

# LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS

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### ARTICLE I: ESTABLISHMENT, CORPORATE LIMITS, AND POWERS

#### 1.00.00. TITLE

This Code shall be entitled the "Land Development Code" and may be hereafter referred to as the "Cedar Key Code" or the "Code."

#### 1.01.00. AUTHORITY

This Code is enacted pursuant to the requirements and authority of §163.3202, Florida Statutes, (Local Government Comprehensive Planning and Land Development Regulation Act), the general powers in Chapter 166 Florida Statutes (Municipality Laws of Florida 69-929 (City Charters), and City Ordinance 242 (Comprehensive Plan).

#### 1.02.00. APPLICABILITY

##### 1.02.01. General.

Except as specifically provided below, this Code shall apply to all development in the city, and no development shall be undertaken without prior authorizations pursuant to this Code.

##### 1.02.02. Exceptions

The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued development order or permit that has not expired at the time this Code is adopted, and on which development has

started or does start and proceeds according to the time limits under which the development was originally approved and which meets the requirements of the regulations in effect and any conditions applied when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or any amendments thereto.

##### 1.02.03. Consistency with Comprehensive Plan

Nothing in this section shall be construed to authorize development that is inconsistent with the adopted city comprehensive plan.

(History: Ord. No. 242)

#### 1.03.00. FINDINGS

##### 1.03.01. Statutory Requirement

Florida Statute Chapter 163 requires each Florida local government to enact a single land development Code which implements and is consistent with the local comprehensive plan, and which contains all land development regulations for the city.

##### 1.03.02. General Public Need

Controlling the location, design and construction of development within the city is necessary to maintain and improve the quality of life in the

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city as more fully described below in specific findings related to the various subject areas of this Code.

## **1.03.03. Administration and Enforcement**

A. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.

B. All development proposals should undergo a development review process to assure compliance with the requirements of this Code.

C. A mandatory pre-application conference requirement enhances communication and understanding between the Department and the developer thereby improving the efficiency of the development review process.

D. All Administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.

E. A quick and efficient appeal process should be available for all administrative decisions.

F. Enforcement of development orders and the provisions of this Code should be through procedures which are efficient, effective and consistent with the Code and procedures established by state law.

## **1.03.04. Signs**

A. The manner of the erection, location and maintenance of signs affects the public health, safety, morals, and welfare of the citizens of the city.

B. The safety of motorists, cyclists, pedestrians, other users of public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers.

C. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.

D. The construction, erection and maintenance of large signs suspended from or placed on top of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.

E. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the city and thereby undermine the economic value of tourism, visitation and permanent economic growth.

## **1.03.05. Landscaping and Tree Protection**

A. Landscaping and buffering development with trees and other vegetation promotes the health, safety and welfare of the community to such an extent as to justify the retention of trees and native vegetation and to require buffering through landscaping.

B. Trees, landscaping and native vegetation benefit the city by:

1. Absorbing carbon dioxide and returning oxygen to the atmosphere;

2. Precipitating dust and other particulates from the air;

3. Providing wildlife habitat, particularly for birds which control insects;

4. Providing soil stabilization which reduces erosion and mitigates flooding

5. Providing natural filtration and uptake of stormwater runoff;

6. Providing shade which reduces energy consumption and glare, and making outdoor areas more comfortable during warm weather;

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7. Making the built environment more attractive by adding a variety of color, shape, and pattern and thus increasing community pride and property values;

8. Providing attractive buffering between incompatible land uses; and

9. Abating noise.

C. Because native vegetation is adapted to local diseases, pests, soil and climate, it is more economical and desirable than exotic species which require more pesticide, fertilizer and water, and which may crowd out native species.

D. Because some trees and vegetation and their locations are more beneficial than others, the public benefits of protection may be obtained without preserving each and every species.

E. Mangrove trees are especially valuable in stabilizing, building and protecting the shoreline, providing for spawning area breeding grounds for marine organisms and other wildlife, and serving as the basis for most of the estuarine food chains, which are critical to seventy (70) to ninety (90) percent of those marine species considered important to local commercial/recreational uses.

### 1.03.06. Off-Street Parking and Loading

A. Off-street parking and loading (or unloading) of vehicles promotes the public safety and welfare by reducing traffic congestion.

B. Well designed off-street parking and loading areas promote the safe and efficient storage, loading and circulation of vehicles.

C. Allowing the use of porous paving materials and unpaved parking areas whenever possible conserves water and energy, moderates the microclimate, and reduces the expense and hazards of controlling stormwater runoff.

D. Determination of actual need for parking and phasing to coincide with development impacts may conserve open space and reduce the expense and hazard of controlling stormwater runoff.

### 1.03.07. Stormwater Management

A. Increased stormwater runoff may cause erosion and pollution of ground and surface water with a variety of contaminants such as heavy metals.

B. Stormwater runoff often contains nutrients, such as phosphorus and nitrogen, which adversely affect flora and fauna by accelerating eutrophication of receiving waters.

C. Erosion silts up water bodies, decreases their capacity to hold and transport water, interferes with navigation, and damages flora and fauna.

D. Impervious surfaces increase the volume and rate of stormwater runoff.

E. Improperly managed stormwater runoff increases the incidence and severity of flooding and endangers property and human life.

F. Improperly managed stormwater runoff alters the chemistry of estuarine areas and diminishes their biological productivity.

G. Degradation of ground and surface waters imposes economic costs on the community.

H. Eighty (80) to ninety-five (95) percent of the total annual loading of most stormwater pollutants discharged into receiving waters are concentrated in the flush created by the first one inch (1") of rainfall ("first flush"), and carried offsite in the first one-half inch of runoff.

I. Improperly managed stormwater adversely affects the drainage of off-site property.

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### 1.03.08. Floodplain Protection.

- A. Flooding is a natural, recurring phenomenon in the city.
- B. Naturally flood-prone lands serve the following important functions:
1. They provide natural storage and conveyance of flood waters;
  2. Provide temporary storage or surface waters that moderates flood elevations and the timing, velocity and rate of flood discharges;
  3. Reduce erosion, and filter nutrients, sediments and other pollutants;
  4. Export detritus and other food sources to open water bodies and are vital habitat for fish, birds, wildlife and native plant communities.
- C. Naturally occurring flooding may provide recharge to groundwater and a basic source of flow to surface waters.
- D. The uncontrolled development of flood-prone lands substantially degrades the health, safety and welfare of the city in the following ways:
1. Owners, residents, guests, customers and employees occupying homes, businesses and other structures located in flood-prone areas are placed at unreasonable risk of personal injury and property damage.
  2. Expensive and dangerous search, rescue and other disaster relief operations may be necessary when developed properties are flooded.
  3. Roads, public facilities, and utilities associated with development may be damaged by flooding at great expense to taxpayers and utility ratepayers.
  4. Flooding of developed properties may lead to demands that government construct

expensive and environmentally damaging projects to control flood waters.

5. Normally flood-free lands are placed at risk of flooding when flood water on natural flood-prone areas are obstructed, diverted, displaced or channelized.

6. Water quality is degraded, freshwater supply to estuaries is disrupted and habitat is lost.

7. Property values are lowered and economic activity is disrupted by floods.

### 1.03.09. Protection of Environmentally Sensitive Lands/Conservation Areas

A. Protection of conservation areas described or mapped in the Future Land Use, Conservation and Coastal Management Elements of the Comprehensive Plan promotes the well being of the people of the city as described in the Plan and hereafter.

B. Wetlands serve the following beneficial functions:

1. Wetlands provide natural storage and conveyance of flood and tidal waters, and minimize erosion and sedimentation by reducing flood flows and the velocity of flood and tidal waters and wave action.

2. Coastal wetlands filter and help decompose sediments, nutrients, and other natural and man-made pollutants that would otherwise degrade waters.

3. Wetlands support commercial and recreational fishing by providing essential nutrients and hatcheries for aquatic life.

4. Wetlands provide breeding and protective habitats for wildlife.

5. Wetlands recharge ground and surface waters.

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C. Shorelines serve the following beneficial functions:

1. Land adjoining waters or wetlands, which can generally be divided into submergent, transitional, and upland vegetation zones, provide essential habitat for many plant and animal species, including those that are endangered, threatened or of special concern.
2. Submergent, transitional, and upland vegetation zones help slow storm-water runoff flows and increase infiltration of water, nutrients and other substances.
3. These zones serve as effective buffers against noise and other human activities which may have adverse affects on aquatic and wetland wildlife.
4. These zones reduce predation by domestic pets on wetland and wetland dependent wildlife.
5. Development activities have destroyed or impaired the beneficial function of shoreline areas and federal and state regulations do not adequately protect environmentally sensitive lands, making local regulation necessary.

### 1.03.10. Protection of Cultural Resources

- A. There are unique and irreplaceable historic, archaeological and architectural sites, buildings, structures and objects located in the city.
- B. In recognition of these assets, the city has adopted an Historic Preservation and Conservation Element as part of the comprehensive plan.
- C. The Historic Preservation and Conservation Elements of the Plan include a survey of cultural resources adopted as the official inventory of historic and archaeological resources of the city.

D. The recognition, protection, enhancement and uses of these resources are public purposes promoting the economic, educational, cultural and general welfare of the public by increasing property values, stabilizing neighborhoods and older areas of the city, increasing economic benefits to the city and its inhabitants, enriching human life in its educational and cultural dimensions, and fostering civic pride in the beauty and noble accomplishments of the past.

E. The city has for many years exerted efforts in an attempt to encourage redevelopment of the older parts of the city and continues to do so.

F. It is the will of the Florida Legislature as expressed in Chapter 267 of Florida Statutes that the State's historic sites and properties, buildings, artifacts, treasure troves, and objects of antiquity, which have scientific or historical value, or are of interest to the public, be protected and preserved.

### 1.04.00. INTENT

#### 1.04.01. General Intent

With regard to this Code in general, its provisions shall be construed and implemented to achieve the following intentions and purposes of the City Commission:

- A. To establish the regulations, procedures and standards for review and approval of all proposed development in the city.
- B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the city in accordance with the Comprehensive Plan.
- C. To adopt a development review process that is efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of

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proposed development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the city.

D. To implement the City Comprehensive Plan as required by F.S. 163.

E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service (LOS) requirements (concurrency).

### 1.04.02. Specific Intent

The provisions of this Code dealing with the specific subject areas which follow shall be construed and implemented to achieve the following intentions and purposes of the City Commission:

### 1.04.03. Administration and Enforcement

A. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this Code, the city Comprehensive Plan, and other applicable city regulations.

B. To promote efficiency and predictability.

C. To assure compliance with approved development orders and the provisions of this Code through rigorous but fair enforcement actions.

### 1.04.04. Signs

A. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.

B. To permit signs that are:

1. Compatible with their surroundings.

2. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.

3. Appropriate to the type of activity to which they pertain.

4. Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property, and small enough to satisfy the needs for regulation.

5. Reflective of the identity and creativity of individual occupants.

C. To promote the economic health of the community through increased tourism and property values.

### 1.04.05. Landscaping and Tree Protection

A. To enhance the attractiveness of the city.

B. To conserve energy through the cooling and shading effects of trees.

C. To abate nuisances such as noise, glare, heat, air pollution and stormwater runoff.

D. To mitigate conflicts between adjoining land uses.

E. To preserve the environmental and ecological benefits of existing native trees and vegetation.

F. To promote safe and efficient use of off-street parking facilities and other vehicular use areas by:

1. Clearly defining and buffering the bounds of vehicular use areas, particularly where they abut public rights of way, so that movement, noise, and glare in one area do not adversely distract activity in another area;

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2. Limiting physical site access to established points of ingress and egress; and

3. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.

G. To conserve the city's irreplaceable natural heritage for existing and future generations.

### 1.04.06. Parking and Loading

To assure that all development provides for adequate and safe storage and movement of vehicles in a manner consistent with good engineering and site design principles.

### 1.04.07. Stormwater Management

A. To protect and maintain the chemical, physical and biological integrity of ground and surface waters.

B. To prevent activities which adversely affect ground and surface waters.

C. To encourage the construction of stormwater management systems that aesthetically and functionally approximate natural systems.

D. To protect natural drainage systems.

E. To minimize runoff pollution of ground and surface waters.

F. To protect and maintain natural quality levels in estuarine areas.

G. To minimize erosion, turbidity and sedimentation.

H. To prevent damage to wetlands.

I. To protect, maintain, and restore the habitat of shellfish, fish and wildlife.

### 1.04.08. Protection of Environmentally Sensitive Lands/Conservation Areas

A. To protect environmentally sensitive lands and their beneficial functions while protecting the rights of property owners.

B. To protect, maintain, and restore the chemical, physical, and biological integrity of ground and surface waters and natural habitats.

C. To prevent activities which adversely affect ground and surface waters, natural habitats, and native flora and fauna.

D. To maintain recharge for groundwater aquifers.

E. To prohibit uses that are detrimental to environmentally sensitive areas.

F. To protect the recreation opportunities of environmentally sensitive lands for fishing, boating, hiking, nature observation, and other uses.

G. To protect the public's rights in navigable waters.

H. To protect aesthetic and property values.

### 1.04.09. Protection of Cultural Resources

A. To identify, protect, and enhance the use of districts, sites, buildings, and structures, objects, and areas that are reminders of past eras, events, and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which provide this and future generations examples of the physical surroundings in which past generations lived.

B. To enhance property values, stabilize older neighborhoods and business centers, and increase the economic benefits to the city arising out of its cultural resources.

C. To preserve and enhance the varied architectural styles that reflect the cultural, social, economic, political and architectural history of the city.

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D. To enrich human life in its educational and cultural dimensions by fostering knowledge of the community's heritage.

### 1.05.00. RELATIONSHIP TO COMPREHENSIVE PLAN

#### 1.05.01. General Intent

The adoption of a unified land development code implements the goals, objectives and policies of the City's Comprehensive Plan, City Ordinance 242.

#### 1.05.02. Incorporation by Reference

The goals, objectives and policies of the City's Comprehensive Plan, City Ordinance 242, including Elements 1 through 10 and all standards, maps and exhibits related thereto are hereby incorporated by reference in this Land Development Code as though they were copied fully herein.

### 1.06.00. TECHNICAL CONSTRUCTION STANDARDS

#### 1.06.01. General

The City desires and shall facilitate proper inspection activities relating to construction and maintenance of buildings within the city in order to protect the public health, safety and general welfare.

#### 1.06.02. Incorporation by Reference

A. The following Technical Construction Standard Manuals are hereby incorporated by reference in this Code as though they were copied fully herein. The edition of each manual shall be determined by the City Commission and adopted by resolution.

Standard Building Code (SBCCI)

Standard Excavation and Grading Code (SBCCI)

Standard Existing Buildings Code (SBCCI)

Standard Fire Prevention Code (SBCCI)

Standard Gas Code (SBCCI)

Standard Housing Code (SBCCI)

Standard Mechanical Code (SBCCI)

Standard Plumbing Code (SBCCI)

Standard Swimming Pool Code (SBCCI)

Standard Unsafe Building Abatement Code (SBCCI)

National Electric Code (NFPA)

Energy Efficiency Code for Building Construction (DCA)

Manufactured Buildings Rules & Regulations (DCA)

Manual for Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (DOT).

B. The following technical amendments are incorporated into the Florida Building Code, Residential:

R322.2.1 Elevation requirements.

Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.

In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus



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1 foot, or at least 3 feet if a depth number is not specified.

Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

### R322.3.2 Elevation requirements.

All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Basement floors that are below grade on all sides are prohibited.

The use of fill for structural support is prohibited.

Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5

### 1.06.03. Violations

It shall be unlawful for any person to commence any construction without a permit as required by the codes adopted in section 1.06.02 of this Code. It shall be unlawful for anyone to violate the provisions of the codes adopted in section 1.06.02 of this Code. Any person convicted of violating the provisions of this Code or any

provisions of the codes adopted in section 1.06.02 of this Code shall be punished as provided in Chapter 2, Laws of Cedar Key, Section 1.02.00. Each day any offense continues shall constitute a separate offense

### 1.07.00. RULES OF INTERPRETATION

#### 1.07.01. Generally

In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the city and deemed neither to limit nor repeal any other powers granted under state statutes.

#### 1.07.02. Responsibility for Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of the Code, the Administrator shall be responsible for interpretation and shall look to the City Comprehensive Plan for guidance.

Responsibility for interpretation by the Administrator shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code or any statute or rule of any state or federal agency, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

#### 1.07.03. Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

#### 1.07.04. Delegation of Authority

Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some

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duty, it is to be construed to authorize delegation to a qualified alternate or subordinate to perform the required act or duty unless the terms of the provision or section specify otherwise.

## 1.07.05. Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

## 1.07.06. Number

Words in the singular shall include the plural and words in the plural shall include the singular.

## 1.07.07. Shall, Should, May, Will

The word "shall" and "should" are mandatory; "may" is permissive or discretionary; "will" is mandatory when any provisional circumstances are met.

## 1.07.08. Written or In Writing

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

## 1.07.09. Year

The word "year" shall mean a calendar year, unless otherwise indicated or specified.

## 1.07.10. Day

The word "day" shall mean a working day, unless a calendar day is indicated or specified.

## 1.07.11. Boundaries

Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

A. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.

B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.

C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

D. Boundaries shown as following or approximately following natural features shall be construed as following such features.

## 1.07.12. Relationship of Specific to General Provisions

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provisions.

## 1.08.00. REPEAL OF PREVIOUS ORDINANCES OR PROVISIONS

All prior zoning ordinances and zoning maps heretofore adopted by the City of Cedar Key, Florida, are hereby repealed and rescinded.

## 1.09.00. ABROGATION

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Levy County, Florida.

## 1.10.00. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

## 1.11.00. EFFECTIVE DATE

These regulations shall be effective upon adoption.

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## ARTICLE II: LAND USE: TYPE, DENSITY, INTENSITY

### 2.00.00. GENERALLY

#### 2.00.01. Purpose

The purpose of this Article is to describe the specific uses and restrictions that apply to land use districts in the land use element of the comprehensive plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies and standards of the Cedar Key Comprehensive Plan.

(History: Ord. No. 242)

#### 2.00.02. Definitions

##### Abut

To physically touch or border upon, or to share a common property line.

##### Accessory Use

A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

##### Aquaculture Land Based Nurseries

A land based, water dependent, aquacultural use, involving the cultivation of clam and oyster seedlings.

##### Adult Congregate Living Facility (ACLF)

A type of residential care facility, defined in Chapter 400, Part II, Florida Statutes. (See: "Special Housing")

##### Bed and Breakfast

See Hotel/Motel Unit.

##### Density or Gross Density

The total number of dwelling units divided by the total upland site area, less any dedications, or public right-of-way.

##### Dwelling Unit

A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

##### Hotel/Motel Unit

A temporary or transient dwelling unit, including a unit in what is commonly referred to as a "bed and breakfast," which does not provide housekeeping, eating or cooking facilities.

##### Infrastructure

Systems and facilities which provide for public or common use, such as potable water, wastewater disposal, transportation or parking, stormwater disposal, solid waste and recreation.

##### Junkyard

Premises or portions thereof used for the storage or sale of used and discarded materials. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming, wrecking or salvage businesses and recycling centers shall be considered junkyards.

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### Lot

A designated parcel, tract, site or area of land established by plat, subdivision or as otherwise allowed by law.

### Manufactured Housing

Housing that is mass produced in a factory; designed and constructed for transportation to a site for installation and use when connected to required utilities; and either an independent, individual unit or a module for combination with other elements to form a building on the site.

### Multi-Family Dwelling

A residential structure of two (2) or more dwelling units.

### Parcel

A unit of land within legally established property lines.

### Recreation Vehicle

A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use including, but not limited to, travel trailers, truck or trailer campers, and self-propelled motor home.

### Recreation Vehicle Park

A parcel set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such parcel, for the parking, accommodation, or rental of recreational vehicles.

### RV Park Subdivision

A Recreation Vehicle Park which is divided into two or more lots with separate legal descriptions for the purpose of sale or conveyance of the individual lots.

### Single-Family Dwelling

A structure containing one dwelling unit, and not attached to any other dwelling unit by any means. A single-family unit may contain one accessory apartment pursuant to this Code.

### Special Housing

An adult congregate living facility, foster home or group home licensed by HRS which provides a family living environment including supervision and care necessary to meet physical, emotional, economic and social life needs of four or more unrelated persons.

### 2.01.00. LAND USE DISTRICTS

#### 2.01.01. Generally

Land use districts are established in the city Comprehensive Plan, Future Land Use Element, including Exhibit 1-6, Exhibit 1-6a, and Exhibit 1-10. The land use districts, classifications, and standards defined in the Future Land Use Element of the City Comprehensive Plan and delineated on the Future Land Use Map shall be the determinants of permissible activities on any parcel in the jurisdiction. Refer to the Plan for the definitions of each use category.

#### 2.01.02. Use Categories

A. Land use districts consist of the following:

1. Residential
2. Commercial
3. Conservation
4. Mixed Use
5. Public/ Semi Public
6. Recreational

B. There is no land classified as agricultural or industrial in the city, however, aquaculture is a use allowed by an

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administrative special use permit in the Commercial Land Use District, including the overlay map area as depicted in Chapter 3, Exhibit 1-10. A request for agricultural or industrial use may be considered by amendment to the Comprehensive Plan.

### 2.02.00. USES ALLOWED IN LAND USE DISTRICTS

#### 2.02.01. Generally

Uses allowed in this part are subject to deed restrictions which may apply, the established character of the area, vocational limitations, density/intensity standards and the provisions of this Code and the Comprehensive Plan.

#### 2.02.02. Residential

This category includes a wide variety of residential uses depending on the existing character of the neighborhood, location, and compatibility, design and development, resource protection, and other standards and provisions of the Code.

##### A. Principal uses include:

1. single-family dwellings,
2. accessory dwelling,
3. multi-family dwellings,
4. modular and manufactured housing (except recreational vehicles),
5. special housing (group homes, foster homes, ACLF),
6. outdoor recreation,
7. residential docks and boathouses not used for commercial purposes (subject to the restrictions of Section 7.02.05 and other applicable provisions of this Code).
8. public utilities, and
9. home occupations,

B. The following uses are allowed by conditional use pursuant to the procedures at 12.05.00 of this Chapter:

1. Hotel/Motel Units, including those which provide housekeeping, eating and/or cooking facilities.
2. Aquacultural Land-Based Nurseries that do not qualify as a home occupation due to the failure of the proposed use to comply with the criteria at 7.02.02 A, B, D, and/or H. A proposed aquacultural land-based nursery that does not comply with any of the requirements at 7.02.02 C, E, F, G, and I, may not be allowed as a conditional use.
3. Parking for vehicles and boat trailers launching boats used solely for aquacultural purposes and within one thousand feet of a boat ramp.
4. Offices on existing lots abutting "D" street.
5. Primary Care Medical Facilities.

(History: Ord. Nos. 361, 386, 427)

#### 2.02.03. Commercial

This category includes any commercial uses which meet locational, compatibility, buffering, performance, resource protection, design and development, and other standards and provisions of this Code. Uses include, but are not limited to General Commercial (retail stores, restaurants and lounges, hotels and motels, recreational vehicle parks, professional offices and other product and service activities), Water-Dependent Commercial (commercial fishing, marinas and public use water oriented recreation), Water-Related Commercial (fishing and marine supplies and tourism related business which provides water access or scenic water views as an integral part of the business activity), recreation, public utilities, and one single-family residential use per site. Aquaculture shall be

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allowed subject to issuance of an administrative special use permit in accordance with the procedures in 12.13.00 of this Chapter.

Aquaculture – (Overlay of Commercial as depicted in Chapter 3, Exhibit 1-10) – This category includes (i) aquaculture, commercial fishing and other shell fishing that is lawful; and (ii) residential. Commercial uses described in the first paragraph of this section are permissible subject to conditional use approval procedures. Aquaculture means the cultivation of aquatic organisms and associated activities, including, but not limited to grading, sorting, transporting, harvesting, holding, storing, growing, and planting. In addition, aquaculture is considered agriculture.

Conditional Uses: The following uses are allowed by conditional use pursuant to the procedures at 12.05.00 of this Chapter:

- A. Hotel/Motel Units which provide housekeeping, eating and/or cooking facilities.
- B. Recreational Vehicle Park Subdivisions. Except as otherwise provided herein, all other portions of this Code applicable to recreational vehicle parks and the Commercial category shall apply. It is the intent of this provision to allow subdivision of recreational vehicle sites but not permit permanent residential housing on such subdivided lots. Subdivisions hereby authorized shall demonstrate compliance with the following requirements:

Standards. In addition to the considerations in Section 12.05.00, the property must meet the following standards:

- 1. The property must include a minimum of 4.5 acres of upland.
- 2. Accessory buildings customarily incidental to the operation of an RV park shall be allowed.

3. There must be a caretaker living on site. The caretaker must reside on site in a permanent building or manufactured home that meets all Cedar Key building code requirements.

4. The property owner must comply with all procedures in Article XII relating to development plan approval.

Recreational Vehicle Park Subdivisions meeting the requirements of this subcategory may be subdivided pursuant to chapter 177, Florida Statutes. The minimum lot area required by Section 6.01.01 shall not apply. The minimum lot size shall be two thousand one hundred (2,100) square feet. Eligible properties may be subdivided and sold for condominium units, sold for individual ownership, rented or leased.

Maximum Length of Occupancy. Continued occupancy of a recreational vehicle on any lot within a Recreational Vehicle Park Subdivision for more than 180 days per calendar year is prohibited and shall constitute a violation of the Conditional Use Permit and shall be subject to code enforcement.

(History: Ord. No. 424)

### 2.02.04. Conservation.

This category includes environmentally sensitive areas with characteristics that limit development to outdoor recreation, water-dependent commercial, and water-dependent residential accessory uses (docks, boathouses).

### 2.02.05. Mixed Use

Permissible uses include single-family, multi-family residential, commercial uses as described for the commercial land use category, and public/semi public uses as described for the public/semi public land use category.

### 2.02.06. Public/ Semi Public

This category includes schools (except dance or martial arts type schools), churches, day-care

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centers and pre-schools, public and governmental services, cemeteries (without funeral homes), nursing homes and residential care facilities, utilities, medical facility, civic/cultural facility, recreation and one single-family residential use per site.

### 2.02.07. Recreational

This category includes areas for outdoor recreation activities such as picnicking, jogging, cycling, arboretums, hiking, playgrounds, ball fields, outdoor ball courts, swimming pools and water-related or water-dependent recreation such as boat ramps, public marinas, fishing piers, beaches and similar outdoor uses. Specifically excluded: firing ranges, race tracks, miniature golf or commercial recreational activities.

### 2.02.08 Density and Intensity

The following are (density and intensity standards) for development in Cedar Key:

A. Maximum density for the residential land use category is 4.9 dwelling units per acre; except that the City shall allow one dwelling unit per parcel of record or lot of record. A lot of record means a platted lot in existence on February 17, 1997. A parcel of record means any parcel of land recognized as a single parcel for ad valorem taxation purposes by the Levy County Property Appraiser's office on February 17, 1997. Additionally, in the area shown on Exhibit 1-6a, the City shall allow development that conforms to the historical building patterns of the defined area. Maximum impervious surface is 40% in the Coastal High Hazard Area and 50% otherwise.

B. Maximum intensity for commercial, public/semi public, and recreation is measured by impervious surface and height standards. Impervious surface is limited to 40% within the Coastal High Hazard Area and 50% in other locations.

C. The height of structures, but not appurtenances, shall not exceed 32 feet for structures with flat roofs, and 38 feet for structures with pitched roofs.

Height shall be measured from the base of the structure to the highest point on the roof of the structure. The base of the structure shall be the highest point of the natural or existing ground elevation immediately adjacent to the subject building or structure; except that in those area of the City located within the Coastal High Hazard Area as delineated on the Flood Insurance Rate Map (FIRM), the base is the Base Flood Elevation as established on the FIRM.

Exceptions from the height limitation for church spires, chimneys, water towers, transmitter towers, smoke stacks, flagpoles, television antennae, parapets, and similar structures and their necessary mechanical appurtenances may be provided for in the Land Development Code.

D. Maximum intensity for development in the conservation land use category is 10% impervious surface coverage.

E. Development within the mixed use category shall not exceed the impervious surface and height limits established for commercial uses. Residential densities shall not exceed 4.9 dwelling units per acre. Residential uses shall not exceed 75% of the land area within a block designated for mixed-use development. Public/semi public uses shall not exceed 25% of the land area within a block designated for mixed-use development. Commercial uses may be 100% of the land area within a block designated for mixed-use development. (The mixed-use ranges are shown in the following table.)

Type of Use Minimum\* Maximum\*

Residential 0% 75%

Public/Semipublic 0% 25%

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Commercial 0% 100%

F. The calculation of percentage of each use shall be based on a full block, bounded on all sides by public right-of-way, or on three sides by public right-of-way and the fourth side by water. Each block within the designated mixed use area on the Future Land Use Map shall be tracked separately for purposes of determining compliance with this policy

G. The above impervious surface standards shall apply to all new development and redevelopment, (for purpose of the above impervious surface standards, redevelopment shall be defined as projects where the estimated value of construction exceeds fifty percent (50%) of the assessed value of the improvements on the property as shown on the tax assessment roll at the time of construction).

### 2.02.09. Water-Dependent Commercial ISR/FAR Bonuses

Development of commercial sites in the CHHA for water-dependent uses may be authorized at 50% ISR and 100% FAR. Development so permitted shall be restricted to water-dependent uses through recorded deed restrictions.

### 2.02.10. Redevelopment After Substantial Damage

Redevelopment of substantially damaged (over 50%) structures shall conform to the density-intensity standards of this Code.

### 2.03.00. DENSITY AND INTENSITY STANDARDS

#### 2.03.01. Determination of Land Area.

For the purposes of this Code, available land area shall be determined by excluding dedications, rights-of-way, conservation areas, and submerged lands wholly within the site or seaward of the mean high water line or any existing bulkhead. Net square feet of land so

determined shall be divided by 43,560 to calculate the number of acres or any fraction thereof and shall be expressed as whole and/or decimal numbers rounded to the next higher or lower one-hundredth (.00) above or below 5/1000 (.005).

(History: Ord. No. 404)

#### 2.03.02. Computation of Allowed Density

Net available land area as determined in part 2.03.01 shall be multiplied by the maximum density allowed. Fractional numbers of five-tenths (5/10, .5) or greater shall be rounded to the next whole number or reduced to the lesser whole number if less than five-tenths. The resulting whole number shall indicate the number of residential units allowed, except as otherwise provided in this Code.

#### 2.03.03. Commercial and Institutional Density Limitations

Those land use districts designated as commercial or industrial shall be limited to one (1) accessory apartment dwelling unit per site, as defined in Article VII of this Code, provided that the total land area is sufficient to meet all other provisions of this Code.

#### 2.03.04. Manufactured Housing Limitations

Manufactured Housing not meeting the standards of the Florida Manufactured Building Act shall be allowed only in a mobile home park or mobile home subdivision existing at the time of adoption of FEMA Ordinance 220/221, unless authorized by a temporary use permit (7.02.04).

#### 2.03.05. Historic and Infill Density

Development in the historic district or proposed as infill, as provided in Article III of this Code, may be permitted at the average existing density of development which abuts the site, provided that all other provisions of this Code are met.

#### 2.03.06. Special Housing Density



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Adult Congregate Living Facilities, Group Homes and Foster Homes shall be permitted in any residential neighborhood at a density of one (1) special housing facility per one-hundred (100) single-family residential units.

### 2.04.00. DENSITY AND INTENSITY BONUSES

#### 2.04.01. Purpose

It is the purpose of this part to encourage new development and redevelopment that is designed and constructed to provide low and moderate income housing.

#### 2.04.02. Definitions

##### Low Income

Less than eighty percent (80%) of the median family income for the area or the state, whichever is higher, as determined by HUD, FmHA or the Levy County Housing Authority.

##### Moderate Income

Eighty percent (80%) to one hundred twenty percent (120%) of the median family income for the area or the state, whichever is higher, as determined by HUD, FmHA or the Levy County Housing Authority.

#### 2.04.03. Policy, Penalty for Non-Compliance, Fee in-lieu

Density and Intensity bonuses shall be based on the time duration of the proposed development and the income range of the low and/or moderate income housing market. Any increase in residential units allowed as a density bonus shall be subject to binding agreements, including deed restrictions, which control or limit the sale, resale, rental or use of bonus units to eligible low or moderate income persons for the prescribed period of time. The agreement shall provide a penalty for non-compliance. The penalty fee shall be based on the sale or rental price in excess of the limit imposed by the income eligibility standard pro-rated to the remaining time duration of the bonus allowed. Proceeds from penalties imposed shall be restricted to a city low and moderate income housing fund which meets state or federal program requirements and shall be used solely to provide low and/or moderate income housing. Developers may pay a fee in-lieu of providing low and/or moderate income housing in order to provide said housing at another location. The fee in-lieu shall be computed on the same basis as the penalty fee and shall be restricted for said purposes.

#### 2.04.04. Bonus Standards

Density and intensity bonuses shall be based on the following table indicating gross density allowed including the five (5) units per acre allowed as a matter of right under this Code:

INCOME	TIME DURATION (Years)	10	15	20	25	30+
LOW	Units Per Acre	9	10	11	12.5	14
MODERATE	Units Per Acre	7	8	9	10	11
LOW	Lot Coverage (ISR%)	42%	44%	46%	48%	50%
MODERATE	Lot Coverage (ISR%)	41%	42%	43%	44%	45%
LOW	Floor Area Ratio (FAR)	85%	87.5%	92.5%	95%	100%
MODERATE	Floor Area Ratio (FAR)	80%	82.5%	85%	87.5%	90%

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## ARTICLE III: OVERLAY AND FLOATING ZONES

### 3.00.00. PURPOSE

The purpose of this part is to describe certain overlay and floating zones used to allow special development considerations in areas which need special protective measures to retain the character of those areas. Underlying uses, as determined in Article II of this Code, are unchanged. The overlay or floating zone merely requires different or additional development standards than those which would otherwise apply.

(See: "District")

### 3.01.00. HISTORIC DISTRICTS AND LANDMARKS

#### 3.01.01. Definitions

##### Administrative Certificate of Appropriateness

A Certificate of Appropriateness which is reviewed and approved by the Administrator, with concurrence of the Chair of the Historic Preservation Board. Eligibility will be limited to the following:

1. Fences: New fence or addition to existing fence which maintains period appropriateness.
2. Roof: Roof replacement which maintains period appropriateness.
3. Windows: New or replacement windows which maintain period appropriateness.

(Period appropriateness shall be determined by consistency with: (i) criteria and photographs pre-approved by resolution of the City Commission; and (ii) prior approvals by the Historic Preservation Board) See Res. No. 415

(History: Ord. No. 525)

##### Building

A structure created to shelter any form of human activity. This may refer to a house, garage, church, hotel, or similar structure. Building may also refer to a historically or architecturally related complex, such as the City Hall-Community Center-Fire Station Complex. Parking lots and garages are hereby deemed to be "buildings."

##### Demolition

The removal, tearing down or razing of a structure.

(History: Ord. No. 416)

##### Historic District

The area indicated by red outline on the Cedar Key Historic District Map included in Appendix A of this Land Development Code. The Historic District is that area bordered by 1st, 3rd, A Street, and F Street, inclusive of both sides of the street and adjacent corners. See Map 10-1

##### Historic Structures Relocation Zone

The area indicated on the Historic Structures Relocation Zone map included in Appendix A of this Land Development Code.

##### Object

A material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

##### Ordinary Maintenance

Work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practical to its condition prior to the damage, deterioration, or decay.

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### Original Appearance

That appearance (except for color) which, has been documented through archival records and which, to the satisfaction of the Administrator, closely resembles the appearance of either (1) the features on the building as it was originally built or was likely to have been built, or (2) the features on the building as it presently exists so long as the present appearance is appropriate to the style and materials of the building.

### Site

The location of a significant event, activity, building, structure, or archeological resource where the significance of the location and any archeological remains outweighs the significance of any existing structures.

#### 3.01.02. Historic District

There is hereby established a Historic District as indicated by red outline on the Cedar Key Historic District map included in Appendix A of this Land Development Code. The Historic District is that area bordered by 1st, 3rd, A Street, and F Street, inclusive of both sides of the street and adjacent corners. See Map 10-1

#### 3.01.03. Local Register of Historic Places

A. There is hereby established a Local Register of Historic Places as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic and/or architecturally significant. The Local Register is included in Appendix A of this Land Development Code.

B. Addition to the Local Register. The following procedure shall be followed for placement of buildings or sites on the local register:

1. A written request for nomination, citing the historic or archaeological significance of the building or site, shall be submitted to the

Department by the City Commission, the Historic Preservation/Architectural Review Board, the Cedar Key Historical Society, or by the owner of the building or site. Once the request for nomination is received, a written request will be issued to the Cedar Key Historical Society and Cedar Key Historic Board to review the nomination request for a possible recommendation for addition to the Local Register.

2. The Administrator shall place the nomination on the agenda of the next regularly scheduled City Commission meeting following the required public notice.

3. Notice of the proposed placement shall be provided to the public at large and to the owner(s) of the nominated property(ies), at least fifteen (15) days in advance of the meeting at which the nomination will be considered.

4. The City Commission shall review the nominations and findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the Local Register. The review shall also include any owner's written objection to placement on the Local Register.

5. A decision to include or exclude a property shall be submitted as an amendment to and as an appendix to this Code. A listing of the Local Register of Historic Places shall be included by reference in this Code (Appendix A Exhibit 10-2).

C. Criteria for Listing on the Local Register. The property(ies) must meet the following criteria before it may be listed on the Local Register or be designated as contributing to a district:

1. The site, building, or district possesses integrity to the year of construction of location, design setting, materials, workmanship, feeling and association; and

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2. The site, building or district is associated with events that are significant to local, state, or national history; or embody distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.

3. The property is one which, by its location, design setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development to the time of construction.

4. A property should not be considered contributing if it has been so altered that the overall integrity of the property has been irretrievably lost.

5. Structures built within the past fifty (50) years shall not be considered contributing unless a strong justification concerning their historical or architectural merit is given.

D. Effect of Listing on the Local Register. Structures and buildings listed individually on the Local Register or judged as contributing to the character of a district shall be deemed historic and entitled to modified enforcement of the Standard Building Code as provided by Chapter 1, Section 101, "Special Historic Buildings" and the modified provisions of the FEMA code of Federal Regulations for "Historic Structures". The Administrator is authorized to issue and place official signs denoting the geographic boundaries of any district or to issue letters of authorization for signs denoting the historic designation of properties listed.

(History: Ord. No. 415)

### 3.01.04. Certificates of Appropriateness Required

Regulated Work Items must be certified as appropriate for all sites listed individually on the

Local Register of Historic Places and all properties within the Historic District.

A. Administrative Approval. The Administrator may approve work which constitutes "ordinary maintenance" or work which will result in the "original appearance" as defined in this code.

B. Administrative Certificate of Appropriateness. The Administrator, with concurrence of the Chair of the Historic Preservation Board, may grant a Certificate of Appropriateness for work which meets the criteria as set forth in the Definition of Administrative Certificate of Appropriateness set forth in §3.01.01, above.

C. Historic Preservation Board Approval. If the work is not eligible for approval under (A) or (B), then a certification of appropriateness must be obtained from the Historic Preservation Board

(History: Ord. No. 461, 525)

### 3.01.05. Regulated Work Items

A. The following are regulated work items:

1. Installation or removal of awnings or canopies.

2. Installation or removal of all decks above the first-floor level on the front of the structure or visible from the right of way.

3. Installation of an exterior door or door frame, or the infill of an existing exterior door opening.

4. Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.

5. The installation or relocation of fencing.

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6. The installation or removal of all fire escapes, exterior stairs or ramps.
7. The painting of previously unpainted masonry including brick, stone, terra cotta and concrete or other period correct materials.
8. Installation or removal of railings including but not limited to other wood, wrought iron or masonry detailing.
9. Abrasive cleaning of exterior walls.
10. Installation of new roofing materials, or removal of existing roofing materials.
11. Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.
12. Installation of new exterior siding materials, or removal of existing exterior siding materials.
13. Installation or removal of exterior skylights.
14. Installation of exterior screen window or door.
15. Installation of an exterior window or window frame or the infill of an existing exterior window opening.
16. Erection of a new building or a parking lot.
17. Demolition of a structure or building.
18. Relocation of a building or structure.

### 3.01.06. Criteria for Certification as Appropriate

The decision to issue Certificates of Appropriateness, except those for demolition and relocation, shall be guided by:

- A. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and

B. The following visual compatibility standards:

1. Height. Height shall be visually compatible with adjacent buildings.
2. Proportion of Building, Structure or Object's Front Facade. The width to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
3. Proportion of Openings Within the Facility. The relationship of the width of the windows in a building, structure, or object shall be visually compatible with buildings and places to which it relates.
4. Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids shall be visually compatible with buildings and places to which it is visually related.
5. Rhythm of Buildings, Structures, or Objects on Streets. The relationship to open spaces between adjoining buildings and places shall be visually compatible to the buildings and places to which it is visually related.
6. Rhythm of Entrance and/or Porch Projections. The relationship of entrances and projections to sidewalks shall be visually compatible to the buildings and places to which it is visually related.
7. Relationship of Materials, Texture and Color. The relationship of materials, texture and color of the facade shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
8. Roof Shapes. The roof shape shall be visually compatible with the buildings to which it is visually related.
9. Walls of Continuity. Appurtenances such as walls, fences and landscape masses shall, if necessary, form cohesive walls of

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enclosure along a street to insure visual compatibility to the surrounding area.

10. Scale of a Building. Size and building mass in relation to open space, windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.

11. Directional Expression of Front Elevation. A building, structure, or object shall be visually compatible with the buildings and places to which it is visually related in its directional character.

12. Screening of Elevated Buildings. A building required by Section 6.07.00 of this Chapter to be elevated more than three feet above grade shall mask the fact that it is elevated through the use of appropriate architectural screening so that the building, when viewed from public rights-of-way, appears to have been constructed at, or near, natural grade.

C. Considerations of Scale.

1. Buildings shall be of appropriate scale to avoid adverse impacts to the surrounding uses and properties.

2. Buildings shall not be out of scale with documented historic development patterns and surrounding contributing structures.

D. Elevation Considerations. Where Base Flood Elevation (BFE) is less than three feet above grade, buildings shall not be elevated more than one foot above BFE. Where BFE is more than three feet and less than nine feet above grade, buildings may be elevated to nine feet above grade.

(History: Ord. Nos. 415, 418, 419)

### 3.01.07. Demolition

Issuance of certification as appropriate for demolition shall be guided by the following factors:

A. The historic or architectural significance of the building, structure, or object;

B. The importance of the building, structure, or object to the ambience of a district;

C. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, unique location, or locational restrictions such as the coastal high hazard area;

D. Whether the building, structure, or object is one of the last remaining examples of its kind;

E. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding properties;

F. Whether the cost of restoration is equal to or less than the cost of demolition and new construction as determined by a professional architect, engineer, or contractor with experience in the preservation of historic structures. The City may retain such a professional, of its choosing, at the applicant's expense, to advise the City on Making this determination; and

G. Whether the building, structure, or object is capable of earning reasonable economic return on its value.

(History: Ord. No. 416)

### 3.01.08. Relocation

The decision to issue Certificates of Appropriateness for relocation shall be guided by the following factors:

A. Buildings listed in the Local Register may only be relocated within the Historic Structures Relocation Zone indicated on the map contained at Appendix A of this Chapter.

B. All criteria from Section 3.01.06 and Section 3.01.07 apply to:

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1. the structure to be relocated,
2. the site where the structure is currently located, and
3. the proposed location to which the structure will be located.

(History: Ord. No. 417)

### 3.01.09. Procedure

A person wishing to undertake regulated work item(s) and obtain certification as appropriate shall follow the following procedure:

- A. Make written application to the Administrator with supporting documents. Supporting documents shall include detailed plans, designs, photographs, and other materials which support the application.
- B. Upon receipt of an application and all submittals and fees which may be required, the Administrator shall determine whether the application is eligible for an Administrative Certificate of Appropriateness, and if so, and if confirmed by the Chair of the Historic Preservation Board, shall approve the application with an immediate effective date.
- C. If the application is not eligible for an Administrative Certificate of Appropriateness, the Administrator shall advertise the application in a newspaper of general circulation in the area and set a date for a public hearing before the Historic Preservation Board at a regular or special meeting which shall occur not less than ten (10) days after the advertisement appears.
- D. The Historic Preservation Board, using the criteria set forth in this Part, shall review the application and take one of the following actions:
  1. Approve the application with an immediate effective date;

2. Conditionally approve the application with special modifications and conditions stated;

3. Deny the application.

E. Hearing. The Historic Preservation Board shall conduct the hearing using the procedures set forth in Part 12.12.00 of this Chapter.

F. Any person aggrieved by a decision of the Historic Preservation Board may appeal the decision to the City Commission as provided for in section 12.12.05 of this Chapter.

G. No work for which approval is required may be undertaken without a permit authorizing the work and the permit shall be conspicuously posted on the property where the work is to be performed.

(History: Ord. No. 461, 525)

### 3.01.10. Impervious Surface Ratio (ISR) Measurement and Limitation for Designated Historic Sites

ISR is a measure of intensity of development described in § 2.02.10. of this Code. For the purposes of developing or redeveloping sites listed individually on the Local Register of Historic Places and all properties within the Historic District, ISR shall be measured and limited as follows:

A. ISR is determined by dividing the aggregate area of buildings and structures (measured from the outside of exterior walls and excluding overhanging roof-lines), paved or compacted areas, patios, swimming pools, parking areas, and any surfaces which do not allow for penetration of stormwater, by the net available land area. Net available land area is determined as provided in §2.03.01 of this Code. Paved surfaces which meet the standards for porous asphaltic paving, pervious concrete and other pervious paving materials and methods

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cited in the Florida Development Manual (DER) shall be exempt from the calculation of ISR.

B. ISR is limited to fifty percent (50%).

The above ISR standards shall apply to all new development and redevelopment, (for purpose of the above ISR standards, redevelopment shall be defined as projects where the estimated value of construction exceeds fifty percent (50%) of the assessed value of the improvements on the property as shown on the tax assessment roll at the time of construction).

(History: Ord. No. 429)

### 3.02.00. INFILL DEVELOPMENT

#### 3.02.01. Purpose

It is the intent of this section to provide for compatibility in the construction of new buildings and structures in established neighborhoods, including the downtown historic district, which were approved for development before enactment of this Code.

#### 3.02.02. Definitions

**Abut:** To physically touch or border upon; or to share a common property line.

**Infill Development:** Construction on vacant lots within previously established or approved development areas that have one or more vacant lots available for construction of new structures.

**Lot:** A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

#### 3.02.03. Development Standards

A. Development which requires platting or re-platting of two or more lots or any deviation from the infill standards established herein shall apply for development plan review as provided in Article XII of this Code.

B. A development permit, as provided in Article XII of this Code, is required for a structure in a development with a final development order.

C. When a previously approved site plan is available, proposed infill development shall conform to those standards or regulations in force at the time of the development approval for the lot and its surrounding area, except for those standards and regulations which apply to the coastal high hazard area, floodplain or stormwater management.

D. When no documentation is available concerning the standards in effect at the time of initial development, the following procedures shall be used to minimum average standards:

1. All developed lots that abut the lot proposed for development shall be considered in determining the standards for development
2. An average (mean) shall be calculated for each of the following:
  - a. Front and side yard setbacks;
  - b. Rear yard setbacks, except coastal setback required for stormwater management and resource protection;
  - c. Lot dimensions and lot area;
  - d. Building height and elevation, except that FEMA regulations shall apply in coastal high hazard areas (V-Zones);
  - e. Floor area ratio;
  - f. Accessory uses;
  - g. Dwelling unit type;
  - h. Sidewalks;
  - i. Parking area;



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j. Dedications or reservations of easements, rights-of-way, parkland, landscaping and sight barriers; and

k. Other standards not relating to stormwater (drainage) management and coastal high hazard area (floodplain) considerations.

3. Incompatible uses, such as commercial and residential uses which abut, shall be buffered as provided in Article VI of this Code.

4. Average standards determined in this part shall be the minimum which apply.

5. Where there is uncertainty on the applicable standard, the decision shall be in favor of the stricter standard, or the application of the standards of this Code.

(History: Ord. No. 426).

### 3.03.00. DOWNTOWN COMMERCIAL DISTRICT

#### 3.03.01. Purpose

The purpose of the Downtown Commercial District is to maintain and encourage a pedestrian oriented shopping and commercial district in downtown Cedar Key.

#### 3.03.02. Designation of Downtown Commercial District

The Downtown Commercial District is hereby established as an overlay district covering those parcels of property in downtown Cedar Key:

A. bounded by 3rd Street on the north, A Street on the east, 1st Street on the south, and D Street on the west; and

B. that portion of 2nd Street between A Street and Depot Street; and

C. shall include all parcels adjacent to the street segments described in paragraphs A and B.

#### 3.03.03. Development Standards

The standards included in this Section apply to all properties in the Downtown Commercial District and shall be applied during the development review process provided for in Article XII of this code. No single building may occupy more than five adjacent lots or exceed one hundred twenty five (125) feet of frontage along a single street.

(History: Ord. No. 406)

### 3.04.00. SECOND STREET COMMERCIAL CORRIDOR

#### 3.04.01. Purpose

The purpose of the Second Street Commercial Corridor is to maintain and encourage a pedestrian oriented shopping and commercial district on Second Street in downtown Cedar Key.

#### 3.04.02. Designation of Second Street Commercial Corridor

The Second Street Commercial Corridor is hereby established as an overlay district covering those parcels of property in downtown Cedar Key that abut the north and south sides of Second Street between the west side of B Street and the east side of D Street.

#### 3.04.03. Development Standards

The requirements of this subsection apply to all properties in the Second Street Commercial Corridor and shall be applied when determining whether to authorize development during the development review process provided for in Article XII of this Chapter.

A. All new buildings shall be built to the nearest edge of the adjacent sidewalk.

B. All new buildings shall include architectural features such as porches, balconies

# **LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS**

or awnings that are built over and shade the sidewalk.

(History: Ord. No. 407)

C. It is unlawful to construct, cut, break out or remove any curb or otherwise establish any new curb cut.

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## ARTICLE IV: CONSISTENCY AND CONCURRENCY DETERMINATIONS

### 4.00.00. GENERALLY

#### 4.00.01. Purpose

It is the purpose of this Article to describe the requirements and procedures for determining the consistency of proposed development with the city's Comprehensive Plan, including meeting the concurrency requirements of the Plan.

#### 4.00.02. Definitions

##### Concurrency

A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the proposed development except that transportation facilities needed to serve new development shall be in place or under actual construction within three (3) years after the local government approves a building permit or its functional equivalent that results in traffic generation.

(History Ord. No. 444)

### 4.01.00. CONSISTENCY WITH COMPREHENSIVE PLAN

#### 4.01.01. Determination of Consistency

No development proposal shall be approved unless the Administrator has determined that the proposed development is consistent with and furthers the intent of the adopted Comprehensive Plan.

#### 4.01.02. Method of Resolving Inconsistencies

A. Proposed development which is not found to be consistent with the Comprehensive Plan may be resolved in two ways:

B. By modifying the development proposal, or

C. By amendment of the comprehensive plan as described in F.S. 163.

### 4.02.00. CONCURRENCY MANGEMENT SYSTEM (CMS)

#### 4.02.01. Generally

The method of ensuring concurrency described herein shall be known as the Concurrency Management System (CMS). The CMS is based on the city's adopted Comprehensive Plan, especially the level of service (LOS) Standards and Capital Improvements Element. The CMS also includes a monitoring system for determining the availability of adequate capacity of public facilities and services to meet the adopted LOS standards.

#### 4.02.02. Purpose

The purpose of the CMS is to ensure that no development will be permitted when that development will result in a degradation of the adopted level of service (LOS) for specified public facilities and services.

#### 4.02.03. Adopted Levels of Service (LOS) Shall Not Be Degraded

##### A. General Rules

1. All applications for development orders shall demonstrate that the proposed development does not degrade adopted LOS in the city.

2. An application for a development permit shall demonstrate that the proposed development does not degrade adopted LOS if there is no development order under which the permit is sought.

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3. Concurrency shall be determined at the earliest point in the permit process, or application procedure.

B. Exceptions. Notwithstanding the foregoing, the prescribed Levels of Service (LOS) may be degraded during the actual construction of new facilities which will provide capacity to the development, if upon completion of the new facilities the prescribed LOS will be met. Developers must clearly show that capacity to serve the development has been allocated and will be available concurrent with the impacts of the development. Evidence of compliance may consist of documentation that new facilities are under construction or are the subject of a binding, executed contract for construction or an enforceable development

agreement meeting the requirements of Chapters 163 or 380 Florida Statutes which guarantees that the necessary facilities and services will be in place when the impacts of the development occur.

#### 4.02.04. Determination of Available Capacity

A. Available capacity is the total of existing capacity and capacity being created by new facilities which are under construction, subject to a binding contract for construction or subject to a binding development agreement, minus (less) the demand for capacity from existing development and the capacity allocated to approved but incomplete development.

B. Example of Available Capacity Determination

Level of Service Capacity Allocation System For: Facility or Service

EXISTING SYSTEM CAPACITY \_\_\_\_\_

(Less) PEAK USE (Year: \_\_\_\_\_) (- \_\_\_\_\_)

AVAILABLE CAPACITY OR (CAPACITY DEFICIT) \_\_\_\_\_

(LESS) CAPACITY ALLOCATED AFTER (year: \_\_\_\_ ) and

(LESS) CAPACITY ALLOCATED FOR INCOMPLETE DEVELOPMENT (- \_\_\_\_\_ )

REMAINING CAPACITY AVAILABLE \_\_\_\_\_

#### CAPACITY ALLOCATED TO THIS APPLICATION

Name \_\_\_\_\_ Site \_\_\_\_\_

Level of Service \_\_\_\_\_

Population Served \_\_\_\_\_

Date Authorized: \_\_\_\_\_ By: \_\_\_\_\_

Projected Date of Impact: \_\_\_\_\_

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### 4.02.05. Required Authorizations

Authority to allocate capacity shall be made by the appropriate public agency, including but not limited to, the Cedar Key Water and Sewer District, Suwannee River Water Management District, the City of Cedar Key and agencies or department of state government. No development order or permit may be issued without an authorized allocation, signed by an official representative of the authorizing agency. An enforceable development agreement or binding contract for construction may be used by the Administrator to substantiate an authorization by the city.

### 4.02.06. Failure to Show Available Capacity

Where available capacity cannot be shown, the following methods may be used to maintain the adopted LOS:

- A. The project owner or developer may provide the necessary improvements to maintain LOS. In such cases the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the LOS, and recordable instruments guaranteeing the construction, consistent with calculated capacity need, including required authorizations from other agencies.
- B. The proposed development may be altered so that the projected LOS is not less than the adopted LOS.
- C. For an inability to show available transportation capacity, the project owner or developer may mitigate traffic impacts pursuant to the Proportionate Fair-share Program as provided in § 4.05.00 of this Article.

(History: Ord. No. 444)

### 4.02.07. Burden of Showing Compliance on Developer

The burden of showing compliance with adopted Level of Service (LOS) requirements shall be on the developer. Applications for development approval shall provide sufficient information showing compliance with the LOS standards in order to be approved.

### 4.02.08. Initial Determination of Concurrency

The initial determination of concurrency shall occur during Preliminary Development Plan Review and shall include compliance with the LOS standards adopted by the city.

### 4.02.09. Annual Report

The Administrator shall prepare and the City Commission shall review and adopt an Annual Report on the Concurrency Management System (CMS). The Annual Report shall include:

- A. A summary of actual development activity, including a summary of certificates of occupancy including quantity of development represented by type, units, square footage and average occupancy (population) for residential units.
- B. A summary of building permit activity, indicating:
  - 1. permits active at the time of the report;
  - 2. permits which expired without construction;
  - 3. quantity of development represented by active permits;

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C. A summary of development approvals that have been issued, but for which building permits have not been issued, indicating:

1. active development approvals;
2. quantity of development represented by approved development;
3. approvals which expired without subsequent permits

D. An evaluation of each facility and service for which a LOS standard has been established, indicating:

1. capacity available at the beginning and end of the reporting period.;
2. capacity being held for active permits and approvals;
3. a comparison of actual capacity to calculated capacity resulting from approved development;
4. a comparison of actual capacity and levels of service to adopted LOS from the city's comprehensive plan;
5. a forecast of capacity based on the most recently updated schedule of capital improvements in the Capital Improvements Element of the city's comprehensive plan and the Annual Report of other governmental agencies;
6. actual reserve capacity.

#### 4.02.10. Use of the Annual Report

The CMS Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities and services for the purpose of issuing development approvals and building permits during the twelve (12) months following completion of the Annual Report.

#### 4.03.00. ADOPTED LEVELS OF SERVICE (LOS)

##### 4.03.01. Potable Water

No development activity shall be approved unless there is sufficient available capacity allocated by the Cedar Key Water and Sewer District (CKW&SD) to sustain the following LOS for potable water as established in the Potable Water sub-Element of the city's comprehensive plan:

- A. Minimum design flow: 200 gallons per capita per day
- B. Storage Capacity: 250,00 gallons
- C. Pressure: 50 psi static
- D. Pumping Capacity: 200 gallons per minute or 150,000 gallons per 10-hour period
- E. Minimum Design Fire Flow: 500 gpm at 20 psi

##### 4.03.02. Wastewater

No development activity shall be approved unless there is sufficient available capacity allocated by the Cedar Key Water and Sewer District(CKW&SD) or an approved alternative system as hereinafter provided to sustain the following LOS for wastewater treatment as established in the Sanitary Sewer sub-Element of the city's Comprehensive Plan:

- A. Residential: 183 gallons per capita per day
- B. Commercial and Institutional: 183 gallons per capita per day at 50% of peak occupancy for commercial space and 100% for any dwelling unit as defined in Article VI of this Code

##### 4.03.03. Alternative Wastewater Systems

Septic systems and alternative wastewater treatment systems, including package treatment plants, shall conform to the rules of the Department of Environmental Regulation and Department of Natural Resources in siting,

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construction and outfall or disposal locations, and no system shall dispose of effluent in coastal waters. No approval or permit shall be granted for any development proposing to use alternative septic systems unless the Levy County Sanitation Department has provided written assurance and approval of soil suitability, land area and coastal water or groundwater impacts.

#### 4.03.04. Limitation on Septic Systems

Septic systems shall be permitted only for conditional periods when capacity from the CKW&SD system is not available or not-in-compliance with DER standards. Upon a DER finding that the CKW&SD wastewater system is in-compliance, the city shall not issue any approval or permit for development which proposes to use a septic system when a collector line to the CKW&SD is available and accessible, and any conditionally approved septic systems shall be connected within one year of an in-compliance finding.

#### 4.03.05. Transportation and Traffic Circulation

No development activity shall be approved unless there is sufficient available capacity to sustain the following LOS for transportation systems as established in the Traffic Circulation Element of the city's comprehensive plan:

- A. Arterial Roads Level "C" at Peak Hour
- B. Local Roads Level "C" at Peak Hour
- C. Collector Roads Level "C" at Peak Hour

#### 4.03.06. Determination of Traffic Impact

The projected level of service for roads within a traffic shed (the area of impact of the development) shall be calculated based upon estimated trips to be generated by the project. Where the development will have access to more than one road the calculations shall show the split generated traffic and shall state the

assumptions used in the assignment of traffic to each facility.

#### 4.03.07. Traffic Evacuation Level of Service

In addition to peak hour LOS for all roads, no development shall be approved which would increase the evacuation time to more than eight-hours for the residential and visitor population in the city and contiguous unincorporated enclaves.

#### 4.03.08. Stormwater Drainage Systems

No development activity shall be approved unless there is sufficient available capacity to sustain the following LOS for the drainage system as established in the Drainage sub-Element of the city's Comprehensive Plan:

- A. Design Storm: 25-year Frequency
- B. Duration: 24-hours
- C. Rainfall Intensity Curve Zone: 6
- D. Treatment/retention Capacity: First 3/4 Inch of Run-off Entire Lot Area

(History: Ord. No. 247)

#### 4.03.09. Solid Waste

No development activity shall be approved unless there is sufficient available capacity to sustain the following LOS for solid waste as established in the Solid Waste sub-Element of the city's Comprehensive Plan: 7.5 POUNDS PER CAPITA PER DAY.

#### 4.03.10. Recreation

A. No development activity shall be approved unless there is sufficient available capacity to sustain the following LOS for recreation as established in the Recreation and Open Space Element of the city's Comprehensive Plan:

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B. Standard by Reference: OUTDOOR RECREATION IN FLORIDA Department of Natural Resources, 1989, Tables 6.1 through 6.5, herewith incorporated by reference.

(History: Ord. No. 247)

## **4.04.00. CHANGE IN LEVEL OF SERVICE STANDARDS**

### **4.04.01. Evaluation and Appraisal**

At least every five (5) years after adoption of the city's Comprehensive Plan the city shall evaluate and recommend any changes in adopted levels

of service which may have occurred, and shall transmit any adopted or recommended changes to the state land planning agency (DCA) for a finding of compliance.

4.04.02. Plan Amendment Shall Be In Compliance. No plan amendment which changes level of service standards shall become effective until such time as it has been found to be in compliance by the state land planning agency (DCA).



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City of Cedar Key  
Concurrency Management System  
GUARANTEE OF ALLOCATED CAPACITY  
for Potable Water and Wastewater by:  
CEDAR KEY WATER & SEWER DISTRICT

The City of Cedar Key cannot issue a building permit or development order for a project that proposes to use potable water or wastewater facilities without the following information and a guaranteed allocation by CKW&SD

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Site \_\_\_\_\_ Type of Use \_\_\_\_\_

Proposed Occupancy Level \_\_\_\_\_ No. of \_\_\_\_\_

CKW&SD INFORMATION REQUIRED	WATER IN GPD	WASTEWATER
System Capacity at this date	_____	_____
(Less) Peak Flow (Year:) (_____)	(_____)	(_____)
CAPACITY RESERVE OR (DEFICIT)		
(YEAR_____)	_____	_____
(Less) Previously Allocated Capacity to the date of this application (_____)	(_____)	(_____)
AVAILABLE CAPACITY	_____	_____
CAPACITY ALLOCATED TO THIS APPLICANT	_____	_____
Effective Dates of Authorized Allocation _____	_____	_____
Expiration Dates if Allocation Unused _____	_____	_____

The undersigned official representative Cedar Key Water and Sewer District Guarantees the allocation of capacity of the indicated above with the following conditions. (if any)

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CKW&SD

Title \_\_\_\_\_

Level of Service Standards

POTABLE WATER: 200 Gallons Per Day Per Capita

WASTEWATER: 183 Gallons Per Day Per Capita for Residential Uses; 183 Gallons Per Day Per Capita at 50% of Peak Occupancy for Commercial Uses and 100% for a Dwelling Unit

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### 4.05.00. Proportionate fair share program

#### 4.05.01. Purpose and Intent

The purpose of this ordinance is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with § 163.3180(16), F.S.

(History: Ord. No. 444)

#### 4.05.02. Findings

The City Commission of the City of Cedar Key finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and the Proportionate Fair-Share Program:

- A. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
- B. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair- share of the cost of a transportation facility;
- C. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
- D. Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the City of Cedar Key to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the CIE.

E. Is consistent with § 163.3180(16), F.S., and supports Policies 2-2.3, 2-4.3, and 2-4.11 of the Cedar Key Comprehensive Plan.

(History: Ord. No. 444)

#### 4.05.03. Applicability

The Proportionate Fair-Share Program shall apply to all developments in Cedar Key that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the Cedar Key CMS, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section 4.05.04. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under § 163.3180(12), F.S.

(History: Ord. No. 444)

#### 4.05.04. General Requirements

- A. An applicant may choose to satisfy the transportation concurrency requirements of the City of Cedar Key by making a proportionate fair-share contribution, pursuant to the following requirements:
  - 1. The proposed development is consistent with the comprehensive plan and applicable land development regulations.
  - 2. The five-year schedule of capital improvements in the Cedar Key Comprehensive Plan Capital Improvements Element (“CIE”) includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the Cedar Key transportation CMS. The provisions of Subsection 4.05.04.B. may apply if a project or projects needed to satisfy concurrency are not presently contained within the local government CIE or an adopted long-term schedule of capital improvements.

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B. Cedar Key may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will satisfy the requirements of the Cedar Key transportation CMS, but is not contained in the five-year schedule of capital improvements in the CIE, where the following apply:

1. Cedar Key adopts, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the City Commission of the City of Cedar Key, and determined to be:

a. Financially feasible pursuant to § 163.3180(16) (b) 1, F.S. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities; and

b. are consistent with the comprehensive plan; and

c. are in compliance with the provisions of this ordinance.

2. If the funds allocated for the five-year schedule of capital improvements in Cedar Key's CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the

transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

C. Any improvement project proposed to meet the developer's fair-share obligation must meet Cedar Key's design standards for locally maintained roadways and those of the FDOT for the state highway system.

(History: Ord. No. 444)

### 4.05.05. Intergovernmental Coordination

Pursuant to policies in the Intergovernmental Coordination Element of the Cedar Key comprehensive plan, Cedar Key shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(History: Ord. No. 444)

### 4.05.06. Application Process

A. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 4.05.04.

B. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System ("SIS"), then the FDOT will

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be notified and invited to participate in the pre-application meeting.

C. Eligible applicants shall submit an application to the City that includes the following:

1. Name, address and phone number of owner(s), developer and agent;
2. Property location, including parcel identification numbers;
3. Legal description and survey of property;
4. Project description, including type, intensity and amount of development;
5. Phasing schedule, if applicable;
6. Description of requested proportionate fair-share mitigation method(s); and
7. Copy of concurrency application.

D. The Planning and Development Administrator shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 4.05.04, then the applicant will be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The City Commissioner may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

E. Pursuant to § 163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for

development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.

F. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City or by the applicant with direction from the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on an SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the City Commission meeting when the agreement will be considered.

G. Cedar Key shall notify the applicant regarding the date of the City Commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City Commission.

(History: Ord. No. 444)

### 4.05.07. Determining Proportionate Fair-Share Obligation

A. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

B. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.

C. The methodology used to calculate an applicant's proportionate fair-share obligation

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shall be as provided for in Section 163.3180(12), F. S., as follows:

1. “The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.”

OR

Proportionate Fair-Share =  $\frac{\sum(\text{Development Trips}_i)}{(\text{SV Increase}_i)} * \text{Cost}_i$

Where:

- “Development Trips<sub>i</sub>” are those trips from the stage or phase of development under review that are assigned to roadway segment “i” and have triggered a deficiency per the CMS;
- “SV Increase<sub>i</sub>” is the service volume increase provided by the eligible improvement to roadway segment “i” per section D;
- “Cost<sub>i</sub>” is the adjusted cost of the improvement to segment “i”. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

D. For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIE or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:

1. An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the City Commission. In order to accommodate increases in construction material costs, project costs shall be adjusted by an inflation factor derived from historic increases in road construction costs or an acceptable economic indicator; or

2. The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.

E. If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.

F. If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at the most recent assessed value by the Levy County property appraiser. In the event that no valuation by the Levy County property appraiser exists, the fair market value may be established by an independent appraisal prepared at the expense of the applicant and approved by the City. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition

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of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

(History: Ord. No. 444)

### 4.05.08. Proportionate Fair-Share Agreements

A. Upon execution of a proportionate fair-share agreement (“Agreement”) the applicant shall receive an allocation of capacity as described in Section 4.02.05 of this article. Should the applicant fail to apply for a development permit within 12 months, then the Agreement shall be considered null and void, and the applicant shall be required to reapply.

B. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Section 4.05.07. and adjusted accordingly.

C. All developer improvements authorized under this ordinance must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed before issuance of building permits or certificates of occupancy.

D. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be

completed prior to issuance of the final development order or recording of the final plat.

E. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

F. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the City will be non refundable.

### 4.05.09. Appropriation of Fair-Share Revenues

A. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the City CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT TRIP.

B. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of Section 4.05.04.B2. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, F.S., then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for

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improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the City through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(History: Ord. No. 444)

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## ARTICLE V: RESOURCE PROTECTION STANDARDS

### 5.00.00. GENERALLY

#### 5.00.01. Purpose

The purpose of this Article is to protect natural resources, including, but not limited to, shellfish harvesting areas, marine breeding grounds, and coastal waters, from the specific and cumulative impacts and harmful effects of development.

#### 5.00.02. Application

Developers should apply the provisions of this Article to a proposed development site before any other development design work is done. Application of the provisions of this article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

#### 5.00.03. Relationship to Plan and Other Requirements

In addition to meeting the provisions of this Article, development plans shall comply with the adopted comprehensive plan and applicable federal, state and water management district regulations relating to conservation, environmentally sensitive lands, and resource protection. In all cases the strictest of the applicable standards shall apply.

#### 5.00.04. Compliance When Subdividing Land

Each lot of a proposed subdivision or resubdivision of land into two or more lots must include a site suitable for constructing a structure in conformity with the standards of this Article.

### 5.01.00. ENVIRONMENTALLY SENSITIVE AND CONSERVATION AREAS

#### 5.01.01. Definitions

##### Accessory Use

A use of land or structure or portion there of customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

##### Adjacent to a Protected Area

Any location within five hundred (500) feet of the boundary of any protected environmentally sensitive or conservation area, whether the location is on or off the development site.

##### Adverse Effects

Any modifications, alterations, or effects on waters, associated wetlands, or shore lands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation or commercial fisheries. The term includes secondary and cumulative as well as direct impacts.

##### Associated Wetlands

Any wetland that is adjacent or contiguous to waters, or which has a direct hydrologic connection to waters.

##### Beneficial Functions of a Protected Area



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Those functions described in the city's comprehensive plan which justify designating an area as environmentally sensitive.

### Clearing

The removal of trees and vegetation from the land, not including the ordinary mowing lawn grass.

### Direct Hydrologic Connection

A surface water connection which, under normal hydrological conditions, occurs on the average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

### Mean High Water Line

The intersection of the tidal plane of mean high water with the shore. Mean high water means the average height of the high waters over a 19-year period. For shorter periods of observation, mean high water means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

### Pollutant

Any substance, contaminant, noise, or man-made or man-induced alternation of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation and commercial fisheries.

### Protected Environmentally Sensitive Area

An environmentally sensitive area designated for protection in the Conservation, Coastal Management or other elements of the city's Comprehensive Plan.

### Significant Adverse Effect

Any modification, alteration, or effect upon a Protected Environmentally Sensitive Area which measurably reduces the area's beneficial functions as delineated in the city's comprehensive plan.

### Water or Waters

Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, coastal waters, bays, inlets, bayous, streams, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

### Water Body

Any natural or artificially created area with a discernible shoreline which ordinarily or intermittently contains water.

### Watercourse

Any natural or artificially channel, ditch, canal, stream, waterway or wetland through which water flows, either continuously or intermittently, and which has a discernible boundary.

### Water's Edge/Wetland's Edge

The boundary established by the mean high water line.

### 5.01.02. Creation of Wetland and Shoreline Protection Zones

A. Creation. There are hereby created environmentally sensitive "Wetland and Shoreline Protection Zones", (Protected Zones) in which special restrictions on development apply. The boundaries of these zones shall be the most landward extent of the following:

1. Areas fifty (50) feet landward of the mean high water line.

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2. Areas within the dredge and fill jurisdiction of the Department of Environmental Regulation as authorized by §403, Florida Statutes.

3. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 10, River and Harbor Act.

4. Areas within the jurisdiction of the Suwannee River Water Management District.

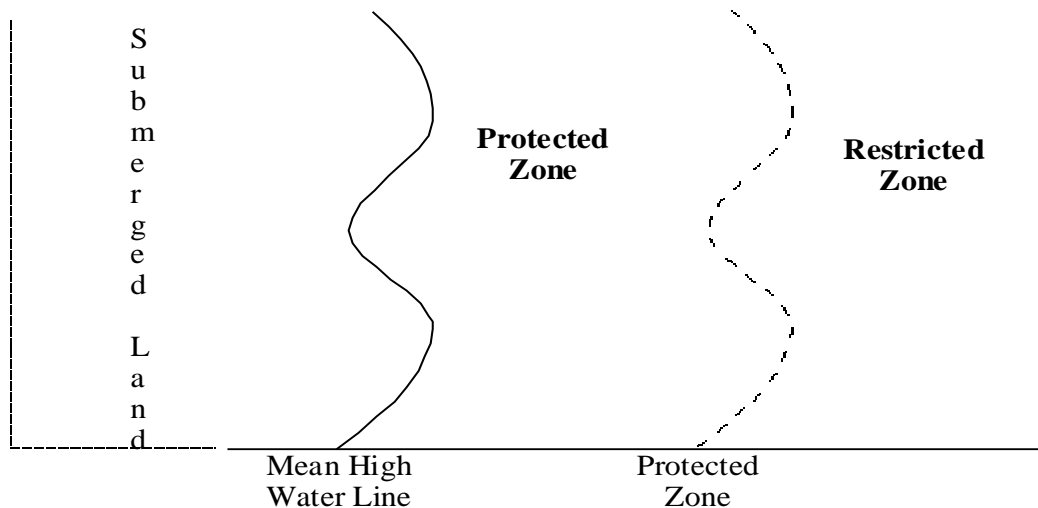
B. Determination of Boundaries. A developer may obtain a determination of the boundaries of a Protected Zone by submitting to the department by certified mail or hand delivery a Request for Determination of Boundaries. The request must, at a minimum, set forth an adequate description of the land the developer wishes to develop, the nature of the developer's

right to ownership or control of the land, and other information needed to make the determination. The department shall have ten (10) working days after receipt of the request to respond to the developer.

C. Purpose: To protect natural resources such as coastal waters, shellfish harvesting areas and marine breeding grounds.

D. Definitions: The "Protected Zone" is 50 feet landward of the Mean High Water Line or within state jurisdiction. (See Section 5.01.02). The "Restricted Zone" is land which abuts a protected zone for a distance of five hundred (500) feet, or which is in the Coastal High Hazard Area. (See Section 5.01.07).

a. ILLUSTRATION OF PROTECTED AND RESTRICTED ZONES



EXAMPLES OF PROTECTIVE MEASURES AND RESTRICTIONS

A. Protected Zone: Development is prohibited, except for water-dependent uses such as docks and walkways. All vegetation is protected and removal is by permit only. Variances may be

allowed and compensatory protective measures or mitigation may be required when variances are granted.

B. Restricted Zone: Twenty-five (25) percent of vegetation is protected. Impervious surface (lot coverage) is limited to forty (40) percent of the land

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area (Land area includes both the protected and restricted zones, but coverage is limited to the restricted zone).

### EXAMPLES OF PROHIBITED ACTIVITIES

- A. Clearing: Clearing more land than permitted is prohibited without authorization.
- B. Pollutants: Fertilizers, pesticides and other toxic chemicals are prohibited in the protected zone and use is restricted in the restricted zone.
- C. Stormwater Discharge: Direct disposal of stormwater into coastal waters is prohibited, i.e., no drainage ditches into coastal waters.

#### 5.01.03. Development Activities Within Protected Zones

- A. Except as expressly provided herein, no development activity shall be permitted in Protected Zone.
- B. Presumed Insignificant Adverse Affects Permitted. Certain activities and certain activities when mitigated are presumed to have an insignificant adverse effect on the beneficial functions of Protected Zones. Notwithstanding the prohibition in Section 5.01.03 above, these activities may be undertaken or may be permitted with mitigation unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Protected Environmentally Sensitive Area. The following uses and activities are presumed to have an insignificant adverse effect on Protected Zones:

- 1. Scenic, historic, wildlife or scientific preserves.
- 2. Minor maintenance or emergency repair to structures or improved areas existing before adoption of this Code.
- 3. Commercial or recreational fishing.

- 4. Cultivating aquacultural, agricultural or horticultural products that occur naturally on the site.
- 5. Constructing fences where no fill activity is required and where navigational or shoreline access will not be impaired by construction of the fence.
- 6. Developing a "Wetlands Stormwater Discharge Facility" or "Treatment Wetland" in accordance with state permits under § 17-25 and 17-6 F.A.C..
- 7. When mitigated, as hereinafter provided, clearing of shoreline vegetation to provide a corridor or walking trail not to exceed fifteen (15) feet in width per one hundred (100) feet of shoreline, of sufficient length from the shore to allow access for boats, swimmers or fishermen.
- 8. When mitigated, as hereinafter provided, constructing timber docks, catwalks, and trail bridges that are less than or equal to four (4) feet wide, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- 9. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland structure and function. If the water regime of a wetland has been artificially altered, but wetland species remain the dominant vegetation of the area, the department shall determine the feasibility of restoring the altered hydrology. If the wetland may be restored at a cost that is reasonable in relation to the benefits to be derived from the restored wetland, the developer shall, as a condition of development, restore the wetland and comply with the requirements of this Code.

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C. Mitigation of Activities in Protected Zones. Clearing of wetland and shoreline vegetation for access shall be mitigated by increasing the native vegetation buffer zone to compensate for the loss of wetlands or shoreline vegetation. The increase in the native vegetation buffer zone shall be in addition to any vegetative zones required by this Code and shall be computed on a minimum area equal to the area cleared. When site elevation is too high for wetland vegetation, a buffer zone of upland vegetation shall be maintained or created.

D. Prohibited Activities in Protected Zones. Only those activities authorized in Part 5.01.03.A may be permitted in a protected zone and the following activities are specifically prohibited:

1. Drain fields for septic tanks or gray water systems.
2. Dredging or filling.
3. The use or storage of fertilizers, herbicides, defoliant or pesticides.

(History: Ord. No. 247)

### 5.01.04. Special Uses in Protected Zones

A. When Allowed. Water dependent activities identified in Article II of this Code which would otherwise be prohibited may be allowed if the developer shows:

1. That the public benefit of the activity substantially outweighs the adverse environmental effects; and
2. That no practical alternative to placement in the protected zone exists; and
3. A recorded deed restriction limits the use to water-dependent uses.

B. Permittable Water Dependent Activities. Development of a protected zone may include the following permittable water-dependent activities:

1. Projects not exceeding 10,000 cubic yards of material placed in or removed from watercourses, water bodies or wetlands.

2. Dockage or marinas where dock length does not exceed twenty-five (25) percent of the width of the water body and containing less than one (1) slip per one hundred feet (100') of shoreline. All docks and slips shall be at least 100 feet from any federal navigation project. No docking terminus or other structure shall be located over sea grass bed.

3. New riprap or similar structures (not including seawalls, bulkheads or the like) not exceeding fifty (50) feet of shoreline. Rip rap shall be placed at the toe of all replaced bulkheads and seawalls.

4. Installation of buoys, aids to navigation, signs and fences.

5. Performance of maintenance dredging for 10 years from the date of the original permit. Thereafter, performance of maintenance dredging so long as less than 10,000 cubic yards of material is removed.

6. Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas. Lines may be entrenched in (not exceeding 10,000 cubic yards of dredging), laid on, or embedded in bottom waters.

7. Construction of foot bridges and vehicular bridges.

8. Replacement or widening of bridges on pilings or trestles where the effects of pollutants discharged into open waters are minimized.

9. Construction of artificial reefs.

10. Other activities allowed by FDER Rule §17.90 F.A.C.

C. Minimization of Impacts. The water dependent activity shall be designed, constructed, maintained and undertaken in a way that minimizes

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the adverse impacts on the beneficial functions of the protected zone.

(History: Ord. No. 247)

### 5.01.05. Design Standards for Special Uses

A. Generally. The following standards apply to special uses allowed in Protected Zones and are in addition to the standards for the Coastal High Hazard Area Restricted Development Zone in Section 5.01.07.

1. Development in the Protected Zone shall be designed to:

- a. Allow the movement of aquatic life requiring shallow water;
- b. Maintain existing flood and tidal channel capacity;
- c. Assure stable shoreline embankments.

2. Development that encroaches on the Protected zone shall not be located:

- a. On unstable shorelines where water depths are inadequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other channel maintenance activities;
- b. In areas where there is inadequate water mixing and flushing;
- c. In areas which have been identified as hazardous due to high winds, flooding, or boating activity.

3. Access roads, parking areas, and similar structures shall be located on upland sites.

4. Non-developed portions of the Protected Zone that are damaged during construction shall be restored or replaced through replanting of vegetation, restocking of fish, shellfish, and wildlife, re-establishment of drainage patterns and the like. To the maximum extent possible, the

restored or replaced areas shall match their prior ecological functioning.

5. Accessory uses shall be limited to those which are water-dependent or necessary for operation of the development. Accessory uses shall be consistent in scale and intensity and shall be clearly subordinate to the principal and surrounding uses. Fill shall not be placed in waters or associated wetlands to create usable land space for accessory uses.

B. Mitigation of Special Uses in Protected Zones. The following policies shall apply to special uses permitted in Protected Zones:

1. Compensatory mitigation is required whenever a special use is permitted under Section 5.01.04 of this Code. Mitigation required shall meet the standards of the Florida Administrative Code Rules 17-312.300 through 17-312.390.

2. Environmentally sensitive lands of the same type as those destroyed or degraded shall be purchased, created, enhanced and/or restored to compensate for the loss of such lands.

3. Compensatory mitigation shall not be the basis for approving a project that could not otherwise be approved.

4. A developer of a compensatory mitigation plan shall grant a conservation easement under Section 704.06, Florida Statutes, on the newly purchased, created, enhanced or restored environmentally sensitive lands to protect them from any future development except those allowed in Section 5.01.03 of this Code.

5. Compensatory mitigation for wetlands shall require that the amount of wetlands purchased, created, enhanced, or restored shall be large enough to assure that amount of wetlands destroyed or degraded will be completely and successfully replaced. Replacement through purchase or conservation easement of existing functional wetlands shall be on a 1.5:1 ratio. Replacement by creation, enhancement or restoration shall be on a

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2:1 ratio for salt marsh and a 3:1 ratio for mangroves. Replacement which depends substantially upon natural recolonization of created or restored wetlands shall be at 3:1 for salt marsh and 4:1 for mangroves.

(History: Ord. No. 247)

### 5.01.06. Additional Criteria and Requirements for Marinas

In addition to the Design Standards for Special Uses, marinas and multi-slip docking facilities shall meet all requirements as cited in the Laws of Cedar Key, Chapter 3, 4-7.3.

### 5.01.07. Creation of Restricted Development Zones

There is hereby created a Restricted Development Zone (Restricted Zone) adjacent to each Wetland and Shoreline Protected Zone (Protected Zones). The Restricted Zone shall encompass all land within the Coastal High Hazard Area (CHHA) which abuts or is adjacent to a Protected Zone or any lands within five hundred (500) feet of a Protected Zone.

A. Development Within Restricted Zones. Resource protection within the Restricted Zone shall be assured through the following regulations:

1. All development within the Restricted Zones shall be designed, constructed and maintained to avoid significant adverse effects on adjacent Protected Zones.
2. Areas landward of the mean high water line which are within a Protected Zone may be used to determine the allowable units or square footage (density or intensity) that will be allowed on a site containing all or part of such a zone. This development potential may be transferred from the Protected Zone to the Restricted Zone, or may be transferred beyond the zone as provided for in the clustering and Transfer of Development Rights (TDR) provisions of Article X of this Code.

Allowable development potential may not, however, be transferred from outside a Protected or Restricted Zone to within such a zone.

B. Design Standards in Restricted Zones. The following special design standards shall apply within Restricted Zones adjacent to Protected Zones:

1. Developers shall completely restore any portion of a Protected Zone damaged during construction. Complete restoration means that any damaged area shall, within three (3) years, be operating as effectively as the natural system did prior to being destroyed.
2. The development shall leave a minimum of twenty-five (25) percent of the site within the Restricted Zone as trees, shrubs, or other natural vegetation, or replace existing vegetation at a minimum 2:1 ratio.
3. Total impervious surface, including but not limited to buildings, houses parking and driving areas, garages, accessory buildings, pools and walkways, is limited to forty (40) percent of the land area of the entire site.
4. Point source and non-point source discharges are prohibited, except for stormwater, which may be discharged only if it meets the standards of the Suwannee River Water Management and shall provide for off-line retention or detention with filtration of the first one-inch of run-off.
5. Siltation and erosion control measures shall be applied to stabilize banks and other un-vegetated areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to creation of any impervious surface. For lots and parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosions and siltation.
6. Wherever possible, natural buffers shall be retained between all development and all Protected Zones. If a natural buffer does not exist, a buffer of

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the minimum size necessary to prevent significant adverse effects on the Protected Zone shall be created. The factual basis for the decision as to the size of the buffer shall be stated as a finding in the written record.

7. Any channels constructed shall be of a minimum depth and width capable of achieving the intended purposes. Sides of channels shall reflect an equilibrium shape to prevent slumping and erosion and to allow re-vegetation.

8. Any dredging shall be conducted at times of minimum biological activity to avoid fish, shellfish and crustacean migration and spawning and other cycles and activities of wildlife.

9. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within thirty (30) days, unless the spoil is causing turbidity or other problems, in which case immediate stabilization is required.

10. If dredging changes the littoral drift processes and causes any adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate.

11. Septic tank permitting in Restricted Zones, when permitted, shall conform to the requirement of /sections 4.03.03 and 4.04.04 of this Code. If septic tanks are allowed, there may be no more than two (2) septic tanks per acre of land within the Restricted Zone, unless it denies reasonable use of the land and no alternative is available.

12. If no natural vegetation exists, strips of buffer vegetation shall be planted between development activities and the Protected Zone. Buffers shall consist of a minimum of twenty-five (25) percent of the site area and shall be composed of native plant species.

C. Coastal Setbacks. Development in the Restricted Zone shall not encroach on the Protected Zone, except as provided in Section 5.01.03 of this Code or by a variance which shall be the minimum

required to allow reasonable use of property and prevent a "taking". Granting of a variance may require other reasonable protective measures necessary to prevent significant adverse effects on a Protected Zone.

D. Protective Measures. The factual basis for the decision to require one or more of the following protective measures in addition to the design standards shall be stated as a finding in the written record, such as a request for a variance from the coastal setback or encroachment on a protected zone. Protective measures may include, but are not limited to the following:

1. Limiting removal of vegetation to the minimum necessary to carry out the development activity.

2. Expeditiously replanting denuded areas.

3. Maintaining the natural drainage pattern.

4. Stabilizing banks and other unvegetated areas by siltation and erosion control measures.

5. Minimizing the amount of fill used in the development activity.

6. Decreasing lot coverage, impervious surface, to compensate for the areas of encroachment on the Protected Zone.

7. Designing, locating, constructing and maintaining all development in a manner that minimizes environmental damage.

8. Using deed restrictions and other legal mechanisms to require the developer and successors to protect the environmentally sensitive areas and maintain the development and protective measures applied.

9. Prohibiting septic tanks.

10. Creating buffer zones of native vegetation greater than the minimum required.

Increasing off-line detention and retention with filtration of stormwater.

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### 5.01.08. Prohibited On-Going Activities

The following standards shall apply to post-development activities in a Protected or Restricted Zone:

- A. Clearing. Absent an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- B. Point Source and Non-point Source Discharges. Absent an amendment to the development order, point and non-point source discharges shall continue to meet the standards applicable to the original development.
- C. Fertilizers, Herbicides, Pesticides, or Defoliants. Fertilizers, herbicides, pesticides, or defoliants shall not be applied in Protected Zones unless authorized under §373.451-373.4575 F.S. or a governmentally authorized mosquito control program. Restricted Zone usage shall be at minimum appropriate quantities and frequencies.
- D. Fuel, Hazardous and Toxic Substances, and Wastes.
  - 1. Storage or disposal of all types of wastes is prohibited in Protected and Restricted Zones.
  - 2. No toxic or hazardous wastes or substances shall be stored in outdoor containers.
  - 3. Developments where fuel or toxic substances will be stored, sold or transferred shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage. Facilities and procedures shall be designed to prevent substances from entering the water or soil and shall employ adequate means for prompt and effective clean-up of spills.
- E. Spray Vehicles. Vehicles used for mixing or spraying of chemicals are prohibited from withdrawing water directly from surface waters.

F. Pump-out, Holding, and Treatment of Wastes from Mobile Sources. Sewage, solid wastes, and petroleum waste generated by vessels or vehicles on a site shall be properly collected and disposed of as provided by law.

G. Prohibited Uses. Long-term storage of equipment or materials, and the disposal of wastes is prohibited.

### 5.02.00. HABITAT OF ENDANGERED OR THREATENED SPECIES

#### 5.02.01. Purpose, Intent and Application

The purpose of this part is to provide standards necessary to protect the habitats of species-both flora and fauna-of endangered, threatened, or special concern status in the city with the intent that appropriate amounts of land be set aside to protect those habitats. Areas to which this part applies shall be identified in the Conservation Element of the Comprehensive Plan.

#### 5.02.02. Habitat Management Plan Required

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 part.

A. Content. The plan shall be prepared by an ecologist, biologist or other related professional and shall be approved by the Department of Natural Resources or Game and Freshwater Fish Commission. 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.

B. Conformity of Final Development Plan. The Final Development Plan approved for a development shall substantially conform to the recommendations in the Habitat Management Plan.



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C. Preservation of Land. Where land on a proposed development site is to be preserved as habitat of rare, endangered or special concern species, such land shall be adjacent to existing viable habitat, a significant wetland system, floodplain, or wildlife corridor. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality as to provide viable habitat, as documented in the requirements of part 5.02.02.A, above.

D. Fee-in-Lieu. As an alternative to preservation of land, the city may establish a fee-in-lieu-of-land program, whereby the city can purchase land which will provide a significant habitat.

### 5.02.03. Bird Colony Habitat

Any mangrove or wetland area which serves as an active nesting, feeding or breeding area for a colony of birds shall not be altered, including any of the special uses which may have otherwise been permitted under this Article, unless specifically authorized by an approved Habitat Management Plan meeting the requirements of Part 5.02.02 of this Code.

(History: Ord. No. 247)

### 5.03.00. TREES AND NATIVE VEGETATION

#### 5.03.01. Definitions

##### Crown

The main mass of branching of a plant above the ground.

##### DBH (Diameter at Breast Height)

"Breast Height" is defined to be fifty-four (54) inches above the surface of the ground at the base of the plan or tree. In the case of a plant with multiple main stems, the diameter shall be the sum of the diameters of the stems.

##### Drip Line

The outermost perimeter of the crown of a plant as projected vertically to the ground.

##### Mangrove

Rooted trees and seedlings of the following species: Buttonwood Mangrove-*Conocarpus erecta*, Red Mangrove - *Rhizophora mangle*, White Mangrove-*Laguncularia racemosa* Gaertn., and Black Mangrove - *Avicennia germinans*.

##### Protected Trees

Any tree that has a DBH of more than eight (8) inches, and which is not otherwise exempted from this Code. For the purposes of this Code, all Mangroves, Cedars - *Juniperus silicola*, Red Bay - *Persea borbonia*, and all palm trees with at least four and one-half (4 ½) feet of clear trunk between the ground level and lowest branch are declared to be "Protected Trees."

##### Protected Vegetation

For the purposes of this code, all Salt Marsh vegetation, including Smooth Cordgrass - *Spartina alterniflora*, Black Needlerush - *Juncus roemerianus*, Saltgrass - *Distichlis spicata*, Glasswort - *Salicornia perennia*, and Saltwort - *Batis maritima*, are declared to be "Protected Vegetation."

##### Remove

To clear, cut down, damage, poison, or in any other manner destroy or cause to be destroyed, a tree or vegetation.

##### Tree Protection Zone

A circular zone around each protected tree with a minimum radius of six (6) feet and a maximum radius of twenty (20) feet to be determined by the drip line of the tree.

#### 5.03.02. Exemptions for Nuisance Trees and Certain Activities

Nuisance trees, including Brazilian Pepper, *Malaleuca* and Australian Pine shall be exempt

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from the tree protection requirements of the Code. Certain activities, including utility operations, surveying, and activities required by emergencies such as hurricanes, shall be exempt to the minimum extent required to achieve the purpose of the activity. Except for emergencies, a permit shall be required for utility and surveying removal of trees and vegetation.

### 5.03.03. Approval Required for Removal of Trees and Vegetation

It is the intent of this section to minimize the removal of protected trees and to preserve not-less-than twenty-five (25) percent of existing native vegetation on a site. A permit shall be required for removal of trees and vegetation. No permit may be issued unless the conditions of this section are met. The permit fee shall include an amount to be dedicated for future costs of maintenance of Protected and Heritage Trees situated on City Property and annual costs of purchasing and planting new trees. The fee shall be calculated on a per inch sliding scale, based on the size of the tree removed. The fee shall be promulgated by resolution of the City Commission and shall be adjusted periodically to reflect current maintenance and replanting costs. In the event that a tree or vegetation is removed without a permit, a double fee will be charged in accordance with The Laws of Cedar Key, Chapter 5, §1.01. In the event that a tree is removed without a permit, the diameter shall be measured at the top of the remaining stump. A tree which is removed due to death caused by a naturally occurring disease shall be subject to the permit requirement, but shall be exempt from the permit fee.

A. Conditions for Authorization. Developers shall take reasonable measures to design and locate the proposed improvements so that the amount and number of protected vegetation and trees to be removed is minimized. The design must attempt to preserve specimen, historic or landmark trees. No authorization for the removal of protected vegetation or trees shall be granted unless the

developer demonstrates one or more of the following conditions:

1. A permissible use of the site cannot reasonably be undertaken unless specific trees and vegetation are removed or relocated.
  2. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is impaired.
  3. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
  4. The tree or vegetation creates a substantial hazard to motor, bicycle, or pedestrian traffic by virtue of physical proximity to traffic or visual impairment.
  5. The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or improvements.
  6. Any law or regulation requires the removal.
- B. Replacement of Removed Vegetation, Removed vegetation in excess of seventy-five (75) percent of the existing vegetation in the restricted area and any vegetation removed from the protected area shall be replaced according to the mitigation provisions of part 5.01.05.B of this code and the following:
1. For each square foot of vegetation removed, one square foot shall be replaced.
  2. Replacement may be accomplished by moving vegetation from one location to another on the site, providing measures are taken to ensure survival, or by replacement with other native species.
  3. Where practicable, replacement vegetation shall be planted on the development site. Where impracticable, replacements may be donated, or a fee-in-lieu may be paid, to the city for the purpose of planting on public property. The fee-in-lieu shall

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be based on the cost of replacement vegetation required.

C. Historic, Specimen and Landmark Trees. Historic, specimen and landmark trees are those that have been officially designated by the city commission, upon the advice of the administrator or the Cedar Key Garden Club, to be of high value because of their history, location, size, age, type or other relevant criteria. A public hearing on the designation shall be held by the city with due notice to the owner of the tree.

D. Removal of Historic, Specimen and Landmark Trees. No historic, specimen or landmark trees shall be removed without a finding by the city commission that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree. The developer shall explain in detail why the tree is a hazard or why it is not economically or practically feasible to develop the parcel without removing the tree. The Administrator shall make a recommendation to the commission as to whether the removal should be denied or approved. The decision by the commission shall be made within thirty (30) days of the date the application to remove the tree is filed.

### 5.03.04. Protection of Trees and Vegetation During Development Activities

In order to assure the health and survival of protected trees and vegetation that are not to be removed, including injuries caused by clearing, grade changes, excavations, chemicals or mechanical injuries, developers shall take appropriate protective measures as specified in the "Tree Protection Manual for Builders and Developers," published by the Florida Division of Forestry, herewith incorporated by reference. Protected trees and vegetation which do not survive the impacts of development shall be replaced as provided in part 5.03.03.02 of this Code.

### 5.03.05. Special Protection of Mangroves and Saltmarshes

Removal or alteration of Mangroves and Salt Marshes shall be in accordance with all applicable Florida DEP rules, regulations and standards.

### 5.04.00. GROUNDWATER AND WELLHEADS

#### 5.04.01. Delegation of Responsibility

The city hereby delegates the responsibility for groundwater, wellhead and aquifer recharge area identification and protection to the Cedar Key Water and Sewer District and Suwannee River Water Management District, (Districts).

#### 5.04.02. Protection Upon Identification

Any future groundwater aquifer recharge area identified by CKW&SD or SRWMD shall be protected by the city by designation as an environmentally sensitive conservation area subject to the protective provisions of this code and the Districts' Rules and Regulations.

### 5.05.00. COASTAL HIGH HAZARD AREAS

#### 5.05.01. Title

The provisions contained herein shall constitute the Coastal Construction Code for construction within the coastal building zone of Cedar Key, Florida, and shall be referred to as the "Coastal Code".

#### 5.05.02. Purpose

The purpose of the Coastal Code is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other severe storms occurring in the Gulf of Mexico which surrounds Cedar Key. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes, and topography of adjacent properties. The Coastal Code is site specific to the coastal building zone as defined herein and is not applicable to other locations. In the event of a conflict between this section and other sections of this Code, the requirements resulting in the more restrictive design shall apply. No provisions in this chapter

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shall be construed to permit any construction in any area prohibited by city, county, state, or federal regulation.

### 5.05.03. Scope

A. Applicability. The requirements of this Coastal Code shall apply to the following types of construction in the coastal building zone and on coastal barrier islands in Cedar Key, Florida:

1. The new construction of, or substantial improvement to major structures, uninhabitable major structures, and minor structures as defined herein.
2. Construction which would change or otherwise have the potential for substantial impact on coastal zone (i.e. excavation, grading, paving).
3. Construction located partially within the coastal building zone.
4. Reconstruction, redevelopment or repair of a damaged structure from any cause which meets the definition of substantial improvement as defined herein.

B. Exceptions. The requirements of the coastal code shall not apply to the following:

1. Minor work in the nature of normal beach cleaning and debris removal.
2. Structures in existence prior to the effective date of the code, except for substantial improvements as defined herein.
3. Construction for which a valid and unexpired building permit was issued prior to the effective date of this code.
4. Construction extending seaward of the seasonal high-water line which is regulated by the provisions of section 161.041, Florida Statutes (i.e. groins, jetties, moles, breakwaters, seawalls, piers, revetments, beach nourishment, inlet dredging, etc.).

5. Construction of non-habitable major structures as defined herein, except for the requirements of Section 5.05.05D.

6. Construction of minor structures as defined herein, except for the requirements of Section 5.05.05E.

7. Structures listed in the National Register of Historic Places or the State Inventory of Historic Places.

8. Construction for improvement of a major structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

C. Application for Permits. Applications for building permits for construction in the coastal building zone shall be required by the Building Official to be certified by an architect or professional engineer registered in the State of Florida. Such certifications shall state that the design plans and specifications for the construction are in compliance with the criteria established by this Coastal Code.

### 5.05.04. Definitions

General. The following terms are defined for general use in the Coastal Code:

#### Beach

The zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore"

#### Breakaway Wall or Frangible Wall

A partition independent of supporting structural members that will withstand design wind forces, but which will fail under hydrodynamic, wave, and run-up forces associated with the design storm surge. Under such conditions, the wall shall fail in a

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manner such that it breaks up into components which minimize the potential for damage to life or adjacent property. It shall be a characteristic of a breakaway or frangible wall that it shall have a horizontal design loading resistance of no less than 10 nor more than 20 pounds per square foot.

### Building Support Structure

Any structure which supports floor, wall, or column loads, and transmits them to the foundation. The term shall include beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles columns, or footings.

### Coastal Barrier Islands

All of Cedar Key.

### Coastal Building Zone

The land area seaward of the most landward velocity zone (V-zone) boundary line established by the Federal Emergency Management Agency and shown on the Flood Insurance Rate Maps.

### Coastal Construction Control Line

The landward extent of that portion of the beach-dune system which is subject to severe fluctuations based upon a 100-year storm surge, storm waves, or other predictable weather conditions as established by the Department of Natural Resources in accordance with section 161.053, Florida Statutes.

### Construction

The building of or substantial improvement to any structure or the clearing, filing or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "Construction" refers to the act of construction or the result of construction.

### Dune

A mound or ridge of loose sediments, usually sandsized, deposited by natural or artificial means, which lies landward of the beach.

### Major Structure

Includes but is not limited to residential buildings (including mobile homes), commercial, institutional, industrial, and other construction having the potential for substantial impact on coastal zones.

### Mean High-water Line

The intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19 year period.

### Minor Structure

Includes but is not limited to pile-supported, clavated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquet-ball courts, and other uncovered paved areas; earth retaining walls; sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

### Mobile Home

Manufactured housing which conforms to the Federal Manufactured Housing Construction and Safety Standard or the Uniform Standards Code ANSI A 119.1 pursuant to Section 320.823, Florida Statutes.

### Nonhabitable Major Structure

Includes but is not limited to swimming pools, parking garages, pipelines, piers, canals, lake ditches, drainage structures, other water retention structures, water and sewage treatment plants, electrical power plants, transmission and distribution lines, transformer pads, vaults, and

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substations, roads, bridges, streets, and highways, and underground storage tanks.

### NGVD

National Geodetic Vertical Datum - a geodetic datum established by the National Ocean Service and frequently referred to as the 1929 Mean Sea Level Datum.

### One Hundred Year Storm or 100-Year Storm

A shore incident hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one percent (1%) chance of being equaled or exceeded in any given year, during any 100-year interval.

### Seasonal High-Water Line

The line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.

### State Minimum Building Code

The building code adopted by Cedar Key pursuant to the requirements of Section 553.73, Florida Statutes.

### Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- a. Before the repair or improvement is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred.

Where two or more permits are applied for within a one-year period, the cost of the repairs, reconstructions or improvements associated with such permits shall be added together to determine whether the cost equals or exceeds a total of 50 percent of the market value of the structure.

Regardless of value, in no instance may more than 50% percent of the existing floor area be added without being treated as a "substantial improvement." For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, and safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

### 5.05.05. Coastal Construction Requirements

A. General. Construction within the coastal building zone and on coastal barrier islands shall meet the requirements of this chapter. All structures shall be designed so as to minimize damage to life, property, and the natural environment. Assistance in determining the design parameters to minimize such damage may be found in the reference documents listed in Section 5.05.05C.

B. Structural Requirements for Major Structures.

1. Design and Construction: Major structures, except for mobile homes, shall be designed and constructed in accordance with section 1205 of the 1986 revisions to the 1985 Standard Building Code using a fastest-mile wind velocity of 110 miles per hour. Major structures, except mobile homes, shall also comply with the applicable standard for construction found elsewhere in the Standard Building Code.

2. Mobile Homes: Mobile Homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI A-119.1, pursuant to Section 320.823,

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Florida Statutes as well as the requirements of Section 5 (B) (3) which follows.

3. Elevation, Flood proofing, and Siting: All major structures shall be designed, constructed and located in compliance with the National Flood Insurance Regulations as found in 44 CFR Parts 59 and 60 or the Cedar Key Flood Plain Ordinance, whichever is more restrictive.

**C. Design Conditions.**

1. Velocity Pressure. Major Structures, except mobile homes, shall be designed in accordance with the requirements of Section 1205 of the 1986 revisions of the 1985 Standard Building Code using a minimum fastest-mile wind velocity of 110mph. These minimum design pressures are as follows:

**VELOCITY PRESSURE (PSF)**

**BUILDING HEIGHT 60 FEET OR LESS**

MEAN HEIGHT IN FEET	PRESSURE
0 TO 15	25
20	28
40	34
60	38

**GUST VELOCITY PRESSURE (PSF)**

**BUILDING HEIGHT OVER 60 FEET**

MEAN ROOF HEIGHT (FT)	PRESSURE
0 – 30	35
31-51	40
51-100	47
100 – 200	54
200 – 300	61
300 – 400	66
400 – 500	70

2. Foundations. The elevation of the soil surface to be used in the design of foundations, calculation of pile reactions and bearing capacities shall not be greater than that which would result from the erosion reasonably anticipated as a result of design or conditions. Foundation design and construction of a major structure shall consider all anticipated loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the type of soil present and the anticipated loss of soil above the design grade as a result of localized scour. Erosion computations are not required landward of coastal construction control lines established or updated since June 30, 1980. Upon request the Department of Natural Resources may provide information as to those areas within coastal building zones where erosion and scour of a 100-year storm event is applicable.

3. Wave Forces. Calculations for wave forces resulting from design storm conditions on building foundations and superstructures may be based upon the minimum criteria and methods prescribed in the Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of Navy; Shore Protection Manual. U.S. Department of the Army Corps of Engineers; U.S. Department of Army Coastal Engineering Research Center Technical Papers and Reports; the Technical and Design Memoranda of the Division of Beaches and Shores, Florida Department of Natural Resources; or other professionally recognized methodologies which produce equivalent design criteria. Breaking, broken, and non-breaking waves shall be considered as applicable. Design wave loading analysis shall consider vertical uplift pressures and all lateral pressures to include impact as well as

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dynamic loading and the harmonic intensification resulting from repetitive waves.

4. Hydrostatic Loads: Calculations for hydrostatic loads shall consider the maximum water pressure resulting from a fully, peaked, breaking wave super-imposed upon the design storm surge with dynamic wave setup. Both free and hydrostatic loads shall be considered. Hydrostatic loads which are confined shall be determined by using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both upward and downward on horizontal or inclined surfaces of major structures (i.e. floors, slabs, roofs, walls). Lateral hydrostatic loads shall be considered as forces acting horizontally above and below grade on vertical or inclined surfaces. Hydrostatic loads on irregular or curved geometric surfaces shall be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures.

5. Hydrodynamic Loads. Hydrodynamic loads shall consider the maximum water pressure resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied on all structural surfaces above the design grade which would affect the flow velocities.

D. Structural Requirements for Utilities. All sewage treatment and public water supply systems shall be flood-proofed to prevent infiltration of surface water anticipated under design storm conditions. Underground utilities, excluding pad transformers and vaults, shall be flood-proofed to prevent infiltration of surface water expected under design storm conditions or shall otherwise be designed to function when submerged under such storm conditions.

E. Structural Requirements for Minor Structures. Minor structures need not meet the specific structural requirements of Section 5.05.05, except that they shall be designed to produce the

minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code as adopted by Cedar Key, Florida.

F. Location of Construction. Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.

G. Public Access. Where the public has established an access way through private lands to lands seaward of mean high tide or water line by prescription, prescriptive easement, or other legal means, development or construction shall not interfere with such right of access unless a comparable alternative access way is provided. The developer shall have the right to improve, consolidate, or relocate such public access ways so long as they are:

1. Of substantially similar quality and convenience to the public;
2. Approved by the City Commission and approved by the Department of Environmental Protection whenever improvements are involved seaward of the coastal construction control line; and
3. Consistent with the coastal management element of the Cedar Key Comprehensive Plan adopted pursuant to Florida Statutes 163.3178.

### 5.05.06. Rules of Interpretation

It is anticipated that there may be some conflict between this provision and the flood hazard mitigation requirements of this Code, which was required to be passed by the Federal Emergency Management Agency (FEMA) in order to ensure that the City of Cedar Key, Florida, could remain eligible for participation in the Federal Flood



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Insurance Program. Both said ordinances shall be administered and enforced within the City. In the event of conflict, between the provisions of said ordinances, then the most stringent or strict regulation applicable to a give situation shall apply.

(History: Ord. No. 330)

## **5.06.00. VIOLATIONS AND ENFORCEMENT**

### **5.06.01. General**

Any violation of this Code is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.

### **5.06.02. Restoration**

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken in a reasonable time after notice, the city may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

### **5.06.03. Additional Remedies and Penalties**

In addition to any remedy or penalty provided in this Article, any person who violates the provisions of this Article shall be subject to the remedies and penalties provided in Article XII of this Code.

(History: Ord. No. 220)

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## ARTICLE VI: DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

### 6.00.00. GENERALLY

#### 6.00.01. Purpose

The purpose of this Article is to provide development design and improvement standards applicable to all development activity in the city.

#### 6.00.02. Responsibility for Improvements

All improvements required by this Article shall be designed, installed, and paid for by the Developer.

#### 6.00.03. Principles of Development Design

The provisions of this Article are intended to ensure functional and attractive development.

Development design shall first take into account the protection of natural resources as prescribed in Article V of this Code, Resource Protection Standards. All development shall be designed to:

- A. avoid unnecessary impervious surface cover;
- B. provide adequate access to lots and sites;
- C. provide adequate parking;
- D. and assure compatibility with surrounding properties by avoiding the adverse effects of drainage, noise, odor, traffic, shadow, glare and utilities.

#### 6.00.04. Residential Subdivisions

Notwithstanding any other provisions of this Article, residential subdivisions for single-family homes or duplexes, including Minor Replats, shall comply with the following. Except as specifically provided below, no other provisions of this Article, or the submittal requirements in Article XII, shall apply to such subdivisions.

- A. Submittals. The submittals for subdivisions shall comply with the requirements of Chapter 177,

Florida Statutes, and shall, in addition, show the setback lines established by Article V of this Land Development Code, and the outlines of a buildable area upon which a home can be built in compliance with the setbacks and the impervious surface ratios in 6.01.02, the setback requirements in 6.01.03, height limitations in 6.01.03.

#### B. Streets.

1. Streets shall conform to the general design standards in 6.02.04 A through G. Nothing else in Section 6.02.04 shall apply, including the classification system in 6.02.02 and 6.02.03

2. If the streets are to be dedicated to the City of Cedar Key, they shall meet the design standards for residential streets contained at Technical Construction Standards cited at Section 1.06.02 of this Code.

3. If the streets are to remain private, they shall meet the design standards for residential streets contained at Technical Construction Standards cited at Section 1.06.02 of this Code.

4. Dead-end streets shall provide a turn-around of adequate dimension to accommodate emergency service and waste collection vehicles.

C. Sidewalks. Sidewalks may be required on streets that connect to an existing street with sidewalks. When required, the sidewalk shall extend the entire length of the new street on the same side, or sides, of the street so as to match the sidewalk(s) on the existing street. Sidewalks may only be required by action of the City Commission following a determination by the Commission that sidewalks are needed and appropriate for the proposed residential subdivision.

D. Utilities. Prior to approval of the plat, the developer shall document the manner in which each

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lot is serviceable by the following utilities: electricity, water, sewer and telephone. All utilities shall be placed underground in accord with 6.04.03 and 6.04.04 of this Article.

E. Responsibility for Improvements. It shall be the responsibility of the developer to install all improvement required by this section. Section 12.02.13 relating to Guarantees and Sureties shall apply.

(History: Ord. No. 299)

### 6.01.00. LOT AREA, LOT COVERAGE, AND SETBACKS

#### 6.01.01. Minimum Lot Area Requirements

All developments shall have total land area sufficient to meet all requirements of this Code including, but not limited to, land required to provide setbacks, buffers, stormwater management, off-street parking and circulation, protection of environmentally sensitive land and natural resources, open space, and any other provisions which may require land area to be set aside.

A. Definitions. The following terms when used in this section shall mean:

#### Lot

“Lot” means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

#### Lot of Record

“Lot of record” means a platted residential lot in existence on February 17, 1997.

#### Parcel of Record

“Parcel of record means any parcel of land recognized as a single parcel for ad valorem taxation purposes by the Levy County Property Appraiser’s office on February 17, 1997.

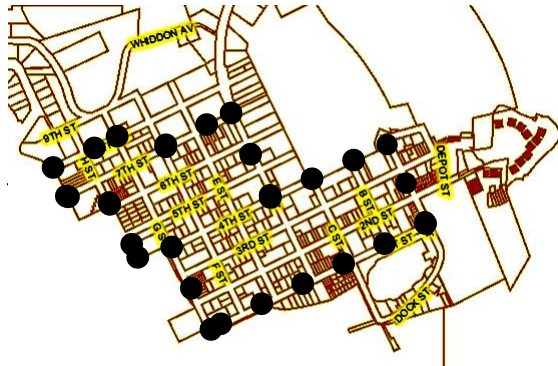
B. Minimum Upland Lot Size. In all areas within the limits of the City of Cedar Key not included within the boundaries identified by Map 6.01.01 of this section, the minimum lot size shall be 7,500 square feet and no real estate parcel therein shall be divided, subdivided, replatted or recorded so as to create any lot with an upland area of less than 7,500 square feet or the average size of lots in any adjacent subdivision, whichever lot size is larger.

C. Specific Requirements for Substandard Residential Lots. Residential lots of record within the limits of the City of Cedar Key not included within the boundaries identified by Map 6.01.01 of this section, containing less than 7,500 square feet of upland area are legal non-conforming lots of record and may be developed without necessity of obtaining a variance. It is the intent of this subsection, however, to discourage the development of rows of houses with narrow, uniform façades and repetitive architecture. In furtherance of that intent, legal nonconforming lots of record that are adjoining, face public right-of-way, and under common ownership may only be developed or redeveloped as follows:

1. the lots are combined in a way that makes them conforming or more conforming with the requirements of section 6.01.01.B. herein, or
2. one residential unit per lot is permitted if no existing historic structures, as defined by section 3.01.03 of this Code, are demolished and if the City Commission finds, at a hearing held pursuant to the requirements of section 12.02.04 of this Code, that the proposed development avoids repetitive architecture by varying the dimension and massing of buildings, varying the architectural style or embellishments of the various buildings, and/or varying between detached and attached single-family homes. This provision shall not be interpreted to prohibit development of structures on or across parcel boundaries where otherwise not prohibited by this Code.

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D. Specific Requirements within Area Indicated in Map 6.01.01.



1. Minimum Upland Lot Size. In all areas included within the boundaries identified by Map 6.01.01 of this section, the minimum lot size shall be 2,500 square feet and no lot of record or parcel of record within said boundaries shall be divided, subdivided, replatted or recorded so as to create any lot with an upland area of less than 2,500 square feet.

2. Exception. Within the boundaries identified by Map 6.01.01 of this section, residential parcels of record containing less than 2,500 square feet of upland area may be developed with a maximum of one residential unit per parcel of record in accordance with paragraph 6.01.01.C herein, if all other provisions of this Code are met. Multiple abutting parcels of record under common ownership may be replatted through the minor replat provisions of this Code to create new platted lots that are not less than 2,500 square feet.

(History: Ord. Nos. 294, 410, 425, 458)

## 6.01.02. Impervious Surface Ratio (ISR)

A. Generally. Impervious surface on a development site shall not exceed the limits established in § 2.02.10, Article II, Chapter Four, Laws of Cedar Key.

B. Treatment of Cluster Development and TDR Provision. Site design within a development

may provide for the clustering of building units to provide common open space as impervious surface, and land development rights may be transferred from one site to another. As a condition of approval, deed restrictions, covenants or conservation easements shall guarantee the maintenance of such open space in perpetuity. Lands proposed for a Transfer of Development Rights (TDR) shall be in the same zoning districts and shall share the same characteristics and development potential.

(History: Ord. No. 426)

## 6.01.03. Setback Requirements

A. Coastal Construction Setback Line. Except as provided for water-dependent commercial uses guaranteed by deed restrictions and residential water access structures allowed in Section 5.01.03 of this Code, all structures and buildings shall be located fifty (50) feet landward of the Mean High Water Line or any existing bulkhead or water surface. A hardship variance may be granted for the minimum amount required to prevent a taking of private property without compensation, providing the encroachment on the protected zone is mitigated and protective measures as provided in Section 5.01.07 C and D are taken to reduce the adverse effect of the variance. The Coastal Construction Setback line may be interpreted as the average distance from the mean high water line to the face(s) or side(s) of structures nearest the water, and shall be measured from the eaves or roofline. Open decks or walkways which encroach on the protected zone shall meet the requirements of Section 5.01.03 of this Code.

B. Front, Side and Rear Yard Setbacks. There are no minimum setbacks required for front, side and rear yards providing that one of the following requirements is met:

1. Compatibility is assured through compliance with Section 3.02.00, Infill Development, of this Code.

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2. If the distance from the exterior wall to the property line of adjacent property is less than five (5) feet, the applicant must show evidence of a maintenance easement granted by adjacent property owners.

3. A structure may be built on the property line provided the owners shall grant an attachment easement to the adjacent property owners.

### 6.01.04. Building Height

A. Generally. Building height is limited to:

Thirty-two (32) feet on a structure with a flat roof; or

Thirty-eight (38) feet on a structure with a pitched roof.

B. Measurement of Building Height. Structure height is measured as the vertical distance from the base of a structure to the top of the structure. For the purposes of this subsection:

1. The base of a structure is the highest point of the natural or existing ground elevation immediately adjacent to the subject building or structure; except that in those areas of the city located in whole or in part within the Coastal High Hazard Area (FEMA "V" Zone) as delineated on the Flood Insurance Rate Map (FIRM), where the base is the Base Flood Elevation (BFE) as established on the FIRM; and

2. The top of a structure is the highest point on the roof of the structure.

C. Exceptions to Height Limitations. Church spires, chimneys, water towers, transmitter towers, smoke stacks, flag poles, television antennae, parapets, and similar structures and their necessary mechanical appurtenances, may, where specifically permitted by the commission, be erected above the height limits established herein.

(History: Ord. No. 426.)

### 6.02.00. TRANSPORTATION SYSTEMS

#### 6.02.01. General

This section establishes minimum requirements applicable to public and private streets, parking and loading areas, bikeways, pedestrian ways, and access control to and from public streets. The standards in this section are intended to minimize the traffic impacts of development, to assure that all development adequately and safely provides for the storage and movement of vehicles consistent with good engineering design and construction standards.

A. Compliance with Technical Construction Standards. All required elements of the transportation system shall be provided in compliance with the engineering design and constructions standards contained in the Technical Construction Standards sources cited in Section 1.06.02 of this Code.

B. Average Daily Traffic (ADT). Average Daily Traffic (ADT) shall be calculated from trip generation rates prepared by the Institute of Traffic Engineers. Other sources may be used if the developer demonstrates that the alternative source better reflects local conditions.

#### 6.02.02. Streets

The Future Traffic Circulation Map and any amendments thereto adopted by the city as part of the Comprehensive Plan is the official street map and classification system for streets in the city. Existing and proposed streets shall be classified according to the following hierarchy and functions in order to allow for regulation of access; road, right-of-way, lane and pavement widths; design speed, ADT, circulation patterns; and construction standards.

C. Local Roads. This is the lowest order of street in the hierarchy. Local Roads provide direct access to abutting properties with an access driveway allowed every twenty (20) feet. Design speed for local roads is fifteen (15) to twenty-five (25) miles per hour (MPH). Maximum ADT is one

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thousand five hundred (1,500). Right-of-Way (ROW) width shall be sixty (60) feet. Moving lanes shall be nine (9) feet and parking lanes eight (8) feet wide. Total pavement width is thirty-four (34) feet. Gutters and curbs shall be required.

D. Collector Roads. Collector roads provide access to and from Local Roads. Access points are allowed every forty (40) feet. Design speed for collector roads is twenty-five (25) to thirty-five (35) MPH. Maximum ADT is three thousand (3,000). ROW width shall be sixty (60) feet. Moving lanes shall be eleven (11) feet wide and parking lanes eight (8) feet wide. Total pavement width is thirty-eight (38) feet. Gutters and curbs shall be required.

E. Arterial Roads. Arterial roads provide a link between the city and regional or state highways. Access points are allowed every fifty (50) feet. Design speed for arterial roads is thirty-five (35) to fifty-five (55) MPH. Maximum ADT is seven thousand (7,000). ROW width shall be eighty (80) feet. Moving lanes shall be fourteen (14) feet wide and parking lanes shall be eight (8) feet wide. Total pavement width is fifty-four (54) feet. Arterial roads shall meet all DOT requirements.

F. Special Purpose Streets. The city may require the designation or creation of Special Purpose Streets such as alleys, divided streets, limited traffic streets, pedestrian walkways and marginal access streets. The standards shall be established at the time of creation of any special purpose street.

### 6.02.03. Rights-of-Way (ROW)

Rights-of-Way requirements for road construction shall be as specified for the street classification indicated in part 6.02.02 of this Code. The ROW shall be measured from lot line to lot line.

A. Future Rights-of-Way. Where roadway construction, improvement or reconstruction is not required to serve the needs of the proposed development, future ROW shall nevertheless be

reserved for future use. No part of reserved areas, ROW easements or existing ROW shall be used to satisfy minimum requirements of this Code.

B. Encroachment. No encroachment shall be permitted into existing ROW, except as follows:

1. Temporary use, such as festivals, street dances and street markets, when authorized by the city commission.

2. To allow the use of air space over city sidewalks in the Historic District Overlay Zone for porches or balconies with unenclosed walls (except for insect screening and protective railings) and canopies, marquees or awnings. Permitted uses shall have a minimum vertical clearance of nine feet, six inches (9'6") from ground (sidewalk) level and shall be visually compatible with adjacent uses. Supporting posts or columns may be permitted on the ROW between the curb and the first one (1) foot of sidewalk, but no other permanent obstruction of the ROW shall be allowed. Applicants for the use of ROW shall sign a hold harmless and waiver of liability agreement before the city shall authorize such use.

3. To use ROW for public or private utilities including, but not limited to, sanitary sewer, potable water, telephone, cable or electric transmission wires and gas lines, subject to the placement specifications and technical construction standards which apply.

4. Sidewalks and bicycle ways shall be placed within the ROW

C. Vacations of Rights-of-Way. Applications to vacate a ROW may be approved by the City Commission upon a finding that all of the following requirements are met:

1. The requested vacation is consistent with the Comprehensive Plan.

2. The ROW does not provide the sole access to any property. Remaining access shall not be by easement.

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3. The vacation shall not jeopardize the current or future location of any utility.

4. The proposed vacation is not detrimental to the public interest.

5. The proposed vacation provides a positive benefit to the city.

6. The proposed vacation does not involve a ROW with coastal access.

### 6.02.04. Street Design Standards

A. Generally. The following standards are in addition to the classification requirement in section 6.02.02 and 6.02.03 of this code, and shall be in compliance with technical construction standards.

1. Streets shall be dedicated to the city upon completion, inspection and acceptance by the city. No street shall be accepted unless designed and constructed in accordance with the standards of this code.

2. Streets shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.

3. Streets shall be laid out to avoid environmentally sensitive areas and to avoid stormwater runoff into those areas.

4. Private streets and streets under common ownership may be allowed, provided they meet the design and construction standards of this Code.

5. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.

6. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas, or allow for future connection to undeveloped areas, to allow for proper inter-neighborhood traffic flow.

7. Residential streets shall be arranged to discourage through traffic.

8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than seventy-five degree (75°) angles.

9. New intersections along one side of an existing street, shall where possible, coincide with existing intersections.

10. No two (2) streets may intersect with any other street on the same side at a distance of less than three hundred (300) feet measured from centerline to centerline of the intersecting street.

B. Curbing Requirements. Curbing constructed in accordance with the standards cited in this code shall be required for the purposes of drainage, safety and delineation and protection of pavement edge along streets in the following cases:

1. Along designated parking lanes.

2. Where the channeling of stormwater is required.

3. Where narrow lots averaging less than forty (40) feet in width take direct access from a street upon which no on-street parking is required.

C. Shoulders. Where required, shoulders shall measure at least four (4) feet in width and shall be required on each side of streets and shall be located within the ROW. Shoulders shall consist of stabilized turf or other material permitted by technical construction standards. Shoulders and/or drainage swales are required as follows:

1. On local roads where necessary for stormwater management or road stabilization;

2. On collector streets, two (2) 4-foot wide shoulders. Shoulders will be grass surfaced except in cases where grass cannot be expected to survive. In no case will shoulders be paved;

3. Where required by FDOT; and





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with or obstruction of vehicular or pedestrian traffic.

C. A by-pass lane shall be provided.

D. Stacking lanes shall provide a minimum of one hundred and twenty (120) feet on the site, exclusive of other access and parking.

E. Construction of stacking lanes shall conform to the technical construction standards referenced in this Code.

### 6.02.08. Driveway Aprons

A. Definitions. For the purpose of this section the following definitions shall apply:

#### Curb Cut

The opening along the curb line at which point vehicles may enter or leave the roadway.

#### Driveway Apron

The improved area between a public street and private property (not to exceed six (6) feet nor be less than three (3) feet in length) intended to provide ingress and/or egress of vehicular traffic from the public street or thoroughfare to a property.

#### Driveway Apron Width

The width of the driveway apron measured parallel with the edge of the street or roadway at the street right-of-way line.

#### Right-of-Way

Lands conveyed or dedicated to the public to be used for a street, alley, walkway, drainage facility, or other public purpose.

B. Compliance Required. All driveways aprons constructed or removed within the city limits shall be constructed or removed as provided for in this section. All required driveway aprons shall be constructed prior to the initiation of construction of any improvements on the property served by the driveway.

C. Unauthorized Construction, Curb Cutting Declared Unlawful. It shall be unlawful for any person to construct, cut, break out or remove any curb along a street or alley except as authorized by the provisions of this section.

D. Permit Required. No person shall remove, alter or construct any curb, driveway apron, gutter, pavement, or perform any other improvement on any public street or designated street right-of-way without obtaining a permit authorizing the improvement from the city building official.

E. Submission of Plans; Information Required.

1. No driveway apron permit shall be issued until there is filed with the building official two copies of plans showing the location and dimensions of all proposed improvements. Plans are not required for driveway aprons serving a single-family residence. The building official shall meet with applicants for single-family residential driveway permits at the single family lot and determine the eligibility and appropriate location for requested driveways.

2. Additional plans may be required for driveways connecting to streets maintained by the Florida Department of Transportation or Levy County within the corporate limits.

3. Information required on plans submitted shall include:

a. Existing and proposed driveway locations and widths;

b. Proposed location of off-street loading and unloading facilities, interior parking arrangements, and traffic circulating patterns;

c. Retaining walls, drainage, utility poles, trees and other physical features which affect the driveway location;

d. Driveways on adjacent properties and on opposite side of the street.

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**F. Design Standards.**

1. The number of driveways serving any one parcel shall be reduced to a practical minimum, and shall be located to reduce vehicular and pedestrian conflicts.

2. All aprons shall be hard surfaced in conformance with the standards and specifications adopted by the city commission by resolution and on file in the office of the city building official.

3. Where applicable, driveway aprons shall cross the sidewalk area at the sidewalk grade established by the city building official.

4. Driveway aprons shall be constructed to conform to the existing paved street grade or grade approved by the city building official for non-paved streets.

5. Driveway aprons shall be constructed as nearly to a right angle to the street or roadway as possible.

6. The width of a driveway apron shall be within the minimum and maximum limits as specified below.

Location	Minimum (ft)	Maximum (ft)
Single-Family Residential	10	20
Residential Other Than Single-Family	12	20
All other uses: One-way	15	20
All other uses: Two-way	20	20

7. For single family residential, the width of the driveway apron shall not be less than sixteen (16) feet measured from the outside edge to outside edge. For all other driveways the width of the opening shall not exceed the driveway width by more than three (3) feet on each side.

8. No curb shall be cut unless a concrete driveway apron is constructed the full width of the

opening with adequate curb on each end and the construction extends from the gutter to the sidewalk. Where there is no existing sidewalk, this construction shall extend a sufficient distance from the gutter so that the rise of the drive will be at least six inches above the level of the gutter at the extreme end.

9. All driveway aprons shall be constructed with a minimum setback distance of five (5) feet from any interior property line, and with a two-foot minimum offset from the property line at the roadway connection. These offsets may be reduced for single-family residences at the recommendation of the city building official.

10. No driveway apron shall be permitted to interfere with any municipal facility such as traffic signal standards, catch basins, fire hydrants, utility poles, fire alarm supports or other similar type structures.

**G. Costs.**

1. All costs of any change proposed in any physical improvements originally installed by the city and all costs of the installation of any driveway apron or necessary signing shall be borne by the property owner.

2. All costs and responsibilities for maintenance and/or repair of any driveway apron.

**H. Unnecessary Driveway Aprons.**

1. When the use of any driveway apron is changed, making any portion or all of a driveway apron unnecessary, the owner of the property accessed by such driveway apron shall, at his/her expense, replace all necessary curbs, gutters, sidewalks, and grass areas within the public right-of-way.

2. All driveway aprons in the city except those serving a single-family residence, shall be reviewed and approved by the city building official prior to the issuance of any building permit for the

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erection, construction, reconstruction or change in the use of any building, structure or land.

I. Prohibited Curb Cuts. It is unlawful for any person to construct, cut, break out or remove any curb or establish any new curb cuts along both sides of 2nd Street downtown and bounded by D Street to the west and Depot Street to the east.

(History: Ord. Nos. 356, 403)

### 6.03.00. OFF-STREET PARKING AND LOADING

#### 6.03.01. Basic Requirement for Off-Street Parking

Off-street parking facilities or a fee-in-lieu of parking facilities shall be provided for all development within the city except for the downtown exception area. Where applicable, the parking facilities shall be maintained as long as the use exists that the facilities were designed to serve.

#### A. Invalidation of Previous Provisions and Waivers.

1. Any change of use, redesign or increase in space which would change the parking requirements of this Code shall invalidate any previous parking provisions or waiver of parking requirements and parking shall be re-computed and the provisions of this code applied, except that any previously granted waiver may be considered in determining parking requirements for existing areas to the extent that such waiver has been documented. When no specific number of parking spaces previously waived has been documented the administrator may determine a past waiver on the basis of one (1) parking space per single-family residential dwelling unit or one (1) parking space per two hundred and fifty (250) square feet of commercial space which existed prior to the change of use, redesign or increase in space.

2. In determining parking requirements for new uses the administrator shall consider the highest use to which the structure may be used, unless limited by a legal instrument which specifies

the intended use for which the parking requirement applies.

3. Waivers shall run with the property and shall not be transferable from one site to another.

4. Uses shall be determined by part 6.03.02 of this code. When a proposed use is not considered in part 6.03.02 or when an interpretation is required, the administrator shall apply the use classifications or categories of Chapter 4 of the Standard Building Code adopted by reference in part 1.06.02 of this code.

B. Computations. Floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of walls. Fractional numbers of one-half (½) (.5) shall be rounded to the next whole number.

C. Parking Study. When a parking study is required by this Code the study shall include, but shall not be limited to, estimates based on professionally accepted sources such as ULI, ITE or the Traffic Institute for uses comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity and location. The study shall document the source(s) of data used to develop recommendations.

(History: Ord. Nos. 250, 399)

#### 6.03.02. Number of Parking Spaces Required

A. The minimum number of parking spaces required for off-street parking shall be according to Table 6.03.02:

TABLE 6.03.02. Number of Parking Spaces Required

#### USE PARKING SPACES REQUIRED

Residential Dwelling Unit(s) (D/U) that are listed individually on the Local Register of Historic Places or are within the Historic District

2 or fewer bedrooms      1 space per D/U

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3 bedrooms                      2 spaces per D/U  
 4 or more bedrooms        3 spaces per D/U

Residential Dwelling Unit(s) (D/U) that are not listed individually on the Local Register of Historic Places or within the Historic District

3 or fewer bedrooms        2 spaces per D/U  
 4 or more bedrooms        3 spaces per D/U

Commercial Uses            2 spaces per business,  
    PLUS

General Commercial        + 1 space per 250 square feet

Hotel/Motel, Not a D/U + 1 space per Hotel/Motel Unit

Restaurant/Bar/Entertainment + 1 space per 100 square feet

OR

+ 1 space per four (4) seats

Combined Uses Each Use Computed Separately and Adjusted to Avoid Duplication

B.        Parking Study Required for Change in Minimum Requirements. Any development, except for one single-family dwelling unit, proposing fewer than the required number of parking spaces or any request for a change, waiver or variance from the requirements of this Code shall provide the City Commission with five (5) copies of a parking study, as described in Section 6.03.01.A of the Code. Said study shall be conducted at the expense of the developer or petitioner and shall provide justification for any change in the minimum requirements of this Code. The City Commission shall make a determination, after

public notice and a public hearing, on the basis of the study within thirty (30) days of public notice.

C.        Fee-in-lieu of Parking Space Requirements. The City Commission may allow the developer to pay a fee-in-lieu of providing some or all of the spaces required by this Code. The fee shall be a one-time, non-refundable fee per parking space avoided, paid to the city prior to the issuance of a certificate of occupancy or authorization for a change of use, redesign or increase in space. The amount of the fee shall be determined by the City Commission and shall be equal to the costs of land acquisition, construction costs and maintenance costs of parking spaces that are deferred by this provision. These fees shall be used by the city solely for the purchase of land and construction, operation and maintenance of parking facilities serving the area of the development. The area of development shall mean an area within one-half (½) mile of the proposed development or existing use. Land area required and construction costs shall be computed on the basis of 275 square feet per parking space required, including access and common areas.

D.        Assessed Parking. The city may assess the owner(s) of areas to be served by parking for the creation of public parking areas. The required off-street parking for a particular use shall be reduced by its proportionate share of any public parking area for which it has been specially assessed.

E.        Joint Use Parking. The city may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing parking when their respective hours of operation and need for parking do not normally overlap. As a condition of approval, the owner(s) shall submit a legal agreement guaranteeing the joint use of off-street parking for as long as the uses requiring parking exist or until the required parking is provided elsewhere.

F.        Parking Deferral. The city commission may defer all or part of the parking requirements of this

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Code through a written agreement with the owner(s) or developer which provides that deferred parking spaces required shall be provided, or a fee-in-lieu of said spaces shall be paid within three (3) years of the date of the agreement. Thereafter, the parking deferral may only be extended as the result of a parking study which meets the requirements of this Code. The decision to grant or deny an extension of the deferral shall be based on findings in the parking study. An extension shall not exceed the three (3) year period of the original deferral.

G. Historic Preservation Exemption. The city commission may grant a reduction in, or exemption from, the parking requirements of this Code for the preservation of any property that has been placed on the Local Register of Historic Places or located in a Historic District and subject to the historic preservation provisions of this Code. The city may grant the reduction or exemption without the need for a parking study unless a severe parking shortage or severe traffic congestion exists or will result from the reduction or exemption. The reduction or exemption shall apply only to the area of existing buildings which are included in the Local Register or District.

H. Handicapped Parking. Parking areas to be used by the general public shall provide handicapped parking consistent with Florida Statute 316.1955/1956.

I. Off-Shore Development Parking. Any off-shore development within three (3) miles seaward of the city limits and not connected by a bridge or ferry system, which cannot show evidence of accessible parking for owners or users, shall meet the requirements of this Code through a fee-in-lieu of or the provision of alternate off-site off-street parking.

J. Downtown Exception Area. All parcels or lots with existing structures as of December 1, 2005 and within an area bounded by: 1st Street on the south; 3rd street on the north; A street on the east; and D street on the west shall be exempt from the

off-street parking and loading requirements of this Code. In addition, all parcels or lots with existing structures on the north side of 3rd Street between A and D streets; and, all parcels or lots with existing structures along both sides of Dock Street shall be exempt from the off-street parking and loading requirements of this Code. The Planning and Development Administrator shall maintain an inventory of the lots and parcels within the downtown exception area that have existing structures as of December 1, 2005.

(History: Ord. Nos. 399, 429)

### 6.03.03. Off-Street Loading

Spaces to accommodate off-street loading for business vehicles shall be provided at the rate of one (1) space for the first ten thousand (10,000) square feet of floor area, and one (1) space for each additional twenty thousand (20,000) square feet. Joint uses may be authorized for businesses located within a radius of three hundred (300) feet of the loading area, provided that all businesses submit a legal agreement which guarantees the joint use of the area.

### 6.03.04. Design Standards of Off-Street Parking and Loading Areas

All facilities shall meet the location, size and layout provisions of this Code.

A. Location. Except as provided herein, all required off-street parking and the use it is intended to serve shall be located on the same parcel.

B. Alternate Locations. The City Commission may authorize the use of off-site off-street parking spaces which will serve the use for which it is intended. Residential off-site off-street parking shall be within 250 feet of the units served. Commercial or offshore off-site off-street parking shall be within one-half (½) mile of the commercial site or shoreline. Land designated for off-site off-street parking shall meet the standards of this code and shall be reserved for parking purposes through recorded deed restrictions or legal agreements

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which shall continue in effect for so long as the parking need of the use it serves shall continue.

C. Size.

1. Standard and compact parking spaces shall be sized according to FIGURE 6.03.04.C.

2. Other spaces shall be sized as follows:

a. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty-two (22) feet long.

b. Tandem parking spaces shall be a minimum of nine (9) feet wide and twenty (20) feet long.

c. Handicapped parking spaces shall be as specified in F.S. 316.1955.

d. Off-street loading spaces shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. Larger spaces may be required or built to accommodate larger vehicles and up to fifty-five (55) feet in length may be required if full-length tractor-trailers must be accommodated.

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**Figure 6.03.04.C.**

“Standard Cars”

A	B	C	D	E	F	G
0°	9.0'	9.0'	12.0'	23.0'	30.0'	--
	9.5'	9.5'	12.0'	23.0'	31.0'	--
	10.0'	10.0'	12.0'	23.0'	32.0'	--
20°	9.0'	15.3'	12.0'	26.3'	42.6'	34.2'
	9.5'	15.7'	12.0'	27.8'	43.4'	34.4'
	10.0'	16.2'	12.0'	29.2'	44.4'	35.0'
30°	9.0'	17.8'	12.0'	18.0'	47.6'	39.8'
	9.5'	18.2'	12.0'	19.0'	48.4'	40.2'
	10.0'	18.7'	12.0'	20.0'	49.4'	40.8'
40°	9.0'	19.7'	12.0'	14.0'	51.4'	44.6'
	9.5'	20.1'	12.0'	14.8'	52.2'	45.0'
	10.0'	20.5'	12.0'	15.6'	53.0'	45.4'
45°	9.0'	20.5'	12.0'	12.7'	53.0'	46.6'
	9.5'	20.8'	12.0'	13.4'	53.6'	46.8'
	10.0'	21.2'	12.0'	14.1'	54.4'	47.4'
50°	9.0'	21.1'	16.0'	11.7'	58.2'	52.4'
	9.5'	21.4'	16.0'	12.4'	58.8'	52.6'
	10.0'	21.7'	16.0'	13.1'	59.4'	53.0'
60°	9.0'	21.8'	18.0'	10.4'	61.6'	57.0'
	9.5'	22.1'	18.0'	11.0'	62.2'	57.4'
	10.0'	22.3'	18.0'	11.5'	62.6'	57.6'
70°	9.0'	21.9'	20.0'	9.6'	63.8'	60.8'
	9.5'	22.0'	20.0'	10.1'	64.0'	60.8'
	10.0'	22.2'	20.0'	10.6'	64.4'	61.0'
80°	9.0'	21.3'	24.0'	9.1'	66.6'	65.0'
	9.5'	21.3'	24.0'	9.6'	66.6'	65.0'
	10.0'	21.4'	24.0'	10.2'	66.8'	65.0'
90°	9.0'	20.0'	24.0'	9.0'	64.0'	--
	9.5'	20.0'	24.0'	9.5'	64.0'	--
	10.0'	20.0'	24.0'	10.0'	64.0'	--

“Compact Cars”

A	B	C	D	E	F	G
0°	8.0'	8.0'	12.0'	16.0'	28.0'	--
	8.5'	8.5'	12.0'	16.0'	29.0'	--
20°	8.0'	13.0'	12.0'	23.4'	38.0'	30.5'
	8.5'	13.5'	12.0'	24.9'	39.0'	31.0'
30°	8.0'	14.9'	12.0'	16.0'	41.8'	34.9'
	8.5'	15.4'	12.0'	17.0'	42.8'	35.4'
40°	8.0'	16.4'	12.0'	12.4'	44.8'	38.7'
	8.5'	16.8'	12.0'	13.2'	45.6'	39.1'
45°	8.0'	17.0'	12.0'	11.3'	46.0'	40.4'
	8.5'	17.3'	12.0'	12.0'	46.6'	40.6'
50°	8.0'	17.4'	16.0'	10.4'	50.8'	45.6'
	8.5'	17.8'	16.0'	11.1'	51.6'	46.2'
60°	8.0'	17.9'	18.0'	9.2'	53.8'	49.8'
	8.5'	18.2'	18.0'	9.8'	54.4'	50.1'
70°	8.0'	17.7'	20.0'	8.5'	55.4'	52.6'
	8.5'	17.9'	20.0'	9.0'	55.8'	52.8'
80°	8.0'	17.2'	24.0'	8.1'	58.4'	57.0'
	8.5'	17.3'	24.0'	8.6'	58.6'	57.2'
90°	8.0'	16.0'	24.0'	8.0'	56.0'	--
	8.5'	16.0'	24.0'	8.5'	56.0'	--
	10.0'	20.0'	24.0'	10.0'	64.0'	--

A = Parking Angle

B = Stall Width

C = Stall to Curb

D = Aisle Width

E = Curb length per car

F = Minimum overall double row with aisle between

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G = Stall center (does not include overhang)

E. Layout. Parking and loading areas, circulation facilities, roadways and driveways shall be designed to be safe and convenient and meet the following regulations:

1. No parking space shall be located so as to block access by emergency vehicles.
2. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
3. Parking spaces for all uses, except single family residential uses, shall be designed to permit entry and exit without moving any other vehicles.
4. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single family or duplex residence may be counted as one or more, depending on length, parking spaces as determined by the administrator.
5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single family or duplex residences, is not a public street.
6. The overall layout of a site shall assure that buildings, parking and loading areas, landscaping and open space shall be designed as integral parts of the development plan so that pedestrians moving within the site are not unreasonably exposed to vehicular traffic or obstacles.
7. No more than twenty-five (25) percent of the parking spaces in a layout shall be for compact cars.

### 6.03.05. Aquaculture Commercial Fishing Exemption

The city commission may grant an exemption from the parking requirements of this Code for property having a land use designation of Commercial and which is to be used solely for aquacultural and or commercial fishing purposes and is adjacent to a water dependant facility, loading/unloading area, or upland support facility. The city commission may grant the exemption following a finding that the requested exemption will not create a parking problem or exacerbate an existing parking problem on public rights-of-ways within five hundred (500) feet of the property for which an exemption is requested. Anyone seeking the exemption shall make application to the city for said exemption and the request shall be acted upon by the city commission following a hearing on the matter conducted in accordance with the procedural requirements of Section 12.02.04, of this Chapter.

(History: Ord. No. 394)

### 6.04.00. UTILITIES

#### 6.04.01. Requirements for All Developments

The following basic utilities are required for all developments subject to the criteria listed herein:

- A. Electricity. Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within the subdivision.
- B. Telephone. Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.
- C. Water and Sewer. Every principal use and every lot within a subdivision shall have central potable water and wastewater hookup whenever required by the city's Comprehensive Plan and where the topography permits the connection to a District water or sewer line by running a connecting line no more than 200 feet from the lot line to such water or sewer line.



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D. Illumination. All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities within a development, except a single-family residence, shall provide illumination meeting the standards of the Technical Construction Standards cited in this code.

E. Fire Hydrants. All developments served by a central water system shall include a system of fire hydrants consistent with Technical Standards.

### 6.04.02. Compliance with Technical Construction Standards

All utilities required by this Code shall meet or exceed the minimum standards contained in the Technical Construction Manuals referenced in Part 1.06.02 of this Code.

### 6.04.03. Underground Utilities

All electric, telephone, cable television, and other communication lines (exclusive of transformers or enclosures containing electrical equipment), gas distribution, sewer and water lines shall be placed underground within easements or dedicated public rights-of-way in any area not presently served by utilities. Existing areas may convert to underground utilities at the expense of the owner(s) of the properties involved. Any utility apparatus placed above ground shall be appropriately screened.

### 6.04.04. Utility Easements

When a developer installs or causes the installation of water, sewer, electrical power, telephone or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

## 6.05.00. STORMWATER MANAGEMENT

### 6.05.01. Definitions

#### Alter or Alteration

Work done on a Stormwater Management System other than that necessary to maintain the system's original design and function.

#### Detention

The collection and storage of surface water for subsequent discharge.

#### Existing

For the purposes of this part, the average condition immediately before development or redevelopment of a site begins.

#### Impervious Surface

A surface that has been compacted or covered with a layer of material so that it is highly resistant to the infiltration of water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay or lime rock, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

#### Maintenance

That action taken to restore or preserve the original design and function of any Stormwater Management System.

#### Natural Systems

Systems which predominantly consist of or are used by those communities or plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in water.

#### Rate

Volume per unit of time.

#### Retention

The collection and storage of runoff without subsequent discharge to surface waters.

#### Runoff Coefficient

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Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which runoff can be calculated.

### Sediment

The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

### Site

Generally, any tract, lot or parcel of land or combination or tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision or project.

### Stormwater Runoff

That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

### Stormwater Management System

The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

### Surface Water

Water above the surface of the ground whether or not flowing through definite channels, including the following:

- a. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
- b. Any natural or artificial canal, channel, ditch, culvert, drain, stream, river, creek, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks; or
- c. Any wetland.

### Wetland

Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, salt marshes, tidal flats, mangrove swamps, marine meadows, swamp hammocks, hardwood swamps, cypress ponds, bay heads and bogs, wet prairies and freshwater marshes.

### 6.05.02. Relationship to Other Stormwater Management Requirements

In addition to meeting the requirements of this Code, the design and performance of all stormwater management systems shall comply with applicable state regulations, including Chapter 17-25, F.A.C. and the rules of the Suwannee River Water Management District. In all cases the strictest of the applicable standards shall apply.

### 6.05.03. Stormwater Management Requirements

Before any development permit may be issued, all development, except a single family or duplex residential dwelling unit, must be designed, constructed and maintained to meet the performance standards of the Suwannee River Water Management District (SRWMD) or DEP. In addition, all development shall meet the requirements of the City's Comprehensive Plan, including the following:

- A. Impervious surface cover shall be limited to forty percent (40%) of the site area.
- B. A vegetated coastal buffer zone (Protected Zone) fifty (50) feet landward of the mean high water line shall be retained or created along the shores, banks or edges of all natural or man-made surface waters, except as may be otherwise provided by this Code or the comprehensive plan.
- C. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.

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D. No surface water shall be channeled or directed into coastal waters, a central sanitary sewer system, or onto abutting property.

E. All residential development which is exempt from SRWMD standards shall meet the following standards:

1. Lots shall be graded to provide on-site retention of stormwater volume equal to three-quarters (3/4) inch of depth over the entire lot area or site.

2. Erosion and sediment control (such as fabric silt fences or staked straw bales) shall be used during construction.

F. The above standards shall apply to all new development and redevelopment, (for purpose of the above standards, redevelopment shall be defined as projects where the estimated value of construction exceeds fifty percent (50%) of the assessed value of the improvements on the property as shown on the tax assessment roll at the time of construction).

(History: Ord. No. 247)

### 6.05.04. Stormwater Management Manual

The department shall use The Florida Development Manual: A Guide to Sound Land and Water Management, published by DEP, for the guidance of persons seeking approval of a Stormwater Management System.

### 6.06.00. BUFFER ZONES AND LANDSCAPING

#### 6.06.01. Exemption

Lots or parcels of land on which a single family home without a home occupational license is used as a residence shall be exempt from the provisions of these buffer zone and landscaping regulations. This shall not be construed to exempt any residential developments that require the approval of a development plan.

#### 6.06.02. Required Landscaping for Vehicle Use Areas

All vehicle use areas containing more than one thousand (1,000) square feet, including parking lots and circulation areas, shall be landscaped at the rate of five (5) canopy trees, one (1) understory tree and twelve (12) shrubs per 1,500 square feet of planting area.

#### 6.06.03. Required Landscaping for Buffer Zones

A landscaped strip along parcel boundaries shall be required as a buffer zone between incompatible uses and zoning districts. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirement. The width and vegetated density of the buffer zone will depend on the nature of the adjoining uses, as follows:

A. **Minimum Buffer Zone.** The minimum buffer zone required shall consist of an area ten (10) feet wide, landscaped at the rate of five (5) canopy trees, two (2) understory trees and twenty (20) shrubs per 100 feet of boundary. Plants shall be spread reasonably evenly along the length of the buffer.

B. **Maximum Buffer Zone.** The maximum buffer zone required shall consist of an area twenty (20) feet wide, landscaped at the rate of six (6) six canopy trees, three (3) understory trees and twenty-eight (28) shrubs per 100 feet of boundary, spread reasonably evenly along the length of the buffer.

C. **Determination of Buffer Required.** Noise, hours of operation, visual compatibility and principal uses shall be considered in the determination of the required buffer zone.

D. **Responsibility for Buffer Zones.** The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided below, until the

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nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this Code. Where a residential use is proposed next to an existing non-residential use, or a non-residential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer zone abutting the property proposed for development, the proposed use shall provide seventy-five (75%) of the combined required buffer zones of the two uses.

### 6.06.04. Required Landscaping for Streets

Developers shall plant or retain, within five (5) feet of the right of way of each street within a residential development, one shade tree for every fifty (50) linear feet of right of way. Existing trees and native tree species that need less water and maintenance are preferred.

### 6.06.05. Landscape Design and Materials

All landscaped areas required by this Code shall conform to Section 5.03.00, "Trees and Native Vegetation" and the following general design and maintenance principles:

A. The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.

B. Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material that aids in soil stabilization. Mulches shall be a minimum depth of two (2) inches and plastic surface covers shall not be used.

C. Landscaping should enhance the visual environment through the use of materials that achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.

D. Landscaping should enhance public safety and minimize nuisances.

E. Landscaping should be used to provide windbreaks, channel wind and increase ventilation.

F. Landscaping should maximize the shading of streets and vehicle use areas.

G. The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation, and of conserving the maximum amount of energy.

H. Landscaping should be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, etc.

I. Landscaping should not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.

J. The developer should provide sufficient soil and water to sustain healthy growth of all plants.

### 6.06.06. Replacement of Plants

Within six (6) months of a determination by the department that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this code.

## 6.07.00 FLOOD HAZARD PREVENTION

### 6.07.01. General

A. Title. These regulations shall be known as the Floodplain Management Ordinance of the City of Cedar Key, hereinafter referred to as "these regulations."

B. Scope. The provisions of these regulations 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

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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.

C. Intent. The purposes of these regulations 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:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. 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;
4. Manage the alteration of flood hazard areas and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

8. 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.

D. Coordination with the Florida Building Code. These regulations 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.

E. Warning. The degree of flood protection required by these regulations 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 manmade or natural causes. These regulations do 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 these regulations.

F. Disclaimer of Liability. These regulations shall not create liability on the part of the City Commission of the City of Cedar Key or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

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### 6.07.02. Applicability

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

B. Areas to which these regulations applies. These regulations shall apply to all flood hazard areas within the City of Cedar Key, as established in 6.07.02 (C) of these regulations.

C. Basis for establishing flood hazard areas. The Flood Insurance Study for Levy County, Florida and Incorporated Areas dated November 2, 2012, 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 these regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall.

D. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to 6.07.05 of these regulations 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:

1. 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 these regulations and, as applicable, the requirements of the Florida Building Code.
2. 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.

E. Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, state or federal law.

F. Abrogation and greater restrictions. These regulations supersede 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 these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these regulations.

G. Interpretation. In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes..

### 6.07.03. Duties and Powers of the Floodplain Administrator

A. Designation. The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

B. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations 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

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provided in these regulations without the granting of a variance pursuant to 6.07.07 of these regulations.

C. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of these regulations;
3. 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;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with these regulations is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of these regulations.

D. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and these regulations is required.

E. Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the

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granting of a variance pursuant to 6.07.07 of these regulations.

F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with these regulations.

G. Inspections. The Floodplain Administrator shall make the required inspections as specified in 6.07.06 of these regulations for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to 6.07.03 (D) of these regulations;

2. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations or flood hazard area boundaries; such submissions shall be made within 6 months of such data becoming available;

3. Review required design certifications and documentation of elevations specified by these regulations and the Florida Building Code to determine that such certifications and documentations are complete;

4. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Cedar Key are modified; and

5. 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.”

- I. 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 these regulations 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 these regulations; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City Hall.

### 6.07.04. Permits

- A. Permits required. Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of these regulations, 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



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obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of these regulations and all other applicable codes and regulations has been satisfied.

B. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to these regulations 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.

C. 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 and any further exemptions provided by law, which are subject to the requirements of these regulations:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

6. 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.

7. 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.

8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

D. 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:

1. Identify and describe the development to be covered by the permit or approval.
2. 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.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in 6.07.05 of these regulations.
5. State the valuation of the proposed work.

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6. Be signed by the applicant or the applicant's authorized agent.

7. Give such other data and information as required by the Floodplain Administrator.

E. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to these regulations shall not be construed to be a permit for, or approval of, any violation of these regulations, the Florida Building Codes, 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.

F. 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.

G. 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 these regulations or any other ordinance, regulation or requirement of this community.

H. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Suwannee River Water Management District; section 373.036, F.S.

2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

4. 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.

5. Federal permits and approvals

### 6.07.05. Site Plans and Construction Documents

A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

2. 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.

3. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

4. 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.

5. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration

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is approved by the Florida Department of Environmental Protection.

B. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations 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 these regulations.

C. Alteration of sand dunes or mangrove stands in coastal high hazard areas. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates the proposed alteration will not increase the potential for flood damage shall be signed and sealed by a Florida Licensed engineer and submitted with the site plan and construction documents.

D. 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 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.

### 6.07.06. Inspections

A. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

B. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of these regulations and the

conditions of issued floodplain development permits or approvals.

C. 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 these regulations and the conditions of issued floodplain development permits or approvals.

D. 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 the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

E. 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 6.07.06 (D) of these regulations.

F. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations 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 Floodplain Administrator.

### 6.07.07. Variances and Appeals

A. General. The City Commission shall hear and decide on requests for appeals and requests for

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variances from the strict application of these regulations. Pursuant to section 553.73(5), F.S., the City Commission 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.

B. Appeals. The City Commission 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 these regulations. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. Limitations on authority to grant variances. The City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in 6.07.07 (F) of these regulations, the conditions of issuance set forth in 6.07.07 (G) of these regulations, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations.

(Editor's Note: See Resolution 380, §4, for required conditions for aquaculture facilities variance)

D. 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.

E. 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 these regulations, provided the variance meets the requirements of Section 6.07.07 (F), 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.

F. Considerations for issuance of variances. In reviewing requests for variances, the City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, these regulations, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

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8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

9. 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

10. 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.

G. Conditions for issuance of variances. Variances shall be issued only upon:

1. 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 these regulations or the required elevation standards;

2. Determination by the City Commission that:

a. 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;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

3. 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

4. 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 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

### 6.07.08. Violations

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

B. Authority. For development that is not within the scope of the Florida Building Code but that is regulated by these regulations 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.

C. 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

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perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

### 6.07.09. Definitions

Unless otherwise expressly stated, the following words and terms shall, for the purposes of these regulations, have the meanings shown in this section. Where terms are not defined in these regulations and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in these regulations or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

**Accessory Storage Shed.** Means a Storage Shed with a floor area 200 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential.

**Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of these regulations.

**ASCE 24.** A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100 year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum

specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

**Coastal high hazard area.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1 V30, VE, or V.

**Design flood.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- a. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- b. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated

**Design flood elevation.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling,

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grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing building and existing structure.** Any buildings and structures for which the “start of construction” commenced before March 1, 1984. [Also defined in FBC, B, Section 202.]

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 1, 1984.

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and

prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

**Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- a. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- b. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of these regulations (may be referred to as the Floodplain Manager).

**Floodplain development permit or approval.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with these regulations.

**Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building

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Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.

Hardship. As related to variance from the floodplain management regulations and the flood provisions of the Florida Building Code, means the exceptional difficulty associated with the land that would result from a failure to grant a requested variance. The City requires variances to be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or



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b. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

c. Available with special features enabling off-street or off-highway operation and use.

**Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

**Mangrove stand.** An assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above ground and which contain one or more of the following species: Black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the

term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**New construction.** For the purposes of administration of these regulations and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after March 1, 1984 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 1, 1984.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

**Recreational vehicle.** A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living

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quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1 A30, AE, A99, AH, V1 V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

a. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

b. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See Instructions and Notes]

Variance. A grant of relief from the requirements of these regulations, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by these regulations or the Florida Building Code.

### 6.07.10. Buildings and Structures

Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to 6.07.04(C) of these regulations, 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 6.07.16 of these regulations.

### 6.07.11. Subdivisions

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A. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. 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

3. 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.

B. 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:

1. Delineation of flood hazard areas, flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and

2. Compliance with the site improvement and utilities requirements of Article 12 of these regulations.

### 6.07.12. Site Improvements, Utilities and Limitations

A. Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. 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

3. 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.

B. 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.

C. 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.

D. Limitations on placement of fill. Subject to the limitations of these regulations, 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 (Zone A only), fill shall comply with the requirements of the Florida Building Code.

E. Limitations on sites in coastal high hazard areas (Zone V). 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 6.07.05 (B) of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage.

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Construction or restoration of dunes under or around elevated buildings and structures shall comply with 6.07.16 (E) of these regulations.

### 6.07.13. Manufactured Homes

A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these regulations.

B. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and these regulations. Foundations for manufactured homes subject to 6.07.13 (F), Section F are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and these regulations.

C. 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.

D. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with 6.07.13 (E or F) or Section F of these regulations, as applicable.

E. General elevation requirement. Unless subject to the requirements of 6.07.13 (F) of these regulations, 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 (Zone A) or Section R322.3 (Zone V).

F. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to 6.07.13 (E) of these regulations, 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 (Zone A) or Section R322.3 (Zone V); 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.

G. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

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H. 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.

### 6.07.14. Recreational Vehicles and Park Trailers

A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. 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.

B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in 6.07.14 (A), of these regulations for temporary placement shall meet the requirements of 6.07.13 of these regulations for manufactured homes.

### 6.07.15. Tanks

A. 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.

B. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of 6.07.15 (C) of these regulations shall:

1. Be permitted in flood hazard areas (Zone A) 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.

2. Not be permitted in coastal high hazard areas (Zone V).

C. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on 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.

### 6.07.16 Other Development

A. 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 these regulations or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

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3. Be constructed of flood damage-resistant materials; and

4. 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.

B. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). 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:

1. Structurally independent of the foundation system of the building or structure;

2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

3. Have a maximum slab thickness of not more than four (4) inches.

C. Decks and patios in coastal high hazard areas (Zone V). 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:

1. 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.

2. 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.

3. 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.

4. 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.

D. Other development in coastal high hazard areas (Zone V). 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:

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1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

2. 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

3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

E. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

2. 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.

3. 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.

F. Accessory Storage Sheds. Relief from the requirements of these regulations for Accessory Storage Sheds, (as defined in §6.07.09), may be granted by the Floodplain Administrator, upon proof that the following standards are met:

1. Shall be constructed of flood resistant materials.

2. Shall be used only for storage.

3. Shall not be used for human habitation.

4. Shall be designed and anchored to resist wind loads and flotation.

5. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

6. Only one Accessory Storage Shed shall be allowed per lot, regardless of size.

7. Service facilities such as electrical and HVAC equipment shall be elevated or floodproofed to or above the BFE.

(For guidance, see FEMA Technical Bulletin 7, page 3 and Technical Bulletin 5, pages 18 & 19.)

### 6.08.00. SUPPLEMENTAL STANDARDS

#### 6.08.01. Generally

Certain uses have unique characteristics that require the imposition of development standards and regulations in addition to those minimum standards which may pertain to the general group of uses encompassing the use. These uses are identified in this part together with the specific standards and additional regulations that apply to the development and use of land for the specified activity. These standards and regulations shall be met in addition to all other standards of this Code, unless specifically exempted.

#### 6.08.02. Recreational Vehicles (RVs) and RV Parks

It is the intent of this section to regulate and provide standards for the location of recreational vehicles and development of RV parks.

A. Parking Location and Use. Parking of a recreational vehicle, except in an established RV Park, shall be permitted only for the purpose of storing the vehicle, and such vehicle shall not:

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1. Be used for storage of goods, materials or equipment other than those items considered to be part of the vehicle essential for its immediate use;

2. Discharge or discard any litter, effluent, sewage, or other matter into any public right-of-way or upon any private property while parked as provided in this section;

3. Be connected to any utility such as electricity or water;

4. Be occupied or used for living, sleeping or housekeeping purposes;

5. Be parked on public streets for longer than eight (8) hours in any twenty-four hour period, except as may be authorized for special events by action of the city commission.

B. Development of RV Parks. Recreational Vehicle Parks shall comply with the provisions of City Ordinance 221 - "FEMA" which is hereby incorporated by reference.

### 6.08.03. Junkyards

All junkyards shall comply with the following standards:

A. Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on site, except with the express approval of the DER.

B. In any open area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1.5 cubic feet or more from which the door has not been removed.

C. All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wooden or metal fence (not including chain link or openwork fences), or a wall, any of which shall be a minimum of eight (8) feet in height without

openings of any type except for one entrance and/or one exit which shall not exceed twenty-five (25) feet in width.

D. Gates at the entrance and/or exit shall be of material without openings.

E. The fence shall be constructed of the same type of material throughout.

F. Fences shall be at least fifteen (15) feet from any street line or setback line. The area outside the fence shall be used as a vegetated buffer and no storage or dismantling shall be permitted outside the fenced area.

G. Fences shall not be constructed of metal that will rust, and will be maintained in good repair at all times.

H. Materials stored within the fenced area shall not be visible above the height of the fence.

### 6.08.04 Marinas

A. Purpose. The purpose of this section is to prevent the expansion of the area closed to shellfish harvesting established by the Florida Department of Agriculture, Shellfish Harvesting Classification Maps.

B. Definitions.

Marina.

Any structure, such as a dock or floating dock, which is used for docking, or otherwise mooring vessels, and constructed to provide temporary or permanent docking space for more than ten (10) boats.

C. Notwithstanding any other provisions of the Laws of Cedar Key to the contrary, the creation of new marinas is prohibited unless the applicant demonstrates that a proposed marina will not cause an expansion of the area closed to shellfish harvesting as established by the Florida Department of Agriculture, Shellfish Harvesting Classification Maps.



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D. In showing that the proposed marina will not cause an expansion of the area closed to shellfish harvesting, the applicant shall use the same dilution analysis calculation used by the Department of Agriculture to determine the impacts

of marinas and moorings. The dilution analysis calculation used by the Department of Agriculture calculates a “marina buffer,” or radii surrounding proposed marinas, using the following equations and assumptions:

**Equations:**

$$\text{Volume} = \frac{(\text{Boat occupancy})(\text{fecal coliform contribution/person/day})(\text{Number of boats})}{(\text{NSSP fecal coliform standard MPN/100 ml})(\text{Number of tides/day})}$$

$$\text{Radius} = \sqrt{((360^\circ/\text{Shoreline angle in degrees})(V \text{ in cubic feet})/(\pi)(\text{Water depth in feet}))}$$

**Assumptions:**

a. Waters of the marina buffer zone dilute fecal coliform density to the appropriate ISSC bacteriological water quality standard at the buffer zone boundary (i.e., 14 MPN/100 ml for Approved and Conditionally Approved waters).

b. Daily fecal coliform contribution per person is 2 x 10<sup>9</sup> FC/person/day.

c. Mixing of fecal coliform in receiving waters is uniform and fecal coliform die off is negligible.

d. All slips are occupied with two (2) people per boat.

e. All boats discharge in the time interval between consecutive tidal height (high/low) extremes.

f. Boats discharge during the tidal cycle (“TC”) of longest duration. Since tides are constant and predictable, if tides are always diurnal, TC=1/day, and if tides are always or sometimes semi-diurnal, TC=2/day.

E. Approval of proposed marinas by the City Commission must be made at a quasi-judicial hearing conducted pursuant to the requirements of Chapter 4, Section 12.02.04.

(History: Ord. No. 400)

6.08.05. Dog Friendly Dining

A. Public Food Service Establishments that have received a permit pursuant to this section are exempt from those sections of the Food and Drug Administration Food Code that prohibit live animals in Public Food Service Establishments to the extent allowed by the approved permit.

B. Definitions.

Administrator

The Cedar Key Code Enforcement Officer.

Division

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants.

Public Food Service Establishment

Public Food Service Establishment has the meaning given it by section 509.013, Florida Statutes.

B. No dog shall be in a Public Food Service Establishment unless allowed by state law and the Public Food Service Establishment has received and maintains a permit pursuant to this section allowing dogs in designated outdoor areas of the establishment.

C. Public Food Service Establishments must apply for and receive a permit from the Administrator before patrons' dogs are allowed

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on the premises. The City shall adopt a reasonable fee by resolution to cover the cost of processing the initial application, permitting, inspections, and enforcement. The application shall be submitted on a form provided for such purpose by the Administrator, and shall include, along with any other such information deemed reasonably necessary by the Administrator in order to implement and enforce the provisions of this section, the following:

1. Name, location, mailing address and Division-issued license number of the Public Food Service Establishment.
2. Title, name, mailing address, and telephone contact information of the permit applicant. Applications shall be accepted from only the owner of the Public Food Service Establishment or the owner's authorized agent, which authorization must be in writing and notarized. The name, mailing address, and telephone contact information of the owner of the Public Food Service Establishment shall be provided if the owner is not the permit applicant.
3. A diagram and description of the outdoor area which is requested to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of the other outdoor dining areas not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways. The diagram shall be accurate and to scale but need not be prepared by a licensed design professional. A copy of the approved diagram shall be attached to the permit.
4. Days of the week and hours of operation that patrons' dogs will be permitted in the

designated outdoor area of the Public Food Service Establishment.

D. Public Food Service Establishments that receive a permit to allow dogs in a designated outdoor area pursuant to this subsection are subject to the following requirements:

1. Employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the Public Food Service Establishment.
2. Patrons in a designated outdoor area shall be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
3. Patrons shall keep their dogs under control and on a leash at all times. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations.
4. Employees and patrons shall not allow dogs to come in contact with chairs, tables, or other furnishings.
5. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground as soon as possible but in no event less frequently than between seating of patrons.
6. All dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

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7. Dogs shall not be permitted to be in, or to travel through, indoor or nondesignated outdoor portions of the Public Food Service Establishment. Ingress and egress to the designated outdoor area shall not require entrance into or passage through any indoor area or non-designated outdoor portions of the Public Food Service Establishment.

8. At all times while the designated outdoor portion of the Public Food Service Establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the Public Food Service Establishment, notifying patrons that the designated outdoor portion of the Public Food Service Establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8 1/2 × 11) and printed in easily legible typeface of not less than 20 point font size.

9. At least one sign reminding employees and patrons of the applicable rules, including those contained in this section, and any permit conditions, which may be imposed by the Administrator, be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8 1/2 × 11) and printed in easily legible typeface of not less than 20 point font size.

10. The Public Food Service Establishment and designated outdoor area shall comply with all permit conditions and the approved diagram.

11. Employees and patrons shall not allow any dog to be in the designated outdoor areas of the Public Food Service Establishment if the Public Food Service Establishment is in

violation of any of the requirements of this section.

12. Permits shall be conspicuously displayed in the designated outdoor area.

E. Expiration. A permit issued pursuant to this section shall expire automatically upon the sale of the Public Food Service Establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a permit pursuant to this section if the subsequent owner wishes to continue to allow patrons' dogs in a designated outdoor area of the Public Food Service Establishment.

F. Request for Review of Permit Decision. An applicant or any adversely affected person may request an appeal to the City Commission of a final decision of the Administrator on an application pursuant to this section. The appeal shall be in accordance with part 12.12.00 of this Chapter.

G. Complaints and reporting.

Complaints may be made in writing to the Administrator. The Administrator shall accept, document, and respond to all complaints and shall timely report to the Division all complaints and the response to such complaints. The Administrator shall provide the Division with a copy of all approved applications and permits issued.

H. Enforcement and Penalties.

It shall be unlawful to fail to comply with any of the requirements of this section. Each instance of a dog on the premises of a Public Food Service Establishment that does not have a valid permit authorizing dogs at the Establishment is a separate violation. Any Public Food Service Establishment that fails to comply with the requirements of this section shall be guilty of violating this part of the Laws of Cedar Key and shall be subject to any and all enforcement proceedings consistent with the Laws of Cedar

# **LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS**

Key and general law. Each day a violation exists shall constitute a distinct and separate offense.

(History: Ord. No. 469)

# LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS

## ARTICLE VII: ACCESSORY STRUCTURES AND USES

### 7.00.00. PURPOSE

It is the purpose of this Article to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful, either aesthetically or physically to residents and surrounding areas.

### 7.01.00. ACCESSORY STRUCTURES

#### 7.01.01. General Standards and Requirements

Accessory structures may be located on a parcel, provided that the following requirements are met:

- A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. Accessory structures shall not be located in a required buffer, landscape area, or minimum building setback area unless specifically authorized by this Code.
- D. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- E. Accessory structures shall be shown on any concept development plan with full supporting documentation as required in Article XII of this Code.

#### 7.01.02. Storage Buildings, Utility Buildings, Greenhouses

The following standards shall apply to storage, utility and greenhouse buildings:

- A. No accessory building used for storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than fifty (50) feet from any property line or within fifty (50) feet of a protected zone. The storage of said materials shall comply with F.S. 633.022, "Uniform Fire Safety Standards."
- B. Storage buildings, greenhouses, and like structures shall be permitted only in compliance with the setback standards of this Code.
- C. Accessory buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.
- D. Accessory building regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
- E. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.

#### 7.01.03. Swimming Pools, Hot Tubs, and Similar Structures

- A. Swimming pools shall be permitted only in side and rear yards and shall not encroach into any required building setback.
- B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard or open space requirements, impervious surface ratios, and other building location requirements of this Code.

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C. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than four (4) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors or gates.

D. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.

D. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the dwelling, unless a trench wall is provided.

E. Surface waters of pools shall be included as impervious surface.

### 7.01.04. Fences

All fences to be built shall comply with the permitting process, Florida Building Code and the following:

A. Fence posts must be resistant to decay, corrosion, and termite infestation. Posts must also be pressure treated for strength and endurance.

B. Fences or hedges may be located in all front, side and rear yard setback areas. Fences located within the side and rear yard setbacks shall not exceed a height of eight (8) feet. Front yard fences or hedges shall not exceed a height of four (4) feet.

C. Fences or hedges may be located on side and rear yard property lines, provided said fence or hedge does not obstruct any maintenance easement area required by Section 6.01.03 of this Code. Fences or hedges along property lines shall not exceed a height of five (5) feet.

D. No fence or hedge may obstruct the Clear Visibility Triangle required by Section 6.02.04.E of this Code.

E. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.

F. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed the height standards may be given by the Administrator upon receipt and documentation of satisfactory evidence of the need to exceed the height standard.

G. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

H. Masonry walls, when permitted, shall comply with the standards of this part.

### 7.02.00. ACCESSORY USES

#### 7.02.01. Accessory Residential Uses

Accessory residential uses, including accessory apartments, guest houses and garage apartments shall meet the standards of this Code.

A. Purpose. The purpose of this section is to provide for inexpensive housing units to meet the needs of younger and older households, making housing available to younger or older persons who might otherwise have difficulty in finding affordable housing; and to provide housing for visitors and guests. This section is also intended to protect the property values and residential character of neighborhoods where accessory residential uses are located.

B. Standards. An accessory residential use may be allowed on single-family residential lots provided that all of the following requirements are met:

1. No more than one (1) accessory residential use shall be permitted on any

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residential lot. No accessory residential use may be permitted in addition to the one (1) residential dwelling unit allowed on a commercial site.

2. The accessory residential use shall not exceed twenty-five percent (25%) of the gross floor area of the principal structure and the combined floor area ratio shall not exceed that allowed under this Code.

3. The accessory residential unit shall be located and designed to be compatible with and complement the appearance of the principal structure.

4. No variations, adjustments, or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory residential use, and the standards of this code shall be applied before an accessory residential use is permitted.

### 7.02.02. Home Occupations

A home occupation shall be allowed in a bona fide, single-family dwelling unit, subject to the following requirements;

A. No person other than members of the family residing on the premises shall be engaged in such occupation.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.

C. There shall be no change in the outside appearance of the building or premises, other than visible evidence of the conduct of such home occupation, other than one sign not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance of the residence. No additional sign shall be allowed.

D. No home occupation shall occupy more than twenty-five percent (25%) of the floor area of the residence or more than ten percent (10%) of the lot area of the parcel of land on which the residence is located.

E. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements of this Code for commercial uses.

F. No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.

G. Fabrication of articles commonly classified under the terms "arts and handicrafts" may be deemed a home occupation, subject to the other terms and conditions of this definition.

H. Outdoor storage of materials shall not be permitted.

I. A home occupation shall be subject to all applicable city, county and state occupation licensing requirements, fees, and other business taxes.

### 7.02.03. Dining Rooms, Recreation Centers, and Other Amenities

Residential and non-residential development projects may provide amenities for the exclusive use of the employees and/or residents of the project. Such amenities shall be allowed only as provided below.

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A. Dining Rooms, Cafeterias, Snack Shops, etc. A development may provide a central dining facility to serve the employees and/or residents of the project subject to the following restrictions:

1. The facility shall not be open to the general public; and
2. There shall be no off-site signs advertising the presence of the facility.

B. Community Centers, Recreation Centers. Residential projects may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions:

1. Service provided shall not be available to the general public.
2. Parking to serve the building shall be as provided by this code.
3. No off-site sign may advertise the presence of the facility.

B. Employee Fitness Centers. Non-residential development projects may provide a fitness or exercise center for the use of employees subject to the following restrictions:

1. Such facilities shall not be open to the general public unless licensed as a commercial enterprise and located in a commercial district; and
2. Non-commercial facilities shall not advertise the presence of the facility.

#### 7.02.04. Temporary Mobile Homes

A mobile home may be permitted on a residential lot for a temporary period of time, not to exceed six (6) months during the construction of a residence providing the following requirements are met:

- A. Adequate sewer disposal, potable water and other utilities are available and connected temporarily to the mobile home.
- B. A valid building permit has been issued.
- C. Work continues without significant interruption.
- D. The mobile home shall be maintained in a state of preparedness for evacuation and shall be evacuated upon issuance of a "Hurricane Watch" notice.
- E. One extension of the temporary use may be allowed concurrent with the extension of the building permit, but in no case shall the total temporary use continue for more than twelve (12) months.

#### 7.02.05. Docks and Boathouses

Docks and boathouses may be permitted as accessory uses under the conditions cited in Article V of this Code, and the following requirements:

- A. The dock or boathouse has been permitted by appropriate state and federal agencies.
- B. A boathouse shall not exceed fifteen (15) feet in height above mean sea level and the maximum enclosed area does not exceed five hundred square feet in area.
- C. No more than one (1) such use shall be permitted per site or parcel or land.
- D. No habitable space shall be created.
- E. No dock may exceed four (4) feet in width.
- F. A dock terminus or boathouse shall not be constructed over sea grass beds.
- G. No dock may be designed to dock or otherwise moor more than ten (10) vessels at



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any time except as provided in section Chapter 4, Section 6.08.04 of this code.

(History: Ord. Nos. 247, 400)

## **7.02.06. Houseboats or Live-Aboard Vessels**

Houseboats or live-aboard vessels may be permitted under the conditions cited in Section 5.01.06 of this Code and the following requirements:

A. The houseboat or live-aboard vessel is owned by the occupants or owners of the

property to which it is connected and is for their exclusive use, or

B. The houseboat or live-aboard vessel is owned by guests of the occupants or owners of the land to which it is connected and is at the property only on a temporary basis not to exceed fourteen (14) days in any consecutive thirty (30) day period.

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## ARTICLE VIII: SIGNS

### 8.00.00. GENERALLY

#### 8.00.01. Relationship to Florida Building Codes

These sign regulations are intended to complement the requirements of the Florida Building codes adopted by the Florida Legislature. Wherever there is inconsistency between these regulations and the building, the Florida Building Code shall apply.

#### 8.00.02. No Defense to Nuisance Action

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

#### 8.00.03. Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the Florida Building Code, and shall present a clean and neat appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

#### 8.00.04. Definitions

##### Accessory Sign

A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

##### Advertising

Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

##### Building Sign

A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

##### Copy

The linguistic or graphic content of a sign.

##### Electric Sign

Any sign containing electric wiring.

##### Erect a Sign

To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

##### Ground Sign

A sign that is supported by one (1) or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

##### Harmful to Minors

With regard to sign content or copy, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

a. Predominantly appeals to the prurient, shameful, or morbid interest of minors in sex; and

b. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and,

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c. Taken as a whole, lacks serious literary, artistic, political or scientific value.

### Illuminated Sign

A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

### Marquee

A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance, or other pedestrian way.

### Message-Board Sign

A Permanent accessory sign such as a bulletin board or chalkboard that allows the occupant to post messages intended to reach pedestrian traffic.

### Minor

Any person under the age of 18 years.

### Multiple Occupancy Complex

A commercial use, i.e. any use other than residential, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

### Occupant (Occupancy)

A non-residential use.

### Outdoor Advertising Sign

A permanent ground sign located on a parcel which advertise a product, service, commodity, entertainment, or real or personal property not located on the same parcel.

### Parcel

A unit of land within legally established property lines.

### Permanent

Designed, constructed and intended for more than short term use.

### Portable Sign

Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure is converted to an A or T frame sign and attached temporarily or permanently to the ground.

### Roof Line

A horizontal line intersecting the highest point or points of a roof.

### Roof Sign

A sign placed above the roof line of a building or on or against a roof slope of less than sixty (60) degrees from horizontal.

### Sign

Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

### Sign Face

The part of a sign that is or may be used for copy.

### Sign Structure

Any construction used or designed to support a sign.

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### Street

A public or private right-of-way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways and boulevards.

### Temporary

Designed, constructed and intended for short term use.

### Unit

That part of a multiple occupancy complex housing one (1) occupant.

### Vehicle Sign

Any sign affixed to a vehicle.

### 8.01.00. EXEMPT SIGNS

A. The following signs are exempt from the operation of these sign regulations, and from the requirement in this Code that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

1. Signs that are not designed or located so as to be visible from any street or adjoining property;
2. Traffic control signs installed by the applicable jurisdiction and that bear no commercial message;
3. Signs required by federal or state statute or regulation, or local ordinance or regulation;
4. Works of art that do not constitute advertising.
5. Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights;

B. Signs Partially Exempt from This Part. Signs listed in this section shall be exempt from the permit requirements of this Article but shall

be subject to all other applicable standards of this Article;

1. Up to four signs per parcel of one (1) square foot or less that include no letters, symbols, numbers, logos or designs in excess of three (3) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 8.02.02 of this Code

2. One sign per building of six square feet or less when cut into any masonry surface or when constructed of bronze or other similar incombustible materials and attached to the surface of a building;

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 racks, telephone booths, and gasoline pumps;

4. Signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers when consistent with the provisions of this Code;

5. Signs carried by a person; and

Except for banners authorized by section 8.03.06 of this Article, temporary signs pursuant to part 8.03.00 of this Article.

### 8.02.00. PROHIBITED SIGNS

#### 8.02.01. Generally

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this Code.

#### 8.02.02. Specifically

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The following signs are expressly prohibited unless exempted by section 8.01.00 A. of this Article or expressly authorized by parts 8.03.00, 8.04.00, or 8.05.00 of this Article:

A. Signs that are in violation of the Florida Building Code;

B. Any sign that, the building official has determined, does or will constitute a safety hazard;

SSSSS. Blank temporary sign;

C. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means;

D. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy;

E. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color;

F. Strings of light bulbs other than white or clear used on commercially developed parcels for commercial purposes;

G. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind;

H. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals;

I. Signs that emit audible sound, odor, or visible matter such as smoke or steam;

J. Signs or sign structures that interfere in any way with free use of any fire escape,

emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or building regulation;

K. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device;

L. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets;

M. Signs, within ten (10) feet of public rights-of-way or within one hundred feet of traffic-control lights, that contain colored lights that might be confused with traffic control lights;

N. 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;

O. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals;

P. Searchlights except those used for public safety by governmental agencies;

Q. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk, street, or right-of-way, except house numbers, parking or locational identification numbers and traffic control signs;

R. Signs placed upon benches, bus shelters or waste receptacles except as may be authorized

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by the city commission pursuant to F.S. 337.407;

S. Signs, other than sandwich signs authorized by this Article, erected on public property, including but not limited to public rights-of-ways, or on private property (such as private utility poles) located on public property, other than signs erected by the governing agency for public purposes;

T. Signs erected over or across any public street except as may otherwise be expressly authorized by this Article;

U. Vehicle signs with a total sign area on any vehicle in excess of eight (8) square feet, when the vehicle

1. Is parked for more than sixty (60) consecutive minutes within one hundred (100) feet of any street right-of-way;

2. Is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and

3. Is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle shall not be considered a vehicle used in the conduct of the business.

V. Signs displaying copy that is harmful to minors as defined in this Article;

W. Portable signs as defined in this Article;

X. Electronic message signs as defined in this Article.

(History: Ord. No. 271,513)

### 8.03.00. TEMPORARY SIGNS

#### 8.03.01. Where Allowed

Temporary signs are allowed throughout the city, subject to the restrictions imposed by this Article.

#### 8.03.02. Sign Types Allowed

A temporary sign may be a ground or building sign, but may not be an electric sign.

#### 8.03.03. Removal of Illegal Temporary Signs

Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal by the city.

#### 8.03.04. Restrictions on Content of Temporary Signs

A temporary sign may display any message for thirty (30) days so long as it is not otherwise prohibited.

#### 8.03.05. Permissible Size, Height and Number of Temporary Signs

One (1) temporary sign not exceeding (5) feet in height shall be allowed per parcel, subject to the following size restrictions:

a. For residential land use districts as defined in section 2.02.02 of this Chapter, the sign area shall not exceed six (6) square feet.

b. For all other land use districts uses, the sign area shall not exceed twenty-four (24) square feet.

#### 8.03.06 Banners in Rights-of-Ways

A. Banner signs not otherwise allowed within public right-of-ways may be authorized for events. The banners may be hung across the following streets: [Insert list of streets here.] The Administrator is authorized to establish requirements regulating the permit application, installation procedures and minimum banner specifications. An application shall be filed with the Administrator together with the permit fee required by Chapter 5, Laws of Cedar Key. In addition to the permit fee, the applicant shall pay

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the banner installation fee in an amount prescribed by the Administrator required to ensure full cost recovery by the City. The following conditions and restrictions shall apply:

1. The application shall be accompanied by a complete and accurate description and content of the banner.
2. Messages shall directly relate to a not-for-profit event that is scheduled to occur within the City or unincorporated Levy County and that will be open to the general public.
3. The Message may not contain any commercial advertising or promotion of any for-profit commercial event or enterprise.
4. Banners may be installed no more than 30 days prior to the event and shall be removed no later than seven days following the event.

## 8.04.00. PERMITTED PERMANENT ACCESSORY SIGNS

### 8.04.01. Where Allowed

Permanent signs are allowed in any area which is not residential. The signs must be incidental to an existing or proposed use on the parcel where it is located.

### 8.04.02. Sign Types Allowed

A permanent accessory sign may be a ground or a building sign, but may not be a roof sign.

### 8.04.03. Sign Permit Required

A permanent accessory sign may not be erected without obtaining a permit for the sign from the City and paying an application fee as provided in Chapter 5, Laws of Cedar Key. A permit shall be valid only for the location specified and may be transferred from one sign owner to another upon notice to the city. Any freestanding ground sign six (6) feet or more above grade, or containing electrical components shall also require a building permit.

### 8.04.04. Removal of Illegal or Abandoned Signs

Illegal or abandoned signs shall be subject to code enforcement as provided in 8.10.00 of this Article.

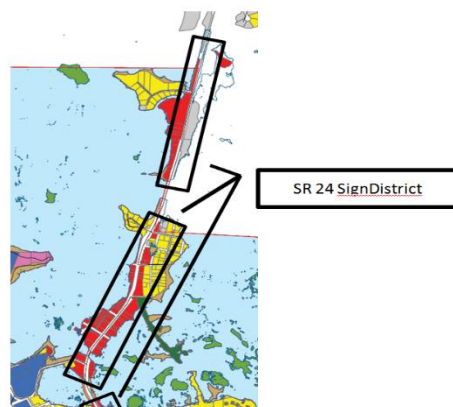
### 8.04.05 Sign Districts

Sign Districts. Four nonresidential sign districts with specific sign requirements is are hereby established. The sign districts are:

A. Dock Street. This district is the most permissive allowing the greatest flexibility in terms of number, size, height, placement and type of signs reflecting its unique character and tourist entertainment economic base. The Dock Street district standards hereby established, apply to all properties within the area indicated on the following map:



B. State Road 24. The State Road 24 sign district is the City's most auto-oriented commercial area requiring larger signs in order for passing motorists to safely read and understand sign messages. The State Road 24 district standards are applicable to all properties designated Commercial land use within the area indicated in the following map:



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waterway. The building owner shall choose which side of the building is used in determining lineal footage.

### 8.04.07. District Specific Standards

The Sign District Standards contained in Table 8.04.07 shall apply to the sign districts.

C. Historic District. The Historic District is established in the Cedar Key Comprehensive Plan and this Code with the purpose of providing protections designed to maintain the unique quality and character of the area included within its boundaries. The Future Land Use and Historic Preservation Elements of the Comprehensive Plan require that the City shall implement sign regulations that provide adequate visual identification and ensure that signs are compatible with architectural and historic styles of the neighborhood where the signs are proposed. This Part is intended to implement the comprehensive plan requirement by establishing standards specific to the district. The standards apply to all properties designated with a future land use of Mixed Use within the boundaries of the Historic District set out in section 3.01.02, Laws of Cedar Key, Chapter 4.

D. General. The General District shall include all nonresidential property within the City not included within the Dock Street, SR 24 and Historic sign districts.

### 8.04.06. Standards Applicable to All Districts

The following standards shall apply to all permanent accessory signs in all sign districts:

A. Placement. The occupant of a single occupancy parcel or multiple occupancy complex may display permanent accessory signs on each side of the parcel which abuts a right-of-way or waterway.

B. The total allowed sign area of a parcel shall be based on the lineal footage of one side of the building abutting either a right-of-way or

### **8.04.07. District Specific Standards**

The Sign District Standards contained in Table 8.04.07 shall apply to the sign districts.



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<b>Table 8.04.07 Sign District Standards</b>				
	Dock Street	SR 24	General	Historic
Sign Area Allowed for Single Occupancy	One and three quarters (1.75) square feet per lineal foot of building frontage with a minimum of forty-eight (48) square feet allowed for all parcels and a maximum of two hundred (200) square feet.	One and one half (1.5) square feet per lineal foot of building frontage with a minimum of forty (40) square feet for all parcels and a maximum of one hundred fifty (150) square feet.	One and one quarter (1.25) square feet per lineal foot of building frontage with a minimum of thirty-six (36) square feet allowed for all parcels and a maximum of one hundred twenty five (125) square feet.	One (1) square feet per lineal foot of building frontage with a minimum of thirty-two (32) square feet allowed for all parcels and a maximum of one hundred (100) square feet.
Sign Area Allowed for additional Occupants in a Multi-Occupancy Building	Thirty (30) square feet	Twenty-five (25) square feet.	Twenty (20) square feet.	Fifteen (15) square feet.
Roof Signs	Permitted	Not Permitted	Not Permitted	Not Permitted
Permanent Ground Signs	Not Permitted	One per parcel allowed. Maximum sign area: twenty-four (24) square feet. Maximum width: six (6) feet. Maximum height: eight (8) feet.	One per parcel allowed. Maximum sign area: twenty (20) square feet. Maximum width: five(5) feet. Maximum height: six (6) feet.	One per parcel allowed. Maximum sign area: fifteen(15) square feet. Maximum width: four (4) feet. Maximum height: five(5) feet.
Neon	Permitted	Permitted	Permitted	Not Permitted
Outdoor Advertising Signs	Permitted	Permitted	Permitted	Not Permitted

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### 8.04.08. Directional Signs

Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.

### 8.04.09. Signs at Entrances to Residential Developments

One (1) sign may be permitted at each entrance to a residential development with an aggregate sign area not to exceed twenty-four (24) square feet, and not to exceed a height of five (5) feet. Such signs shall be maintained perpetually by the developer, the owner of the sign, an owner's association or some person who is legally accountable under a maintenance agreement approved by the City. If no accountable person accepts legal responsibility to maintain the signs and no provision has been made for maintenance, the signs shall be removed by the developer or owner(s), or shall be deemed abandoned and removed as provided in part 8.04.04 of this Article.

### 8.04.10. Flags

No more than six (6) flags or insignias may be displayed on any one parcel of land. A flag or insignia may only bear a noncommercial message. The maximum distance from top to bottom of any flag shall be twenty percent (20%) of the total height of the flag pole, or in the absence of a flag pole, twenty percent (20%) of the distance from the top of the flag or insignia to the ground.

### 8.04.11. 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 (3) feet in

height, and so long as the sign face does not exceed one half (1/2) of one square foot.

### 8.04.12. Reserved

### 8.04.13. Pedestrian-Oriented Signs

Pedestrian-oriented signs shall be allowed for businesses to attract pedestrian traffic. A pedestrian-oriented sign shall only be used to advertise events occurring at the site, or products or services available or for sale at the site where the sign is located:

- A. Sandwich Signs. One such sign per parcel is allowed within areas designated commercial and mixed-use land use. Sandwich signs shall:
1. not exceed twelve (12) square feet; and
  2. not to exceed three (3) feet in height and two (2) feet in width; and
  3. be displayed only during business hours; and
  4. be placed to provide a clear walkway of forty-two (42) inches on public sidewalks at all times; and
  5. not be placed on a roadway or street.

Sandwich Signs shall not be counted as part of an occupancy's allowable sign area.

- B. Message-Board Signs. One message-board shall be allowed per occupancy:

1. No more than one message board per parcel may be a ground sign.
2. If the message board is six (6) square feet or less in area and includes no letters, symbols, numbers, logos, or designs in excess of three (3) inches in vertical or horizontal dimension, the message board shall not be counted toward the parcel's allowable sign area.

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3. Message-board signs may be internally illuminated.

### 8.04.14. Neon Signs

Where allowed, neon signs shall be displayed from within a building and limited to a maximum of three (3) signs with a combined maximum of nine (9) square feet per parcel. The sign square footage shall be counted as part of an occupancy's allowable sign area. The signs shall not exceed three (3) feet in height and width.

### 8.05.00. PERMITTED PERMANENT OUTDOOR ADVERTISING SIGNS

#### 8.05.01. Where Allowed

Outdoor advertising signs are allowed only in commercial districts. No other structure shall be permitted on the parcel displaying the sign.

#### 8.05.02. Permit Required

An outdoor advertising sign may not be erected, used or maintained without obtaining a permit for the sign from the city and paying a nonrefundable application fee as provided in this Article. A permit is valid only for the location specified. Only one (1) permit shall be issued per site. All permits shall be issued pursuant to section 12.04.02 of this Chapter.

#### 8.05.03. Removal of Illegal or Abandoned Signs

Illegal or abandoned signs shall be subject to code enforcement as provided in 8.10.00 of this Article.

#### 8.05.04. Sign Types Allowed

An outdoor advertising sign shall be a ground sign. Nothing in this Article shall be interpreted to allow outdoor advertising on any building or structure.

#### 8.05.05. Sign Content

An outdoor advertising sign may display any message not otherwise prohibited by this Article.

#### 8.05.06. Landowner's Consent

Applications for an outdoor advertising permit shall include the written consent of the owner or other person in lawful possession or control of the site designated in the application for location of the sign. The city shall not authorize the location of any outdoor advertising on public property.

#### 8.05.07. Permissible Number and Spacing of Outdoor Advertising Signs

Only one (1) outdoor advertising sign shall be permitted per site and no permit shall be granted for any sign unless such sign is located at least one thousand (1,000) feet radius from any other permitted outdoor advertising sign measured from the base sign's structures. No outdoor advertising sign shall be located within one hundred (100) feet radius of any church, school, park, marina, beach or other public area. Outdoor advertising signs shall be a minimum of five (5) feet within the property line of the site for which the sign has been permitted. Where two applications from different persons conflict with each other, so that only one of the applications may be granted, the first application received will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised in writing of the first application and that his application will remain pending until the first application is acted upon. If the first application considered is granted, the second application shall be denied. If the first application is denied, the second application shall then be considered for approval.

#### 8.05.08. Permissible Size, Area and Height of Outdoor Advertising Signs

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No permanent outdoor advertising sign may exceed twenty-four (24) square feet in size. The maximum allowable width shall be six (6) feet and no sign may exceed five (5) feet in height.

### 8.05.09. Reserved

### 8.05.10. Nonconforming Permanent Outdoor Advertising Signs

Any outdoor advertising sign which was lawfully erected but rendered nonconforming by any ordinance adopted by the City shall be allowed to remain as a legal nonconforming sign pursuant to section 70.20, Florida Statutes. Said signs shall be subject to the provisions of section 10.03.03.B.3.c of this Chapter regarding continuation of nonconforming signs.

### 8.05.11. Design Standards

Outdoor advertising signs where permitted shall be visually compatible to their location and in materials, texture and color. The City may deny a permit application for a sign which does not meet generally accepted professional design standards.

### 8.06.00. MEASUREMENT DETERMINATION

#### 8.06.01. Distance Between Signs

The minimum distance between signs shall be measured by radius from the base of the sign.

#### 8.06.02. Sign Area

The area of a sign shall be the area within the smallest common geometric figure such as a square, rectangle, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face. When a sign has two (2) or more sign faces, each face shall be included in the computation of the sign area.

#### 8.06.03. Number of Signs

In general, the number of signs shall be the number of noncontiguous sign faces. When two

(2) sign faces are placed back to back and are at no point more than one (1) foot apart, it shall be counted as one sign. If a sign has more than two (2) faces, such as in a square or rectangle, it shall be counted as one sign.

#### 8.06.04. Sign Height

The height of a sign shall be measured at the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

### 8.07.00. DESIGN, CONSTRUCTION, AND LOCATION STANDARDS

#### 8.07.01. Compliance with Florida Building Codes Required

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the Florida Building Codes.

#### 8.07.02. Illumination Standards

Illumination or lighting shall comply with the following provisions:

- A. Sign lighting shall not be designed or located to cause confusion with traffic or emergency vehicle lights.
- B. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public rights-of-way.
- C. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.
- D. Illuminated signs fronting public waterways shall not create a hazard to or nuisance to navigation by boaters.

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E. Illumination from signs facing waterways shall be designed to ensure that the source of illumination is not directly visible to any person navigating a vessel on the water and shall not be directed on the water surface more than twenty (20) feet from the sign.

### 8.07.03. Placement Standards

Signs shall comply with the following placement standards:

A. No sign shall be located within the clear visibility triangle as defined in Section 6.02.04.E of this Article.

B. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

C. Supports for signs or sign structures shall not be placed in or upon a public right-of-way or public easement.

### 8.07.04. Clearance Standards

Signs which project over public rights-of-way shall meet the following clearance standards:

A. All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

B. All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

### 8.07.05. Projection Standard

A sign may not project more than four (4) feet perpendicularly from the surface to which it is attached.

### 8.07.06. Relationship to Building Features

A building sign shall not obstruct or disrupt an architectural feature of the building such as a window or door.

### 8.07.07. Maximum Window Coverage

The combined area of temporary and permanent signs placed on the exterior or interior of windows shall not exceed twenty-five percent (25%) of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

### 8.07.08. Format for Multiple Occupancy Complexes

Building signs for any multiple occupancy complex constructed or remodeled after the effective date of this Article shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect a sign and shall be maintained on file by the City. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the Administrator to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (within limits prescribed by this Article) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement, color, shape, or style of lettering, which lend a unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the administrator upon submission of a revised plan and specifications detailing the revised format.

### 8.07.09. Engineer Certification

Signs over thirty-two (32) square feet in area and higher than six (6) feet above grade shall be designed and certified by a Florida registered engineer or architect for structural integrity and wind loading.

Building signs that project perpendicularly from the surface to which it is attached and that are more than twelve (12) square feet in area shall be designed and certified by a Florida registered engineer.

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### 8.08.00 Grandfather Clause

Any sign which was lawfully erected but rendered nonconforming by any later ordinance and in existence on or before October 18, 2016 shall be governed by the nonconforming signs provisions in Article 10 of this Code.

### 8.09.00 Appeal of Decision to Issue or Deny Sign Permit

Any person aggrieved by a decision on an application for a sign permit under this Article may appeal in accordance with Part 12.12.00 or may challenge the decision in the circuit court for the eighth judicial circuit.

### 8.10.00 Enforcement

A. General. The City may use any of the following remedies and enforcement powers to address violations of this Article

1. Referral to Hearing Officer. Violations of this Article may be referred to a Hearing Officer for enforcement in accordance with Part 1.05.00, Chapter 2, Laws of Cedar Key.

2. Civil Citations. A citation may be issued for violations of this Article in accordance with Part 1.03.00, Chapter 2, Laws of Cedar Key.

B. Unauthorized signs in right-of-way. Notwithstanding any other provision of this Article, any sign placed in the public right-of-way in violation of this Article shall be deemed to be abandoned property and may be removed immediately by any enforcing official or agent of the City. Any sign so removed may be disposed of without notice or compensation. This removal shall not preclude prosecution or imposition of penalties for violation of this Article.

### 8.11.00 Substitution of Message

Notwithstanding anything contained in this Article to the contrary, any sign erected pursuant

to the provisions of this Article or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof.

### 8.12.00. Severability

A. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

B. Without diminishing or limiting in any way the declaration of severability set forth in subsection A, or elsewhere in this Article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

C. Without diminishing or limiting in any way the declaration of severability set forth in subsection A or elsewhere in this Article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the

## **LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS**

declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under part 8.02.00 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of part 8.02.00 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of part 8.02.00, thereby ensuring that as

many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

D. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the regulation of outdoor advertising signs in this Article.

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## ARTICLE IX: OPERATIONAL PERFORMANCE STANDARDS

### 9.00.00. GENERALLY

#### 9.00.01. Purpose and Intent

It is the purpose of this section to provide appropriate standards relating to operation of certain activities throughout the city. Operations which create or maintain excessive noise, air pollution, odor, or electromagnetic interference may be a detriment to the public health, comfort, convenience, safety, and welfare. These standards are therefore provided to protect the public interest, and promote the public health, safety, and welfare.

#### 9.00.02. Applicability

These standards shall apply to all lands with the city's jurisdiction.

#### 9.00.03. Standard Manuals and Measuring Devices

Devices and instruments which have been standardized by the American National Standards Institute (ANSI) shall be used to measure applicable performance. The following references are cited in this Article:

- A. 40 CFR "Protection of Environment", Title 40, Code of Federal Regulations.
- B. 17-2 FAC "Air Pollution", Chapter 17-2, Florida Administrative Code.
- C. ANSI American National Standards Institute
- D. CFR10 "Standards for Protection Against Radiation", Title 10, CFR.

### 9.01.00. RESERVED

(History: Ord. No. 310)

### 9.02.00. AIR POLLUTION

#### 9.02.01. Standard

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 (EPA) in 40CFR and the Florida Department of Environmental Regulation (DER) in 17-2 FAC. No person shall operate a regulated source of air pollution without a valid permit issued by DER.

#### 9.02.02. Testing

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by DER. Testing shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

### 9.03.00. ODOR

#### 9.03.01. Generally

The presence of untreated or improperly treated human waste, garbage, offal, dead animals, decaying organic matter, or gases which are harmful to human or animal life or the presence of improperly built or improperly maintained sewer treatment plants, septic tanks, water closets, privies or abattoirs shall constitute evidence of undesirable odor.

#### 9.03.02. Exceptions

The following activities and equipment are exempt from the provisions of this part:

- A. Odors incidental to and commonly associated with commercial fishing, oystering, crabbing and aquaculture.
- B. Properly maintained public equipment used in the collection of garbage.



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### 9.03.03. Abatement of Public Nuisances

Evidence of undesirable odor is hereby declared a public nuisance and shall be abated upon notice by the Administrator. The city may employ the remedies cited in Florida Statute 823 "Public Nuisances", to enforce this Code.

### 9.04.00. FIRE AND EXPLOSIVE HAZARDS

#### 9.04.01. Standards

In all districts in which the storage, use, or manufacture of flammable or explosive materials is permitted, the following standards shall apply:

A. Storage and utilization of solid materials or products which are combustible, or which in themselves support combustion and are consumed slowly as they burn, is permitted.

B. Storage, utilization, or manufacture of solid materials or products which are free burning and intense burning is permitted provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings which are noncombustible and which are protected throughout by an automatic fire extinguishing system. The requirement for an automatic fire extinguishing system may be waived by the Administrator in those cases where the introduction of water to a burning substance would cause hazards.

C. Outdoor storage of solid fuels is permitted when in conformance with the "Fire Protection Handbook" of the National Fire Protection Association (NFPA).

D. Storage, utilization or manufacture of flammable and combustible liquid or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with National Fire Code # 30, exclusive of storage of finished products in original sealed containers which shall be unrestricted.

E. The following classifications of liquids are unrestricted, providing that storage, handling and use shall be in accordance with NFPA "Flammable and Combustible Liquids" Code #30.

CLASSIFICATION OF LIQUIDS		
CLASS	FLASH POINT	BOILING POINTS
I	Below 100E Fahrenheit (37.8E Celsius)	
I-A	Below 73E Fahrenheit (22.8E Celsius)	Below 100EF. (37.8E C.)
I-B	Below 73E F. (22.8EC.)	at or above 100EF.
I-C	At or above 73EF. (22.8EC.)	below 100EF. (37.8EC.)
II	At or above 100EF. (37.8EC.) and Below 140EF. (60EC.)	
III	At or Above 140EF. (60EC.)	
III-A	140EF to 200EF.	
III-B	At or Above 200EF. (93.4EC)	

# LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS

## ARTICLE X: HARDSHIP RELIEF

### 10.00.00. GENERALLY

#### 10.00.01. Purpose

The purpose of this Article is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur, and to protect private property rights.

#### 10.00.02. Methods

This Article provides for three (3) forms of hardship relief as follows:

A. Variances. Part 10.01.00 addresses the hardship that may be caused in particular cases by the imposition of the Code's development design standard.

B. Transfer of Development Rights. Part 10.02.00 addresses the hardship that may be caused in particular cases by the Code's Resource Protection Standard.

C. Existing Nonconforming Development. Part 10.03.00 addresses the hardship that would be caused if nonconforming development were required to immediately come into compliance with this Code.

### 10.01.00. VARIANCES

#### 10.01.01. Restrictions on Variances

No variance may be granted from any of the provisions in Article II (Land Use) and Article IV (Consistency/Concurrency) or from the policies and objectives of the City Comprehensive Plan (Ordinance) except by Amendment of the Plan and ordinance in the manner prescribed by state law, except when the Code or Comprehensive Plan specifically allow for such variance.

#### 10.01.02. Granted by City Commission

The Administrator may recommend the approval or denial of a variance from any provision of this Code, except as provided in Part 10.01.01 above, and the City Commission may grant a variance if the following procedures are followed and findings made.

A. Part of Development Review. Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application of development review. A development activity that might otherwise be approved by the Administrator must be approved by the City Commission if a variance is sought. The variance shall be granted or denied in conjunction with the application for development review.

B. Process. The application for development review must be submitted at least thirty (30) days in advance of a hearing. Notice of a public hearing must be made by mail to all property owners whose property abuts the property requesting a variance; by posting a notice of the hearing on the property, and by posting a notice at City Hall. All required notices of the public hearing shall be made at least fifteen (15) days prior to the hearing. The developer or his designated representative must be present at the hearing.

#### 10.01.03. Limitation on Granting Variances

A. Initial Determination. The Administrator and Technical Review Committee shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved, or if the condition(s) that exist(s) are common to numerous sites so that requests for similar

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variances are likely to be received. The City Commission shall make a finding that is:

1. Unique to this site alone; or,
  2. Advises of the cumulative effect of granting the variance to all who may apply.
- B. Required Findings. The City Commission shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:
1. There are practical or economic difficulties in carrying out the strict letter of the regulation.
  2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
  3. The proposed variance will not substantially increase congestion on surrounding streets, and will not increase the danger of fire, or other hazards to the public.
  4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
  5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of this Code, such as parking, buffer zones, accessory uses, and the like.
- C. Imposition of Conditions. In granting a development approval involving a variance, the City Commission may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

D. Part of Public Hearing. The initial determination, required findings and imposition

of conditions shall be a part of the public hearing.

E. Record of Variances to Be Maintained. The Administrator shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The Administrator shall report all variances in the annual report to the City Commission.

### 10.01.04. Coastal Construction Setbacks

Variances to the Coastal Construction setback shall only be granted consistent with the provisions contained at Section 5.01.07 C. and D. and Section 6.01.03 of this Code.

(History: Ord. No. 372)

### 10.01.05. Parking

Variances to the parking requirement of this code shall only be granted in accordance with the provisions contained at section 6.03.02 of this code.

(History: Ord. No. 372)

## 10.02.00. TRANSFER OF DEVELOPMENT RIGHTS (TDR) AND CLUSTERING

### 10.02.01. Generally

The density or intensity of a use that would have been allowed on a site designated as an "Environmentally Sensitive" or "Conservation" area in the absence of the application of this Code may be used through the transfer of development rights off-site or by "clustering" the development within non-sensitive areas within the project site.

### 10.02.02. Sending Zones

Lands from which development rights may be transferred are "sending zones." Only land within the jurisdiction of the City may be used

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as a sending zone. Submerged lands within the jurisdiction of the state are not eligible as a sending zone.

### 10.02.03. Receiving Zones

Lands to which development rights may be transferred are "receiving zones." Only land which is not a Wetland or Shoreline Protection Zone and which is not environmentally sensitive or a conservation area may be designated as a receiving zone. See Section 5.01.00 of this Code.

### 10.02.04. Transferable Development Rights

A. Development Rights Created. Development Rights are hereby created by the City of Cedar Key. All Protected Environmentally Sensitive Areas, except for those owned by a public agency and those subject to a conservation easement or other legal restriction precluding the physical development of the land on the effective date of the Code, are assigned City of Cedar Key Development Rights.

B. Transferable Ratio. Fifty percent (50%) of the development potential for Wetlands or other environmentally sensitive areas may be transferred. Owners of protected environmentally sensitive areas are entitled to transfer fractional development rights at the ratio herein established from lands which have not otherwise been used for determining development potential to lands which may be designated as receiving zones. In computing the land area and development rights to be transferred any fraction equal to one-half ( $\frac{1}{2}$ ) or greater shall be rounded to the nearest whole number.

C. Severability. City of Cedar Key Development Rights shall be severable from the underlying use and shall be transferable to receiver zones.

D. Use of Development Rights on Commercial Receiving Zones. If the receiver site is designated for commercial uses, each Development right may be used to increase the intensity of the commercial use by fifty percent (50%) of the development potential of the sending zone. Fifty percent (50%) of the Impervious Surface Ratio (Lot Coverage) and fifty percent (50%) of the Floor Area Ratio that may have potentially existed on the sending zone may be transferred to the commercial receiving zone.

E. Use of Development Rights on Residential Receiving Zones. If the receiver site is designated for residential uses, each Development Right may be used to increase the density of the residential use by 2.5 dwelling units per acre of the development potential that may have existed on the sending zone.

F. Maximum Density/Intensity. Development rights transferred may not be used to increase the density or intensity of a site above the levels established in Part 2.04.00 of this Code, Density and Intensity Bonuses. A site may not exceed fourteen (14) dwelling units per acre and may not exceed fifty percent (50%) ISR (Lot Coverage) or one-hundred percent (100%) FAR (Floor Area Ratio) after receiving transferred rights.

G. Limitations Because of Conflicts. If the city determines, during the review process established in this Code, that the receiving zone parcel proposed for development reflects unique or unusual circumstances, or that development of the parcel at the maximum density would affect surrounding uses in a manner contrary to the public health, safety, and welfare, or would be inconsistent with the Comprehensive Plan, the City Commission may limit the number of development rights transferred to the receiver parcel. Any development order that limits the use of development rights to less than the maximum density indicated above shall include

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specific findings of fact on which the restriction is based and shall specify what changes, if any, would make the parcel proposed for development eligible for development at the maximum indicated density.

### 10.02.05. Procedure for Transferring Development Rights

- A. **Timing.** Development rights allotted to an environmentally sensitive area may be transferred to any person at any time and shall be deemed, for taxation and all other purposes, to be appurtenant to the land from which the rights are transferred until a development order is issued authorizing use of the Development Rights at a receiver parcel at which time they shall attach to the receiver parcel for all purposes.
- B. **Recordation of Transfer of Development Rights.** No development right shall increase the intensity or density of the use of a receiver site until the owner of the transferor parcel has recorded a deed in the chain of title of the transferor parcel expressly restricting the use of the land in perpetuity to a conservation zone. The deed restriction shall be expressly enforceable by the City, and a boundary plat for the transferor parcel shall be recorded reflecting the restriction. The plat shall indicate the area of the site so transferred by indicating the number of acres, fractions of acres or square feet therein.
- C. **Evidence of Restriction Required for Development Approval.** A developer of a receiver site must submit, in conjunction with his application for development approval, evidence that the transferor parcel has been restricted to non-development uses and that a boundary plat has been recorded in accordance with the above provision.
- D. **Process.** An application to Transfer Development Rights must be submitted at least thirty (30) days in advance of a hearing. Notice of a public hearing must be made by mail to all

property owners whose property abuts both the sending zone and the receiving zone; by posting a notice on both the sending zone and receiving zone property; and, by posting a notice at City Hall. All required notices shall be made at least fifteen (15) days prior to the hearing. An application to Transfer Development Rights shall be heard by the City Commission which shall make a determination to grant or deny the application based on the requirements of this Code. The decision by the City Commission shall be supported by written findings.

E. **Record of Transfer to Be Made and Land Posted.** The Administrator shall maintain a record of all Transfers of Development Rights and the City Land Use Map shall reflect the designation of sending zones as conservation areas. Sending Zones shall be posted with signs designating the area as a "Coastal Resource Protection Zone." Signs shall be no larger than twelve by eighteen inches (12 x 18) and limited to five (5) feet in height and shall not occur closer than a distance of ninety-eight (98) feet apart. The cost of signs required shall be paid by the person receiving the development rights transferred from the site.

### 10.02.06. Effect of a Transfer of Development Rights

By transferring the development rights of a sending zone the owner shall be deemed to have waived all future right of development, including but not limited to any development right(s) or activities which may have been authorized by Part 5.01.03 of this Code, Development Activities Within Protected Zones.

### 10.02.07. Limitations on Clustering

If the city determines, during the development review process established in this Code, that a proposed cluster development reflects unique or unusual circumstances, or that development of the parcel at the maximum density allowed would, as a result of the density concentration

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allowed through clustering, affect surrounding uses and properties in a manner contrary to the public health, safety, and welfare, or would be out of scale with surrounding development, the City Commission may limit the development to a level necessary to ensure compatibility with surrounding properties. Any development order that limits the use of development rights to less than the maximum density otherwise allowed by this code shall include specific findings of fact on which the restriction is based and shall specify what changes, if any, would make the parcel proposed for development eligible for development at the maximum indicated density.

(History: Ord. No. 371)

### 10.03.00. EXISTING NONCONFORMING DEVELOPMENT

#### 10.03.01. Defined

Nonconforming development is development that does not conform to the land use regulations in Article II and/or the development design and improvement standards in Article VI and/or the sign standards in Article VII.

#### 10.03.02. Continuation of Nonconforming Development

Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence on the date of enactment of this Code, remain in use in its nonconforming state.

#### 10.03.03. Termination of Nonconforming Development

A. Generally. Nonconforming development must be brought into full compliance with the use regulations in Article II of this Code, and the development design and improvement standards in Article VI of this Code, in conjunction with the following activities:

1. When the gross floor area of the development is expanded by more than twenty percent (20%). Repeated expansions of a development, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.

2. Reconstruction of the principal structure after the structure has been substantially destroyed by fire, storm or other calamity. A structure is "substantially destroyed" if the cost of reconstruction is fifty percent (50%) or more of the fair market value of the structure before the calamity. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the structures. Properties listed on the Local Register of Historic Places shall be exempt from this provision, provided redevelopment of the historic structure does not cause it to lose its historic designation.

#### B. Special Provisions for Specific Nonconformities.

1. Nonconformity with Stormwater Management Requirements. In addition to the activities listed in Section 10.03.03.A, an existing development that does not comply with the stormwater management requirements of this Code must be brought into full compliance when the use of the development is intensified, resulting in an increase in stormwater runoff or added concentration of pollution in the runoff.

2. Nonconformity with Parking and Loading Requirements. In addition to the activities listed in Section 10.03.03.A, full compliance with the requirements of this Code shall be required where the seating capacity, area, or other factor controlling the number of parking or loading spaces required by this Code is increased by twenty percent (20%) or more.

3. Nonconforming Signs.

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a. Defined. A nonconforming sign is any legal sign within the City which after October 18, 2016 is prohibited by or does not conform to the requirements of this Code; except that signs that are within ten percent (10%) of the height and size limitations of this Code and that in all other respects conform to the requirements of this Code shall not be deemed nonconforming signs.

b. Amortization. Except for outdoor advertising signs as provided in section 8.05.10 of this Chapter, nonconforming signs shall be removed or altered to be in conformance with this Code as follows:

i. Notwithstanding any other provision of this subsection, all unlawful and nonconforming temporary signs within public rights-of-ways shall not be amortized and shall be subject to immediate removal by the City;

ii. Notwithstanding any other provision of this subsection, all parcels with signs that together constitute more than one hundred fifty percent (150%) of the permitted sign area for that parcel shall be required to reduce the total sign area to no more than one hundred fifty percent (150% ) of the allowed sign area within ninety (90) days from October 18, 2016. Any remaining nonconforming signs shall be amortized as described below.

iii. All nonconforming signs with a cost of less than one hundred dollars (\$100) shall be removed or made to conform by December 31, 2016.

iv. All nonconforming signs with a cost of between \$100.00 and \$1,000.00 shall be removed or made to conform within two (2) years from October 18, 2016.

v. All nonconforming signs with a cost of more than \$1,000.00 shall be removed or made to conform within five (5) years from October 18, 2016.

vi. Any owner of a nonconforming sign requesting an amortization period shall by December 31, 2016 file with the Administrator a sworn statement setting forth the cost of the sign together with any proof available of said cost. Upon acceptance by the Administrator of the claimed cost, the owner shall be required to execute a written amortization agreement acknowledging the owner's obligation to remove the nonconforming sign no later than the expiration date of the amortization period determined applicable to the sign.

c. Continuation of Nonconforming Signs.

i. Prohibition against increases in nonconformity. Nonconforming signs shall not be: structurally changed or altered in any manner that increases the degree of nonconformity, but may be altered to decrease its nonconformity.

ii. Ordinary repair and maintenance. Ordinary repair and maintenance of nonconforming signs covered by an amortization agreement or legal nonconforming outdoor advertising signs is permitted as follows: (a) work necessary to keep the sign in a good state of repair; or (b) painting or otherwise altering the copy of the sign face.

d. Substantial Destruction

i. Amortized Signs. Should a nonconforming sign covered by an amortization agreement be destroyed or damaged by any means to an extent of more than fifty-percent (50)% of its cost established when entering the amortization agreement, it may only be reconstructed in compliance with Article 8 of this Code

ii. Outdoor Advertising Signs. Should a legal nonconforming outdoor advertising sign be destroyed or damaged by any means to an extent of more than fifty-percent (50%) of its replacement cost; it shall not be reconstructed except in compliance with Article 8 of this

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Code, Provided however, that if the location of the substantially destroyed sign does not conform with Article 8 of this Code, the City Commission may utilize the procedures of section 70.20, Florida Statutes for reconstruction and relocation of a sign, or for provision of just compensation for the removal of a sign, or may permit the reconstruction of the sign at the same location of the substantially destroyed sign, whichever the Commission determines is in the best interest of the City.

e. Prolonged Vacancy. After a vacancy of six (6) months, all nonconforming signs governed by an amortization agreement shall be removed or brought into compliance.

#### 4. Nonconforming Vehicle Use Areas

a. A vehicle area is any portion of a development site used for parking, circulation, and/or display of motorized vehicles, except junk or automobile salvage yards.

b. In addition to the activities listed in Section 10.03.03.A, an existing vehicle use area that does not comply with the requirements of this Code must be brought into full compliance when twenty-five percent (25%) or more of the paving or surface of the vehicle use area is replaced or resurfaced.

c. When the square footage of a vehicle use area is increased, compliance with this Code is required as follows:

i. Expansion by ten percent (10%) or less: When the vehicle area or underlying use is expanded by less than 10%, only the expansion area must be brought into compliance with this Code.

ii. Expansion by more than ten percent (10%): When a vehicle area or underlying use is expanded by more than ten percent (10%), the entire vehicle use area requirement of this Code shall be brought into compliance.

iii. Repeated Expansions: Repeated expansions of the underlying use, or resurfacing or replacement of paving of a vehicle use area over a period of time commencing with the effective date of this Code shall be combined in determining whether the above threshold has been reached.

#### 5. Nonconformity with Base Flood Elevation

a. Elevation or replacement of existing structures on a site developed before adoption of this Code or City Ordinance #221 or #242 may be permitted by a variance solely for the purpose of meeting the Base Flood Elevation (BFE) requirements of Ordinance #221, "FEMA".

b. Any variance granted under this part shall not, on average, increase or intensify other nonconformities with this Code or any City Ordinance and shall otherwise be consistent with this Code or the City's Comprehensive Plan.

c. In granting a variance under this part, the City Commission or Land Development Regulation Commission shall encourage the resiting of existing development to reduce or eliminate any other nonconformities.

d. Nothing in this part shall be interpreted as disallowing activities permitted under Section 10.03.03.01A and B (Ordinance 260).

(History: Ord. No. 250)

#### 10.03.04. Reconfiguration of Nonconforming Lots

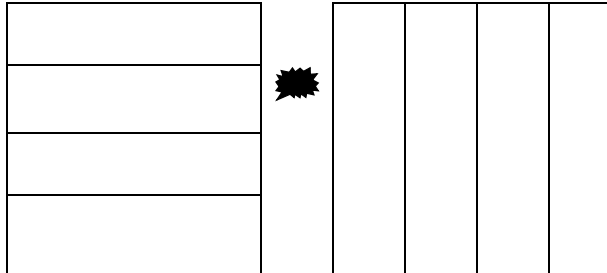
A. Generally. Any number of adjacent lots, some or all of which are nonconforming, may be realigned if the standards in this subsection are met.

B. Definition. "Reconfigured" shall mean that the direction of the long axis of the lot is changed ninety (90) degrees. See Figure 10.03.04-A below.



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**Figure 10.03.04-A:** Reconfiguration of Four (4) Adjacent Lots

C. Standards. The City Commission may approve an application for such reconfiguration if each of the following is found:

1. The resulting alignment is compatible with surrounding development.
2. The resulting alignment creates lots that can be built upon meeting required setbacks or other site design requirements.
3. Each re-aligned lot fronts on a public or private street.
4. The reconfiguration maintains the same number of lots, or results in fewer lots.
5. No reconfigured lot is smaller than the smallest of the original lots.
6. No reconfigured lots may have any improvements on them.
7. The reconfigured lots may not be developed at a higher density after the reconfiguration than was allowed before the reconfiguration.

D. Procedure.

1. If the total number of lots, as realigned, is three (3) or more, the replat requirements in Chapter 177, Florida Statutes, shall be met.

2. If the total number of lots, as realigned, is less than three (3), the Minor Replat procedure in this Code may be used.

(History: Ord. Nos. 359, 369)

### 10.04.00. BULKHEADS AND SEAWALLS

#### 10.04.01. Generally

A. When Allowed. The City of Cedar Key, Comprehensive Plan prohibits construction of bulkheads and seawall except where demonstrated necessary to protect an existing structure. Bulkheads and seawalls shall only be allowed in compliance with this Section. No variances may be granted.

B. Factors to be Considered in Reviewing Proposed Bulkhead or Seawall. The City Commission shall consider the following factors in its review of an application for a bulkhead or seawall:

1. Whether the proposed bulkhead or seawall has been demonstrated by a qualified Florida Registered Engineer to be necessary to protect an existing structure from loss due to coastal subsidence.
2. Whether the bulkhead or seawall is the minimum size necessary to protect the threatened structure.
3. Whether the applicant has demonstrated that practical alternative means of protecting the structure were considered and determined ineffective.

#### 10.04.02. Submittals

A. Application. A bulkhead or seawall permit application shall be applied for on a form provided by the Building Official. At a minimum, the following information shall be provided:

1. Name, address, and telephone number of the owner.

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2. If an agent is making the application on behalf of the owner, the name, address, and telephone number of the agent, and a signed authorization by the owner that the agent is acting on the owner's behalf.

3. The address of the property, or other description of its location.

4. A description of the proposed bulkhead or seawall. Detailed information shall be provided relating to each of the factors listed in 10.04.01 B above.

5. Certification by a Florida Registered Engineer that the proposed bulkhead or seawall is needed for the preservation of an existing structure.

### B. Site Plan.

In addition to the written application, the applicant shall submit a site plan prepared by a registered engineer, architect, or landscape architect. The Building Official may waive the requirement that the site plan be prepared by a registered engineer, architect, or landscape architect if the Building Official finds that, due to the simplicity of the project, the necessary site design information may be adequately presented on plans prepared by a non-professional. The site plan shall show the following, where relevant to the project:

1. The location of the site and all surrounding uses, public facilities, and environmental resources within 200 feet of the boundaries of the site;

2. The location of all existing uses, public facilities and environmental resources on the site, including all setbacks, environmental buffers, and other non-developable areas as set forth in this Code;

3. The location of the proposed bulkhead or seawall and facilities including the following:

4. Buildings, including accessory buildings and any other man-made structures.

5. Stormwater management facilities.

6. Utilities, including dumpsters and air conditioning units.

### 10.04.03. Procedures

#### A. Review by Building Official.

1. The Building Official shall review the application and site plan for completeness. If incomplete, the Building Official shall return the submittals to the applicant with a description of what additional information is needed.

2. Upon receipt of a complete application and site plan, the Building Official shall review the submittals and, within 20 days of receipt of the complete submittals, prepare a report addressing the following:

a. Whether the proposal is consistent with the Cedar Key Comprehensive Plan and complies with all applicable provisions of this code;

b. Any failure by the proposal to adequately address any of the factors listed in 10.04.01 B above.

B. Notice. Upon receipt of complete submittals, the Building Official shall place the application on the agenda of the next City Commission meeting allowing for the 20-day review period set forth in 10.04.03(A)(2) above. The Building Official shall then immediately post a sign on the property giving notice of the nature of the proposed use and the date, time, and location of the City Commission meeting at which the application will be considered.

#### C. Review by City Commission.

The City Commission shall hold a quasi-judicial hearing, in accordance with the procedures established in Section 12.02.04 of this Code, on

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the application for a development order authorizing the construction of the bulkhead or seawall. The Commission's decision to grant or deny the requested development order shall be set forth in a written order which shall contain findings and conclusions on each of the factors listed in B above.

The City Commission may approve an application with conditions so long as each

condition is reasonable, clearly described, and supported by a finding or conclusion of the Commission on one or more of the factors listed in 10.04.01(B) above.

(History: Ord. No. 374)

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## ARTICLE XI: BOARDS AND AGENCIES

### 11.00.00. GENERALLY

#### 11.00.01. Boards Established

The following boards and agencies are created to administer the provisions of this Code under the authority prescribed by this Code and Florida Law.

#### 11.01.00. PLANNING BOARD

##### 11.01.01. Creation and Authority

Pursuant to and in accordance with the "Local Government Comprehensive Planning and Land Development Regulation Act," Chapter 163, Part II, Florida Statutes, the City of Cedar Key, Planning Board is hereby established. The Planning Board shall have all powers and duties enumerated by this Code and the laws of the State of Florida, as set forth below.

##### 11.01.02. General Functions, Powers and Duties

The Planning Board shall have the following general functions, powers and duties:

- A. To serve as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes.
- B. To serve as the Land Development Regulation Commission as defined at Section 163.3164(22), Florida Statutes.
- C. To consider, at least semiannually in June and November of each year, requests and proposals for amendments to the Comprehensive Plan in accordance with the provisions of §163.3184 and §163.3187 F.S.
- D. To annually review, modify and update the Capital Improvements Element of the Comprehensive Plan as provided in §163.3177(3)(a)3(b) and to incorporate the costs and revenue sources established therein in the Annual City Budget.

E. To conduct an appraisal and evaluation of the Comprehensive Plan in accordance with §163.3191 F.S.

F. To oversee the operation, effectiveness and status of this Code and to consider amendments that are consistent with, implement and further the intent of the adopted Comprehensive Plan.

G. To conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the Comprehensive Plan and provisions of this Code.

H. To keep the general public informed and advised on the land use plan and policies of the City.

I. To obtain and maintain information on population, property values, the local economy, land use, resource impacts, growth, development and other information necessary to assess the amount, type, direction and impact of development to be expected in the City.

J. To perform other lawfully assigned duties.

##### 11.01.03. Membership

A. The Planning Board shall have five (5) members, representing a cross section of the City, appointed by the City Commission. Members of the Planning Board shall be and remain bona fide residents of the city. If at any time any member of the Planning Board fails to be a resident of the City the person shall be automatically disqualified and removed from the Planning Board.

B. Each member shall be appointed to a three year term commencing on November 1 of the year appointed, except that for the initial appointments following the adoption of this

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ordinance, two members shall be appointed for terms through October 31, 2015, two members shall be appointed for terms through October 31, 2016, and one (1) member shall be appointed for a term through October 31, 2017. Appointments shall be made at a City Commission meeting in October. No person may serve more than two consecutive three year terms. Persons disqualified by this provision may be reappointed after one (1) year elapses after the expiration of the second term of service.

C. When a position becomes vacant before the end of the term, the City Commission shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires shall continue to serve until a successor is appointed and qualified.

D. Pursuant to Section 163.3174(1), Fla. Stat., when acting as the Local Planning Agency, the Planning Board shall include one additional nonvoting member appointed by the Levy County School Board.

(History: Ord. Nos. 363, 439, 492)

### 11.02.00. TECHNICAL REVIEW COMMITTEE

#### 11.02.01. Creation and Membership

There is hereby created a Technical Review Committee which shall be composed of the Planning and Development Administrator who shall serve as chair, the engineer or supervisor of the Cedar Key Water and Sewer District, and one representative of the building or construction industry who shall serve as a volunteer and shall be appointed by the City Commission.

#### 11.02.02. General Functions, Powers and Duties

The committee shall meet at the call of the chair to perform such functions as are given to the Committee elsewhere in this Code.

(History: Ord. No. 327)

### 11.03.00. HISTORIC PRESERVATION ARCHITECTURAL REVIEW BOARD

#### 11.03.01. Creation and Membership

A. There is hereby created an Historic Preservation/ Architectural Review Board. The City Commission, whenever possible, shall appoint citizen volunteer members representing two (2) or more of the following areas of expertise:

Architecture, Engineering or Building Industry;  
Urban Planning, Law, History or Real Estate.

B. The Board shall consist of not less than three (3), nor more than five (5) members and shall meet at the call of the chair. The Board shall elect one of its appointed members to act as chair. The length of terms of office shall be as provided for in Section 11.04.01 of this Chapter, except that there shall be no limit to the number of consecutive terms a citizen member may serve.

(History: Ord. Nos. 384, 420, 454)

#### 11.03.02. General Functions, Powers and Duties

The Historic Preservation Board shall review development proposals for visual compatibility, advise the City Commission on the regulation of historic buildings in Cedar Key, make recommendations to the City Commission regarding additions or deletions to the Local Register of Historic Places, and shall conduct hearings and issue final orders on applications for certificates of appropriateness.

A. The Historic Preservation Board of Cedar Key must conduct a minimum of four (4) meetings per year.

B. Minutes from each meeting must be recorded and maintained in accordance to City

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Regulations. These minutes will be held as public record.

C. It is encouraged for Historic Preservation Board members attend pertinent informational or educational meetings, workshops, or conferences. Board members are also encouraged to participate in survey and planning activities.

D. The Historic Preservation Board should review proposed National Register nominations within the City of Cedar Key jurisdiction.

E. The Historic Preservation Board should seek expertise on proposals or matters requiring evaluation by a profession not represented on the Historic Preservation Board.

F. A City of Cedar Key staff member will undertake the requirements for certification and carry out delegated responsibilities

G. Commission responsibilities complementary to those of the State Historic Preservation Office. The State Historic Preservation Officer will be provided with thirty (30) calendar day notice prior to all meetings and meeting minutes will be submitted within thirty (30) calendar days along with a record of attendance.

H. Membership changes to the Historic Preservation Board will be submitted within thirty (30) calendar days of action. New Historic Designations or alterations to existing designations will be notified to the State Historic Preservation Officer immediately. Amendments to ordinance to the State Historic Preservation Officer for review and comment will be provided with at least thirty (30) calendar days prior to adoption.

I. The Historic Preservation Board will initiate and continue to identify Historic Properties within the City of Cedar Key and inventory with the Florida Site File database.

J. The Contributing Site List will be maintained and updated periodically within the City of Cedar Key and held as public record. Duplications of all inventory materials will be provided to the State Historic Preservation Office.

K. Any National Register nominations will provide local officials, owners of record, and applicants a minimum of thirty (30) calendar days and not more than seventy-five (75) calendar days' notice to Historic Preservation Board meetings. All object ions by property owners must be notarized to prevent nomination to t he National Register.

L. An annual report will be submitted by November 1 covering all activities of previous fiscal year of October 1 through September 30. The annual report must include; (i) a copy of the Rules of Procedure; (ii) a copy of historic preservation ordinance; (iii) resume of Commission members; (iv) changes to the Board; (v) new Local designations; (vi) new National Register listings; (vii) review of survey and inventory activity with a description of the system used; (viii) program report on each grant-assisted activity; (iv) number of projects reviewed.

## **11.04.00. COMMITTEE, BOARD AND AGENCY RULES**

### **11.04.01. Terms of Office**

Except as may otherwise be provided under the Section of this Code applicable to a board or committee, each citizen member of a board or committee shall be appointed to a three (3) year term, except that, initially, one-third of the appointed members shall serve a two (2) year term and one-third shall serve a one (1) year term. No person may serve more than two (2) consecutive three (3) year terms. Persons disqualified by this provision may be re-appointed after one year elapses after the expiration of the second full term of service.

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Elected officials and staff members from governmental agencies shall be exempt from the term of office provisions required herein so long as they continue to hold the elected or staff office.

(History: Ord. No. 420)

### 11.04.02. Code of Ethics

Members of committees, boards and agencies shall be governed by Florida Statute 112, Part III, Code of Ethics for Public Officers and Employees.

### 11.04.03. Removal and Replacement

Members may be removed without notice and without assignment of cause by a majority vote of the City Commission. The City Commission shall appoint a substitute member when a position becomes vacant.

### 11.04.04. Procedures

Each board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, the City Charter, other City ordinances and State Law, including F.S. 286.011, Public Meeting and record. Each board shall keep minutes and written findings on each proposal, indicating the attendance of each member, and the decision on each question. Each decision must be approved by a majority vote of the members present at a duly called meeting in which a quorum is in attendance and voting. A quorum shall consist of a majority of the members of the board or committee.

### 11.05.00. PLANNING AND DEVELOPMENT DEPARTMENT

#### 11.05.01. Creation

There is hereby created a Planning and Development Department which shall succeed and incorporate the functions of the Building and Zoning Department under the direction and control of the City Commission. The

Department shall perform all functions relating to administration of this Code.

#### 11.05.02. Planning and Development Administrator

There is hereby established the position of Planning and Development Administrator to be appointed by and serve at the pleasure of the City Commission. The Administrator shall perform the duties and responsibilities prescribed by this Code, including, but not limited to, the following:

A. Planning. The Administrator shall be responsible for Comprehensive Planning and, in cooperation with the Office of the City Clerk, shall assist in the programming and preparation of the Annual Capital Improvements Plan. The Administrator shall schedule all applications before the Planning Board, the Land Development regulation Commission and/or City Commission.

B. Development. The Administrator shall be responsible for the implementation of this Land Development Code including, but not limited to, the following:

1. Receive all applications for development approval.
2. Determine the completeness of development applications.
3. Conduct all pre-application conferences.
4. Serve as chairman of the Technical Review Committee and schedule all applications before the committee. Upon a majority vote of the committee, the Administrator may approve any application for development which does not otherwise require the approval of any other board or agency.
5. Serve as staff to the Historic Preservation/Architectural Review Board and schedule all applications before the board.

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6. Ensure that proper notice is given prior to all hearings on development applications.

7. Ensure that all time limits prescribed by this Code are met.

8. Monitor the progress of all development applications through the review process and be available to respond to the queries of interested persons.

9. Perform all other duties prescribed by this Code.

C. Building Official. The Administrator shall perform the duties and exercise the powers of the Building Official as described in the Standard Building Code.

D. Code Enforcement. The Administrator shall perform the duties of Code Enforcement Officer.

(History Ord. No. 454)



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## ARTICLE XII: ADMINISTRATION AND ENFORCEMENT

### 12.00.00. GENERALLY

#### 12.00.01. Purpose

This Article sets forth the application and review procedures required for obtaining development orders and permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.

#### 12.00.02. Withdrawal of Applications

An application for development review may be withdrawn at any time so long as no public notice has been given that the application will be reviewed at a public hearing.

#### 12.00.03. Definitions

##### Adversely Affected Person

Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the adopted Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

##### Density or Gross Density

The total number of dwelling units divided by the total upland site area, less any dedications, easements or public right-of way.

##### Development or Development Activity

Any of the following activities:

A. Construction, clearing, filling, excavating, grading, paving, dredging, drilling or otherwise significantly disturbing the soil of a site;

B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials;

C. Subdividing land into two (2) or more parcels;

D. A tree removal for which authorization is required under this Code;

E. Erection of a permanent sign unless expressly exempted by Article VIII of this Code;

F. Alteration of an historic property for which authorization is required under this Code;

G. Changing the use of a site so that the need for parking is increased;

H. Construction, elimination or alteration of a driveway onto a public street;

I. Any activity which has an impact on level of service or infrastructure capacity.

##### Development Order

An order granting, denying, or granting with conditions an application for approval of a development plan pursuant to the procedures in 12.02.00 below.

##### Development Permit

The development permit is that official city document which authorizes the start of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits

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(plumbing, electrical, and so forth, in addition to the building permit itself), clearing and grading permits, sign permits, septic tank permits, tree removal permits, or any activity which requires a permit.

### Dwelling Unit

A single housing unit providing complete, independent living facilities for one (1) housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

### Floor Area/Gross Floor Area

The sum of the gross horizontal area of several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet. Floor area does not include the non-habitable, limited storage space without utilities below base flood elevation.

### Impervious Surface

A surface that has been covered by a structure or compacted with a layer of material so that it is highly resistant to infiltration by water, it includes, but is not limited to semi-impervious surfaces such as compacted clay or lime rock as well as most conventionally surfaced streets, roofs, sidewalks, parking lots swimming pools, patios and other similar structures. Impervious surface of structures is measured from eave overhang, from drip line to drip line.

### Improvement

Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

### Minor Replat

The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the reconfiguration of two (2) or more lots or parcels to create no more than two (2) lots or parcels.

### Owner

A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

### Parcel

A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Building Official.

### Vehicle Use Area

An area used for parking, circulation, and/or display of motorized vehicles, except junk or automobile salvage yards.

(History: Ord. No. 333)

### 12.01.00. DEVELOPMENT PERMIT REQUIRED BEFORE ANY DEVELOPMENT ACTIVITY

#### 12.01.01. Generally

No development activity may be undertaken unless the activity is authorized by a development permit.

#### 12.01.02. Prerequisites to Issuance of Development Permits

Except as provided in Section 12.01.03 below, a development permit may not be issued unless the proposed development activity:

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- A. Is authorized by a Final Development Order issued pursuant to this Code; and
- B. Conforms to the Technical Construction Standards Manual adopted by reference in Article I of this Code; and
- C. Conforms, where applicable, to FEMA Regulations - City Ordinance 221.
- D. Before any development permit is issued, the site plan shall be approved by the City. The City is authorized to and shall retain all necessary consultants, firms or experts to conduct said review who shall make a recommendation as to whether a site plan is to be approved. This process and review shall be at the expense of the developer, who shall place with the City a monetary deposit, at the time of submission of his site plan. All single family dwellings (and accessory structures associated therewith) and commercial developments of less than 2,000 square feet shall be exempt from this requirement.

(History: Ord. No. 288)

### 12.01.03. Exceptions to Requirement of a Final Development Order

A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this Code. Unless otherwise specifically provided, the development activity shall conform to this Code and the Technical Construction Standards Manual.

- A. Development activity necessary to implement a valid Site Plan/Development Plan approved prior to the adoption of this Code and which is still in effect or on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.

- B. The construction or alteration of a single family dwelling unit on a platted lot of record in a valid recorded subdivision approved prior to the adoption of this Code which meets the density standards of this Code, except that a variance may be granted for a substandard lot of record where no alternative use is possible.

- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.

- D. The erection of a sign or the removal of protected trees or vegetation on a previously approved and developed site and independent of any other development activity on the site.

- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.

- F. A Minor Replat granted pursuant to the procedures in Part 12.03.00 of this Article.

### 12.01.04. Post-Permit Changes

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Building Official .

### 12.02.00. PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS

#### 12.02.01. Pre-Application Conference

Prior to filing for development plan review, the developer shall meet with the Building Official to discuss the development review process. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposed development made by any participant at the pre-application

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conference as a representation or implication that the proposed development will be ultimately approved or rejected in any form. The User's Guide in Article I of this Code may be used as a guide to the discussion of the proposed development in the Pre-Application Conference.

### 12.02.02. Administrative Review of Development Plans

- A. The developer shall submit a an Application and Development Plan meeting the requirements of Section 12.02.05 below.
- B. Within five (5) working days the Building Official shall determine that the Plan is complete or incomplete. If incomplete, the developer may submit an amended Plan within thirty (30) days without payment of a reapplication fee, but, if more than thirty (30) days have elapsed, must thereafter re-initiate the review procedure and pay an additional fee.
- C. A copy of the plan shall be sent to each member of the Technical Review Committee. Each member shall review the proposal and submit written comments to the Building Official within ten (10) days of completed application distribution to members.
- D. The Building Official shall review the Plan and comments of the Technical Review Committee and, within twenty (20) working days of the submission of the proposed development plan, prepare a report on whether the proposal complies with this Code and other applicable regulations of the City of Cedar Key.
- E. After the compliance report is completed, the Building Official shall set the matter for hearing before the City Commission at the next available meeting allowing for notice as required by Section 12.02.03 below.

### 12.02.03. Notice of Hearing Before City Commission

At least fifteen (15) days prior to the hearing before the City Commission, the Building Official shall post a sign on the site of the development and mail written notice to the developer and to all property owners with property abutting the development site. The posted and written notice shall state the date, time and place of the hearing; shall summarize the proposed development; and shall state how additional information about the proposal and hearing procedures may be obtained.

### 12.02.04. Hearing Before City Commission

The hearing procedures set forth in Section 12.05.00 shall be followed.

(History: Ord. No. 408)

### 12.02.05. Submittals

A. Application. Applications for development plan review shall be available from the Building Official. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of a corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. General Development Plan Requirements. All Development Plans submitted pursuant to this Code shall conform to the following standards:

All plans shall be drawn to a scale of one (1) inch equals twenty (20) feet, unless the Building Official determines that a different scale is sufficient or necessary for proper review of the development proposal.

If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.

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The front cover sheet of each plan shall include:

1. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the Section, Township and Range, together with the principal roads, city limits, and/or other pertinent orientation information;
2. A complete legal description of the property;
3. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown;
4. The name, address, and telephone number of those individuals responsible for the preparation of the drawing(s);
5. Each sheet shall contain a title block with the name of the development, a stated and graphic scale, a north arrow, and date;
6. The plan shall show the boundaries of the property with a metes and bounds description reference to Section, Township and Range, tied to a subdivision name and block and lot number(s);
7. The area of the property shown in square feet and acres.

Six (6) copies of the submittal shall be required.

Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

C. Required Development Plan Information. Development Plans shall include the following information:

1. Existing Conditions
  - a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.
  - b. Existing Land Use/Zoning District of the parcel.
  - c. A depiction of the abutting property within four hundred (400) feet of the proposal, not including public right-of-way in the measurement, showing: (a) land uses and locations of principal structures and major landscape features; (b) densities of residential use; (c) traffic circulation systems.
  - d. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.
  - e. A soils map of the site (existing U.S. Soil Conservation Service Maps or Tables in The Florida Development Manual (DER) are acceptable) or a description of existing soils and soil conditions.
  - f. A map of vegetative cover including the location and identity by common name of all protected trees and vegetation. Groups of protected trees or areas of protected vegetation may be designated by "clusters" with an estimate of the number or area noted. This information shall be summarized tabular form on the plan.
  - g. A topographic map of the site with contour lines at two (2) foot intervals clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure.

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- h. A detailed overall project area map showing existing hydrograph and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.
- i. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including mean high water lines, state and Army Corps of Engineers jurisdictional lines, and attendant drainage areas for each.
- j. A map showing the locations of any soil borings or percolation tests as may be required by this Code or County or State agencies.
- k. A depiction of the site, and all lands within four hundred (400) feet of any property line of the site, showing the locations of Environmentally Sensitive and Conservation Areas (Section 5.01.00 of this Code) indicating Wetland and Shoreline Protection Zones and Restricted Development Zones.
- l. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain (Coastal High Hazard Area) for all parts of the proposed development.
- m. Drainage basins or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
- 2. Proposed Development Activities and Design
  - a. Area and percentage of the total available land area (Section 2.03.01) to be covered by an impervious surface.
  - b. Grading plans specifically including perimeter grading.
  - c. Construction phase lines.
  - d. Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
  - e. Front, rear and side architectural elevations including building height.
  - f. Building setback distances from property lines, mean high water line, abutting right-of-way center lines, and all adjacent buildings and structures.
  - g. Minimum floor elevations of buildings within any 100-year flood plain.
  - h. The location, dimensions, type, composition, and intended use of all other structures.
  - i. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
  - j. The boundaries of proposed utility easements.
  - k. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of any alternative systems to be used.
  - l. Exact locations of onsite and nearby existing and proposed fire hydrants.
  - m. The layout of all streets and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
  - n. A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress including proposed modifications to public streets - and projected on site traffic flow.
  - o. The location of all exterior lighting.

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- p. The location and specifications for proposed garbage containers.
- q. Cross sections and specifications of all proposed pavement.
- r. Typical and special roadway and drainage sections and summary of quantities.
- s. All protected trees and vegetation to be removed and a statement of why they are to be removed and any mitigation plans required by this Code.
- t. Proposed changes in the natural grade and any other development activities directly affecting trees and vegetation to be retained.
- u. A statement of the measures to be taken to protect trees and vegetation and of any relocation and replacements proposed.
- v. Location and dimensions of proposed buffer zones and landscaped areas.
- w. Description of existing and proposed plant materials.
- x. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.
- y. A description of the proposed stormwater management system, including:
  - i. Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
  - ii. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
  - iii. Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
- iv. Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.
- v. Linkages with existing or planned stormwater management systems.
- vi. On and off-site right-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the Stormwater Management System.
- vii. The entity or agency responsible for the operation and maintenance of the Stormwater Management System.
- viii. The location of off-site water resource facilities such as works, surface water management systems, wells, or well fields, that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.
- ix. Runoff calculations in accordance with The Florida Development Manual (DER).
- x. The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities including estimated quantities of excavation or fill materials computed from cross sections, proposed within a Wetland and Shoreline Protection Zone or Restricted Development Zone.
- z. Detailed statement or other materials showing the following:
  - i. The percentage of the land surface of the site that is covered with natural vegetation that will be removed by development.
  - ii. The distances between development activities and the boundaries of the Wetland and

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Shoreline Protection Zones and Environmentally Sensitive Areas.

iii. The manner in which habitats of endangered and threatened species are protected.

iv. Two blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by the City. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

aa. For regulated ground signs, a plan, sketch, blueprint, print or similar presentation drawn to scale which indicates clearly:

i. The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.

ii. All regulated trees that will be damaged or removed for the construction and display of the sign.

iii. The speed limit on adjacent streets.

iv. For regulated building signs, a plan, sketch, blueprint, or similar presentation drawn to scale which indicates clearly:

v. The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.

vi. The number, size, type, and location of all existing signs on the same parcel, except a

single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.

bb. Building elevation or the building dimensions.

cc. When any subdivision of land is proposed, the minimum available land area and location of lots.

ee. When a new replatted subdivision is proposed, the following:

i. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like.

ii. Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.

iii. Location of proposed development in relation to any established urban service area.

ff. The total number of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) shall be given.

ggi. Location of onsite wells, and wells within 1,000 feet of any property line, exceeding 100,000 gallons per day.

hh. The manner in which historic and archaeological sites on the site, or within five hundred (500) feet of any boundary of the site, will be protected.

ii. For historic buildings and structures, sufficient information or detail to make a determination of compatibility with surrounding areas and any available archival reference material.

jj. If the development includes the subdividing of land, a plat that conforms with



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the requirements of Chapter 177, Florida Statutes.

### 12.02.06. Guarantees and Sureties

#### A. Applicability.

The provisions of this section apply to all proposed developments in the city, including private road subdivisions.

Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in Article IV of this Code.

This section does not modify existing agreements between a developer and the city for subdivisions platted and a final development order granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

#### B. Improvement Agreements Required.

The approval of any development plan shall be subject to the developer providing assurances that all required improvements, including, but not limited to storm drainage facilities, streets, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

1. Agreement that all improvements in the plan shall be constructed in accordance with the standards and provisions of this Code.
2. A term not to exceed five (5) years or thirty percent (30%) occupancy of the development, during which all required improvements will be constructed.
3. The projected total cost of the improvements prepared by the applicant's engineer or provided through a copy of a construction contract.
4. Specification of the improvements to be made and dedicated and a timetable for making the improvements.

5. Agreement that upon failure of the applicant to make required improvements according to the term or timetable the city shall utilize the security provided in connection with the agreement.

6. Provisions of the amount and type of security provided to ensure performance, including a provision to reduce the security periodically, subsequent to the completion, inspection and acceptance of improvements by the city.

C. Amount and Type of Security. The amount of the security shall be one hundred and ten percent (110%) of the total construction costs for the required developer-installed improvements and may be met by, but is not limited to, one of the following:

1. Cashiers check or Certified Check
2. Surety Bond
3. Interest Bearing Certificate of Deposit
4. Irrevocable Letters of Credit
5. Developer/Lender/City Agreement

D. Completion of Improvements. When improvements are completed and certified by an appropriate state or local agency the developer may apply for release of the security bond required by this section.

E. Maintenance of Improvements. The developer shall provide a maintenance agreement and security in the amount of fifteen percent (15%) of the construction cost of the improvement to assure that all required improvements shall be maintained by the developer, a condominium association under the provisions of Chapter 718.F.S., an owner's association, or an organization established for the purpose of owning and maintaining the improvements created by covenants running with the land.

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### 12.03.00. PROCEDURE FOR OBTAINING A MINOR REPLAT

#### 12.03.01. Standards and Restrictions

- A. All Minor replats shall conform to the following standards and restrictions:
- B. Each proposed lot must conform to the requirements of this Code.
- C. Each lot shall abut a public street.
- D. If the street ROW does not conform to the design specifications of this Code, the owner may be required to dedicate one-half the ROW width necessary to meet the minimum design requirements.
- E. Each proposed lot must have available public water and/or sanitary sewer service.

#### 12.03.02. Review and Recordation

If the proposed minor replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the City Commission shall approve the application by signing the approved replat. Upon approval of the minor replat, the applicant shall procure two copies of a boundary survey, which conforms conforming to the approval and is prepared by a licensed surveyor. The applicant shall have one copy of the boundary survey recorded in the official records of Levy County. The applicant shall provide the second boundary to the City of Cedar Key shall be provided to the City to be recorded by the City in a record of approved Minor Replats.

(History: Ord. No. 401)

#### 12.03.03. Limitation

No further division of an approved Minor Replat is permitted under this section, unless a development plan meeting the requirement of this Code is prepared and submitted.

(History: Ord. No. 333)

### 12.04.00. PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS

#### 12.04.01. Application

Application for a Development Permit shall be made to the Building Official on forms provided and may be acted upon by the Building Official without public notice or hearing.

#### 12.04.02. Submittals

Applicants shall submit the following information or items:

- A. An approved development order or a statement from the Building Official that a development order is not required.
- B. Three copies of plans or sketches of the proposed work, drawn to scale and indicating the location, sizes, dimensions, elevation, and other information deemed necessary by the Building Official to determine conformance with, and to provide for the enforcement of, this Code.
- C. Notarized proof of ownership or authorization by the owner(s) of the property.
- D. Proof that any variance or approval required by this Code has been obtained.

#### 12.04.03. Processing

Within fourteen (14) days after receiving a complete application for a building permit, the Building Official shall either approve or reject the application. If the proposed work, as described and depicted by the applicant, is in compliance with all requirements of this Code the Building Official shall approve the application and issue a permit in writing. If the proposal is not in compliance with all of the requirements of this Code, the application shall be rejected and a written rejection, providing the reason(s) therefore, shall be provided to the applicant. Submittals required shall become part of the official records of the city.

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### 12.04.04. Expiration and Revocation

If the work authorized by the permit has not begun within six (6) months of the effective date of the permit or is not substantially completed within two (2) years of such date, the Building Official shall declare the permit to be expired, after which no further work under the permit shall be lawful. The Building Official may, for good cause, extend the effective date of the permit for up to six (6) months. Upon finding that any work under a permit is not in compliance with any Code, the Building Official shall revoke the permit, shall notify the holder of the permit why it is being revoked and shall allow the holder seven days in which to cure any violation or noncompliance to the satisfaction of the Building Official to have the permit reinstated.

### 12.05.00. CONDITIONAL USE

#### 12.05.01. Generally

A. Uses Allowed by Conditional Use. Certain uses are set forth in Article 2 as being allowed as a conditional uses. No other use is allowed by conditional use except those specifically set forth in Article 2. The following procedures shall be followed in the review and approval or denial of applications for conditional use.

B. Factors to be Considered in Reviewing Proposed Conditional Uses. The City Commission shall consider the following factors in its review of an application for a conditional use:

1. Whether the proposed use is generally compatible with surrounding uses, public facilities, and environmental resources.
2. Whether the proposed use will have a significant adverse impact on surrounding uses, public facilities, or environmental resources due to any of the following:

- a. Parking.
- b. Noise.
- c. Lighting.
- d. Signage.
- e. The provision and location of utilities, including garbage dumpsters.

#### 12.05.02. Submittals

A. Application. A conditional use shall be applied for on a form provided by the Building Official. At a minimum, the following information shall be provided:

1. Name, address, and telephone number of the owner.
2. If an agent is making the application on behalf of the owner, the name, address, and telephone number of the agent, and a signed authorization by the owner that the agent is acting on the owner's behalf.
3. The address of the property, or other description of its location.
4. A description of the proposed use. Detailed information shall be provided relating to each of the factors listed in 12.05.01 B above.

B. Site Plan. In addition to the written application, the applicant shall submit a site plan prepared by a registered engineer, architect, or landscape architect. The Building Official may waive the requirement that the site plan be prepared by a registered engineer, architect, or landscape architect if the Building Official finds that, due to the simplicity of the project, the necessary site design information may be adequately presented on plans prepared by a non-professional. The site plan shall show the following, where relevant to the project:

1. The location of the site and all surrounding uses, public facilities, and

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environmental resources within two hundred (200) feet of the boundaries of the site;

2. The location of all existing uses, public facilities and environmental resources on the site, including all setbacks, environmental buffers, and other non-developable areas as set forth in this Code;

3. The location of all proposed structures and facilities including the following:

4. Buildings, including accessory buildings and any other man-made structures. The number of stories and square-footage of buildings shall be shown;

5. Parking facilities, including proposed landscaping and ingress and egress;

6. Stormwater management facilities;

7. Signs;

8. Utilities, including dumpsters and air conditioning units.

### 12.05.03. Procedures

A. Review by Building Official.

1. The Building Official shall review the application and site plan for completeness. If incomplete, the Building Official shall return the submittals to the applicant with a description of what additional information is needed.

2. Upon receipt of a complete application and site plan, the Building Official shall review the submittals and, within twenty (20) days of receipt of the complete submittals, prepare a report addressing the following:

a. Whether the proposal is consistent with the Cedar Key Comprehensive Plan and complies with all applicable provisions of this Code.

b. Any failure by the proposal to adequately address any of the factors listed in 12.05.01 B above.

B. Notice. Upon receipt of complete submittals, the Building Official shall place the application on the agenda of the next City Commission meeting allowing for the twenty (20) day review period set forth in 12.05.03A2 above. The Building Official shall then immediately post a sign on the property giving notice of the nature of the proposed use and the date, time, and location of the City Commission meeting at which the application will be considered.

C. Review by City Commission.

1. The City Commission shall hold a quasi-judicial hearing on the application for the conditional use. The Commission's decision to grant or deny the conditional use shall be set forth in a written order which shall contain findings and conclusions on each of the factors listed in B above.

2. The City Commission may approve an application with conditions so long as each condition is reasonable, clearly described, and supported by a finding or conclusion of the Commission on one or more of the factors listed in 12.05.01 B above. The type of conditions the Commission may impose include, but are not limited to, the following:

a. Limitations on the hours of operation, and/or other limitations on the activities taking place on the site;

b. Use of buffers beyond that otherwise required by this Code;

c. The relocation, reconfiguration or other change to any proposed structure or facility on the site, including buildings, accessory structures, dumpsters, air conditioning units, parking facilities, signs, and ingress and egress.

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### 12.06.00. FEES

#### 12.06.01. Adoption by Resolution

The City Commission shall by resolution adopt a schedule of fees for permits, development review, and inspections. This Code shall not be construed to repeal, modify or otherwise change any fee schedule in effect at the time of adoption of this Code unless specifically changed by resolution of the City Commission.

#### 12.06.02. Incorporated by Reference

The most recently adopted fee schedule shall be and is hereby incorporated by reference in this Code. A copy of the fee schedule shall be maintained in Chapter 5, Laws of Cedar Key.

(History: Ord. No. 314)

### 12.07.00. AMENDING THIS CODE

#### 12.07.01. State Law Controlling

Chapter 166 and Section 163.3194(2), Florida Statutes, shall govern amendment of this Code.

(History: Ord. Nos. 314 and 436)

#### 12.07.02. Application

Any person, board or agency may apply to the Planning and Development Department to amend this Code in compliance with procedures which conform to state law. All applications shall be in writing.

(History: Ord. No. 436)

#### 12.07.03. Consideration of Application by Land Development Regulation Commission

The Planning and Development Administrator, or the Administrator's designee, shall refer applications to amend this Code to the City Commission. Prior to approving any amendment to this Code, the City Commission shall refer proposed amendments to the Local Planning Agency. The Local Planning Agency, sitting in

its capacity as the Land Development Regulation Commission, shall within two months of the date of the referral hold an informal public meeting on the proposed amendment. At that meeting, the Land Development Regulation Commission shall make a recommendation on the consistency of the proposed amendment with the Comprehensive Plan. If the Land development Regulation Commission fails to make a recommendation within the time provided, the City Commission may act on the adoption as provided for in Section 12.07.04.

(History: Ord. No. 436)

#### 12.07.04. Hearings by City Commission

A. Readings. Except as provided for in Section 166.041(3)(c), Florida Statutes, after receipt of a recommendation from the Land Development Regulation Commission, the City Commission shall hold a at least two hearings on the proposed amendment, the last of which shall be the adoption hearing. At the hearings, the ordinance shall be ready by title or in full.

B. Adoption Hearing. The adoption hearing shall be noticed in accord with Section 166.041(3)(a), Florida Statutes and at that hearing the Commission may enact or reject the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing Amendments to this Code shall be consistent with the Comprehensive Plan. The public hearing shall

1. Present the Planning and Development Department's analysis of the proposed change;
2. Present a summary of reports by other applicable agencies;
3. Permit any person to submit written recommendations and comments before or during the hearing;

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4. Permit a reasonable opportunity for interested persons to make oral statements.

(History: Ord. No. 436)

### 12.08.00. Comprehensive Plan Amendments

#### 12.08.01. Generally

The provisions of this Section shall govern all amendments to the Cedar Key Comprehensive Plan.

(History: Ord. No. 436)

#### 12.08.02. Types of Comprehensive Plan Amendments.

There are two types of Comprehensive Plan amendments: small scale development amendments and large scale plan amendments.

A. **Small-Scale Development Amendment Defined.** A small-scale development amendment is an amendment to the land use map portion of the City of Cedar Key Comprehensive Plan involving less than ten (10) acres and as such amendments are defined and provided for in Section 163.3187(1)(c), Florida Statutes (2006).

B. **Large Scale Plan Amendment Defined.** A large scale plan amendment is any amendment to the Comprehensive Plan that does not fit the definition of a small scale development amendment. A large scale plan amendment may be a map or text amendment.

(History: Ord. No. 436)

#### 12.08.03. Initiation of Proposals for Plan Amendments

A. **Small Scale Development Amendments.** An application for a small-scale development amendment to the land use plan map may be proposed only by the City of Cedar Key City Commission, or any member thereof, or the owner of the subject property, or any duly authorized agent thereof. All such proposals shall be submitted on the appropriate form

available from the Planning and Development Department. A completed application shall be notarized and signed by all owners, or their agent. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In case of a corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office. The application shall be accompanied by all pertinent information which may be required by the City of Cedar Key Planning and Development Department for proper consideration of the matter.

B. **Large Scale Plan Amendments.** Any person, board or agency may apply to the Planning and Development Department for a large scale plan amendment. All such proposals shall be submitted on the appropriate form available from the Planning and Development Department and must comply with the submittal requirements of Chapter 163, Florida Statutes.

(History: Ord. No. 436)

#### 12.08.04. Administrative Review of Small Scale Development Amendment Applications

A. **Review for Completeness.** Within ten (10) working days of receiving an application for a small-scale development amendment, the Planning and Development Administrator or the Administrator's designee shall determine that the application is complete or incomplete. If incomplete, the applicant may submit an amended application within thirty (30) days without payment of a re-application fee, but if more than thirty (30) days have elapsed, the applicant must re-initiate the review procedure and pay an additional fee.

B. **Review for Compliance.** The Planning and Development Administrator or the Administrator's designee shall review the application and, within twenty (20) working days of receipt of a complete application, prepare a report on whether the proposal

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complies with state law, including whether the change would be consistent with the goals, policies and objectives of the Cedar Key Comprehensive Plan.

C. Setting Matter for Hearing. After the report is completed, the Planning and Development Administrator shall set the matter for hearing before the Local Planning Agency at the next available meeting allowing for required notice.

(History: Ord. No. 436)

### 12.08.05. Review of Plan Amendment Applications by Local Planning Agency

A. Local Planning Agency Review. The Local Planning Agency shall conduct a noticed hearing to review and consider all applications for amendments to the Comprehensive Plan. The hearing shall be noticed in accordance with Section 166.041(3)(a), Florida Statutes.

B. Local Planning Agency Recommendation. At the hearing, the Local Planning Agency shall adopt a recommendation for the City Commission regarding each application. The local Planning Agency may recommend that an application be approved, approved subject to modifications, or denied.

(History: Ord. Nos. 408, 436)

### 12.08.06. Review of Plan Amendment-Applications by City Commission

All hearings by the City Commission relating to Comprehensive Plan Amendments shall be noticed and conducted in accordance with Fla. Stat. Sections 163.3184 and 166.041, as applicable.

A. Adoption Hearing for Small Scale Development Amendments. A noticed legislative hearing for all small scale development amendments shall be held following receipt of the recommendation from

the Local Planning Agency. Notice shall meet the requirements of Fla. Stat. 166.041(3)(c). At the hearing, the City Commission may adopt the amendment, adopt the amendment with modifications, or deny the amendment.

B. Hearings for Large Scale Plan Amendments. Unless otherwise provided by State law, the City Commission shall hold two public hearings, as provided below, to consider all large scale plan amendments.

1. Transmittal Public Hearing. A noticed legislative hearing shall be held after receipt of the recommendation from the Local Planning Agency and before transmittal of all proposed large scale plan amendments to the Department of Community Affairs for review. Notice shall be made in accordance with Section 163.3184(15)(e), Florida Statutes. The hearing shall be conducted in accordance with Section 163.3184(15), Florida Statutes. At the hearing, the City Commission may approve an application for transmittal, approve an application for transmittal subject to modifications, or deny transmittal of an application. In accordance with Chapter 163, Florida Statutes, any proposed large scale plan amendments that the City Commission approves for transmittal with or without modifications, must be transmitted to the State Department of Community Affairs for review.

2. Adoption Hearing. After receipt from the Department of Community Affairs of an objection, recommendations and comments report on each proposed large scale plan amendment, a noticed legislative hearing shall be held. Notice shall be made in accord with Section 163.3184(15)(e), Florida Statutes. Except for amendments proposed as part of the Evaluation and Appraisal Report process, the hearing shall be held within sixty (60) days after receipt of the report form the Department of Community Affairs, or after notification that no report will be issued. For amendments proposed

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as part of the Evaluation and Appraisal Report, the hearing shall be held within 120 days after receipt of the report, or notice that no report will be issued. The hearing must follow the requirements of Fla. Stat. 163.3184(15). At the hearing, the City Commission may adopt the amendment, adopt the amendment with modifications, or deny the amendment.

(History: Ord. No. 436)

### 12.08.07. Limitations on Small Scale Development Amendments

#### A. Re-Application After Approval of Small Scale Development Use Amendments.

Whenever the City Commission has approved a small scale development amendment, no application shall be filed for a small scale development amendment relating to any part or all of the same land for a period of one year from the effective date of such amendment.

B. Re-Application After Denial of a Small Scale Development Amendment. Whenever the City Commission has denied an application for a small scale development amendment, no further application shall be filed for the same land use category relating to all, or any part, of the same land for a period of one year from the date of the denial.

C. Waiver of Time Limits. The time limits in A and B above may be waived by the affirmative vote of a majority of the entire City Commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.

(History: Ord. Nos. 314 and 436)

### 12.09.00. Appeal OF BUILDING OFFICIAL DECISIONS

A developer or any adversely affected person may request an appeal to the City Commission of a final decision of the building official on an application for a development permit, or on an

interpretation or application of this Code, or any other final decision of the building official. The appeal shall be in accordance with part 12.12.00 of this Chapter.

(History: Ord. Nos. 334, 460)

### 12.10.00. [Reserved]

### 12.11.00. ENFORCEMENT OF CODE PROVISIONS

#### 12.11.01. On-Going Inspections

The Building Official shall implement a procedure for periodic inspection of development work in progress to insure compliance with the Development Permit and this Code.

#### 12.11.02. Incorporation by Reference

The Standard Building Code "Powers and Duties of the Building Official" are hereby specifically incorporated by reference as the method of Code Enforcement, except that references to the Board of Adjustment shall be interpreted to mean City Commission.

#### 12.11.03. Certificate of Occupancy

Upon completion of work authorized by a development permit or development order, and before the development is occupied the developer shall apply to the Building Official for a certificate of occupancy. The Building Official shall inspect the work and issue the certificate if found to be in conformity with all applicable Codes.

#### 12.11.04. Penalties and Remedies

If the Building Official determines that the code enforcement process incorporated by reference above would be an inadequate response to a given violation, the Building Official may pursue the following penalties and remedies as provided by law:



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A. **Civil Remedies.** If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained or any building, structure, land or water is used in violation of this Code, the Building Official, through the City Attorney, may institute any appropriate civil action or proceedings in any court to prevent, correct, or abate the violation.

B. **Criminal Penalties.** Any person who violates any provision of this Code shall be deemed guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.

C. **Fine.** A fine of three hundred dollars (\$300.00) per tree may be charged for violation of Article V, Section 5.03.03.02.

(History: Ord. Nos. 264, 297)

### 12.12.00. QUASI-JUDICIAL HEARINGS

Quasi-judicial hearings before hearing bodies in the City of Cedar Key shall be either formal or informal hearings. A formal quasi-judicial hearing is a hearing where petitioners and affected parties have the rights and responsibilities of a party as set forth in section 12.12.02, of this Chapter. An informal hearing is a hearing where the petitioner and public may present testimony for or against a proposal before the decision-making body without the procedures of a formal hearing.

(History: Ord. No. 460)

#### 12.12.01. Definitions

##### Conflict of Interest

Conflict of interest means a situation in which regard for a private interest tends to lead to

disregard of a public duty or interest and includes those situations set forth in section 12.12.06.B.2 of this Chapter, and as set forth in Chapter 112, Florida Statutes.

##### Ex Parte Communication

Ex parte communication means an oral or written communication made to a member of a decision-making body by, or on behalf of, a petitioner, affected party, or otherwise, about the merits of an action before the decision-making body, or foreseeably anticipated to come before the decision-making body, outside of a public meeting of the decision-making body and without notice to the petitioner or affected parties.

##### Petition

Petition means both an application for an action listed in Table 12.12.02, and a request for appeal of a decision of a decision-making body.

##### Petitioner

Petitioner means both the applicant when an application is being heard for the first time and the party appealing a decision of a decision-making body.

(History: Ord. No. 460)

#### 12.12.02. Actions Requiring A Quasi-Judicial Hearing

The following actions are quasi-judicial in nature and require a quasi-judicial hearing before the decision-making body indicated herein:

<b>Table 12.12.02</b>			
<b>Action</b>	<b>Code Section</b>	<b>Decision-Making Body</b>	<b>Type of Quasi-Judicial Hearing</b>

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Conditional Use Permits	§ 12.05.01, ch. 4	City Commission	Formal
Minor Replats	§ 12.03.01, ch. 4	City Commission	Formal
Review of Development Plans	Part 12.02.00, ch. 4	City Commission	Formal
Subdivision	§ 6.00.04, ch. 4	City Commission	Formal
Variances	Part 10.01.00, ch. 4	City Commission	Formal
Certificates of Appropriateness	§ 3.01.04, ch. 4	Historic Preservation Board	Informal
Appeals of Historic Preservation Board Decisions Regarding Certificates of Appropriateness	§ 3.01.09, ch. 4	City Commission	Formal
Appeals from Final Decisions of the Building Official	§ 12.09.00, ch. 4	City Commission	Formal
Review of Application Decision for Dog Friendly Dining Permit	§ 6.08.05	City Commission	Formal

### 12.12.02. Formal Quasi-Judicial Proceedings.

- A. The order of presentation, with corresponding time limits for each presentation, shall be as follows:

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ORDER	ITEM	TIME LIMIT (Minutes)
1	Introduction of the Petition	3
2	Petitioner Presentation	20
3	Staff Presentation	10
4	Affected Party (if any) For	10 (per person)
5	Affected Party (if any) Against	10 (per person)
6	Rebuttal (Petitioner/Staff)	5
7	Close of Quasi-Judicial Proceeding	
8	Public Hearing	3 (per person)
9	Vote of Decision-Making Body	

continue the hearing and request further information from any party.

**E. Affected Party Defined; Determination.**

1. An affected party is any person who is entitled to actual written notice of a petition before the decision-making body, pursuant to section 12.02.03 of this Chapter, if applicable.

2. An affected party who is not entitled to actual written notice but who believes that he has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large by the petition, may request affected-party status by filing an application with the city clerk in writing no less than seven (7) days prior to the meeting when the petition is scheduled to be heard. The decision-making body shall consider the application for affected party status prior to the commencement of the quasi-judicial hearing. The decision on affected party status of the decision-making body shall be final.

**B.** Cross examination is limited to ten (10) minutes per witness.

**C.** The time limits set forth above may be modified by the decision-making body upon request of a party to the proceedings. Said request shall detail the additional time desired and the subjects to be discussed during the requested additional time. A request for an extension of time should be considered by the decision-making body to assure all parties have a full fair opportunity to participate without undue repetition and delay.

**D.** The decision-making body may, in its discretion and at any time during the hearing,

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F. Representation. Any petitioner or affected party may be represented by an attorney.

G. Registration of Affected Parties. In order to participate in the formal quasi-judicial proceeding, all affected parties shall complete a registration card in the form prescribed by the decision-making body, stating their name and address and other pertinent information, and whether they support or oppose the petition before the decision-making body. The registration card shall be delivered to the decision-making body at the proceeding after determination of affected party status. If an attorney represents an affected party or several affected parties, the attorney shall complete the registration card and identify the person or persons they represent and whether their client supports or opposes the petition before the decision-making body.

H. Commencement of the Hearing.

1. The appropriate City staff shall introduce the case and shall provide a brief description of the petition. This introduction shall not be considered evidence in the proceeding, and the member(s) of the City staff presenting the introduction shall not be subject to cross-examination by any party to the proceedings.

2. Ex parte communications and conflicts of interest.

a. Ex parte communications. In accordance with section 12.12.06 of this Chapter, the members of the decision-making body shall disclose any ex parte communications that may have occurred concerning the petition. The petitioner and any affected party may examine, through the chair, each decision maker about these communications.

b. Conflicts of interest. The petitioner and any affected party may challenge the impartiality of any decision-maker in accordance with section 12.12.06 of this chapter.

3. In the interest of saving time, the Petitioner, City staff, affected parties, and all witnesses shall

be collectively sworn in by the appropriate City staff.

I. Evidence.

1. Testimony or other evidence that is irrelevant or immaterial to the issue to be decided by the decision-making body is inadmissible. The decision-making body shall make rulings on objections to the relevance and materiality of the examination. A decision-making body member, party, or City staff member may raise an objection to the possibly irrelevant and immaterial testimony or evidence.

2. The examination of witnesses shall be conducted under oath by direct examination on matters which are relevant and material to the issues before the decision-making body. After the conclusion of direct examination, the witness may be cross examined by another party, decision-making body member, or City staff. The inquiry under cross examination shall be limited to matters raised in the direct examination of the witness being examined. No re-direct shall be allowed unless requested by a party stating the desired area of inquiry and that request is approved by the decision-making body. If re-direct is allowed, it shall be limited to questions of the witness on issues raised on the cross-examination. This provision shall not limit a decision-making body member from questioning any person on matters relevant to the petition before the decision-making body.

3. During the presentation by the opponents or proponents of an issue before the decision-making body, no one may present testimony or evidence which is unduly cumulative or repetitious of previously presented testimony or evidence by a fellow opponent or proponent.

J. Public Hearing. After the quasi-judicial hearing is completed, those members of the public who were not a party to the quasi-judicial hearing may be permitted to speak up to three (3) minutes and present testimony to the decision-making body.

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No party, petitioner, City staff or witness shall speak during the public hearing portion of the proceedings.

**K. Decision and Final Order.**

1. After the public hearing, the decision-making body shall vote to approve, deny, or approve with conditions the petition. In reaching its decision, the decision-making body shall only consider evidence presented at the hearing and shall base its decision on the competent, substantial evidence of record.

2. After voting, the chair of the decision-making body shall orally issue an order consistent with the vote of the decision-making body.

3. The order shall be reduced to writing and shall include findings of fact and conclusions of law and state whether the petition is approved,

denied, or approved with conditions. The order shall also specify any conditions, requirements or limitations on the approval of the petition. The written order shall be presented to the decision-making body for approval at a special meeting, or at the next regular meeting of the decision-making body. The chair of the decision-making body and the city clerk shall execute the order as it is approved. Executed copies of the order shall be sent by certified mail to the petitioner and any affected party.

4. If applicable, the final executed order is a Final Development Order under 12.01.02 and 12.01.03 above. Notice of all Final Development Orders must be recorded in the Official Records of Levy County at the petitioner's expense using a form provided by the City in substantially the following form:

**NOTICE OF FINAL ORDER AFFECTING USE OF PROPERTY**

This document is recorded in the Official Records of Levy County as notice that the property described below is the subject of a final order issued by the City Commission of the City of Cedar Key. Please consult the Final Order referenced below for potential limitations on the use of the subject property. Public record of all Final Orders of the City of Cedar Key are maintained at City Hall, 490 Second Street, Cedar Key, Florida 32625.

**Subject Property:**

Address: \_\_\_\_\_

Levy County Parcel ID: \_\_\_\_\_

Owner/Applicant: \_\_\_\_\_

Legal Description: \_\_\_\_\_

**Final Order:**

Number: \_\_\_\_\_

Type:  Minor Replat (attach boundary survey not larger than 8.5" by 17")

Certificate of Appropriateness

Conditional Use Permit

Development Plan

Subdivision

Certificate of Appropriateness for Demolition

Variance

Other: \_\_\_\_\_

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I certify that the information stated herein is true and accurate.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Notary Public

(History: Ord. Nos. 408, 460)

## 12.12.03. Informal Quasi-Judicial Hearings.

A. An informal hearing shall be presented to the decision-making body in the following order:

1. City staff presentation.
2. Disclosure of ex parte communications and decisions regarding potential conflicts of interest in accordance with section 12.12.06 of this Chapter.
3. Petitioner presentation.
4. Public Hearing.
5. Vote of the decision-making body.

B. Cross examination of witnesses is not permitted. This provision does not prohibit a decision-maker from questioning any person on matters relevant to the petition.

C. Evidence. The appropriate City staff shall present any staff or other report on the petition. Evidence before the decision-making body shall include, but not be limited to, an analysis which includes the consistency of the petition with the City's adopted codes, rules, policies or plans, as applicable, and how the petition does or does not meet the requirements of such codes, rules, policies, plans and other applicable laws. Written reports and any other documentary evidence shall become a part of the record. Evidence may be

presented through oral testimony of witnesses or documentary evidence or both.

D. Registration. Any person may speak for or against the matter if they complete a registration card at the meeting as provided by the decision-making body. The decision-making body chair may limit the time of any portion of an informal hearing to avoid unnecessary repetition and delay.

E. Decision. After the public hearing portion, the decision-making body shall vote to approve, approve with conditions or deny the petition. In reaching its decision, the decision-making body shall only consider evidence presented at the hearing and shall base its decision on the competent, substantial evidence of record. The chair of the decision-making body shall orally issue an order consistent with the vote of the decision-making body.

F. Final Orders. The order shall be reduced to writing and must state whether the petition is approved, denied, or approved with conditions. The order must also specify any conditions, requirements or limitations on the approval of the petition. The City shall prescribe the format of the order. The chair of the decision-making body shall execute the Final Order within three days of the hearing and provide to the petitioner within one business day of the execution. The order is a final order of the decision-making body. Appeals from final orders may be filed in accordance with section 12.12.05 of this Chapter. If no appeal is requested

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within the period provided for in section 12.12.05, the order shall constitute a Final Development Order, if applicable, and shall be recorded in accordance with paragraph 12.12.03.K.4, of this Chapter.

(History: Ord. No. 460)

### 12.12.04 Appeals.

#### A. Appeals to the City Commission.

1. Whenever an appeal to the City Commission is provided for in Chapter 4, Laws of Cedar Key, any person aggrieved by a decision of the applicable decision-making body may file an appeal.

2. Written notice of appeal. The appeal shall be made by filing a written notice of appeal with the Clerk of the City Commission within fourteen (14) days from the date the final order is executed, or in the case of a final decision not requiring a final order, within fourteen (14) days from the date the decision is reduced to writing. The notice of appeal shall contain:

a. A statement of the decision to be appealed, and the date of the decision.

b. A statement of the interest of the person filing the appeal.

c. The specific comprehensive plan or Cedar Key Code provisions alleged to have been applied in error.

3. City Commission Hearing. The City Commission shall hear the appeal at its next regular meeting, provided at least fourteen (14) days have intervened between the time of the filing of the notice of appeal and the date of such meeting. The City Commission shall conduct the hearing in accordance with section 12.12.03 of this Chapter and the City Commission's decision shall constitute final administrative review.

B. Appeals of City Commission decisions. Appeals from decisions of the City Commission may be made to the courts as provided by law.

(History: Ord. No. 460)

### 12.12.05. Ex Parte Communications and Conflicts of Interest

#### A. Ex parte communications.

1. If a member of a decision-making body receives a written ex parte communication relating to a matter coming before the decision-making body, the decision-maker shall transmit the item to the Clerk of the City Commission for inclusion in the official records. The communications shall be made available to the parties as soon as practicable before the hearing.

2. As soon as it becomes apparent that an inadvertent oral communication pertains to a matter coming before the decision-making body, the member of the decision making body shall explain to the person that the communication is improper, and that he or she is required to end the communication on that subject. At the time the item comes up for discussion at the decision-making body meeting, the decision-maker shall report any attempted ex parte communication.

#### B. Conflicts of interest.

1. A party to a quasi-judicial hearing may challenge the impartiality of any member of the decision-making body. The challenge shall state by affidavit facts relating to a bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the decision-maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the City Clerk's office no less than forty-eight (48) hours preceding the time set for the hearing. The City Clerk shall attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

## **LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS**

2. No member of a decision-making body shall hear or rule upon a proposal if:

a. Any of the following have a direct or substantial financial interest in the proposal: the decision-maker's or the decision-maker's spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business in which the decision-maker is then serving or has served within the previous two (2) years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or

b. The decision-maker owns property within the area entitled to receive notice of the hearing; or

c. The decision-maker has a direct private interest in the proposal; or

d. For any other valid reason, the decision-maker has determined that he or she cannot impartially participate in the hearing and decision.

3. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the decision-making body on the

proposal without first declaring for the record the nature and extent of the interest.

4. A majority of the members of the decision-making body present and voting may, for reasons prescribed by the Code or other applicable law, vote to disqualify a decision-making body member who has refused to disqualify him or herself.

(History Ord. No. 460)

12.13.00. ADMINISTRATIVE SPECIAL USE PERMIT The Land Development Code Administrator is authorized to issue an administrative special use permit for aquaculture use on lands classified as commercial including the area designated within Overlay Map Exhibit 1-10 of the Future Land Use Element of the Comprehensive Plan. Said administrative special use permit shall ensure compliance with federal flood regulations contained in Chapter 6.07.00 of the Land Development Code. Requests for such administrative special use permits shall be made by completing an application and providing supporting documentation that the applicant is engaging in aquaculture on the subject parcel.

(History Ord. No. 523)

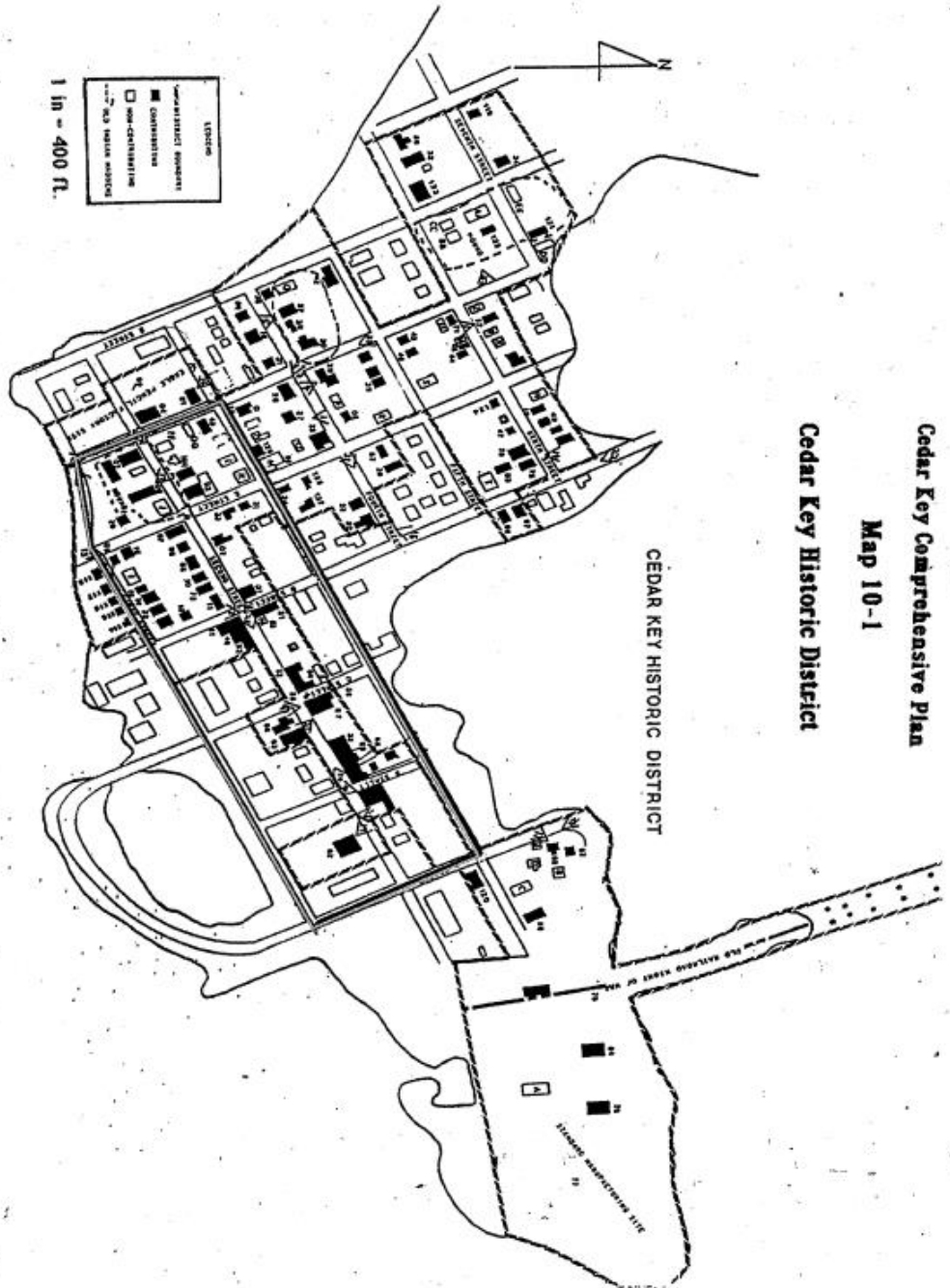


**LAWS OF CEDAR KEY-CHAPTER FOUR  
LAND DEVELOPMENT REGULATIONS**

**APPENDIX A**

# LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS

Cedar Key Comprehensive Plan  
Map 10-1  
Cedar Key Historic District



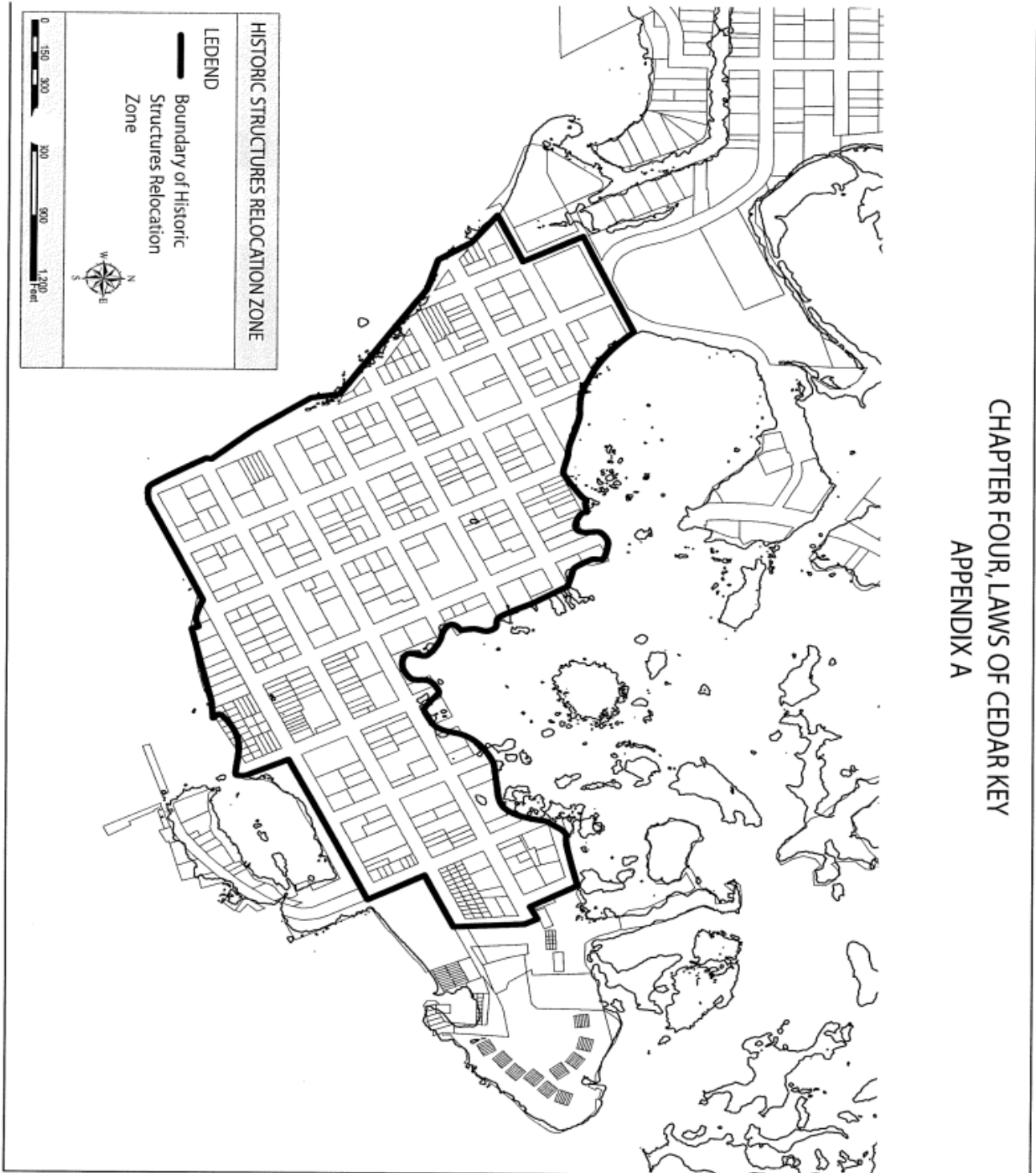
Source: Florida Preservation Services  
& Cedar Key Historical Society,  
1987.

The city has designated the area shown in red  
as the Cedar Key Historical District.

10-14

# LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS

## CHAPTER FOUR, LAWS OF CEDAR KEY APPENDIX A



# LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS

## CEDAR KEY COMPREHENSIVE PLAN

1/28/90

### Exhibit 10-2 Cedar Key Historic District Contributing Site List

Site No.	Number	Address	Site Name	Dates	Original Use	Category
CK025	39	4th Street	Old First Baptist Church	1891 C	Church	Building
CK026	26	4th Street	Claywell, R.S., House	1884 PRE	Private Residence	Building
CK027	A38	4th Street	Parsons Rental	1890-1909	Private Residence	Building
CK028	36	4th Street	Tebou House	1882	Private Residence	Building
CK029	325	F Street	Hale/Johnson House	1880	Private Residence	Building
CK030	215	F Street	Watson/Hodges House	1919-1920	Private Residence	Building
CK031	214	F Street	Wilson, J.J., House	1902	Private Residence	Building
CK032	203	6th Street	203 6th Street	1920 C	Private Residence	Building
CK033	320	E Street	Gardner House	1906	Private Residence	Building
CK034	109	G Street	Crevasse, Henry, Winter House	1882 C	Private Residence	Building
CK035	218	2nd Street	Ellis Building	1920's	Commercial/Residential	Building
CK036	N Cor	4th Street	Old Block House	1870's PRE	UKN/Residential	Building
CK037	613	4th Street	Hodges Rental	1927-1928	Private Residence	Building
CK038	16	4th Street	Hodges Rental	1927-1928	Private Residence	Building
CK039	206	5th Street	Hodges Rental	1907	Private Residence	Building
CK040	224	F Street	First Christian Church	1910 PRE	Church	Building
CK041	S Cor	2nd Street (D Street)	Masonic Lodge	1910	Lodge, Commercial/ Residential	Building
CK042	E Cor	5th Street (G Street)	Delaino, W.P., House	1920-1933	Private Residence	Building
CK043	312	F Street	Walker, Wilson, House	1919 C	Private Residence	Building
CK044	243	6th Street	243 6th Street	UKN	Private Residence	Building
CK045	241	6th Street	241 6th Street	UKN	Private Residence	Building
CK046	211	5th Street	Kirby/Bense House	1920 PRE	Private Residence	Building
CK047	250	6th Street	Jenkins, Frank, House	1920's	Private Residence	Building
CK048	233	6th Street	Wadley's Grocery	1914	Store/Residence	Building
CK049	221	2nd Street	Dancy, J.D., House	1916	Private Residence	Building
CK050	E	SR 24	Zeigler's Bath House	1920's	Commercial	Building
CK051	N Cor	D Street (2nd Street)	Andrews, I.O./Hale Building	1880	Commercial/Residential	Building
CK052	3rd	2nd Street (from Corner of D Street)	Ice Cream parlor	1910's	Commercial	Building
CK053	2nd IN	2nd Street (from Corner of D Street)	Bickell's Photo Gallery	1884 PRE	Commercial/Residential	Building
CK054	211	2nd Street	Kapote Building	1920	Commercial	Building
CK055	212	2nd Street	Cedar Key State Bank	1912	Commercial	Building
CK056	NE Cor	2nd Street (at C Street)	Luttrell Building	1875	Commercial/Residential	Building
CK057	215	2nd Street	Schlemmer Bakery & Groceries	1880	Commercial/Residential	Building
CK058	202	6th Street	Whitman, St. Claire, House	1884 C	Private Residence	Building
CK059	220	2nd Street	Ellis Building	1912	Commercial/Residential	Building

CEDAR KEY COMPREHENSIVE PLAN

Exhibit 10-2  
Cedar Key Historic District  
Contributing Site List

Site No.	Number	Address	Site Name	Dates	Original Use	Category
CK060	222	2nd Street	Zadowski General Merchandise	1881	Commercial	Building
CK061	223	2nd Street	Bodiford Drug Store	1878	Private Residence	Building
CK062	253	2nd Street	Hodges, W.R. House	1910	Private Residence	Building
CK063	245	2nd Street	Schlemmer House	1908	Private Residence	Building
CK064	A	SR 24	A SR 24	1920's	Commercial	Building
CK065	221	2nd Street	Bodiford Building	1890-1909	Private Residence	Building
CK066	120	2nd Street	Kirchaine/Yulee House	1884-1890	Private Residence	Building
CK067	C	SR 24	Noegel House	1920's	Private Residence	Building
CK068	107	3rd Street	107 3rd Street	1910's	Private Residence	Building
CK069	B	SR 24	Holman House	1920's	Private Residence	Building
CK070		SR 24	Fayle Rental	1920's	Private Residence	Building
CK071	239	6th Street	239 6th Street	1920 PRE	Private Residence	Building
CK072	131	2nd Street	131 2nd Street	1920-1930	Private Residence	Building
CK073	115	1st Street	Hodges Rental	1927-1928	Private Residence	Building
CK074		SR 24	Turner, Dr. J.W., House	1927	Private Residence	Building
CK075	COR	D Street at 6th Street	Episcopal rectory	1920's	Private Residence	Building
CK076	127	5th Street	McLeod's Store	UKN	Commercial/Residential	Building
CK077	NE End	3rd Street	United States Fibre Company	1909-1940	Fibre Factory	Site
CK078	2nd on Lt	Mill Street (SE of Railroad Ave)	Andrews, Dan, House	1910-1917	Office & Private Residence	Building
CK079		Railroad Avenue	Site of Florida Railroad	1860-1935	Railroad	Site
CK080	45	4th Street	Cedar Key First Me Church	1889	Church	Building
CK081	210	F Street	Eagle Cedar Mill House	1880's	Private Residence	Building
CK082	003	A Street	003 A Street	UKN	Private Residence	Building
CK083	414	D Street	Episcopal Parish Hall		Private Residence	Building
CK084	1st on Lt	3rd Street	Tooke House	1922	Private Residence	Building
CK085	001	A Street	001 A Street	UKN	Private Residence	Building
CK086	244	2nd Street	Schlemmer Out-Building	1920 PRE	Service Building	Building
CK087	328	E Street	328 E Street	1907	Private Residence	Building
CK088	129	2nd Street	Richburg/Berry House	1906	Private Residence	Building
CK089	E COR	4 Street (at G Street)	Wadley, Frank, House	1873-1896	Private Residence	Building
CK090		Aisena Otie Key	Eberhard Faber Mill Site	1873-1896	Sawmill	Site
CK091		Aisena Otie Key	Suwannee Mill Site	1873-1896	Sawmill	Site
CK092		Aisena Otie Key	Town of Aisena Otie	1839-1896	Town	Site
CK093		Aisena Otie Key	Aisena Otie Cemetery	1870's-1896	Cemetery	Site
CK094		Gulf Boulevard	Cedar Key Cemetery	1870's-1896	Cemetery	Site
CK095		Gulf Boulevard	Gulf Boulevard Bungalow	1920's	Private Residence	Building

LAWS OF CEDAR KEY-CHAPTER FOUR  
LAND DEVELOPMENT REGULATIONS

# LAWS OF CEDAR KEY-CHAPTER FOUR LAND DEVELOPMENT REGULATIONS

## CEDAR KEY COMPREHENSIVE PLAN

1/28/90

### Exhibit 10-2 Cedar Key Historic District Contributing Site List

Site No.	Number	Address	Site Name	Dates	Original Use	Category
CK096		D Street	Old First Presbyterian Church	1880's	Church	Building
CK097		D Street				
House	1870's	Private Residence	Building			
CK098		3rd Street & E Street	Lutterloh House Site	1870's	Private Residence	Site
CK099		3rd Street at F Street	Eagle Cedar Mill Site	1880's-1896	Sawmill	Site
CK100		Pliny Point, Way Key	Coons House and Boatyard	1870-1893	Boatyard	Site
CK101		Rye Key	Johnson's Homestead	1851	Homestead	Site
CK102		Scale Key	Corrigan Homestead & Hotel	1859-1910	Homestead	Site
CK103		S of Cedar Key Pier, Way Key	Wreck Site #1	1871 PRE	Wreck	Site
CK104		N of Aisena Otle Key Beach	Wreck Site #2	1871 PRE	Wreck	Site
CK105		NW of Aisena Otle Key Beach	Aisena Otle Key Wharfs	1839-1896	Wharfs	Site
CK106		Hale Key North of Way Key on SR 24	Hale Key Site			
CK107		W of Seahorse Lighthouse,	Hale Key Site			
		Seahorse Key	1842	UKN	Midden	Site
CK108	W End	2nd Street	Johnson, Sam, House Site	1842	Homestead	Site
CK109		Snake Key	Philbrick's Mill	1870-1896	Sawmill	Site
CK110		2nd Street	Quarantine Station	1877-1910	Hospital	Site
CK111		5th Street	Cedar Key Midden	UKN	Midden	Site
CK112		7th Street	5th Street Site	UKN	Midden	Site
CK113		Beach S of Lighthouse, Seahorse Key	Seahorse Dump	1840 SC	Dump	Site
CK114	122	1st Street	Hodges Rental	1927+	Private Residence	Building
CK115	121	1st Street	Hodges Rental	1927+	Private Residence	Building
CK116	120	1st Street	Hodges Rental	1927+	Private Residence	Building
CK117	119	1st Street	Hodges Rental	1927+	Private Residence	Building
CK118	118	1st Street	Hodges Rental	1927+	Private Residence	Building
CK119	15	7th Street	15 7th Street	1927+	Private Residence	Building
CK120	111	3rd Street	111 3rd Street	1927+	Private Residence	Building
CK121	28	7th Street	28 7th Street	1927+	Private Residence	Building
CK122	45	7th Street	45 7th Street	1927+	Private Residence	Building
CK123	205	6th Street	205 6th Street	1927+	Private Residence	Building
CK124	248	6th Street	248 6th Street	1927+	Private Residence	Building
CK125	324	E Street	324 E Street	1927+	Private Residence	Building
CK126	23	3rd Street	23 3rd Street	1927+	Private Residence	Building
CK127	27	2nd Street	27 2nd Street	1927+	Private Residence	Building
CK128		Airport Road	Fowler House	1920's	Private Residence	Building

Source: Cedar Key Historical Society, April 1989.