



FORWARD
PINELLAS

Integrating Land Use & Transportation

Town of Kenneth City Board of Adjustments

Case 2022-01

June 2, 2022



Application Information

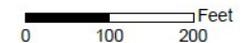
- **Location:** 5701 44 Ave N
- **Zoning District:** Residential Single-Family District (RS-5.0)
- **Requested Variance:** Split existing lot into two separate lots
- **Lot Size:** 110 feet width, 130 feet depth; total lot area of 14,300 square feet



Kenneth City Board of Adjustments Aerial Map: 5701 44 Ave N



ZONING DISTRICT Residential Single-Family (RS-5.0)
LOT AREA: 14,300 square feet



RS-5.0 Zoning District Requirements

- RS-5.0 zoning district requires the following per Code Section 82-126):
 - Total area of 7,500 sq ft
 - 75 feet average width
 - 100 feet average depth
- In splitting proposed lot, new dimensions would be:
 - Total area of 7,150 sq ft
 - 55 feet in width
 - 75 feet in depth



Relevant Code Sections

Code Section	Analysis
Sec. 82-72(1) Unnecessary hardship or practical difficulty	Based on legal precedence, hardship is determined based on factors unique and exceptional to the parcel. The basis of the proposed variance does not meet this definition.
82-72(2) Carry out intent and purpose of zoning district	Proposed variance would maintain a low-density single-family residential development. However, it does not meet other requirements of the Code.
82-72(3) Requirements of the chapter	Permits reduction in lot area by not more than 5 percent. The proposed variance would reduce the lot by 4.7 percent and does meet this requirement.



Relevant Code Sections

Code Section	Analysis
Sec 82.72(4) Existence of practical difficulty or unnecessary hardship in the way of carrying out the strict letter of this chapter	See 82-72(1) Precedence dictates that hardship is unique to the parcel, not personal circumstances
Sec. 82-126 RS-5.0 Zoning District Requirements	RS-5.0 district requires an average 75 feet in width and 100 feet in depth. New lot dimensions of proposed variance would be 55 feet in width and 75 feet in depth. Average width of lots adjacent community is 65 feet. The proposed variance does not meet code section requirements, or align with historical development pattern of existing community.



Conclusion

- While the proposed variance meets the requirements of the maximum allowable reduction in lot size, it does not meet the requirements of lot dimensions for the applicable zoning district
- Proposed lot dimensions are not compatible with the surrounding area based on identified historical development patterns of the existing community
- The basis for the variance is a personal hardship, rather than a hardship that is unique to the parcel
- On balance, considering the requirements of the Town of Kenneth City Code of Ordinances, staff recommends **denial** of the proposed variance



SUMMARY

Location: 5701 44 Ave N
Request Type: Variance
Request Description: Request to split existing lot into two separate lots
Applicable Zoning District: RS-5.0, Residential Single-Family District

The Town originally received this application from the property owner of the abovementioned parcel in 2021. The parcel is located in the RS-5.0 zoning district and formerly consisted of a home on the property which was torn down, and is now vacant. It is the applicant's request to split the existing lot in half in order to create two separate lots. When this application was originally submitted in 2021, the Town of Kenneth City provided an initial analysis of the application to the property owner, which is included as an attachment to this Memorandum. As of this resubmitted application, the property owner has paid the \$400 application fee.

The current parcel is 110 feet (ft) in width and 130 feet (ft) in depth for a total lot area of 14,300 square feet (sq ft). In splitting the lot, the proposed dimensions of the two newly created lots would be 55 ft by 75 ft lot, for a total lot area of 7,150 sq ft. Per the Code of Ordinances (hereafter referred to as the Code) Section 82-126, the RS-5.0 zoning district requires the following minimum lot area and dimensions:

- Area: 7,500 sq ft
- Width: 75 feet average
- Depth: 100 feet average

This requested variance is being reviewed against the following relevant sections of the Code:

Code Section	Analysis
82-72(1) Unnecessary hardship or practical difficulty in carrying out any order, decision, requirement, or determination	Precedence dictates that hardship is determined based on a factor that is unique and exceptional to the individual land owner, unique to that parcel, and not shared by property owners in that area. While the Town is sympathetic to the property owner's personal hardship outlined in the application, this cannot be determined as a hardship that is unique to the parcel and does not meet the requirements of this section.

82-72(2) Carry out the intent and purpose of the zoning district wherein subject property is located, consistent with applicable goals, objective, and policies of the Town Comprehensive Plan	While the proposed variance could carry out the purpose and intent of the RS-5.0 zoning district to provide for low-density single-family residential development, it does not meet other requirements of the Code.
82-72(3) Authorized variances from the requirements of this chapter	Specifically, Sec. 82-72(3)(b) does permit the Board of Adjustment to grant variances which permit a reduction in lot area by not more than five percent of the required minimum area of such lot. As mentioned, the proposed area of the newly created lots would be 7,150 sq ft and the required lot area is 7,500 sq ft. Therefore, the requested variance would result in an approximately 4.7 percent reduction and meets the requirements of this section. It should be noted, however, that in the initial analysis provided by the Town of Kenneth City in 2021, it was recommended that the applicant provide a Professional Land Surveyor (PLS) certified survey to verify the existing lot area and proposed dimensions.
82-72(4) No variance shall be granted unless is determined by the board that a practical difficulty or unnecessary hardship exists in the way of carrying out the strict letter of this chapter	See analysis for 82-72(1)
82-72(5) Criteria for special exception permits	Not applicable. The request is for a proposed variance and not a special exception permit.

FINDINGS:

Staff recommendation: Denial

On balance, staff recommends denial of the proposed variance. While the proposed variance meets the requirements of the maximum allowable reduction in lot size, the proposed lots would not meet the requirements of lot dimensions for the applicable zoning district. While this is below the required 75 foot width, the new lot width of the proposed lot would be 55 ft. The average lot width of the adjacent community 65 feet. Therefore, the proposed lot dimensions are not compatible with the surrounding area based on the identified historical development pattern of the existing community. Lastly, the basis for the variance which has been identified by the property owner is a personal hardship, but is not unique to the parcel, and therefore cannot be granted.

LIST OF ATTACHMENTS:

- Attachment 1: Town of Kenneth City, Code of Ordinances, Section 82-72
- Attachment 2: Initial Analysis Letter 2021
- Attachment 3: RS-5.0 Zoning District Regulations

Sec. 82-72. - Powers and duties.

The board of adjustment shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged that there is an error or unnecessary hardship or practical difficulty in carrying out any order, decision, requirement or determination made by the building director in the enforcement of this chapter. Any application for variances from the terms of this chapter shall be made by the owner of record of the property involved or his/her duly authorized representative.
- (2) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the zoning district wherein subject property is located, consistent with applicable goals, objectives, and policies of the town comprehensive plan.
- (3) To authorize, upon appeal in specific cases, variances from the requirements of this chapter as will not be contrary to the public interest as follows:
 - a. To permit the reduction of the width of a side yard by not more than 20 percent of the required minimum width of such yard;
 - b. To permit the reduction in the area of a lot by not more than five percent of the required minimum area of such lot;
 - c. To permit the increase in total building coverage of a lot by not more than ten percent of the maximum permitted building coverage.
- (4) No variance shall be granted unless it is determined by the board that a practical difficulty or unnecessary hardship exists in the way of carrying out the strict letter of this chapter and that the spirit of this chapter shall be observed, substantial justice done, and that such variance will not be contrary to the public interest.
- (5) To review and act upon applications for special exception permits, subject to the following criteria:
 - a. Any outstanding charges, fees, interest, fines, or penalties owed to the town by the applicant or owner of subject property, under any section of this code, must be paid in full prior to consideration by the board of any proposed special exception use.
 - b. The proposed use must be specifically allowable by special exception in the applicable zoning district and future land use category.
 - c. The proposed use must meet all applicable concurrency requirements, per chapter 62 of this code, with regard to all public services and facilities for which level-of-service standards have been adopted in the town comprehensive plan.
 - d. The proposed use must conform with all applicable regulations governing the zoning district in which it is to be located, unless a variance is granted.
 - e. The proposed use must be compatible with adjacent development and the planned character of the surrounding area, and shall not interfere with the legitimate use of nearby properties.
 - f. The proposed use must be separated and screened from adjacent uses by adequate structural setbacks and landscaped buffers, as required in the land development regulations.
 - g. Adequate off-street parking and loading shall be provided, and ingress and egress shall be so designed as to minimize interference with traffic on abutting streets. The proposed use shall not generate excessive vehicular traffic on residential streets.
 - h. If a variance is desired and/or required in conjunction with the proposed special exception use, then a separate application shall be submitted concurrently with the special exception application.
- (6) In approving any special exception use, the board may prescribe appropriate conditions and safeguards, consistent with the land development regulations. Violation of specific conditions of special exception approval shall be deemed a violation of the land development regulations. The

board may also prescribe a reasonable time limit within which construction or other activities for which the special exception is granted must be commenced and/or completed.

(Ord. No. 5, 11-20-57; Ord. No. 52, § 11, 9-5-62; Ord. No. 403, § 1, 7-11-90; Ord. No. 499, § 63, 3-14-01)

TO: Interim Town Manager
Ian Ryan, Administrative Assistant

FROM: Matthew Campbell
Town Manager

DATE: April 6, 2021

SUBJECT: BOA Application Initial Analysis for 5701 44th Ave

pd #400
second nature is
number one @
gmail.
com

The Town received a partial application from James Knoebel, owner of the above vacant parcel. Partial application means no survey depicting ownership, or proposed lot split, and no \$400 application fee. He is in a hurry, and has little concern that there are several applicants ahead of his already in the hopper. Mr. Knoebel initiated discussions with staff in late March of this year, and has stated that health conditions are promulgating his urgency with variance consideration.

The applicant is seeking a single lot subdivision of the existing lot into two separate lots, the action of which will create two substandard-sized lots that don't meet minimum lot area or width. The parent parcel is 110 in width by 130 in depth (14,300 sq ft). The parcel is zoned RS-5.0. Section 82-126 of the Kenneth City Code requires a minimum average lot width of 75 feet and minimum lot area of 7,500 sq ft. Subdivision of the parent parcel will create two lots that are 55 feet in width, and 7,150 in area. Section 82-72(5)(e) of the Kenneth City Code requires that any request for variance be "compatible" with the surrounding community. This calls into question as to whether the applicant's request to have the narrowest 2 lots in the neighborhood is compatible with the historical development pattern of the existing community. The narrowest lot width in the adjacent community is 59 feet, and the average lot width is 65 feet. Several lots exist to the east that have narrower frontages, but this is due to the lots being located on cul-de-sacs, and being of pie-shaped configuration. The public notice provisions for the subject variance, and subsequent public hearing will determine community preferences for compatibility.

Section 82-72(3)(b) of the Town of Kenneth City Code (Board of Adjustment) allows for up to a 5% reduction in lot area to be considered by the BOA through variance. This would equate to a 7,500 sq. ft. lot potentially being reduced by 5% in area to reveal a 7,125 minimum lot area ($7,500 \times 0.95 = 7,125$), subtracted from 7,500 equals 7,125. According to the applicant, they are seeking lot area of 7,150 square feet, which on paper would potentially meet the Town Code allowances. However, staff recommends the applicant provide a Professional Land Surveyor (PLS) certified survey to verify existing lot area, and proposed dimensions for the new lots before any variance application is considered.

Secondly, the Town Code is silent as to whether the Board of Adjustment can consider reductions in lot width. If the 5% were to be applied to a reduction in lot width, the application would not qualify for a variance on this premise due to the minimum average lot width of 75 feet being required, whereby the applicant is seeking lot widths of 55 feet, more or less (MOL).

04-31-16-00000-320-0200

[Compact Property Record Card](#)

[Tax Estimator](#)

Updated April 6, 2021

[Email](#) [Print](#)

[Radius Search](#)

Ownership/Mailing Address Change Mailing Address	Site Address
KNOEBEL, JAMES P KNOEBEL, LEAH 5750 44TH AVE N KENNETH CITY FL 33709	5701 44TH AVE N KENNETH CITY



Property Use: 0000 (Vacant Residential - lot & acreage less than 5 acres) **Current Tax District:** KENNETH CITY (KC) **Total Living: SF:** **Total Gross SF:**

[\[click here to hide\] Legal Description](#)

FROM NW COR OF SW 1/4 RUN S 540 FT(S) & E 370 FT (S) FOR POB TH CONT E 110 FT TH S 130 FT TH W 110 FT TH N 130 FT TO POB

Tax Estimator File for Homestead Exemption			2021 Parcel Use	
Exemption	2021	2022		
Homestead:	No	No	Homestead Use Percentage: 0.00%	
Government:	No	No	Non-Homestead Use Percentage: 100.00%	
Institutional:	No	No	Classified Agricultural: No	
Historic:	No	No		

Parcel Information [Latest Notice of Proposed Property Taxes \(TRIM Notice\)](#)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone <small>(NOT the same as a FEMA Flood Zone)</small>	Flood Zone <small>(NOT the same as your evacuation zone)</small>	Plat Book/Page
21433/0801	\$127,900	121030248012	E	Compare Preliminary to Current FEMA Maps	

2020 Interim Value Information

Year	Just/Market Value	Assessed Value / Non-HX Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2020	\$112,105	\$36,618	\$36,618	\$112,105	\$36,618

[\[click here to hide\] Value History as Certified \(yellow indicates correction on file\)](#)

Year	Homestead Exemption	Just/Market Value	Assessed Value	County Taxable Value	School Taxable Value	Municipal Taxable Value
2019	No	\$97,102	\$33,289	\$33,289	\$97,102	\$33,289
2018	No	\$89,424	\$30,263	\$30,263	\$89,424	\$30,263
2017	No	\$87,748	\$27,512	\$27,512	\$87,748	\$27,512
2016	No	\$74,281	\$25,011	\$25,011	\$74,281	\$25,011
2015	No	\$58,558	\$22,737	\$22,737	\$58,558	\$22,737
2014	No	\$36,299	\$20,670	\$20,670	\$36,299	\$20,670
2013	No	\$24,308	\$24,308	\$24,308	\$24,308	\$24,308
2012	No	\$40,277	\$40,277	\$40,277	\$40,277	\$40,277
2011	No	\$77,039	\$77,039	\$77,039	\$77,039	\$77,039
2010	No	\$97,166	\$97,166	\$97,166	\$97,166	\$97,166
2009	No	\$112,695	\$112,695	\$112,695	\$112,695	\$112,695
2008	No	\$154,200	\$154,200	\$154,200	\$154,200	\$154,200
2007	Yes	\$161,100	\$65,457	\$40,457	N/A	\$40,457
2006	Yes	\$169,000	\$63,860	\$38,860	N/A	\$38,860
2005	Yes	\$132,400	\$62,000	\$37,000	N/A	\$37,000
2004	Yes	\$120,600	\$60,200	\$35,200	N/A	\$35,200
2003	Yes	\$105,500	\$59,100	\$34,100	N/A	\$34,100
2002	Yes	\$92,500	\$57,700	\$32,700	N/A	\$32,700
2001	Yes	\$84,100	\$56,800	\$31,800	N/A	\$31,800
2000	Yes	\$73,900	\$55,200	\$30,200	N/A	\$30,200
1999	Yes	\$65,700	\$53,800	\$28,800	N/A	\$28,800
1998	Yes	\$63,200	\$53,000	\$28,000	N/A	\$28,000
1997	Yes	\$58,400	\$52,200	\$27,200	N/A	\$27,200
1996	Yes	\$53,100	\$50,700	\$25,700	N/A	\$25,700

2020 Tax Information

2020 Tax Bill	Tax District: KC
2020 Final Millage Rate	19.3192

Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our new [Tax Estimator](#) to estimate taxes under new ownership.

Ranked Sales (What are Ranked Sales?) [See all transactions](#)

Sale Date	Book/Page	Price	Q/U	Y/I
11 Mar 2021	21433 / 0801	\$80,000	U	V

2020 Land Information

Seawall: No

Frontage:

View: None

Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Vacant (00)	110x130	1280.00	110.0000	0.9657	\$135,971	FF

[click here to hide] 2021 Extra Features						
Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year	
No Extra Features on Record						

[click here to hide] Permit Data

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.

Permit Number	Description	Issue Date	Estimated Value
P6367	DEMOLITION	28 Jan 2013	\$7,300



If you are experiencing issues with this map loading, you may need to clear your web browsing history, then close and restart your web browser.

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DIVISION 2. - RS-5.0, RESIDENTIAL SINGLE-FAMILY DISTRICT

Sec. 82-121. - Purpose and intent.

The purpose and intent of the RS-5.0 residential single-family districts is to provide for low-density single-family residential development in the town according to the adopted land use plan, to protect these residential neighborhoods from incompatible nonresidential uses and to provide the opportunity for appropriate nonresidential uses which do not conflict with the basic intent of these districts.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-122. - Permitted uses.

In all RS 5.0 residential single-family districts, no building shall be erected, altered or used, nor shall any land or water use be permitted except for one or more of the following residential uses:

- (1) Single-family residential dwellings (transient apartments are prohibited).
- (2) Home occupations and residential accessory uses.
- (3) Licensed adult congregate living facilities (ACLFs) housing no more than six residents, subject to the restrictions of F.S. § 419.001(2).
- (4) A family child day care home accommodating no more than twelve children or eight children from birth to 24 months of age, subject to the licensing and permitting requirement of the county and state governing children's centers and family day care homes.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92; Ord. No. 499, § 64, 3-14-01; Ord. No. 532, § 2, 8-10-03)

Sec. 82-123. - Uses requiring a special exception permit.

In all RS-5.0 residential single-family districts the following uses shall require a special exception permit:

- (1) Nonprofit community uses limited to:
 - a. Public parks, playgrounds;
 - b. Docks of a private nature.
- (2) Institutional uses limited to:
 - a. Churches, synagogues and other places of worship, including convents, monasteries and seminaries in conjunction with a place of worship;
 - b. Public and private schools of general education;
 - c. Group day care and nursery facilities.
- (3) Government/public service uses limited to:

- a. Police station;
 - b. Fire station;
 - c. Library;
 - d. Post office;
 - e. Limited similar public service or government-oriented uses involved with federal, state or local government.
- (4) Public utility uses, light, limited to:
- a. Electrical distribution and transformers;
 - b. Natural gas and oil or petroleum product control and distribution, excluding storage;
 - c. Radio, television reception and transmission facilities;
 - d. Sewage pumping facilities;
 - e. Utility transmission facilities, right-of-way for telephone, electricity, gas or water;
 - f. Water control and pumping facilities;
 - g. Similar light public utility uses.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-124. - Zero lot line.

In all RS-5.0 residential single-family districts, on any two or more lots which conform to basic area and dimensional requirements, the residential dwelling unit may be placed on the common interior property line if the remaining side yard provided is equal to the sum of the two required side yards given in the property development regulations.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-125. - Landscaping.

In all RS-5.0 residential single-family districts, landscaping shall be provided as follows:

- (1) The right-of-way area between the sidewalk and the curb or curblines where sidewalks are constructed and the entire right-of-way where no sidewalks are constructed shall be landscaped by the abutting property owner; landscaping shall consist of grass normally used in the state climate, obtained either by sodding or seeding.
- (2) Exceptions to the above requirements for landscaping are areas where pedestrians or vehicular entrances are constructed.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-126. - Minimum lot area and dimensions.

The minimum lot area and dimensions in all RS-5.0 residential single-family districts shall be as follows:

Area:	7,500 square feet;
Width:	75 feet average;
Depth:	100 feet average.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-127. - Minimum yard setback requirements.

The minimum yard setback requirements in all RS-5.0 residential single-family districts shall be as follows:

Front:	30 feet;
Side:	7 feet or 10 percent of the average width of the lot, whichever is greater, but setback need not exceed 20 feet. On all corner lots, the side yard parallel to the side street shall be a minimum of 15 feet;
Rear:	10 feet.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-128. - Maximum building height.

In all RS-5.0 residential single-family districts the maximum building height shall be 2½ stories or 35 feet, whichever is less.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-129. - Maximum impervious surface ratio (ISR).

In all RS-5.0 residential single-family districts the maximum impervious surface ratio (ISR) shall be 0.65.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92; Ord. No. 484, § 1, 5-12-99)

Sec. 82-130. - Minimum dwelling living area requirements.

In all RS-5.0 residential single-family districts the minimum dwelling living area requirement shall be 1,000 square feet.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-131. - Nonresidential special exception use.

In all RS-5.0 residential single-family districts nonresidential special exception use shall not exceed a floor ratio (FAR) of 0.40.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-132. - Public/semipublic uses.

In all RS-5.0 residential single-family districts public/semipublic uses shall not exceed a maximum area of three acres. Such use or contiguous like uses in excess of this threshold shall require an appropriate plan and corresponding zoning map amendment.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-133. - Maximum density.

In all RS-5.0 residential single-family districts a maximum of 5.0 residential dwelling units per acre are permitted.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Secs. 82-134—82-150. - Reserved.

DIVISION 2. - RS-5.0, RESIDENTIAL SINGLE-FAMILY DISTRICT

Sec. 82-121. - Purpose and intent.

The purpose and intent of the RS-5.0 residential single-family districts is to provide for low-density single-family residential development in the town according to the adopted land use plan, to protect these residential neighborhoods from incompatible nonresidential uses and to provide the opportunity for appropriate nonresidential uses which do not conflict with the basic intent of these districts.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-122. - Permitted uses.

In all RS 5.0 residential single-family districts, no building shall be erected, altered or used, nor shall any land or water use be permitted except for one or more of the following residential uses:

- (1) Single-family residential dwellings (transient apartments are prohibited).
- (2) Home occupations and residential accessory uses.
- (3) Licensed adult congregate living facilities (ACLFs) housing no more than six residents, subject to the restrictions of F.S. § 419.001(2).
- (4) A family child day care home accommodating no more than twelve children or eight children from birth to 24 months of age, subject to the licensing and permitting requirement of the county and state governing children's centers and family day care homes.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92; Ord. No. 499, § 64, 3-14-01; Ord. No. 532, § 2, 8-10-03)

Sec. 82-123. - Uses requiring a special exception permit.

In all RS-5.0 residential single-family districts the following uses shall require a special exception permit:

- (1) Nonprofit community uses limited to:
 - a. Public parks, playgrounds;
 - b. Docks of a private nature.
- (2) Institutional uses limited to:
 - a. Churches, synagogues and other places of worship, including convents, monasteries and seminaries in conjunction with a place of worship;
 - b. Public and private schools of general education;
 - c. Group day care and nursery facilities.
- (3) Government/public service uses limited to:
 - a. Police station;
 - b. Fire station;
 - c. Library;
 - d. Post office;
 - e. Limited similar public service or government-oriented uses involved with federal, state or local government.

- (4) Public utility uses, light, limited to:
 - a. Electrical distribution and transformers;
 - b. Natural gas and oil or petroleum product control and distribution, excluding storage;
 - c. Radio, television reception and transmission facilities;
 - d. Sewage pumping facilities;
 - e. Utility transmission facilities, right-of-way for telephone, electricity, gas or water;
 - f. Water control and pumping facilities;
 - g. Similar light public utility uses.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-124. - Zero lot line.

In all RS-5.0 residential single-family districts, on any two or more lots which conform to basic area and dimensional requirements, the residential dwelling unit may be placed on the common interior property line if the remaining side yard provided is equal to the sum of the two required side yards given in the property development regulations.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-125. - Landscaping.

In all RS-5.0 residential single-family districts, landscaping shall be provided as follows:

- (1) The right-of-way area between the sidewalk and the curb or curblin where sidewalks are constructed and the entire right-of-way where no sidewalks are constructed shall be landscaped by the abutting property owner; landscaping shall consist of grass normally used in the state climate, obtained either by sodding or seeding.
- (2) Exceptions to the above requirements for landscaping are areas where pedestrians or vehicular entrances are constructed.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-126. - Minimum lot area and dimensions.

The minimum lot area and dimensions in all RS-5.0 residential single-family districts shall be as follows:

Area:	7,500 square feet;
Width:	75 feet average;
Depth:	100 feet average.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-127. - Minimum yard setback requirements.

The minimum yard setback requirements in all RS-5.0 residential single-family districts shall be as follows:

Front:	30 feet;
Side:	7 feet or 10 percent of the average width of the lot, whichever is greater, but setback need not exceed 20 feet. On all corner lots, the side yard parallel to the side street shall be a minimum of 15 feet;
Rear:	10 feet.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-128. - Maximum building height.

In all RS-5.0 residential single-family districts the maximum building height shall be 2½ stories or 35 feet, whichever is less.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-129. - Maximum impervious surface ratio (ISR).

In all RS-5.0 residential single-family districts the maximum impervious surface ratio (ISR) shall be 0.65.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92; Ord. No. 484, § 1, 5-12-99)

Sec. 82-130. - Minimum dwelling living area requirements.

In all RS-5.0 residential single-family districts the minimum dwelling living area requirement shall be 1,000 square feet.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-131. - Nonresidential special exception use.

In all RS-5.0 residential single-family districts nonresidential special exception use shall not exceed a floor ratio (FAR) of 0.40.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-132. - Public/semipublic uses.

In all RS-5.0 residential single-family districts public/semipublic uses shall not exceed a maximum area of three acres. Such use or contiguous like uses in excess of this threshold shall require an appropriate plan and corresponding zoning map amendment.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Sec. 82-133. - Maximum density.

In all RS-5.0 residential single-family districts a maximum of 5.0 residential dwelling units per acre are permitted.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 4, 9-9-92)

Secs. 82-134—82-150. - Reserved.