

CHAPTER II. GENERAL

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2.1. Statement of intent.

The regulations and requirements contained herein have been formulated in accordance with the Crescent City Comprehensive Plan, with reasonable consideration, among other things, to the prevailing land uses, natural and historic resources, growth characteristics, and the character of the respective districts and their peculiar suitability for particular uses, and to encourage the most appropriate use of land throughout the city. In their interpretation and application, the provisions of this code shall be deemed the minimum requirements to:

1. Promote the public health, safety and general welfare.
2. Protect the character and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural, recreational, historical and environmental areas within the city.
3. Provide adequate light, air, privacy and access to property.
4. Avoid undue concentration of population by regulating and limiting the density, intensity, height and bulk of buildings.
5. Provide open space around buildings.
6. Provide open spaces and recreation facilities.
7. Limit congestion in public streets by providing for off-street parking.
8. Ensure safe and convenient traffic flow.
9. Define the powers and duties of the Planning and Zoning Commission and appointed administrative officers.
10. Ensure adequate utilities.
11. Ensure adequate drainage and drainage control.
12. Ensure that new development is served with necessary services and improvements without being a burden on the taxpayers of the city.
13. Ensure that all future development orders and permits for both new and existing projects comply with this code.
14. Provide, protect and maintain the green infrastructure of the City.

It is not the intent of the city to interfere with or annul any lawful easements, covenants or other agreements between parties; provided, however, that where this code imposes a greater restriction upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations or by lawful easements, covenants or agreements, the provisions of this code shall control. All development shall conform with the comprehensive plan. The density of any development shall not exceed the densities designated in the future land use element of the comprehensive plan.

2.2. Development review committee.

2.2.1. *Establishment and purpose.* There is hereby established a development review committee which shall be responsible for the initial review of development proposals for compliance with the provisions of this code.

2.2.2. *Composition of committee.* Members of the development review committee shall include representatives of various city departments and outside consultants whose field of interest is called into play by the new development. The city manager shall designate the members including a chairman. The members shall represent the departments of public works, planning and zoning, police, and Gas utility member, when gas is requested.

2.2.3. *Duties and responsibilities.* The development review committee shall review and make written recommendations on the following:

1. Annexations.
2. Comprehensive plan amendments.
3. Rezoning.
4. Subdivision plats.
5. Site plans.
6. Conditional uses.
7. Changes to the land development code.
8. Variances.

2.2.4. *Procedures.* The development review committee procedures are described in appropriate sections of this code dealing with the various types of development applications.

2.2.5. *Meetings.*

1. The development review committee shall meet as necessary.
2. An agenda shall be prepared and distributed to each member prior to the meeting.
3. All applicants having requests to be reviewed by the development review committee will be provided an agenda and invited to attend and participate in the meeting.

2.3. Development review coordinator.

2.3.1. *Appointment and purpose.* The city manager shall appoint a development review coordinator who shall be responsible for the implementation and the enforcement of the provisions of this code.

2.3.2. *Duties and responsibilities.* The duties and responsibilities of the development review coordinator shall include:

1. Receiving development applications, reviewing the same for completeness and sending them to appropriate members of the development review committee.
2. Processing all development applications to ensure compliance with this code and acting on all applications that do not require approval of the Planning and Zoning Commission and City Commission.
3. Presenting development applications, as required, to the Planning and Zoning Commission and City Commission.
4. Issuing development approvals as appropriate.

2.4. Determination and offsetting of impact.

During the review of an application for development approval, a determination will be made as to the environmental, technological and fiscal impacts of the proposal on public works and facilities and the measures necessary to offset any adverse impacts and to promote positive impacts.

The assessment of positive and negative impacts will use the best available information; the applicant is encouraged to provide any information in addition to required submittals that will assist in more accurately assessing impacts. The city may require additional technical information to analyze impacts.

2.5. Planning and Zoning Commission.

1. The Planning and Zoning Commission shall consist of five persons who are residents and registered voters of the City of Crescent City, and who shall be appointed, subject to approval of the City Commission, by the mayor. No paid or elected official or employee of the city may serve as a member of the Planning and Zoning Commission. Members shall be appointed for three-year terms, and may be reappointed for additional terms.
2. It is the policy of the City of Crescent City that the membership of the Planning and Zoning Commission reflect the demographic and geographic diversity of the citizens of the city.
3. Members of the Planning and Zoning Commission shall comply with all applicable federal, state and local laws regarding ethics, financial disclosure, open conduct of public business and public records. Members of the commission shall serve at the pleasure of, and may be removed by, the City Commission.
4. A voluntary absence from three meetings of the commission during a calendar year shall constitute resignation and a replacement shall be appointed to complete the

unexpired term of the resigned member. The resigned member may be appointed as the replacement.

5. At the first meeting of the calendar year, the commission shall elect one of its members as chairman. The quorum for any meeting of the commission shall be a majority of its members.

6. Members of the commission shall serve without compensation or honorarium, but shall be entitled to receive reimbursement for per diem and travel expenses for attendance at meetings or conferences outside the City of Crescent City, provided that prior approval in writing is given by the City Administrator.

7. In addition to the members of the Planning and Zoning Commission appointed as set forth above, the Putnam County School Board shall be allowed to appoint a board member or staff member as a representative of the Putnam County School District as a nonvoting member of the local planning agency. This representative shall be allowed to attend as a member of the local planning agency those meetings at which the agency considers comprehensive plan amendments that would, if approved, increase residential density on the property that is the subject of the application.

2.5.1 *Powers and duties.*

1. *Recommendation of original zoning districts and appropriate regulations.* It shall be the duty of the Planning and Zoning Commission to recommend to the City Commission the boundaries of the various original zoning districts and appropriate regulations to be enforced therein.

2. *Zoning changes.* Although the City Commission may, from time to time, amend or supplement the regulations and zoning classifications or districts, proposed changes may be suggested by the Planning and Zoning Commission or by petition of the owners of 50 percent or more of the area involved in the proposed change. In the latter case, the petitioner or petitioners will be required to assume all costs of holding public hearings. See section 3.3 for procedures.

3. *Comprehensive plan amendments.* The Planning and Zoning Commission shall also serve as the local planning agency, and shall review and make recommendations on amendments to the comprehensive plan.

4. *Site plan review.* The Planning and Zoning Commission shall be responsible for approval of all site plans and variances associated with site plans as appropriate.

5. *Conditional uses.* The Planning and Zoning Commission shall hear and decide requests for conditional uses allowed in chapter III, hereof. In doing so, the commission may decide such questions as are involved in determining when conditional uses should be granted and either grant conditional uses with appropriate conditions and safeguards or deny conditional uses. After review of an application and a public hearing thereon, the commission may allow conditional uses only upon a determination that the use requested:

- a. Is not detrimental to the character of the area or inconsistent with trends of development in the area;
- b. Does not have an unduly adverse effect on existing traffic patterns, movements and intensity;
- c. Is consistent with the comprehensive plan; and
- d. Will not adversely affect the public interest.

6. *Variances.* The Planning and Zoning Commission shall hear and decide requests for variances from the terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant thereof, and not surrounding properties. In order to authorize a variance, the commission must find:

- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; such on-site conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;
- b. That the special conditions and circumstances do not result from the actions of the applicant;
- c. That granting the variance requested will not confer on the applicant any special privilege that is denied by the chapter to other lands, buildings or structures in the same zoning district;
- d. That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work [incur] unnecessary and undue hardship on the applicant;
- e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- f. That the grant of the variance will be in harmony with the general intent and purpose of this code and the comprehensive plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- g. The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.

In granting any variance, the commission may prescribe appropriate conditions and safeguards, the violation of which shall be deemed a violation of this code. The commission may also prescribe a reasonable time limit within which the action for which the variance was requested shall be begun, completed or both.

Under no circumstances shall the commission grant a variance which permits a use not generally, or by conditional use, permitted in the zoning district involved, or any use expressly or by implication prohibited, by the terms of this code in the zoning district involved. Nonconforming uses of neighboring lands, structures or buildings in the same zoning classifications or district, and permitted uses of lands, structures or buildings in other zoning classifications or districts shall not be considered grounds for the authorization of a variance.

7. *Garage variance criteria.* Variance to the garage requirements in residential zones shall be permitted if the following criteria are met:

- a. An alternative enclosed storage structure is provided outside the living quarters of the primary structure;

- b. One square foot of storage area shall be provided for each ten square feet of living area within the primary structure with a minimum square footage of 100 square feet;
- c. The storage structure shall be a permanent structure constructed on a foundation having either a concrete slab or a stem wall and meet the minimum requirements of the Florida Building Code;
- d. The storage structure must be of similar construction and architectural style as the primary structure;
- e. The lot must be located in an infill area of the city and must qualify as a legal lot of record which cannot meet minimum lot size requirements and were platted prior to May 08, 1975; and
- f. The driveway area must be paved and of adequate size to park two cars.

2.6. Appeals.

Any person aggrieved by a decision of the development review coordinator may file a written appeal with the city manager within five working days of the rendition of the decision. The decision shall be reviewed by the Planning and Zoning Commission or City Commission as appropriate. The appeal shall fully state the specific grounds for the appeal and all of the facts relied upon by the petitioner. Only those items specified in the petition shall be considered.

Any person aggrieved by a decision of the Planning and Zoning Commission may appeal to the City Commission via the city manager within 30 days of the rendition of the decision by the Planning and Zoning Commission. Any person aggrieved by a decision of the City Commission may file a petition for a writ of certiorari in a Court having competent jurisdiction for Putnam County. The petition must be filed with the court within 30 days after the date of the final action of the City Commission. Appeals to the City Commission will be de novo.

2.7. Fee schedule.

Prior to the issuance of a building permit, all appropriate fees and charges must be paid in full, including, but not limited to, impact fees, sewer connection charges, utility meter connection charges and building permit fees. The following fees are hereby assessed:

1. *New construction/residential.* (Reserved)
2. *New construction/commercial.* (Reserved).
3. *Residential remodeling and additions.* (Reserved)
4. *Residential alterations.* (Reserved):
 - a. Plumbing alteration of any kind (Reserved).
 - b. Electric, new service or upgrade, (Reserved).
 - c. Air conditioning and heating, (Reserved).
 - d. Roofing, (Reserved)
 - e. Accessory structures requiring a single inspection (Reserved).

- f. Fencing, (Reserved).
- g. Stucco, (Reserved).
- h. Siding, soffit and fascia, (Reserved).
- i. Flagpole, \$0.00.

5. *Commercial alteration.* (Reserved)

6. *Site development permit.* For improvements to be dedicated to the city, site clearing or site work required prior to the issuance of building permits on-sites other than single-family and duplex lots, a site development permit must be issued for which the sum of one percent of the total construction value will be assessed.

7. *Zoning and development application fees.*

a. *Establishment of administrative procedures.* The following administrative procedures shall be utilized when collecting and processing all development review fees paid to the City of Crescent City:

1. *Flat fees.* A flat fee shall be collected from the petitioner by the development review coordinator or his designee at the time of filing of each petition for a rezoning, conditional use, variance, annexation, vacation, or comprehensive plan amendment, etc. No petition shall be accepted until the fee is paid in full.

2. *City invoices.* Upon the timely receipt of all current charges levied against a project (e.g. engineering fees, etc.), the zoning official shall send a corresponding invoice to the developer for payment. If payment is not received, the planning and zoning department shall send notice of nonpayment to the developer and no development permits will be issued until such invoices are paid.

b. *Fee collection and schedule.* Upon submittal of any petition or plan, the zoning official shall ensure that the required fee is posted to an appropriate project account in coordination with the city finance director. The zoning official shall collect the following flat fees for petitions made to the City of Crescent City:

- Petition for rezoning to all classifications except PUD . . . \$ 350.00
- Petition for rezone to PUD/preliminary development plan . . . 1,500.00
- Petition for variances, except for existing single-family dwellings . . . 350.00
- Petition for variance to existing single-family dwellings . . . 50.00
- Petition for amendment to the comprehensive land use plan . . . 2,000.00
- Petition for voluntary annexation:
- One single-family residence . . . 150.00
- All others . . . 400.00
- Application to vacate rights-of-way or plats . . . 450.00
- Conditional use permits . . . 450.00
- Concurrency review . . . 250.00
- Appeals of all decisions . . . 100.00

The zoning official or his designee shall collect the following minimum fees for all plans submitted for development approval within the City of Crescent City:

- Proposed land subdivision (preliminary plat and development plan) . . . \$1,000.00
- Final plat and construction plans . . . 1,500.00
- Proposed multifamily or commercial site plan . . . 2,000.00
- Proposed planned unit development master plan/final development plan . . . 2,000.00
- Replat pursuant to subsection 4.1.2.4 . . . 500.00
- Minor subdivision . . . 350.00
- Minor site plan . . . 1,000.00
- Minor site plan for non-residential accessory structures of less than 250 square feet . . . 500.00
- Temporary sales . . . 50.00
- 8. *Reinspection fees.* (Reserved)
- 9. *Demolition or moving of buildings or structures.* (Reserved)
- 10. *Sign permits.*
 - a. A fee of \$75.00 shall be charged for each sign whose construction value is \$501.00 or less.
 - b. A fee of \$75.00 plus \$5.00 per \$1,000.00 or fraction thereof of construction value shall be charged for each sign whose construction value is greater than \$501.00.
- 11. *Driveways for existing structures only.*
 - a. A fee of \$50.00 shall be charged for each residential driveway.
 - b. A fee of \$50.00* shall be charged for each commercial driveway.
- 12. *Building Official Construction plan review.* (Reserved)
- 13. *Administrative fees.* (Reserved)
- 14. *Permit renewals.* (Reserved)
- 15. *Contractor registration fees.* (Reserved)
- 16. *Curb cuts.* A fee of \$75.00 shall be paid for each curb cut permit. This fee does not include the actual cost of the cut if performed by the city. The cost of any such cut by the city shall be paid by the person requesting the cut.
- 17. *Swimming pools.* (Reserved)

2.8. Altering of code.

It shall be unlawful for any person to change or amend, by addition or deletion, any part or portion of this code, or to insert or delete pages or portions thereof or to alter or tamper with such code, in any manner whatsoever, which will cause the law of the city to be misrepresented thereby.

2.9. Enforcement.

2.9.1. *General.* No site plan or subdivision development shall be approved, platted or recorded, nor shall any building permit or certificate of occupancy be issued, unless the development meets all the requirements of and has been approved in accordance with the provisions of this code. The City Commission or any aggrieved person shall have recourse to the remedies provided for herein to ensure compliance with the provisions of this code, including injunctive relief, but not damages, to enjoin and restrain any person

violating the provisions of this code. The court shall, on proof of the violation, have the duty to forthwith issue any temporary and permanent injunctions as are necessary to prevent the violation of this code. The city shall have the authority to conduct inspections of any project undertaken under this code. The City Commission shall have the right to enforce compliance with this code by all legal means.

2.9.2. *Required improvements.* The City Commission may enforce an improvement or performance bond or resort to legal and equitable remedies if required improvements have not been satisfactorily installed pursuant to an approved site plan or final plat within one calendar year after the site plan or final plat is approved, unless the time of completion is extended by the Planning and Zoning Commission with the consent of the surety. In no event will an extension of more than one year be granted.

2.9.3. *Violations.* It shall be a violation of this code for any person to sell any parcel or property as a buildable lot or construct, open or dedicate any street, sanitary sewer, storm sewer, water main or drainage structure, without having first complied with the provisions herein.

2.9.4. *Issuance of building permits.* It shall be unlawful for a structure to be erected on a lot or parcel of land within the city unless a building permit has been issued. Further, no building permit shall be issued unless one of the following conditions is met:

1. The lot or parcel is within a subdivision for which a final plat has been approved by the City Commission and the required improvements have been installed and accepted by the City Commission. However, buildings may be erected concurrently with the construction of the required improvements if an appropriate bond has been posted. If there is no bond for subdivision improvements, the final inspection of the buildings shall not be approved and the buildings must not be occupied until all the required improvements have been completed and accepted by the City Commission.

2. Where a plot of land consisting of one or more adjacent lots deeded or platted prior to May 8, 1975, did not at the time have sufficient contiguous land to enable it to conform to the minimum lot size requirements of this code, such plot of land may nevertheless be used as a building site for a single-family residence, so long as the district permits single-family residences; provided that said structure contains the minimum living area and conforms to the setback and parking requirements of the district. Nothing contained in this paragraph shall require a combination of contiguous lots in order to meet minimum lot size requirements. Any structure allowed to be constructed under this paragraph shall conform to the architectural guidelines set forth in section 6.11 of these land development regulations or shall be compatible, in the opinion of the development review coordinator, with the homes in the surrounding neighborhood.

3. The lot or parcel abuts a public street which has been dedicated to the city and accepted by the City Commission, or is shown on a legally recorded subdivision plat.

4. A variance has been granted pursuant to this code.

In addition, no building permit shall be issued until all fees for water, sewer, electrical service and offsetting of impact are paid and appropriate development agreements are approved. Further, building permits may be refused if water management, soil characteristics or other standards are not met.

2.9.5. *Issuance of site development permits.* It shall be unlawful for any site development to occur on a lot or parcel of land within the city unless a site development permit has been issued therefor.

2.9.6. *Required surveys for permitting.* Applications for permits for new construction, additions, alterations, or repairs shall be accompanied by either a registered land surveyor's certificate and plan, or an engineer's or architect's sealed plan in duplicate on which shall be clearly indicated the property corner stakes, property line, dimensions, and existing structures and their location, existing rights-of-way, sidewalks and easements. On new construction and additions, the elevation of the first floor shall be shown in relation to mean sea level. The building official may waive the requirements for such survey when property line stakes are existing and known to be in place, and the work involved is minor and is clearly within the building setback lines.

2.9.7. *As-builts.* Upon layout of the stemwall, or pouring of the slab or other foundation, construction reference points or the "as-built" foundation perimeter and elevation shall be verified in writing by a registered land surveyor. Such certification, with the registered land surveyor's seal affixed thereon and which shall indicate that all setback requirements have been met and that the building location is in all respects in accordance with the applicable ordinances of the city, shall be required to be submitted to the Planning and Zoning Department of the city before building construction continues.

2.9.8. *Issuance of demolition permits.* (Reserved)

2.10. Officers, employees not liable for failure to perform duties.

No provision of this code designating the duties of any city officer or employee shall be so construed as to make such officer or employee liable for any damages for failure to perform such duty.

2.11. Severability.

If any part or provision of this code or application thereof to any person or circumstances are adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this code or the application thereof to other persons or circumstances. The City Commission hereby declares that it would have enacted the remainder of this code even without any such part, provision or application.

2.12. Effective date.

This code shall take effect upon adoption by the City Commission. Subdivisions or site plans for which preliminary or final plans or plats have been submitted prior to the effective date may be developed and completed according to the preexisting requirements

for subdivisions. However, preliminary or final subdivision plans or plats which are submitted prior to the effective date shall not be substantially amended or changed after the effective date except to conform with the regulations established herein. Nothing herein shall vest a preliminary planned unit development plan. Planned unit development plans shall only become vested at the time of approval of the final development plan.

2.13. Vested rights.

2.13.1. Procedures.

1. Notwithstanding any provision of these Land Development Code to the contrary, in order to be considered vested, a project must have been issued a final development order, must have commenced developing pursuant to that specific order, and must be continuing in good faith to do so. For purposes of this section, a final development order is one of the following:
 - a. For projects requiring a site plan review - final site plan approval by the Planning and Zoning Commission or City Commission, as appropriate ; or
 - b. For projects requiring a construction plan review only - the issuance of a building permit.
2. Any project which has received a final development order shall be considered as having commenced developing if:
 - a. A building permit has been issued therefore; and,
 - b. Vertical construction for which a building permit is necessary has actually commenced (e.g. other than site improvements such as excavation and site clearing).
3. Any project which has received a final development order and which has commenced developing shall be considered as continuing in good faith to do so if:
 - a. Vertical construction for which a building permit is necessary and for which regular inspections are performed continues so that inspections are being called for on a regular basis; and,
 - b. The permits for the project have not expired.
4. The vested rights of any project which fails to meet any of the above tests shall be null and void. However any project which has received final site plan approval immediately prior to the adoption of these Land Development Codes or any amendment thereto shall be considered to be vested for the purpose of site plan approval so long as a building permit is issued and vertical construction is commenced within the time frames set forth in these Land Development Codes.
5. All projects claiming vesting hereunder must be completed within the time frames allowed in these Land Development Codes.
6. Any applicant or developer claiming vested rights must do so on a form provided by the Planning and Zoning Department. Failure to claim such vested rights at the time of any application wherein vesting might be an issue shall cause any vested rights which might otherwise be in existence to be waived.