		
Single-Family Dwelling	2 per unit up to 3 bedrooms, over 3 bedrooms add 1 space per bedroom	None
Multi-family Structure	2 per unit	1 per 10 parking spaces
Non-Residential Uses		
<i>Public assembly and recreational uses:</i>		
Churches, theaters, auditoriums, stadiums, and other public assembly	1 space per 3 seats of the principal public assembly room or area	1 per 10 parking spaces
Libraries and museums	1 per 500 s.f. of floor area	1 per 10 parking spaces
Community recreation center	1 per 300 s.f. gross floor area	1 per 10 parking spaces
Bowling alley	2 per lane	1 per 5 parking spaces
Miniature golf	2 per hole	1 per 5 parking spaces
Private clubs	1 per 300 s.f. gross floor area	1 per 10 parking spaces
Skating rink, ice or roller	1 per 300 s.f. gross floor area	1 per 5 parking spaces
Swimming pool, dance hall, exhibition hall	1 per 300 s.f. gross floor area	1 per 5 parking spaces
Schools:		
Day care or nursery, dance, arts, etc.	1 per employee plus 1 off-street loading space per 8 students	1 per 10 parking spaces
Elementary or junior high	1 per 2 employees plus 1 per classroom	1 per 5 parking spaces
Senior high	1 per 2 employees plus 1 per 10 students	1 per 5 parking spaces
College, trade or business school	1 per 300 s.f. gross floor area or 1 per 3 classroom seats, whichever is greater	1 per 10 parking spaces

Comment [EADI(5): Lets discuss this one

Health facilities:		
Hospital	1 per 3 hospital beds plus 1 per staff doctor plus 1 per employee on largest shift	1 per 10 parking spaces
Nursing homes	1 per 6 patient beds plus 1 per employee on the largest shift	1 per 10 parking spaces
Medical and dental offices	1 per 300 s.f. gross floor area	1 per 10 parking spaces
<i>Commercial and office uses:</i>		
Banks	1 per 300 s.f. plus 1 per employee on largest shift	1 per 10 parking spaces
Restaurant, sit-down and fast food	1 per 3 seats	1 per 10 parking spaces
Taverns, nightclubs and lounges	1 per 200 s.f. gross floor area	1 per 10 parking spaces
Offices other than medical/dental offices	1 per 300 s.f. gross office floor area plus 1 per business vehicle plus 1 per 1,000 s.f. of gross accessory storage area	1 per 10 parking spaces
Gasoline service stations	1 per employee on largest shift plus 1 per indoor service bay plus 1 per 300 s.f. gross floor area	1 per 10 parking spaces
Grocery or supermarket	1 per 300 s.f. gross floor area plus 1 per employee on largest shift	1 per 10 parking spaces
Convenience Store	1 per 300 s.f. of gross floor area plus 1 per employee on largest shift	1 per 10 parking spaces
Hotels and motels	1 per guestroom plus 1 space per 3 employees, plus any spaces required for accessory uses	1 per 10 parking spaces
Marina	1.5 spaces per berth. If marina contains boat ramp, at least 10 percent of spaces must be large enough to accommodate cars with trailers	1 per 10 parking spaces
Multi-tenant retail complex, <10,000 s.f. gross floor area	1 per 200 s.f. gross floor area	1 per 10 parking spaces
Multi-tenant retail complex, <10,000 s.f. gross floor area	1 per 200 s.f. gross floor area, plus 1 per each additional 250 s.f. over 10,000 gross floor area	1 per 10 parking spaces
Barber and beauty shops	1 per station plus 1 per employee	1 per 10 parking spaces
Bed and breakfast	1 per owner/manager plus 1 per sleeping room	1 per 10 parking spaces
Car wash, full service	1 per employee on largest shift plus 2 stacking spaces and 1 drying space per cleaning station	None
Car wash, self service	2 stacking spaces and 1 drying space per cleaning station	None
Dry cleaning shop	1 per 300 s.f. gross floor area plus 1 per employee on largest shift	1 per 10 parking spaces
Self-storage	1 space per 10 storage units, plus 2 spaces per office	1 per 10 parking spaces

Other general business, retail, department stores or personal service establishment	1 per 300 s.f. of gross floor area plus 1 per employee on largest shift	1 per 10 parking spaces
<i>Warehousing and industrial uses:</i>		
Mini-warehouses	1 space per 10 storage units, plus 2 per manager's residence	1 per 10 parking spaces
Warehouse	1 per 3,000 s.f. gross floor area	1 per 10 parking spaces
Extraction uses	1 per employee on largest shift	None
General Industrial	1 per 1,500 s.f. gross floor area	None

C. Standards for Parking Lot Design.

1. All off-street parking lots, other than single-family and duplex dwellings, shall be designed to meet the following standards:
 - a. Parking and loading areas, access aisles, pedestrian walkways, landscaping, and open space shall be designed as integral parts of an overall development plan and shall properly relate to existing and proposed buildings.
 - b. For uses that involve the sale, repair, rental, or storage of vehicles, required off-street parking spaces shall be identified for customers and distinguished from spaces used for the vehicles that are an integral part of the business activity onsite.
 - c. The parking lot circulation system shall be contained on-site. Access from one section of the parking lot to another section of the parking shall be entirely on-site.
 - d. When dead-end parking bays are included, adequate and safe areas shall be provided for backing and turning around.
 - e. Driveways and access aisles shall be interconnected with all existing driveways and access aisles on abutting commercial properties. Where the abutting commercial property is not developed, driveways and access aisles shall be extended to the common property line, so that future interconnection is possible. Each party to the interconnection shall be entitled to a ten (10) percent reduction in the parking requirement. A cross-access easement agreement shall be provided and determined to be acceptable to the City. Upon approval, the easement agreement shall be recorded.
 - f. A parking lot shall be designed to prevent backing onto a public right-of-way, other than an alley.
 - g. Access to each parking space shall be directly from an access aisle or driveway; all required parking spaces shall be designed to permit entry and exit without moving any other vehicle. No spaces shall be located directly in aisles or driveways.
 - h. All parking and loading spaces shall be striped or otherwise marked to indicate their location and area.
 - i. No parking space shall block emergency access.
 - j. Fire lanes shall be posted with appropriate signage, approved by the fire marshal.
 - k. All parking spaces shall be delineated by striping or similar method.
2. Parking lot design
 - a. The design and construction of a parking lot shall comply with the standards set forth in the Crestview Engineering Standards Manual.

- b. The dimensions of parking spaces and access aisles shall comply with the standards set forth in the Crestview Engineering Standards Manual.
- c. Required design standards for required bicycle parking spaces and facilities are set forth in the Crestview Engineering Standards Manual.
- D. Standards for Loading Spaces. The required number of off-street loading spaces is shown in Table 8-8(2). The design and construction of off-street loading spaces shall comply with the standards set forth in the Crestview Engineering Standards Manual.

Table 8-8(2)

Use	Required spaces (minimum)
Multifamily residential: over 20 units	1
Offices: up to 75,000 s.f.	1
Offices: each additional 25,000 s.f. over 75,000 s.f.	1
Theaters, auditoriums, stadiums, places of general assembly: up to 20,000 s.f.	1
Theaters, auditoriums, stadiums, places of general assembly: each additional 100,000 s.f. over 20,000 s.f.	1
Commercial uses: up to 30,000 s.f.	1
Commercial uses: each additional 20,000 s.f. over 30,000 s.f.	1
Industrial uses: per 10,000 s.f.	1
Schools, libraries, hospitals, nursing homes: per 100,000 s.f.	1

Sec. 8-9 – Standards for Parking Off the Development Site

- A. Development may count parking spaces located off the development site in the following circumstances:
 - 1. The development parcel is in the C-2 or Downtown parking districts:
 - a. On-street parking is available within 300 feet of the principal entrance of the building(s) to be served by parking. Distance shall be measured along the most direct walking route from the entrance to the parking area;
 - b. An available municipal parking lot is located within 400 feet of the principle entrance of the building(s) to be served by parking. Distance shall be measured along the most direct walking route from the building entrance to the nearest entrance to the municipal parking lot. A municipal parking lot is available when it provides parking to the general area and is not intended to provide off-street parking to support a public or civic structure or use;
 - c. A private off-site parking lot is available within 400 feet of the principal entrance of the building(s) to be served by parking. The parcel containing the private off-site parking lot shall be located on land zoned C-1 or MU. The off-site parking lot shall be provided by the owner of the development parcel to exclusively serve the development parcel. Or
 - d. A private off-site parking lot is available within 400 feet of the principle entrance of the building(s) to be served by parking. The parcel containing the private off-site parking lot

shall be located on land zoned C-1 or MU. The owner of the development parcel and owner of the parking lot shall enter into an agreement guaranteeing the availability of the parking spaces to be counted to meet parking needs of the development parcel. The agreement shall be a recordable instrument in a form acceptable to the City Attorney. The City shall be a party to the agreement and shall retain enforcement authority. The agreement shall contain covenants running with the lands of both the development parcel and the parcel containing the parking lot.

Sec 8-10 – Parking Studies

- A. The required number of parking spaces may be reduced based on the results of a parking study prepared in compliance with the standards of this section. The parking study shall be prepared by a traffic engineer, certified transportation planner, or other professional with expertise in parking.
- B. Parking spaces may be shared by two (2) or more adjacent uses when a parking study prepared in compliance with the standards of this section demonstrates that adequate parking will be available to meet all parking needs.
- C. The Planning Administrator may require a parking study when the characteristics of the proposed development is believed to require a greater or lesser number of parking and/or loading spaces than established by the standards of this section to demonstrate the amount of parking required.
- D. A parking study shall include estimates of the parking requirements based on one (1) of the following sources:
 - 1. Urban Land Institute;
 - 2. Institute of Traffic Engineers;
 - 3. American Planning Association;
 - 4. Traffic Institute; or
 - 5. A study of parking requirements prepared by a Traffic Engineer based on data collected demonstrating the actual parking needs of comparable uses. Uses shall be considered comparable based on type of use, density, or intensity of development, scale, bulk, and location. The study shall clearly document the location of parking counts, and the time of the counts (weekdays, weekends, peak use periods, and season).
- E. The parking study shall also include an analysis of the extent to which a transportation system management program and use of alternative forms of transportation lessen the parking requirement. The following factors shall be considered:
 - 1. Public transportation satisfies transportation demands for a portion of the users of the facility that corresponds to the amount of proposed parking reduction.
 - 2. The availability and estimated use of private and public ride sharing, such as carpools and van pools.
 - 3. The availability of subscription bus service.
 - 4. Parking charges.
 - 5. The guaranteed provision of annual employee or customer bus passes by the development occupying the development site.
 - 6. The implementation of guaranteed flexible work hour scheduling.
 - 7. The establishment of a transportation coordinator position to implement a carpool, van pool or other transit programs.

8. The reduction in parking spaces corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to travel to the facility. Documentation of the source of this data shall be provided.
- F. The parking study may demonstrate a deferral of the provision of otherwise required parking spaces provided that the following standards are met:
 1. A parking plan is provided to demonstrate that sufficient space is available to meet the parking requirements set forth in Sec. 8-8.
 2. A parking plan is provided that illustrates the layout for the required number of spaces, designating the spaces to be deferred.
 3. Spaces proposed for deferral shall not be used for required landscaping, required buffers, required setbacks, or stormwater management.
 4. A parking plan shall demonstrate full compliance with all design requirements of this LDC, except for the design and construction of deferred spaces.
 5. The parking plan shall include a written agreement, in the form of a recordable instrument approved by the City Attorney, guaranteeing conversion of the deferred spaces to paved spaces in full compliance with the standards of this LDC, based upon the City's determination that the deferred spaces are necessary for the safety and welfare of the public. The City shall be a party to the agreement. The agreement shall include a requirement that the property owner shall be responsible for any expenses of a traffic and/or parking study to address the need for the deferred spaces.
 6. The property owner may at any time request approval of a revised development plan to allow converting the deferred spaces to operable parking spaces.
- G. A parking study to support shared parking requirements shall meet the following standards:
 1. The parking spaces for joint use shall be located within 300 feet of the respective uses they are intended to serve.
 2. The study shall include sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap.
 3. The study shall contain sufficient information to demonstrate that the joint use of parking and subsequent reduction in the total number of otherwise required parking spaces will not have a negative impact on adjacent properties.
 4. The owner of parcels proposing to share parking shall enter into an agreement guaranteeing the joint access and use of the parking spaces to meet parking needs of all properties represented in the agreement. The agreement shall be a recordable instrument in a form acceptable to the City Attorney. The City shall be a party to the agreement and shall retain enforcement authority. The agreement shall contain covenants running with the lands of all parcels relying on the shared parking arrangement. The agreement shall include provisions for maintenance of the shared parking facility. The agreement shall also include provisions that address discontinuance of one (1) or more uses and a change in one (1) or more uses resulting in an increased parking need. The agreement shall contain covenants running with the lands of all development parcels relying on the shared parking arrangement.

Sec. 8-11 – Standards for Stacking Lanes and Drive-through Facility Lanes

- A. **Stacking Space Requirements.** All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the following standards:
1. The amount of stacking space required is set forth in Table 8-11(1). Where a use that is not listed in this table is proposed to include drive-up or drive-through service, the Planning Administrator shall determine the stacking requirement. Determination shall be based on the requirements for a substantially comparable use, considering traffic generation, intensity of development, scale of development, and hours of operation.

Table 8-11(1)

Use	Required spaces (Minimum)
Automobile repair facility	2 vehicles per service bay
Drug store or pharmacy	4 vehicles per lane
Financial institution	4 vehicles for the first lane and 2 vehicles per lane for each additional lane
Food or beverage center	4 vehicles per lane
Fast food restaurant	6 vehicles per lane

- B. **Design Requirements for Stacking Lanes**
1. Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility. Stacking distance shall be computed at eighteen (18) feet per vehicle.
 2. The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to the driveway access to streets and intersections.
 3. On-site parking lots, pedestrian areas and drive-through lanes shall be designed to avoid pedestrians crossing drive-through lanes.
 4. Vehicular traffic from stacking lanes shall not encroach on the public right-of-way.
 5. A separate bypass lane around the drive-through facility shall be provided.
 6. Stacking lanes shall not be located within a designated delivery area or area designed for loading spaces.



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Chapter 9 - Variations from Standards in the LDC

BACKGROUND:

Chapter 9 Variations for Standards in LDC

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 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

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

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

This item has no direct effect on the current City Budget.

RECOMMENDED ACTION

Staff respectfully requests comments and any discussion on this Chapter.

Attachments

1. 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.

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

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:

Comment [BH2]: Why metal buildings?

- 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;

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.

Comment [NS3]: Check against state statute

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.

Comment [DB4]: Mr. Haynes would like to know the source of this figure.

- 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.

Comment [BH5]: Should this be building?

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.

Comment [BH6]: building

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.

Comment [BH7]: what?

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.

Comment [BH8]: Were did we get this?

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.

Comment [BH9]: Is this common?

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.

Comment [BH10]: Lets look at this.

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.

Comment [BH11]: This section been reviewed by Jon

- 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;

Comment [BH12]: We need to look at this, if you issue variances in flood area you cant be in the CRS program. Need to check this.

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.

Comment [BH13]: Did we put a fee in the fee schedule?

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.



Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Proposed New FLU Map

BACKGROUND:

The Future Land Use Map provides an insight into the vision for the future development of the City.

DISCUSSION:

This new version of the FLUM is required as a direct result of the efforts related to the redrawing the zoning map and the LDC. The FLUM has numerous requirements and mandates overseeing this product by the State.

This items is for a first look and comment here and will be back several more times along with numerous public involvement venues.

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

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

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

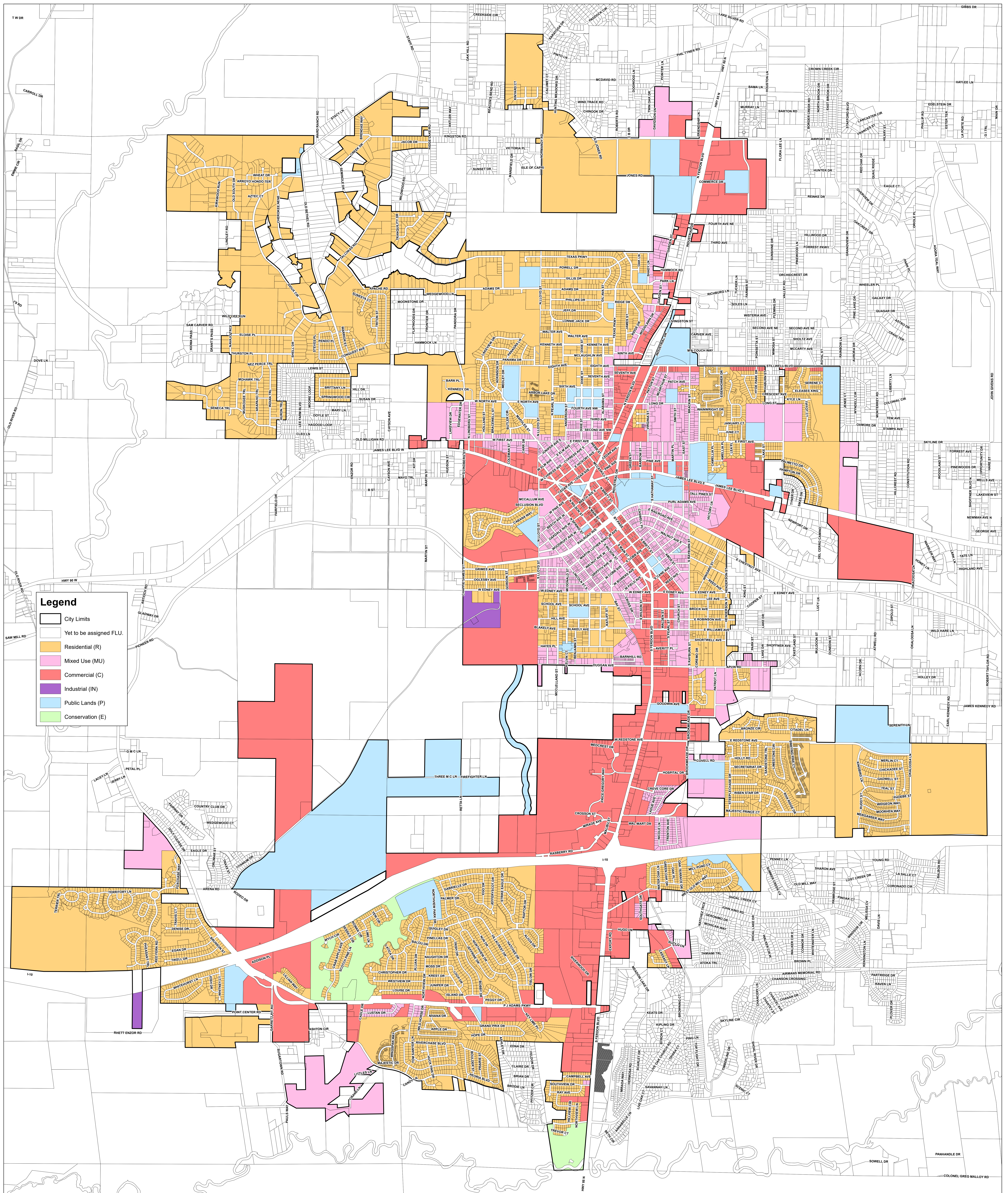
This item has no direct effect on the current City Budget.

RECOMMENDED ACTION

Staff respectfully requests comments and any discussion on this Chapter.

Attachments

1. Proposed Future Land Use Map



Legend

- City Limits
- Yet to be assigned FLU
- Residential (R)
- Mixed Use (MU)
- Commercial (C)
- Industrial (IN)
- Public Lands (P)
- Conservation (E)

Old Future Land Use			New Future Land Use		
Count	Acreage		Count	Acreage	
LDR	7931	5140.87	R	8087	4602.82
MDR	25	61.08			
MDR	1226	752.56			
HDR	6	40.20			
MX	241	71.31	MU	1782	1018.79
MX	12	35.47			
DMU	168	37.52			
C	1004	1468.23	C	1121	2417.50
IN	79	216.91	IN	4	40.41
PL	87	897.10	P	86	982.15
CON	106	397.50	E	4	151.22

PROPOSED FUTURE LAND USE

PREPARED BY COMMUNITY DEVELOPMENT SERVICES
PARCEL INFORMATION PROVIDED BY OKALOOSA COUNTY GIS DEPARTMENT
NAD 1983 2011 FLA STATE PLANE, NORTH ZONE U S SURVEY FEET (FL83-NF)





Staff Report

PLANNING AND DEVELOPMENT BOARD

MEETING DATE: October 5, 2020

TYPE OF AGENDA ITEM: Presentation

TO: Planning and Development Board
CC: City Manager and City Attorney
FROM: Community Development Services
DATE:
SUBJECT: Preliminary New Zoning Map

BACKGROUND:

The existing zoning map has numerous parcel with zoning that does not match the current desired use for those parcels. In addition, efforts are underway to rewrite the LDC, part of which is the zoning classifications.

DISCUSSION:

Attached is a very preliminary new zoning map. This map takes into account several points:

Allows for increased commercial area to support commercial growth in a stifled and restricted area.

Allows for more mixed use areas conducive to spreading out light impact commercial endeavors and increasing the relative density of residential units.

Takes into account a cascading effect of zoning areas. High intense commercial, adjacent to less intense, to high intense residential.

The goal is increase density in areas of existing and sufficient infrastructure while allowing time for infrastructure improvements to improve in the less dense areas.

Also seeks to protect existing low density residential areas and quality of life.

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

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

Mobility- Provide safe, efficient and accessible means for mobility

Opportunity- Promote an environment that encourages economic and educational opportunity

Community Culture- Develop a specific identity for Crestview

FINANCIAL IMPACT

This item has no direct effect on the current City Budget.

RECOMMENDED ACTION

Staff respectfully requests comments and any discussion on this Chapter.

Attachments

1. Proposed Zoning Map

