

ORDINANCE NO. 1577

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR AMENDMENTS TO ARTICLE VII, LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS, OF CHAPTER 102 OF THE CODE OF ORDINANCES, CITY OF CRESTVIEW, FLORIDA; PROVIDING FOR AMENDMENTS TO SECTION 102-129, DISTRICTS AND BOUNDARIES, ESTABLISHING AND ADDING THE ZONING REGULATIONS NECESSARY TO IMPLEMENT A DOWNTOWN MIXED USE (DMU) DISTRICT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. The authority for enactment of this ordinance is contained in Chapter 166.021, F.S. and Section 2, City Charter.

SECTION 2. That Section 102-129, Districts and Boundaries, Article VII, Land Use, Type, Density, Intensity, Zoning and Regulatory Controls of Chapter 102 of the Code of Ordinances, City of Crestview, Florida, is hereby amended to read as follows:

Sec. 102-129. Districts and boundaries.

(a) In order to classify and regulate the uses of land and buildings, the height and bulk of buildings, the area and other

open spaces about buildings and the intensity of land uses, the city is divided into ~~twelve~~ thirteen districts known as follows:

A	Agricultural district
R-1A	A one (single) family district
R-1	A one (single) family district
R-2	Multiple-family district (medium density)
R-3	Multiple-family district (high density)
C-1	Commercial district
C-2	Downtown commercial district
<u>DMU</u>	<u>Downtown mixed use district</u>
M-1	Industrial district
P	Public land district
E	Conservation district
PUD	Planned unit development district
PMDD	Planned mixed development district

(b) *A (agricultural)*. This district is established within the city to preserve open space areas for coastal and water conservation, recreational, ecological and scenic benefits. Within the limits of this chapter, residential and agricultural use is permitted.

(1) *Permitted use.*

- a. Single-family detached homes on lots with a minimum of 42,000 square feet of open space.
- b. Wildlife and vegetation conservation.
- c. The following recreational facilities: passive recreation, bike trails, jogging trails, tennis courts, swimming pools, ballparks.
- d. Marine agriculture permitted by the state.
- e. Private airstrips when licensed by the state.
- f. Public or private fishing and hunting clubs when located on a parcel of land with a

minimum area of ten acres dedicated exclusively to such use.

(2) *Permitted accessory uses and structures.*

- a. Home occupations.
- b. Telecommunications towers and facilities.

(3) *Special exceptions.* After review of an application and plans by the planning director or designee, and subsequent approval by the planning board and board of adjustment, the following may be approved as special exceptions:

- a. Athletic fields or stadiums (200,000 square feet, minimum lot).
- b. Horse or dog racetracks (200,000 square feet, minimum lot).
- c. Festival site (200,000 square feet minimum lot).
- d. Commercial agriculture provided that buildings or structures used for fowl or animals, storing grain, feed or fertilizer, or the processing of products including dairy operations, shall not be located closer than 100 feet of any property line or public right-of-way.
- e. Noncommercial agriculture, and poultry, horse and livestock raising provided that any structure used for such shall not be closer than 100 feet to any property line or public right-of-way.
- f. Telecommunications towers and facilities.

(4) *Building height regulation.* No dwelling or accessory building shall exceed 45 feet in height.

(5) *Front, rear and side yard requirements.*

- a. *Front yard.* There shall be a front yard of not less than 30 feet in depth.
- b. *Rear yard.* There shall be a rear yard of not less than 25 feet in depth.
- c. *Side yard.* There shall be a side yard of not less than ten feet except churches, libraries, educational and recreational buildings and community buildings,

which shall maintain a 25-foot side yard. Side yards of utility structures shall be not be less than five feet.

d. *Corner lots.* On corner lots the side yard shall be not less than 15 feet, except where the corner lot faces a different street than the remaining lots in the block, then a setback of 30 feet, or greater shall be maintained on both streets.

e. *Fireplaces, chimneys and bay windows.* Fireplaces, chimneys and bay windows may be allowed to extend into side and rear setbacks provided they do not exceed 30 inches in depth and six feet in width and, in no case shall such extension result in a feature being closer than 7 1/2 feet from any dwelling unit or other habitable structure.

(6) *Lot coverage.* Forty percent of the lot area is the maximum that may be covered by principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

(7) *Prohibitions.* Construction and demolition landfills are prohibited.

(c) *R-1A and R-1 (single-family dwelling district).*

(1) *Uses permitted.* Within any R-1A and R-1 single-family dwelling district, no building, structure, land and water shall be used except for one or more of the following uses:

- a. Single-family dwelling and their customary accessory uses, when located on the same lot as the principal use.
- b. Golf courses, swimming pools, tennis courts with customary attendant facilities and accessory buildings; country clubs and their customary accessory uses; stadiums in conjunction with school facilities.

- c. Parks and playgrounds, when owned or operated by the city, county, state or federal government.
- d. Home occupations are generally approved by the planning board where no stock in trade is kept in bulk, nor commodity sold, on the premises; no person employed other than members of the immediate family residing on the premises; and provided that not more than 25 percent of the total floor area in any dwelling unit is devoted to such use.

Other requirements shall be:

- 1. There shall be no visible evidence of the conduct of a home occupation from the exterior of the building.
- 2. Home occupations shall not generate atmospheric pollution, light flashes, glare, odors, noise, vibration or truck or other heavy traffic.
- 3. Persons engaged in home occupations may not advertise the availability of services or products at the residence in which the occupation is conducted.
- 4. Parking for any home occupation must be on the same property as the home occupation. Parking in the street or right-of-way is prohibited.
- 5. Only the following home occupations, or others deemed similar, may be approved: accountant, agent, architect, artist,

attorney, beautician,
bookkeeper, broker,
chiropractor, contractor
(office only), consultant,
counselor, draftsman,
engineer, interior
decorator, musician,
seamstress, tailor, teacher,
writer-editor.

6. Family day care homes.
Repair, or other
occupations performed by
handicapped persons
which do not constitute a
public nuisance as defined
by section 102-166(b).

e. Micro telecommunications facilities (no towers).

(2) *Special exceptions.* After review of an application and plans by the planning director or designee, and subsequent approval by the planning board and board of adjustment, the following may be approved as special exceptions:

- a. City owned or operated recreation and community buildings and libraries.
- b. Churches and their accessory uses.
- c. Utility structures and substations including telephone exchanges.
- d. Elementary, junior, senior high schools, and colleges or universities.
- e. Child care centers and kindergartens licensed by the state department of health and rehabilitative services.
- f. Property defined as a lot, parcel or tract containing two acres or more may keep a noncommercial horse(s) provided that:
 1. At least one acre space is dedicated to the

maintenance of each animal;

2. Related accessory buildings are located in the rear yards of a one-family detached dwelling or structure; and
3. That the special exception use is not detrimental to surrounding properties. (Note: this special exception is available in any zoning district permitting single-family residential use.)

g. Macro telecommunications facilities (no towers).

Any review of an application or plan shall consider the character of the neighborhood in which the proposed use is to be located, with reference to the effect of the proposed development on surrounding properties and the public benefit and need for such use in the neighborhood and, further a consideration of site area, open spaces, buffer strips, and off-street parking facilities as defined in the minimum requirements in the following sections.

(3) *Building height.*

- a. No dwelling shall exceed 45 feet in height.
- b. Churches, libraries, community center buildings, country clubs, educational and recreational buildings and utility structures may not exceed 45 feet in height. Church steeples shall be excepted from the 45 feet limitation.

(4) *Building site area.*

- a. Each single-family dwelling shall be located on a lot, parcel or tract of land having an area of not less than 8,000 square feet in the R-1A district and 6,000 square feet in

the R-1 district and said lots, parcels or tracts shall have minimum width of 75 feet and 50 feet, respectively, measured at the building line.

- b. Educational and recreational buildings, churches and their accessory uses, and community buildings shall have a minimum site of one acre and such lot shall have a minimum width of 150 feet.
- c. Child care centers, nursery schools and kindergartens in which more than five children are present at any given time shall comply with state department of health and rehabilitative services standards.
- d. All other special exceptions, such as utility structures, shall provide minimum areas as determined following review and recommendation of the administrative services department and subsequent approval of the board of adjustment.

(5) *Front, rear and side yard requirements.*

- a. *Front yard.* There shall be a front yard of not less than 30 feet in depth in the R-1A district and of not less than 25 feet in the R-1 district.
- b. *Rear yard.* There shall be a rear yard of not less than 25 feet in depth in each district, except that rear yard setback requirements for accessory/utility structures in each district shall be not less than three feet.
- c. *Side yard.* There shall be a side yard of not less than ten feet in the R-1A district and of not less than seven and one-half feet in the R-1 district, except churches, libraries, educational and recreational buildings and community buildings, which shall maintain a 25-foot side yard, except that setback requirement for accessory/utility

structures in the R-1A district and R-1 district shall be not less than three feet.

d. *Corner lots.* On corner lots the side yard shall be not less than 15 feet, except where the corner lot faces a different street than the remaining lots in the block, then a setback of 30 feet or greater shall be maintained on both streets in the R-1A district or 25 feet or greater shall be maintained on both streets in the R-1 district.

e. *Fireplaces, chimneys and bay windows.* Fireplaces, chimneys and bay windows may be allowed to extend into side and rear setbacks provided they do not exceed 30 inches in depth and 6 feet in width and, in no case shall such extension result in a feature being closer than 7 1/2 feet from any dwelling unit or other habitable structure.

(6) *Lot coverage.* Forty percent of the lot area is the maximum that may be covered by principal and accessory buildings located thereon. Swimming pools are excepted from this provision.

(7) *Prohibitions.* Construction and demolition landfills are prohibited within R-1 and R-1A single family dwelling districts.

(d) *R-2 (one-or multiple-family dwelling district).*

(1) *Uses permitted.* Within any R-2 one-or multiple-family dwelling district no building, structure, land or water may be used except for one or more of the following uses:

a. Any use permitted in the R-1 single-family dwelling district.

b. Two-family dwellings or multiple-family dwellings.

c. Townhomes

- d. Garage apartment located on the rear of a lot having a one-family or duplex principal structure.
 - e. Home occupations are permitted but must comply with requirements of home occupations for R-1A and R-1 (single-family dwelling district), section 102-129(c)(1)(d).
- (2) *Building height.*
- a. No dwelling shall exceed 45 feet in height.
 - b. Churches, libraries, community center buildings, country clubs, educational, recreational buildings and other structures may not exceed 45 feet in height. Church steeples shall be excepted from the 45 feet limitation.
- (3) *Building site area regulations.*
- a. Each single-family dwelling shall be located on a lot with a minimum of 6,000 square feet of area and each lot shall have a minimum lot width of 50 feet when measured from the building setback line.
 - b. Each two-family or multi-family dwelling shall be located on a parcel at least 8,000 square feet in size and each such parcel shall have a minimum lot width of 75 feet when measured from the building setback line.
 - c. Educational and recreational buildings, churches and their accessory uses, and community buildings shall have a minimum site of one acre and such lot shall have a minimum width of 150 feet.
- (4) *Front, rear and side yard requirements.*
- a. *Front yard.* There shall be a front yard of not less than 25 feet.
 - b. *Rear yard.* There shall be a rear yard of not less than 20 feet, except that rear yard setback requirements for accessory/utility structures shall be not less than three feet.

- c. *Side yard.* There shall be a side yard of not less than seven and one-half feet for one and two-family dwellings. Churches, libraries, educational, recreational and community buildings shall maintain a 25-foot side yard, except that setback requirement for accessory/utility structures shall be not less than three feet.
 - d. *Corner lots.* On corner lots the side yard shall be not less than 15 feet, except where the corner lot faces a different street than the remaining lots in the block, then a setback of 25 feet, or greater shall be maintained on both streets.
 - e. *Fireplaces, chimneys and bay windows.* Fireplaces, chimneys and bay windows may be allowed to extend into side and rear setbacks provided they do not exceed 30 inches in depth and 6 feet in width and, in no case shall such extension result in a feature being closer than 7 1/2 feet from any dwelling unit or other habitable structure.
- (5) *Lot coverage.* Forty percent of the lot area is the maximum that may be covered by principal and accessory buildings located thereon. Swimming pools are excepted from this provision.
- (6) *Townhomes.* Townhomes, attached single-family dwellings sharing a common wall, may be built in this zoning district subject to the following regulations.
- a. *Front, rear, side, and building separation requirements.*
 - 1. *Front yard.* There shall be a front yard of not less than 25 feet.
 - 2. *Rear yard.* There shall be a rear yard of not less than 20 feet.
 - 3. *Side yard.* There shall be a side yard of not less than ten feet when o any single family district or use,

otherwise the side setback is 7 1/2 feet. Where the townhomes share a common wall the side setback is zero feet.

4. *Corner lots.* On corner lots the side yard shall be not less than 15 feet, except where the corner lot faces a different street than the remaining lots in the block, then a setback of 25 feet, or greater shall be maintained on both streets.
5. *Fireplaces, chimneys and bay windows.* Fireplaces, chimneys and bay windows may be allowed to extend into side and rear setbacks provided they do not exceed 30 inches in depth and 6 feet in width and, in no case shall such extension result in a feature being closer than 7 1/2 feet from any dwelling unit or other habitable structure.
6. *Building separation.* There shall be a minimum building separation of 15 feet between adjacent townhome buildings.
- b. *Building site area regulations.* Townhouse developments shall be on a parcel at least 8,000 square feet in size and each such parcel shall have a minimum lot width of 75 feet when measured from the building setback line.
- c. *Lot coverage.* There is no maximum lot coverage for principal and accessory buildings located thereon except that the development must meet all city code requirements for setbacks, buffer zones, landscaping, parking and other requirements as necessary.

- d. *Building group regulations.* A townhouse building group shall contain no more than five attached dwelling units.
- e. *Building height.* No townhouse dwelling shall exceed 45 feet in height.
- f. *Development area and dwelling unit restrictions.*

1. Use of the regulations in this section are restricted to developments of one acre in size or less, and containing no more than 15 dwelling units. Developments that exceed these restrictions must be developed using the Planned Unit Development regulations found in Section 102-130.
2. Adjacent properties owned or controlled in whole or in part by the same individuals, corporations, or other legal entities may not be developed using the regulations in this section if the total acreage or dwelling unit numbers exceed one acre or 15 dwelling units. The regulations outlined in this section are not to be used to circumvent the PUD development process in Section 102-130.

(7) *Prohibitions.* Construction and demolition landfills are prohibited.

(e) *R-3 (one, two or multi-family dwelling district)*

- (1) *Uses Permitted:* Within the R-3 district no building, structure, land or water may be used except for one or more of the following uses:
 - a. Any use permitted in the R-1 or R-2 districts, including single family dwellings, duplex and triplex dwellings.
 - b. Multi-family dwellings.

- c. Congregated living facilities, rooming or boarding houses, community residential homes are allowed but subject to the siting and limitation procedures delegated to local government pursuant to F.S. ch. 419.
 - d. Nursing or convalescent homes, medical facilities and professional offices.
 - e. Churches and similar places of worship, church and clergy residences, public parks, playgrounds, community buildings and similar public service facilities serving residents of the district,
 - f. Privately operated day nurseries, pre-schools and kindergartens, provided that any play area is enclosed on all sides to a height of at least four feet.
 - g. Neighborhood serving commercial uses, provided such uses are part of an approved PUD.
 - h. Home occupations are permitted but must comply with requirements of home occupations for R-1A and R-1 (single-family dwelling district), section 102-129(c)(1)d.
- (2) *Permitted accessory uses and structures:* Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
- (3) *Prohibited uses and structures:* Any use not of a character indicated under permitted principal or accessory uses or structures. The keeping and caring for livestock or farm animals or other commercial agricultural activity.
- (4) *Building site area requirements:*
- a. Each single family dwelling shall be located on a lot with a minimum of 6,000 square feet of area and each lot shall have a minimum lot width of 50 feet when measured from the building setback line.

- b. Duplex, triplex and townhouse developments shall be on a parcel at least 8,000 square feet in size and each such parcel shall have a minimum lot width of 75 feet when measured from the building setback line.
- c. Multi-family residential dwellings, including apartments and condominiums with a maximum density of up to 22 units per acre if the development is in an HDR land use category.

There is no minimum parcel size, but the parcel shall be of sufficient size to accommodate the proposed development, the required open space and landscaping, parking, storm water management and other facilities or features required by this Code or the comprehensive plan.

(5) *Setbacks (front, side and rear yard requirements):*

On every parcel in this district, the following minimum setbacks (yard requirements) apply:

- a. Single family detached dwelling units:
 - 25 feet front
 - 7 1/2 feet side
 - 20 feet rear
 - 15 feet corner, except where the corner lot faces a different street than the remaining lots in the block, then a setback of 25 feet, or greater shall be maintained on both streets.
- b. Duplex and multi-family structures:
 - 25 feet front
 - 10 feet side when adjacent to any single family district or use, otherwise the side setback is 7 1/2 feet
 - 10 feet rear
 - 15 feet corner, except where the corner lot faces a different street than the remaining lots in the block, then a setback of 25 feet, or greater shall be maintained on both streets.

- 10 feet between buildings
- c. Nonresidential structures:
 - 25 feet front
 - 25 feet side
 - 20 feet rear
 - 10 feet between buildings
- d. For any residential structure exceeding 35 feet in height, the minimum side setback shall be 20 feet (25 feet for nonresidential) and the side setback shall be increased by two feet on each side for every 10 feet above 35 feet (i.e. a 55 foot residential building would be required to have 24-foot side yards at a minimum).
- e. For any structure exceeding 35 feet in height, the rear setback shall be 25 feet. If the rear yard is adjacent to a single family home(s) or adjacent to property in the low density residential future land use category, the rear setback shall be increased by two feet for each ten feet of height above 35 feet.
- f. For all structures 40 feet, or more, in height, the distance between structures on the same lot or parcel shall be increased by two feet for each ten feet above the first 40 feet, with a maximum of 50 feet between structures being required.
- g. Fireplaces, chimneys and bay windows may be allowed to extend into side and rear setbacks provided they do not exceed 30 inches in depth and six feet in width and, in no case shall such extension result in a feature being closer than 7 1/2 feet from any dwelling unit or other habitable structure.
- h. All required setbacks shall be unobstructed for access and shall be finished with landscaping as approved by the city.

(6) *Townhomes.* Townhomes, attached single-family dwellings sharing a common wall, may be built in this zoning district subject to the following regulations.

a. *Front, rear, side, and building separation requirements.*

1. *Front yard.* There shall be a front yard of not less than 25 feet.

2. *Rear yard.* There shall be a rear yard of not less than ten feet.

3. *Side yard.* There shall be a side yard of not less than ten feet when adjacent to any single family district or use, otherwise the side setback is 7 1/2 feet. Where the townhomes share a common wall the side setback is zero feet.

4. *Corner lots.* On corner lots the side yard shall be not less than 15 feet, except where the corner lot faces a different street than the remaining lots in the block, then a setback of 25 feet, or greater shall be maintained on both streets.

5. *Fireplaces, chimneys and bay windows.* Fireplaces, chimneys and bay windows may be allowed to extend into side and rear setbacks provided they do not exceed 30 inches in depth and six feet in width and, in no case shall such extension result in a feature being closer than 7 1/2 feet from any dwelling unit or other habitable structure.

6. *Building separation.* There shall be a minimum building separation of ten feet between adjacent townhome buildings.

- b. *Building site area regulations.* Townhouse developments shall be on a parcel at least 8,000 square feet in size and each such parcel shall have a minimum lot width of 75 feet when measured from the building setback line.
- c. *Lot coverage.* There is no maximum lot coverage for principal and accessory buildings located thereon except that the development must meet all city code requirements for setbacks, buffer zones, landscaping, parking and other requirements as necessary.
- d. *Building group regulations.* A townhouse building group shall contain no more than 5 attached dwelling units.
- e. *Building height.* No townhouse dwelling shall exceed 45 feet in height.
- f. *Development area and dwelling unit restrictions.*
 - 1. Use of the regulations in this section are restricted to developments of one acre in size or less, and containing no more than 15 dwelling units. Developments that exceed these restrictions must be developed using the planned unit development regulations found in section 102-130.
 - 2. Adjacent properties owned or controlled in whole or in part by the same individuals, corporations, or other legal entities may not be developed using the regulations in this section if the total acreage or dwelling unit numbers exceed one acre or 15 dwelling units. The regulations outlined in this section are not to be used to circumvent

the PUD development process in
Section 102-130.

(f) *C-1 (commercial district)*. Within any C-1 commercial district, no building, structure, land or water shall be used except for one or more of the following uses:

(1) *Uses permitted.*

- a. Apothecary shops and pharmacies.
- b. Apparel and dry good shops.
- c. Art, antique and gift shops.
- d. Beauty salons and barbershops.
- e. Boardinghouses and roominghouses.
- f. Book and stationery stores; newsstands.
- g. Churches and accessory uses. Schools for primary and secondary education, kindergartens and nursery schools.
- h. Filling (service) stations selling gasoline and lubricants primarily. Only minor repairs such as tire patching but not recapping, also battery recharging, car wash and polish, but no body repairs.
- i. Finance, investment and insurance offices and banks.
- j. Florists.
- k. Furniture, interior decorating and home furnishing stores.
- l. Hospitals, clinics, nursing and convalescent homes.
- m. Hotels, motels, guest cottages.
- n. Grocery stores.
- o. Laundry and dry cleaners.
- p. Mortuary.
- q. Music and dancing schools, art studios.
- r. Offices for businesses and professions, but not including fortunetellers or psychics.
- s. Photographic supplies and studios.
- t. Private clubs and lodges.
- u. Recreational facilities and parks under the operation or ownership of the city.
- v. Restaurants.

- w. Shoe repair and hat cleaning, dressmaking and tailor shops.
- x. Utility structures and substations including telephone exchange.
- y. Animal hospitals.
- z. Automotive agencies with repair garages as an accessory use. Junked cars held for salvage of parts are disallowed in this district.
- aa. Bakery, the products of which are produced primarily for retail sale on the premises.
- bb. Bus terminals and taxicab stations, car rentals.
- cc. Commercial amusements, including theaters (but not drive-in theaters) ballrooms, skating rinks, billiard parlors, bowling alleys, amusement parks, miniature golf courses and others of a similar nature.
- dd. Self storage and mini warehouses with all storage to be within the structure. Self storage or mini-warehouses in commercial districts shall have on-site offices.
- ee. Gasoline service stations, automobile/motorcycle repair garages.
- ff. Radio and television stations with towers and studios.
- gg. Shops for painters, plumbers, paper hangers, electricians, upholsters and others of a similar nature. Outdoor storage yards are permitted when accessory to the above uses, provided all equipment and merchandise are enclosed behind a screen consisting of plantings or a closed or semiclosed type fence not less than five feet in height.
- hh. Shops for business services, such as addressing and mailing, advertising and distributing, multigraphing, blueprinting, printing and photography.

- ii. Used car lots.
 - jj. Vocational and private schools operated as commercial enterprises.
 - kk. Terminals for small package distribution to include loading and unloading of semi-tractor trailers to local delivery vans or other small vehicles, provided that all operations are conducted within a building with no outside storage.
 - ll. Mobile/manufacturing home sales.
 - mm. Signs may be placed on a commercial lot in accordance with article XVI of this chapter.
 - nn. Accessory uses necessary to the foregoing, including warehouses, when located on the same lot as the principal uses.
 - oo. All sales, services and commercial activities must be conducted within a structure, and no outdoor display of merchandise or products will be permitted in connection with any of the foregoing uses except for automobile dealerships, tractor and farm equipment sales, mobile/manufactured homes and other prefabricated buildings.
 - pp. Applications for uses similar to the foregoing in character but not specifically enumerated and which are not excluded from this section by their specific inclusion in the M-1 zone that follows shall be reviewed by the board of adjustment, which, after finding as a fact that said use or uses are consistent with the general zoning plan and in the public interest, may grant an approval thereof.
- (2) *Permitted accessory uses and structures.* Uses and structures which are customarily and clearly incidental, secondary or subordinate to permitted principal uses and structures. Dwelling or lodging units in conjunction with the operation of a principal use only, provided that such dwelling or

lodging unit shall be located above or behind the principal use structure in such way that there is no interruption of commercial frontage. Such dwelling units shall be considered separate from the commercial use for the purposes of impact and connection fees.

(3) *Prohibited uses and structures.* Junkyards and scrapyards

(4) *Building height regulations.* None.

(5) *Building site regulations.* None.

(6) *Yard regulations.*

a. *Front yard.* There shall be a front yard of not less than 25 feet.

b. *Side yard.* None are required, except, where rear access is not available from a public street or alley, a side yard of not less than ten feet will be provided on one side.

c. *Rear yard.* There shall be a rear yard of not less than 20 feet, except, where the rear of the property is bounded by a public alley or street, the rear yard may be decreased by one-half the width of such alley or street up to ten feet, but in such event there shall be provided a rear yard of not less than ten feet exclusive of the alley.

d. *Corner lots.* On corner lots the side yard shall be not less than 15 feet on the side street.

(7) *Mobile/manufactured home sales.*

Mobile/manufactured homes under the custody, control and care of a properly licensed dealer will be required to skirt the foundation area, or install an acceptable alternative, to accomplish a visual barrier of all units facing public highways and city streets. Minimum setback and separation between units will be determined by the Florida Building Codes and city landscaping buffer requirements.

(g) *C-2 (downtown commercial district)*

- (1) *Uses permitted.*
- a. Any use permitted in the C-1 general commercial district except the following which are prohibited:
 1. Automobile/motorcycle repair shops
 2. Vehicle paint and body shops
 3. Churches and their accessory uses
 4. Filling/gasoline stations
 5. Self storage and mini-warehouses
 6. New or used car lots
 7. Tractor or farm equipment sales or service
 8. Terminals for small package distribution
 9. Mobile/manufactured home sales unless such sales are done with no on-site model homes
 10. Junkyards and scrap yards
 - b. Outdoor display of merchandise and outdoor storage of merchandise or materials is strictly prohibited on public property.
- (2) *Permitted accessory uses and structures.* Uses and structures which are customarily and clearly incidental, secondary or subordinate to permitted principal uses and structures. Dwelling or lodging units in conjunction with the operation of a principal use only, provided that such dwelling or lodging unit shall be located above or behind the principal use structure in such way that there is no interruption of commercial frontage. Such dwelling units shall be considered separate from the commercial use for the purposes of impact and connection fees.
- (3) *Building height regulations.* None.
- (4) *Building site regulations.* None.
- (5) *Yard regulations.*
- a. *Front yard.* None are required except that a minimum setback of 25 feet shall apply on any property adjacent to (fronting)

State Route 85 or James Lee Blvd. (US 90).

- b. *Side yard.* None are required, except, where rear access is not available from a public street or alley, a side yard of not less than ten feet will be provided on one side.
 - c. *Rear yard.* There shall be a rear yard of not less than 10 feet. A clear-zone free of accessory structures and stored materials of at least 10 feet in depth shall be maintained in the rear setback of the principal structure to facilitate fire department access in the event of an emergency.
 - d. *Corner lots.* On corner lots no side yard is required on the street side provided the building footprint does not cause a vision triangle problem as described in section 102-149 (h).
- (6) *Landscaping Regulations.* Landscaping shall be provided to the fullest extent possible in the C-2 zoning district. Because of the space limitations inherent in a downtown area, hardscaping, xeriscaping, planters, hanging planters or baskets, and other similar beautification techniques may be used in place of traditional landscaping techniques and shall receive credit toward the landscaping requirements in this code. If landscaping requirements cannot be met, or are not met to the satisfaction of the City Council, the landscaping requirements can be satisfied by contributing to the tree replacement reserve account as defined in section 102-578.
- (7) *Public facilities, sales, and solicitation.* Sidewalk sales, outdoor food vendors and outdoor games are allowed only as part of a City sponsored special event in the downtown commercial district unless a vendors license is applied for and approved by the City. Persistent and ongoing solicitation on public property for products or

services by commercial, charitable or private organizations or individuals is strictly prohibited. Signage, as approved in this chapter, shall not be construed as solicitation.

(h) DMU (Downtown mixed used district): Within the DMU district, no building, structure, land or water shall be used except for one or more of the following uses:

(1) Uses permitted.

- a. Apothecary shops/pharmacies
- b. Apparel and dry good shops
- c. Art, antique and gift shops.
- d. Beauty shops and barber shops.
- e. Boardinghouses and rooming houses.
- f. Book and stationery stores and newsstands.
- g. Finance, investment and insurance offices and banks.
- h. Florists.
- i. Furniture, interior decorating and home furnishing stores.
- j. Grocery stores.
- k. Hotels, motels and guest cottages.
- l. Laundry and dry cleaners.
- m. Music and dancing schools, art studios.
- n. Offices for businesses and professions, but not including fortunetellers and psychics.
- o. Photographic studios and supplies.
- p. Private clubs and lodges.
- q. Recreational facilities and parks.
- r. Restaurants.
- s. Residential uses subject to the following provisions:
 1. Except for standalone apartments, motels, hotels, and other tourist or student accommodations, residential uses shall be located above the first floor of the structure wherein the residential use is located. However, up to 50% of the first floor area may be used for residential uses

and uses ancillary to such residential uses provided such use(s) does not front Main Street, Wilson Street, Woodruff Avenue, Oakdale Avenue or Beech Avenue. For structures fronting these roadways, the residential use or ancillary residential use shall be located in or near the rear of the structure.

2. Residential ancillary uses include, but are not limited to, administrative and registration areas, facilities for mail and package delivery, storage and maintenance, elevators and stairwells.
3. Residential uses fronting streets within the district other than those listed in sub-part 1, above, are not subject to these restrictions on first floor uses.
 - t. Public facilities including educational and utility facilities.
 - u. Signage conforming to the regulations of Article XVI of this code.
 - v. Bakeries, the products of which are available for sale at retail on the premises.
 - w. Bus terminal, taxi stations, depots, welcome center and museums.
 - x. Commercial amusements including indoor theaters, ballrooms, skating rinks.
 - y. Production of craft items, including, but not limited to handmade items, beer, wine and spirits, provided that such items are available for purchase, at retail, on the premises.
 - z. Printing and copy shops.
 - aa. Accessory uses customary and necessary to any permitted use.
 - bb. Parking lots and garages.
 - cc. Dressmaking, shoe repair, apparel sales and service.
 - dd. Hardware and general merchandise stores
 - ee. Other uses similar to the permitted uses enumerated above may be allowed following

review and consideration by the Board of Adjustment and a finding of fact by the Board that the contemplated use or uses are consistent with the general zoning plan, the intents and purposes of this District and that the use or uses are in the interest of the general public.

- (2) Building height regulations. No building or structure shall exceed 60 feet in height except as follows:
- a. The height of a building or structure may be up to 75 feet if the owner or developer includes provisions to encourage the use of bicycles, pedestrian ways transit stops and/or shuttle facilities to and from designated parking areas, Twin Hills Park, and/or other attractions within the District.
 - b. Simply providing bike racks is not sufficient to qualify for the increased height, but are encouraged as part of a strategy to enhance pedestrian and bicycle mobility.
 - c. Shuttle facilities include the provision of vehicles (trams, carts, mini-vans, etc.) and may be provided by the owner or developer alone or in cooperation with other owners, developers or businesses, pursuant to any restrictions on the location and operation of the shuttle service which may be imposed by the City Council during the development review process.
 - d. The provision of improved and enhanced access to Twin Hills Park is encouraged and any proposal for such improvements and/or enhancements, if approved by the City Council, will entitle the applicant to a maximum building height of 75 feet. Enhancements and improvements, include, but are not limited to, paving or improving walkways and bicycle paths leading to and from Twin Hills Park, directional signage,

establishing or improving rest areas, contributions to the improvement or establishment of facilities within the Park and other facilities or activities approved by the City Council as part of the development review process.

- (3) Residential density. The development of residential dwelling units is limited to a threshold of 1,676 dwelling units within the District. Hotel and motel units do not count toward this threshold. Any increase in the threshold shall be accomplished only by an amendment to the Comprehensive Plan.
- (4) Floor area ratio. The floor area ratio for the non-residential portion of any structure or building is 3.5 and includes hotels and motels.
- (5) Building site area. None.
- (6) Yard and setback regulations.
 - a. Front yard/setback. There is no required front setback from public rights-of-way.
 - b. Side yard/setback. None required except where rear access is not available from a public street, alley or recorded easement. If rear access is not available a side yard not less than 10 feet shall be provided on one side.
 - c. Rear yard/setback. There shall be a rear yard of not less than 10 feet. A clear- zone, at least 10 feet in width, free of accessory structures, stored materials or other impediments to fire department/public safety access shall be maintained in the rear setback of the principle structure.
 - d. Corner lots. On corner lots no side yard is required on the street side provided the building footprint does not create a vision problem for the traveling public. The vision triangle provisions of Section 102-149(h) apply.

- e. Easements. In no case shall the yard regulations be construed as allowing a permanent structure to be built over or within a drainage, utility or other easement. Balconies or other architectural features, located above the first floor are allowed provided such balconies or architectural features do not interfere with or impede the use and function of the easement.
- (7) Landscaping Regulations. Landscaping shall be provided to the fullest extent possible. Due to the space limitations inherent in the downtown area, hardscaping, xeriscaping, planters, hanging baskets and other similar beautification techniques may be used in place of traditional landscaping techniques and such shall receive credit toward the landscaping requirements in this Code. If landscaping requirements cannot be met, or are not met to the satisfaction of the City Council, the landscaping requirements can be satisfied by contributing to the tree replacement reserve account as provided in section 102-578 of this Code.
- (8) Public facilities, sales and solicitation.
 - a. Sidewalk sales, outdoor vendors and outdoor games on public streets, sidewalks or rights-of way are allowed only as part of a City approved special event. Persistent and on-going solicitation on public property for products or services by commercial, charitable or private organizations or individuals is strictly prohibited. Signage, consistent with the requirements of this Chapter, shall not be construed as solicitation.
 - b. Outdoor display of merchandise and outdoor storage of merchandise or materials is strictly prohibited on public property, unless such is part of a City approved event.
 - c. Outdoor storage or display of used, second-hand or discarded merchandise or materials,

(not including materials placed outdoors for collection by the City's solid waste collection franchisee) is prohibited on any property within the district.

This prohibition does not apply to antiques or collectibles associated with a licensed business. Nothing in this sub-part shall be interpreted to prohibit legal activities on private property, including, but not limited to, outdoor dining.

~~(h i)~~ *M-1 (industrial district).*

(1) Uses permitted.

a. Any use permitted in the C-1 general commercial district.

b. Any other use of a wholesale, commercial, warehousing or manufacturing nature, including storage yards, and truck terminals, providing that no use constitutes a nuisance because of the emission of excessive amounts of dust, dirt, gas odors, smoke, fumes, noise or vibrations. Uses possessing an abnormal explosion hazard will not be permitted without approval of the city council.

c. Storage of junk, waste, scrap or salvage materials shall be permitted providing the operation is conducted within a closed building or the operation is conducted within an enclosed area with a minimum of five acres and shall have an eight-foot high chain link fence surrounding the property with gate. There shall be a minimum of 20-foot green belt around the borders of the property planted with evergreen trees and shrubbery to provide a visual screening of the property. There shall be a minimum 30-foot setback from

all property lines which shall remain clear of all structures and storage of any junk or storage of materials of any kind.

- d. Public utilities and sewer facilities (sewage treatment plants, solid waste stations, etc.).

(2) *Permitted accessory uses and structures.* Uses and structures which are customarily and clearly incidental and subordinate to permitted principal uses and structures. Dwelling or lodging units in conjunction with the operation of a principal use only, provided that such dwelling or lodging unit shall be located above or behind the principal use structure in such way that there is no interruption of commercial frontage.

(3) *Special exceptions.* After review of an application and plans by the planning director or designee, and subsequent approval by the planning commission and board of adjustment, the following may be approved as special exceptions:

- a. Construction and demolition landfills.

(4) *Building height regulations.* None.

(5) *Building site area regulations.* None.

(6) *Yard regulations.*

- a. *Front yard.* There shall be a front yard of not less than 20 feet.

- b. *Side yard.* None are required, except, where rear access is not available from a public street or alley, a side yard of not less than ten feet will be provided on one side; or when the side of the lot abuts a residential district, there shall be a side yard of not less than 30 feet on that side.

- c. *Rear yard.* There shall be a rear yard of not less than ten feet, except when the rear of the lot abuts a residential district, there shall be a rear yard of not less than 30 feet.

- d. *Corner lots.* On corner lots the side yard shall be not less than 15 feet on the side street.
 - (7) *Offstreet parking regulations.* See section 102-151.
 - (8) *Special requirements.* Any tract of land granted a special exception use for construction and demolition landfills must be fenced or have a barrier installed, landscaped and meet all stormwater requirements of the city code. Further, the owner or operator must obtain a permit and pay an annual user fee as determined by the city council.
- (i j) *P (public land district).*
- (1) *Uses permitted*
 - a. Federal, state, county, or city government property and facilities.
 - b. Federal, state, county, or city owned or operated recreation and community buildings and libraries.
 - c. Parks and playgrounds, when owned or operated by the city, county, state or federal government.
 - d. Churches and their accessory uses.
 - e. Utility structures and substations including telephone exchanges.
 - f. Elementary, middle, junior, senior high schools, and colleges or universities.
 - (2) *Permitted accessory uses and structures.* Uses and structures which are customarily and clearly incidental and subordinate to permitted principal uses and structures.
 - (3) *Prohibited uses and structures:* Any use not of a character indicated under permitted principal or accessory uses or structures.
 - (4) *Building site area.* Developments in the public land district shall have a minimum site of one acre and such lot shall have a minimum width of 150 feet.
 - (5) *Front, rear and side yard requirements.*

- a. *Front yard.* There shall be a front yard of not less than 30 feet in depth.
- b. *Rear yard.* There shall be a rear yard of not less than 25 feet in depth except that rear yard setback requirements for accessory/utility structures shall be not less than three feet.
- c. *Side yard.* There shall be a side yard of not less than 25 feet in except that setback requirements for accessory/utility structures shall be not less than three feet.
- d. *Corner lots.* On corner lots the side yard shall be not less than 25 feet, except where the corner lot faces a different street than the remaining lots in the block and the remainder of the block is located in an A, R-1A, or P district, then a setback of 30 feet or greater shall be maintained on both streets.
- e. *Fireplaces, chimneys and bay windows.* Fireplaces, chimneys and bay windows may be allowed to extend into side and rear setbacks provided they do not exceed 30 inches in depth and six feet in width and, in no case shall such extension result in a feature being closer than 7 1/2 feet from any dwelling unit or other habitable structure.

(6) *Offstreet parking regulations.* See section 102-151.

(j ~~k~~) *E (conservation district).*

- (1) *Purpose.* Placing lands in the conservation district is intended to result in the conservation, preservation, protection and management of environmentally sensitive lands and other important resources such as archaeological, cultural, and historical resources.
- (2) *Uses permitted.*

- a. Passive recreation or education uses that are compatible with the conservation purpose of the district.
 - b. Facilities designed to enhance the conservation purpose and that are compatible with the conservation purpose of the district.
- (3) *Prohibited uses and structures:* Any use not of a character indicated under permitted uses.
- (4) *Building site area.* Development in a conservation district is strictly regulated and shall not create an impervious surface coverage of greater than five percent.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED ON SECOND READING BY
THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON
THE 10th DAY OF November, 2014.**

**Hayes
ATTEST:
HAYES**

s/Shannon

SHANNON

Council

President

s/Elizabeth M. Roy
ELIZABETH M. ROY
City Clerk

APPROVED BY ME THIS 10th DAY OF November, 2014.

s/David Cadle
DAVID CADLE
Mayor

Limits of Downtown Mixed Use Zoning District



Adoption Reading: November 10, 2014

Coding: Words ~~stricken~~ are deletions; words underlined are additions.