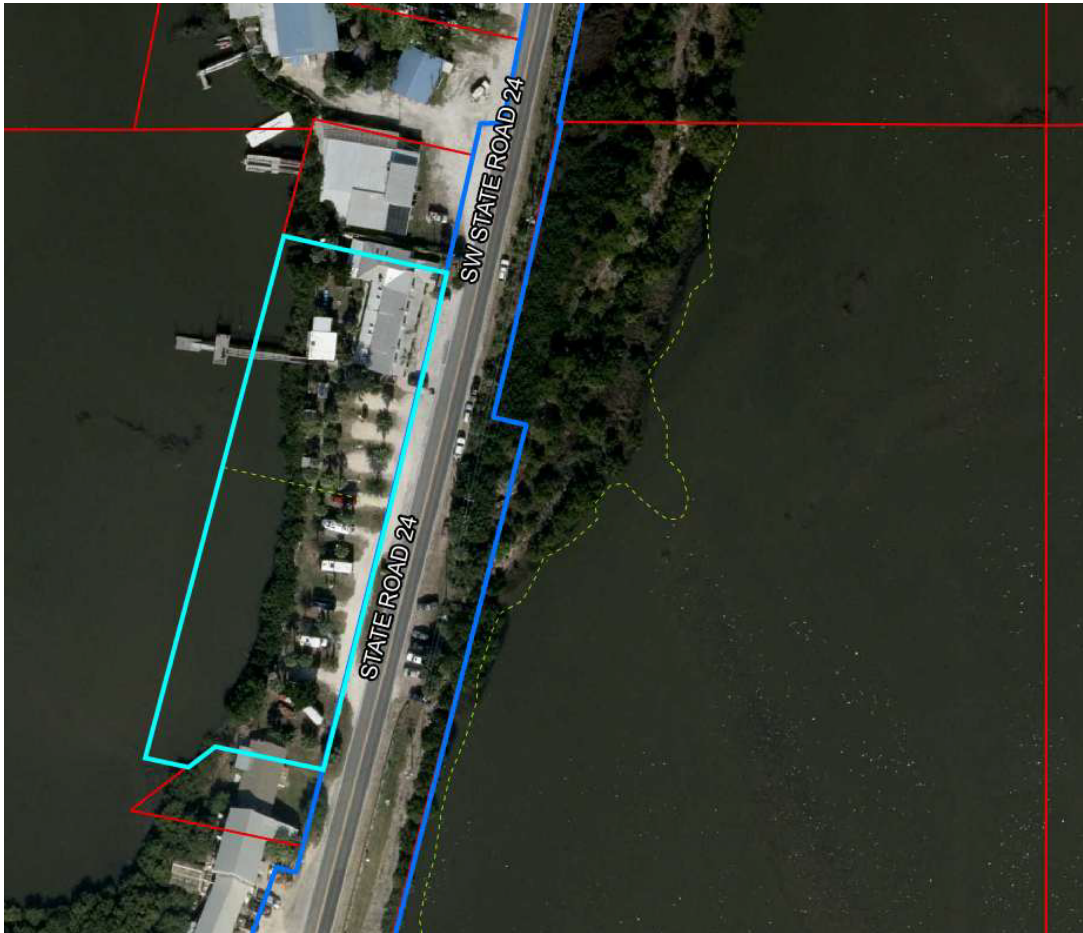


12050 SR24



2/04/2025

Formal Quasi-Judicial Hearing: Change of Use

Mr. Scott Larson, as owner of the Hideaway SR-24 LLC, located at 12050 State Road 24, Cedar Key, FL is requesting a Change of Use to the allowable use of a commercial building, changing current use as Hotel/Motel to Bar and Liquor/Convenience Store.

CITY OF CEDAR KEY

NOTICE OF FORMAL QUASI-JUDICIAL HEARING PETITION FOR DEVELOPMENT REVIEW

Petition No **\_2025-01\_** Development Review Application: Hideaway SR-24 LLC

Location: 12050 SR 24

Legal: Parcel# 0039500000

Notice is hereby given that a Quasi-Judicial hearing will be conducted by the Cedar Key City

Commission on Tuesday, January 21, 2025, at 5 pm in City Hall at 809 6th Street, Cedar Key, Florida 32625, to hear and act upon a request to an application for a Development Review – Change of Use.

Petitioners are requesting a development review for a change of current use from a (5) five-unit hotel with office and owners residence, to a bar space with storage to include a small managers suite, and a small liquor store.

All interested persons are urged to attend this Hearing. Comments may be forwarded to the City of Cedar Key, PO Box 339, Cedar Key, Florida 32625, or bring them to the office of the City Clerk at City Hall in Cedar Key, FL.

An Affected Party who is interested in participating at the Formal Quasi-Judicial hearing is required to complete a Registration Card in the form prescribed by the decision-making body prior to the start of the hearing, in accordance with Chapter 4, Article XII §12.12.02 within the Laws of Cedar Key. The definition of the term "Affected Party" is set forth in §12.12.02.

If any person decides to appeal the decision of the Commission with respect to any matter considered at said Public Hearing, that person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the Appeal is to be based.

If any accommodations are needed for persons with disabilities, contact the Clerk's Office in City Hall (352) 543-5132.

Cedar Key City Commission Cedar Key, Levy County, Florida

City of Cedar Key-  
Development Review Application

Applicant Name: Scott Larsen lawkey SR-4 Inc Phone: 323-493-8755  
Address: 12050 State Rd 24 Cedar Key, FL 32625  
Hideaway SR-24 Inc  
Property Owner: Scott Larsen Phone: 323-493-8755  
Address: Same as above

Property Description:

Section-Township-Range: \_\_\_\_\_ Total Acres: 1.42a.  
Tax Parcel Number(s) or Attach Legal Description: 0039500000  
Location: \_\_\_\_\_

Any of the following activities: A. Construction, clearing, filling, excavating, grading, paving, dredging, drilling or otherwise significantly disturbing the soil of a site; B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials; C. Subdividing land into two (2) or more parcels; D. A tree removal for which authorization is required under this Code; E. Erection of a permanent sign unless expressly exempted by Article VIII of this Code; F. Alteration of an historic property for which authorization is required under this Code; G. Changing the use of a site so that the need for parking is increased; H. Construction, elimination or alteration of a driveway onto a public street; I. Any activity which has an impact on level of service or infrastructure capacity.

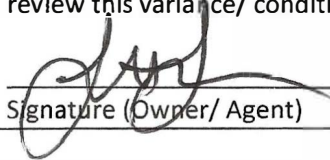
12.02.00. PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS 12.02.01. Pre-Application Conference

Prior to filing for development plan review, the developer shall meet with the Building Official to discuss the development review process. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposed development made by any participant at the pre-application conference as a representation or implication that the proposed development will be ultimately approved or rejected in any form. The User's Guide in Article I of this Code may be used as a guide to the discussion of the proposed development in the Pre-Application Conference.

12.02.02. Administrative Review of Development Plans A. The developer shall submit an Application and Development Plan meeting the requirements of Section 12.02.05 below. B. Within five (5) working days the Building Official shall determine that the Plan is complete or incomplete. If incomplete, the developer may submit an amended Plan within thirty (30) days without payment of a reapplication fee, but, if more than thirty (30) days have elapsed, must thereafter re-initiate the review procedure and pay an additional fee. C. A copy of the plan shall be sent to each member of the Technical Review Committee. Each member shall review the proposal and submit written comments to the Building Official within ten (10) days of completed application distribution to members. D. The Building Official shall review the Plan and comments of the Technical Review Committee and, within twenty (20) working days of the submission of the proposed development plan, prepare a report on whether the proposal complies with this Code and other applicable regulations of the City of Cedar Key. E. After the compliance report is completed, the Building Official shall set the matter for hearing before the City Commission at the next available meeting allowing for notice as required by Section 12.02.03 below.

12.02.03. Notice of Hearing Before City Commission At least fifteen (15) days prior to the hearing before the City Commission, the Building Official shall post a sign on the site of the development and mail written notice to the developer and to all property owners with property abutting the development site. The posted and written notice shall state the date, time and place of the hearing; shall summarize the proposed development; and shall state how additional information about the proposal and hearing procedures may be obtained.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I hereby grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this variance/ conditional use/ hardship relief land use request.

  
Signature (Owner/ Agent)

12-09-24  
Date

Application Received Date: 12/17/24 Fee \$ 1100. Received 12/17/24 Application Number: 2025-01



City of Cedar Key-  
Development Review Application

Please provide a statement to describe the requested action along with necessary drawings, product approval codes, and necessary supplemental documentation (elevation certificates, survey, building plans, etc).

Due to the recent hurricanes it has been determined it is no longer possible to protect the motel & owners suite. We would like to change the motel into bar storage & bar space, with one small managers suite. The old managers suite would like to convert into a small liquor store and convenience store



Signature (Owner/ Agent)

12/17/2024

Date


AFFIDAVIT


Owner(s) Hideaway SR-24 LLC

Tax Parcel Number(s) or Attach Legal Description: 0039500000

I (we), the property owner(s) of the subject property, being duly sworn, depose and say:

(initial applicable statements)

 That I am (we are) the owner(s) and record title holder(s) of the above-described property.

 That the above-described property is the property for which the attached application for land use change is being made.

That I (we) have appointed the following person as my (our) agent to execute any agreement, and other documents necessary to effectuate such agreement in the process of pursuing the attached variance/ conditional use/ hardship request: N/A

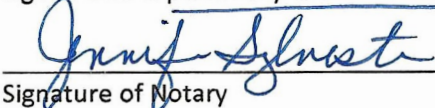
I (we) swear or affirm that the above information is true and correct to the best of my (our) knowledge.



Signature (Owner/ Agent)

Signature (Owner/ Agent)

Sworn to and subscribed before me this 17th day of December, 2024, by the above signed who is personally known to me, or who has produced \_\_\_\_\_ as identification.

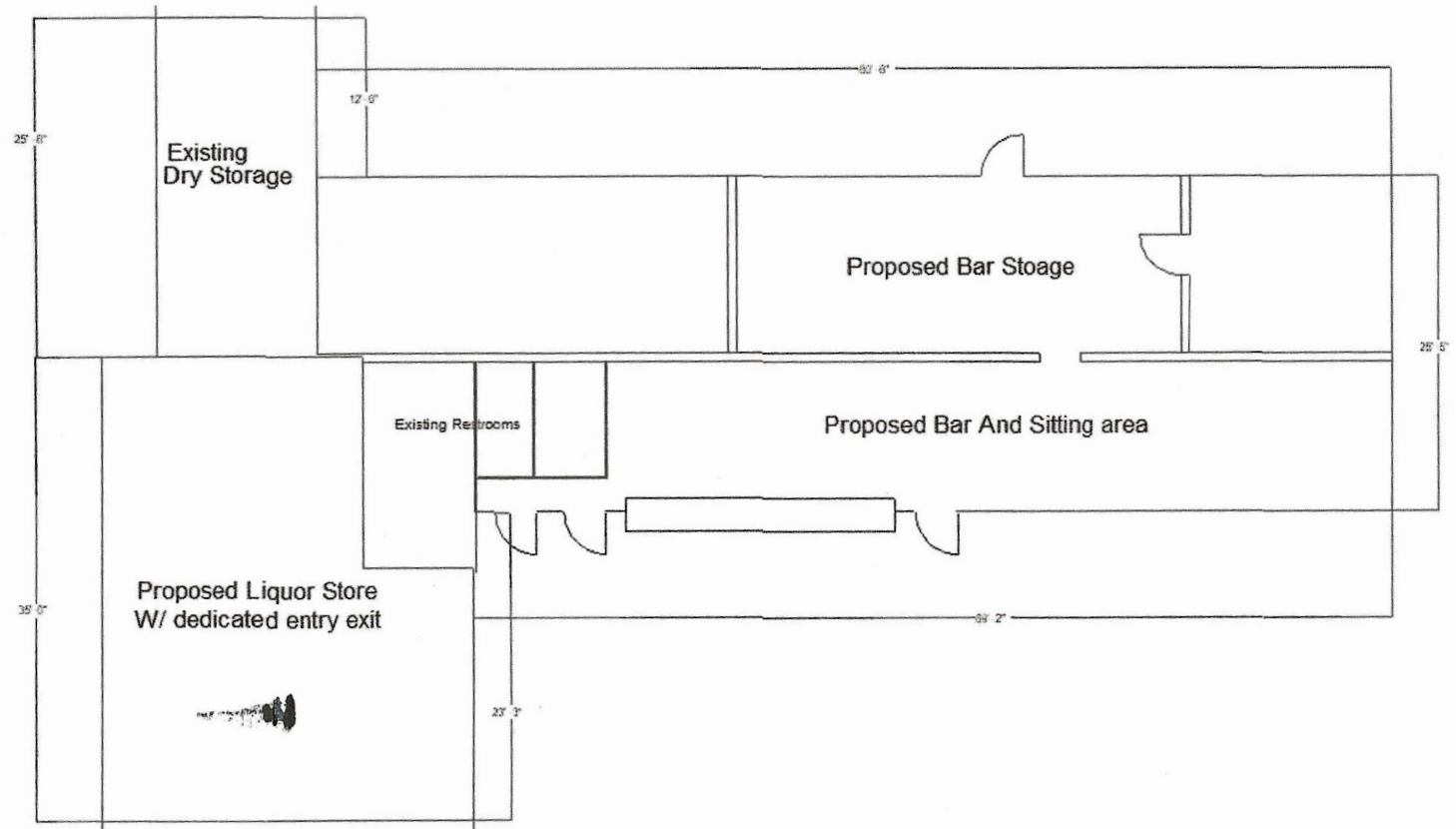


Signature of Notary



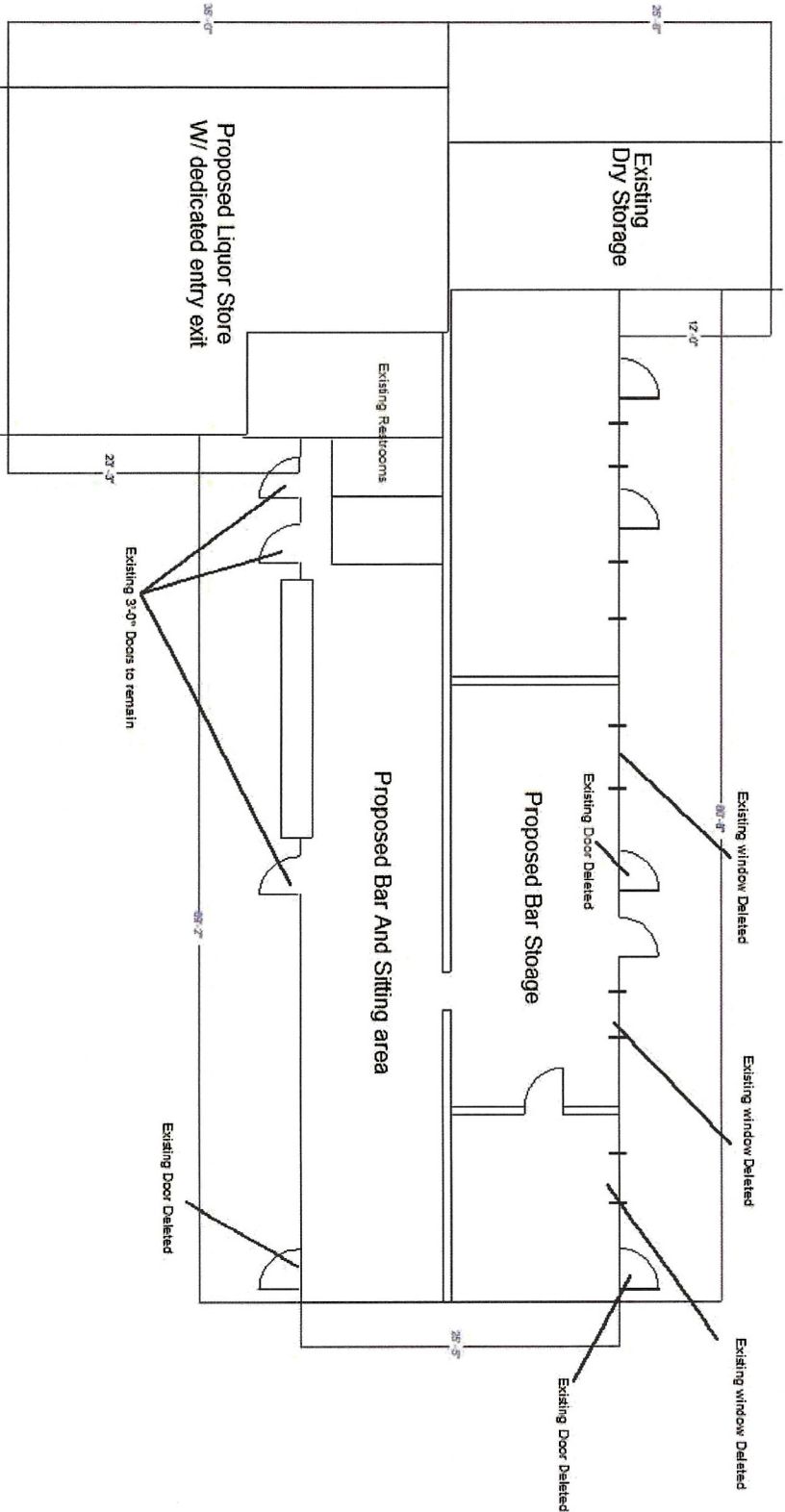
Application Received Date: 12/17/24 Fee \$ 1100 Received 12/17/24 Application Number: 2025-01





Deleted windows and doors

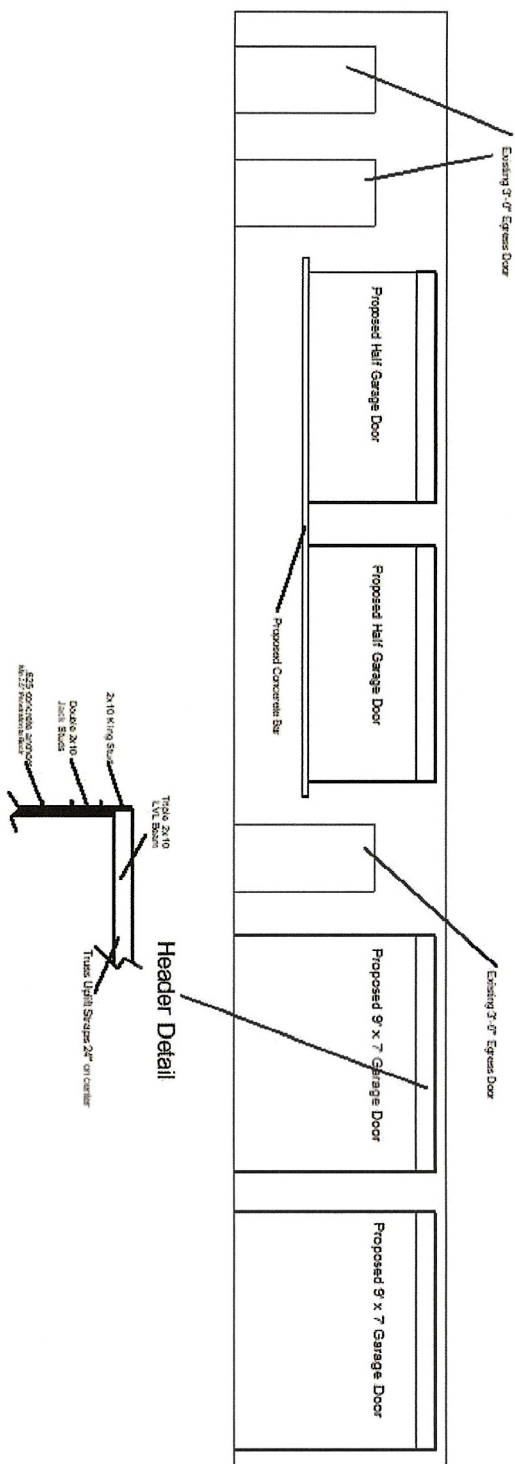
From Scott Larsen <scottlarsen@gmail.com>  
Date Fri 12/20/2024 11:32 AM  
To Jennifer Sylvester <jsylvester@cedarkeyfl.us>



Scott Larsen  
President  
Low Key SR-24 INC  
Low Key Hideaway and Tiki Bar  
12050 State Road 24  
Cedar Key, Florida 32625  
Cell: (323-493-8755  
Office: (352) 543-0700



From Scott Larsen <[scottlarsen@gmail.com](mailto:scottlarsen@gmail.com)>  
Date Fri 12/20/2024 11:33 AM  
To Jennifer Sylvester <[jsylvester@cedarkeyfl.us](mailto:jsylvester@cedarkeyfl.us)>





### **Legal Description for Change of Use Application**

**Property Name:** Low Key Hideaway Bar and Liquor/Convenience Store

**Property Address:** 12050 SR 24, Cedar Key, FL 32625

**Parcel Number(s):** 0039600100

**Legal Description:**

All that certain parcel of land situated in Levy County, State of Florida, described as follows:

Commence at a point located 1,985.46 feet East and 4,730.15 feet North of the southwest corner of Section 29, Township 15 South, Range 13 East, Levy County, Florida, and run thence North 11°46' East, a distance of 292.05 feet to the **Point of Beginning**.

From said **Point of Beginning**:

1. Continue North 11°46' East, a distance of 200.00 feet;
2. Thence run North 78°14' West, a distance of 146.70 feet;
3. Thence run South 11°46' West, a distance of 200.00 feet;
4. Thence run South 78°14' East, a distance of 146.00 feet, more or less, to the **Point of Beginning**.

Said parcel lies within Section 29, Township 15 South, Range 13 East, Levy County, Florida, and is adjacent to the westerly right-of-way line of State Road No. 24. Said parcel contains approximately 0.75 acres more or less.

**Existing Use:** Motel and Owner's Suite

**Proposed Use:** Bar

This property is zoned Mixed-Use under the jurisdiction of Cedar Key, Levy County, and is subject to all applicable building codes, zoning ordinances, and development regulations.

**Appurtenances and Easements:**

This property includes the following constructed elements, which are integral to its operations:

1. **Concrete Bar:**  
A central feature designed for durability and functionality, serving as the primary space for guest interaction and beverage service.
2. **Storage Rooms:**  
Dedicated spaces for securely storing supplies, equipment, and other operational necessities.

These constructed elements are located within the property boundaries and are supported by associated infrastructure, including parking areas, utilities, and ingress/egress rights, as established by recorded plats, easements, or rights-of-way. This setup ensures seamless operation and enhances the property's offerings for guests and visitors.



**Parking Remarks:**

Our chair count calculations further reflect the necessity of our efforts to address parking and accommodate guests:

- 40 chairs are designated for guests from our RV parking spots. Proposed
- 52 chairs are allocated for regular patrons utilizing the 13 additional parking spaces.
- On average, we receive 15+ calls per weekend night from guests requesting rides through our Free Tiki Taxi service. This service alleviates parking demands by preventing 10-20 vehicles from occupying spaces at our business on busy nights.

These measures underscore our commitment to providing a seamless and enjoyable experience for all visitors while minimizing the impact on community resources.

**Additional Remarks:**

On behalf of Low Key Hideaway and Tiki Bar, located at 12050 SR 24 in Cedar Key, to formally request the city's consideration of the extensive efforts we have undertaken to address the challenges associated with limited parking for our patrons. Our proactive measures have not only alleviated parking concerns but have also contributed positively to the community as a whole.

To combat the challenges of last year's busy season, we introduced a Free Tiki Taxi service. This service is available to everyone on the island and has successfully reduced the number of cars parked at our business. Additionally, the Tiki Taxi helps lower the incidence of drinking and driving, promoting a safer environment for residents and visitors alike.

We have made significant improvements to our property by adding 13 additional parking spaces. This accomplishment is notable, as no previous owner of this property was required or able to achieve such an enhancement. These efforts demonstrate our commitment to addressing parking limitations responsibly and effectively.

The removal of the motel rooms on our property was a difficult, but a necessary decision following two consecutive years of severe flooding. The damage required extensive repairs, three insurance claims, and a substantial financial investment. Transitioning the building for bar and storage use was not aimed at increasing our guest capacity but rather at providing adequate space for the guests we already welcome. Our Change of Use application reflects this intention and aligns with our goal of ensuring a comfortable and enjoyable experience for everyone who visits Low Key Hideaway.

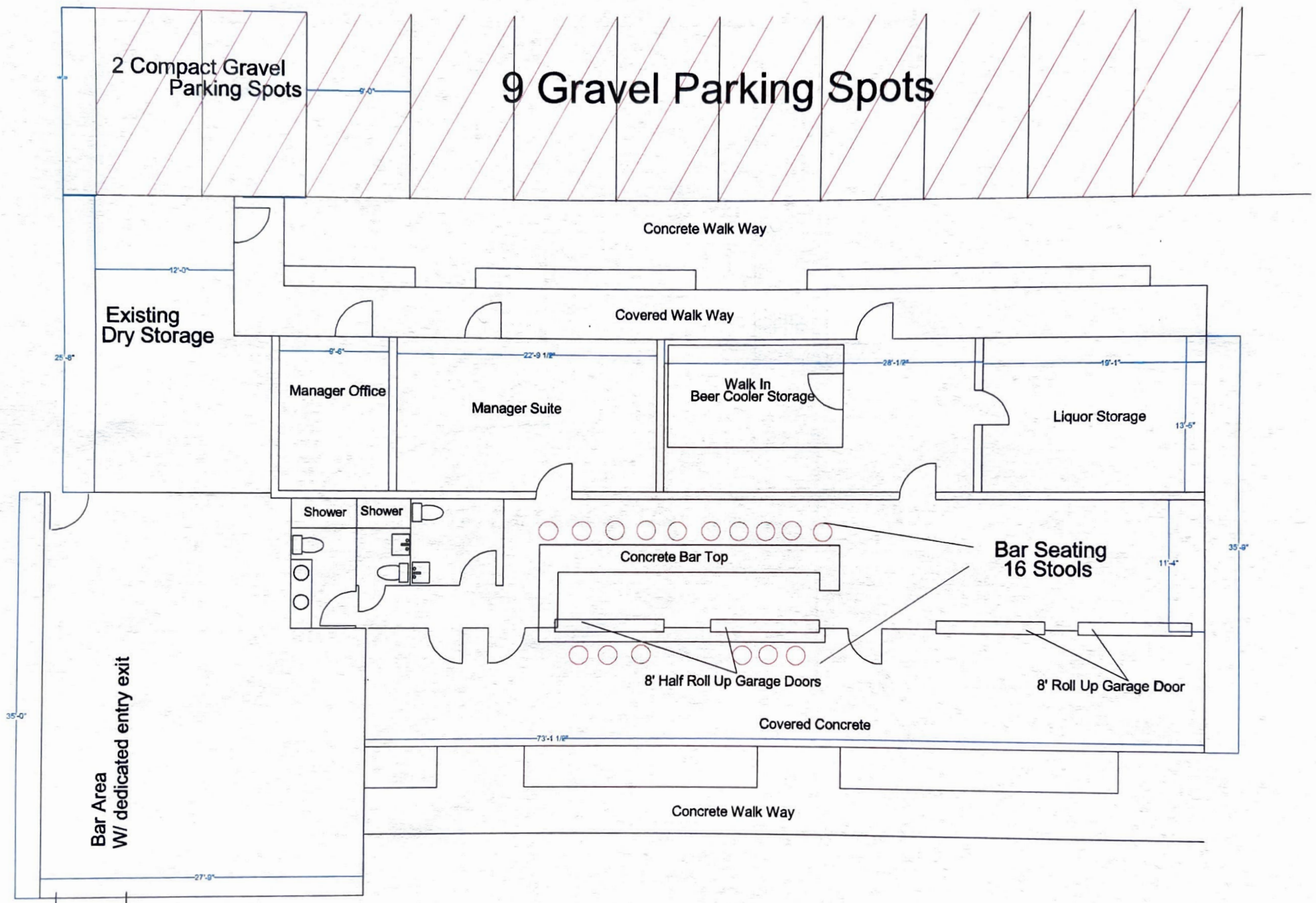
Low Key Hideaway and Tiki Bar is a cherished staple in the Cedar Key community. Our business plays a vital role in welcoming newcomers and locals alike, offering unique amenities such as dining, drinks, live music, airboat tours, and unforgettable adventures. Without this thriving establishment to greet visitors and support residents, we believe the vibrancy and economic stability of our small community could be significantly impacted.

We kindly ask that the city take into account all the measures we have implemented to address parking and other operational challenges. We remain committed to being responsible stewards of this beloved community hub and are dedicated to fostering an environment that benefits Cedar Key residents and visitors alike.









Concrete Walk Way

Paver Walkway

Storage

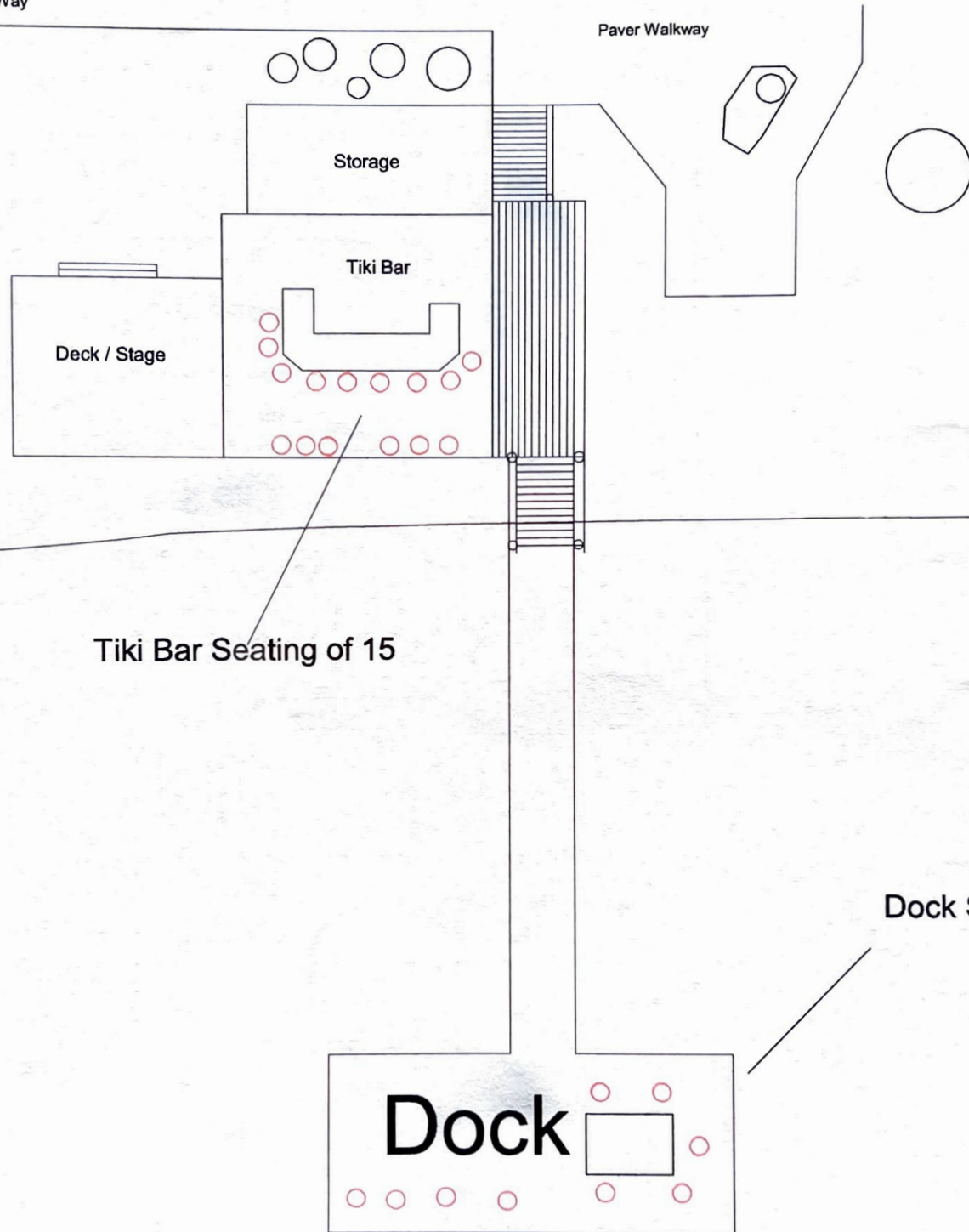
Tiki Bar

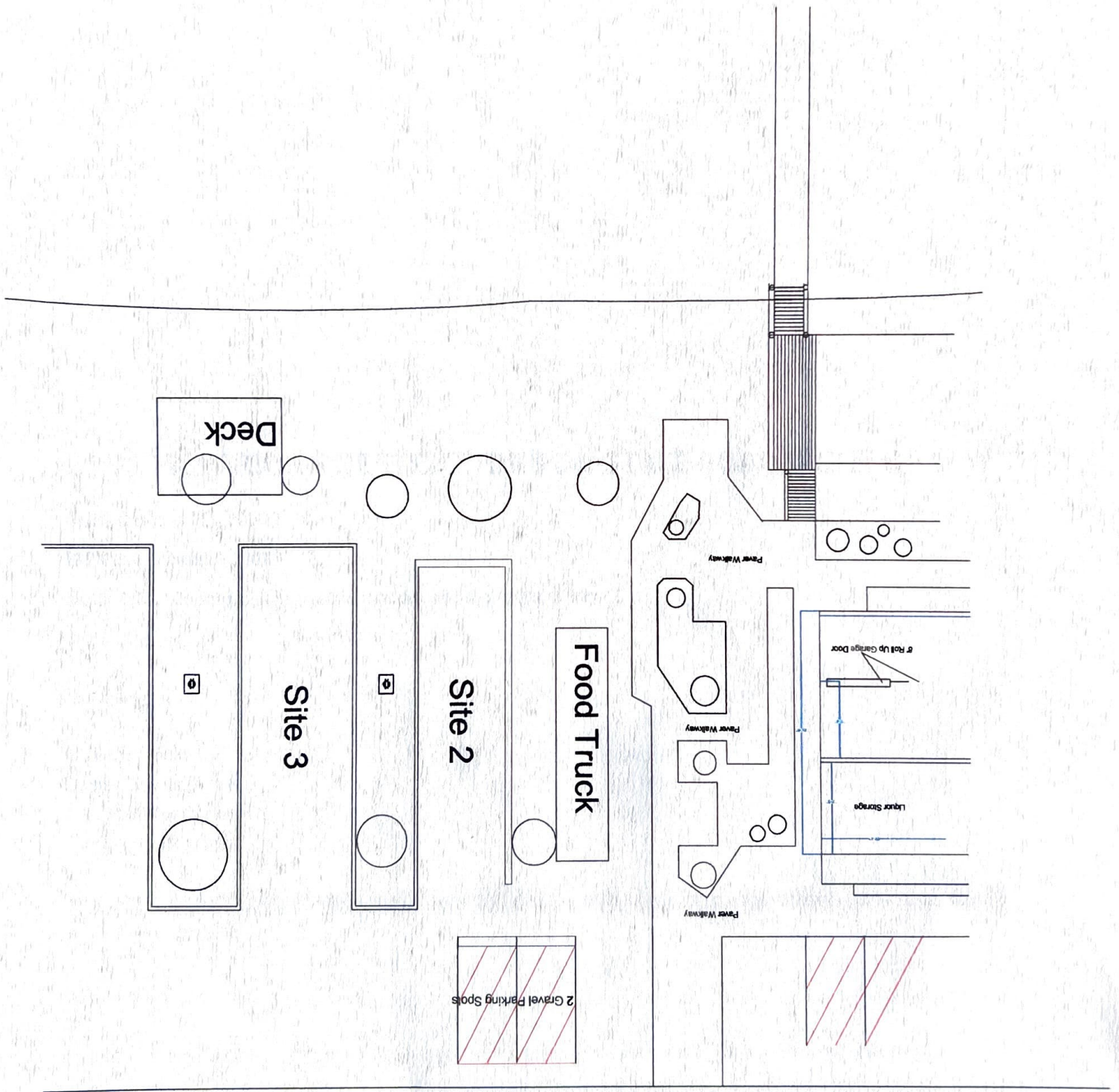
Deck / Stage

Tiki Bar Seating of 15

Dock Seating for 8

Dock





HWY 24





STATE OF FLORIDA



Contact Us  
TOLL FREE: 1-866-9-NO-  
SCAM

FILE COMPLAINT

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[Home](#) > [AG Opinions](#) > [County Parking Restrictions On State Road Right of Way](#)

## COUNTY, PARKING RESTRICTIONS ON STATE ROAD RIGHT OF WAY [View PDF](#)

**Number:** AGO 2001-22

**Issued** March 20, 2001

**Subject:** County, parking restrictions on state road right of way

Mr. Gary E. Eckstine  
Flagler County Attorney  
1200 East Moody Boulevard #11  
Bunnell, Florida 32110

RE: TRAFFIC--COUNTIES--DEPARTMENT OF TRANSPORTATION--parking restrictions on state roads. ss. 316.002, 316.006 and 316.194, Fla. Stat.

Dear Mr. Eckstine:

On behalf of the Flagler County Board of County Commissioners, you ask substantially the following question:

May a county impose more stringent parking regulations on the right-of-way of state roads?

In sum:

While a county may enforce state traffic laws on state roads, it may not impose more stringent parking regulations on state roads.



The Florida Uniform Traffic Control Law, Chapter 316, Florida Statutes, was enacted to "make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities." [1] The purpose of the act was to eliminate the "hodgepodge of ordinances which vary as to language and penalty" resulting in an inconvenience and hazard to travelers. [2]

The provisions of Chapter 316, Florida Statutes, are "applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and *no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized.*" [3] (e.s.) Section 316.002, Florida Statutes, specifically states that it is unlawful for any local authority to pass or attempt to enforce any ordinance in conflict with the provisions of Chapter 316. This office has stated that Chapter 316 operates to prohibit any local legislation on traffic control or the enforcement thereof under the police power of a municipality, except as may be expressly authorized by the Uniform Traffic Control Law. [4]

Section 316.006, Florida Statutes, sets forth the jurisdiction to control traffic, providing in pertinent part:

"(1) STATE.--The Department of Transportation shall have all original jurisdiction over all *state roads* throughout this state .  
...

\*\*\*

(3)(a) COUNTIES.--Counties shall have original jurisdiction over all streets and highways located within their boundaries, *except all state roads* and those streets and highways specified in subsection (2) . . . " [5] (e.s.)

"STATE ROAD" is defined by section 316.003(50), Florida Statutes, as "[a]ny highway designated as a state-maintained road by the Department of Transportation." [6]

In setting forth the powers of local authorities, section 316.008, Florida Statutes, recognizes that local authorities may regulate, among other things, stopping, standing or parking on "streets and highways under their jurisdiction[.]" [7] *State roads are not within the jurisdiction of local authorities, although local authorities are authorized to enforce state traffic laws on such roads.* [8] Thus, if the Department of Transportation, which has original jurisdiction over state roads, has posted "no parking" signs on the right-of-way, local authorities should enforce such provisions.

Your inquiry is prompted by concerns regarding vehicles parked on the right-of-way of a state road. Section 316.194(1), Florida Statutes, provides for the removal of a vehicle that is found unattended on a public highway:

"Officers are hereby authorized to provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against [the] motor vehicle, when said abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

1. Where such vehicle constitutes an obstruction of traffic;
2. Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge; and
3. Where an operative vehicle has been parked or stored on the public right-of-way for a period exceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge. However, the agency removing such vehicle shall be required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours of such removal." [9]

As attorney for Flagler County, you have advised the board of county commissioners that it is your opinion that the county cannot prohibit or more restrictively regulate vehicle parking on a state road right-of-way. Based upon the above, I concur in that conclusion.

Accordingly, I am of the opinion that while a county may enforce state traffic laws on state roads, it may not impose additional more stringent regulations on such roads.

Sincerely,

Robert A. Butterworth  
Attorney General

RAB/tjw

---

[1] Section 316.002, Fla. Stat.

[2] See the preamble to Ch. 71-135, Laws of Florida, creating Ch. 316, Fla. Stat.

[3] Section 316.007, Fla. Stat.

[4] See, e.g., Ops. Att'y Gen. Fla. 98-62 and 98-15 (1998).

[5] Subsection (2) of s. 316.006, Fla. Stat., gives original jurisdiction to municipalities over streets and highways, except state roads, located within their boundaries.

[6] See s. 316.003(53)(a), Fla. Stat. defining "STREET OR HIGHWAY" to mean, among others, "[t]he entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic[.]" Cf. s. 334.03(22) and (23), Fla. Stat., respectively defining "Right-of-way" and "Road" for purposes of the Florida Transportation Code:

"(22) 'Right-of-way' means land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

(23) 'Road' means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way . . ."

[7] Section 316.008(1)(a), Fla. Stat.

[8] See *State v. Williams*, 303 So. 2d 74 (Fla. 3d DCA 1974), *case dismissed*, 314 So. 2d 591 (Fla. 1975), concluding that the jurisdiction vested by s. 316.006, Fla. Stat., relates only to the control or regulation of traffic and does not extend to the enforcement of traffic laws; thus, while a municipality did not have the authority to regulate traffic on a state road or interstate highway located within its municipal boundaries, a municipal police officer had the right to arrest a motorist for violating the state traffic code on such a road. *And see* Ops. Att'y Gen. Fla. 89-57 (1989) and 81-41 (1981).



[9] Cf. s. 337.406(1), Fla. Stat., providing that it is unlawful to make use of the right-of-way of any state transportation facility outside an incorporated municipality "in any manner that interferes with the safe and efficient movement of people and property from place to place on the transportation facility. . . . Such prohibited uses include, but are not limited to, . . . the servicing or repairing of any vehicle, except the rendering of emergency service; the storage of vehicles being serviced or repaired on abutting property or elsewhere . . . ."

## Resources

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[Statement of Agency Organization and Operation](#)

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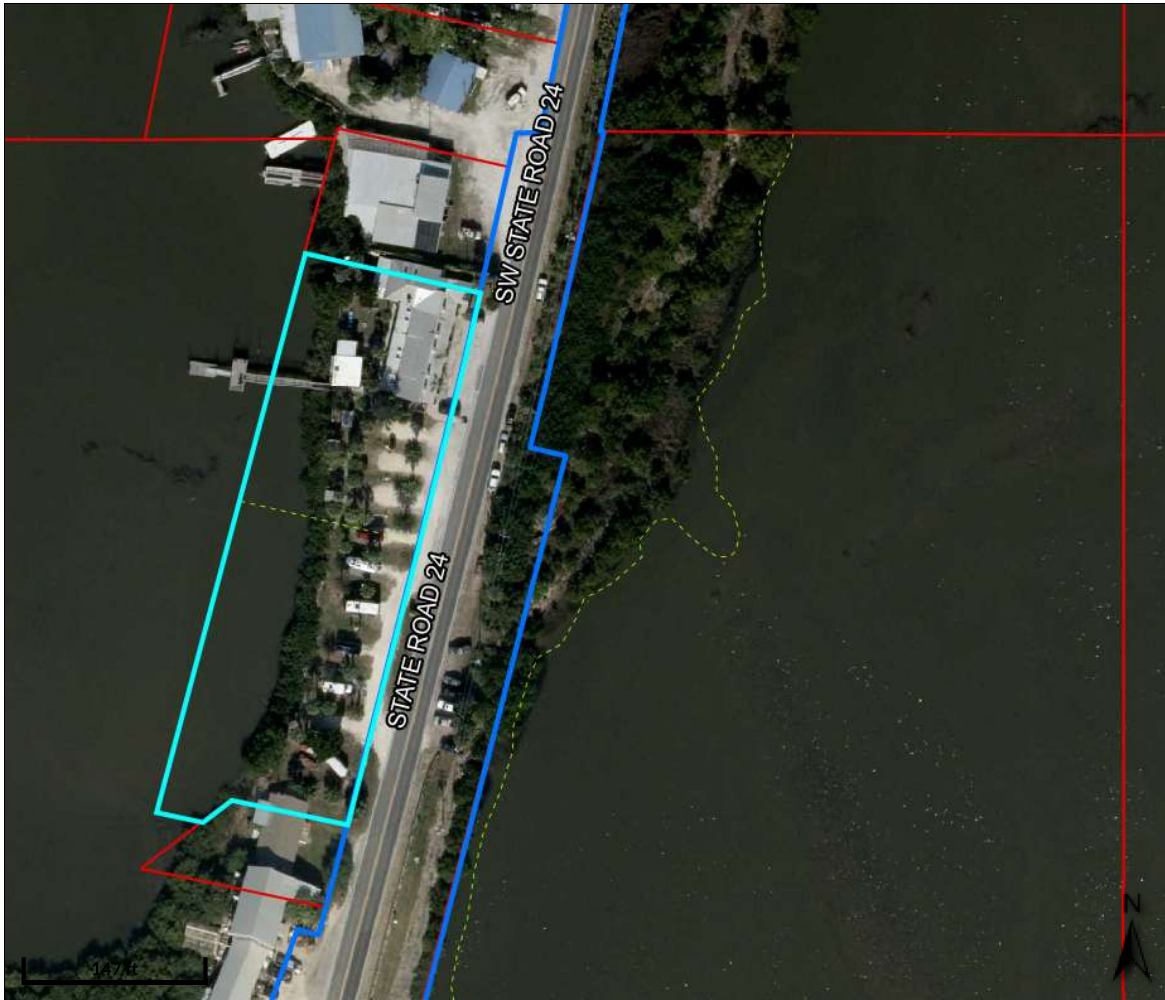
[Dose of Reality Florida](#)

[Request for Proposal for Professional Legal Services](#)

[Crime Prevention Summit](#)



Office of the Attorney General  
State of Florida  
PL-01, The Capitol  
Tallahassee, FL 32399-1050



#### Overview



#### Legend

- Parcels
- Parcel Lines
  - Construction
  - Easement
  - Lot
  - Miscellaneous
  - Parcel
  - Private Road
  - Road Right of Way
  - Subdivision
  - Water
  - <all other values>
- Roads
- City Labels

Parcel ID	0039500000	Physical Address	12050 SW STATE ROAD 24	Building Value	\$198,288	Last 2 Sales			
Property Use	3900 - HOTELS/MOTELS		CEDAR KEY	Extra Feature Value	\$116,120	Date	Price	Reason	Qual
Taxing District	CEDAR KEY	Mailing Address	HIDEAWAY SR-24 LLC	Market Land Value	\$312,000	4/19/2022	\$834700	01	Q
Acres	1.42		12050 SR 24	Ag Land Value	\$312,000	9/15/2015	\$625000	35	U
			CEDAR KEY FL 32625	Just Value	\$626,408				
				Assessed Value	\$626,408				
				Taxable Value	\$626,408				

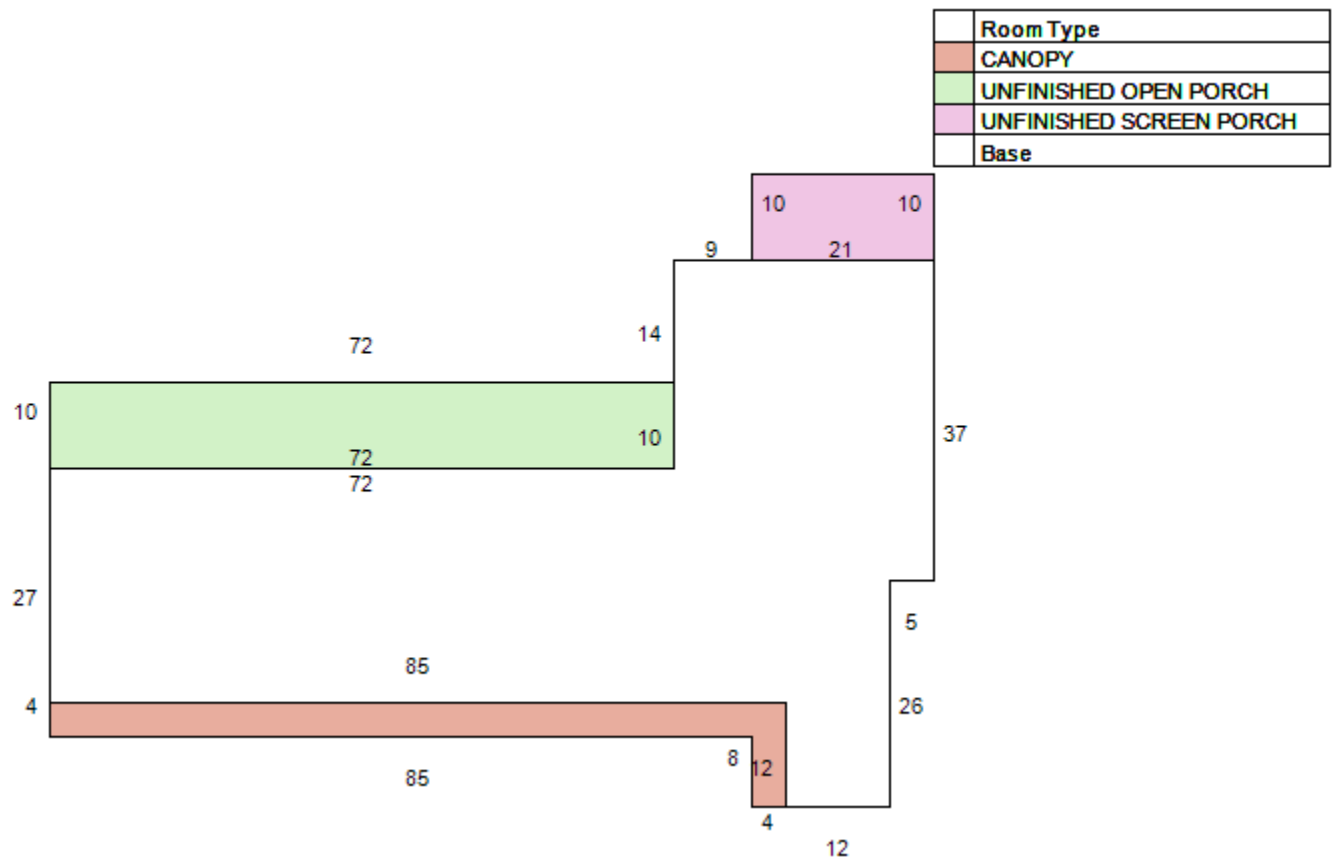
Date created: 1/28/2025

Last Data Uploaded: 1/27/2025 7:31:01 PM

Developed by  SCHNEIDER  
GEOSPATIAL







#### SQUARE FOOTAGE INFORMATION:

BASE	3548sf
CANOPY	372sf
UNFINISHED OPEN PORCH	720sf
UNFINISHED SCREEN PORCH	210sf
*EXTRA FEATURE (NOT SHOWN) – TIKI BAR	360 sf

**FORMAL QUASI-JUDICIAL HEARING: CHANGE OF USE****Laws of Cedar Key****2.02.00. USES ALLOWED IN LAND USE DISTRICTS****2.02.01. Generally**

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

**2.02.03. Commercial**

This category includes any commercial uses which meet locational, compatibility, buffering, performance, resource protection, design and development, and other standards and provisions of this Code. Uses include, but are not limited to General Commercial (retail stores, restaurants and lounges, hotels and motels, recreational vehicle parks, professional offices and other product and service activities), Water-Dependent Commercial (commercial fishing, marinas and public use water oriented recreation), Water-Related Commercial (fishing and marine supplies and tourism related business which provides water access or scenic water views as an integral part of the business activity), recreation, public utilities, and one single-family residential use per site. Aquaculture shall be allowed subject to issuance of an administrative special use permit in accordance with the procedures in 12.13.00 of this Chapter.

**2-2.22.00. - Certificate of Business Use****2-2.22.01. - Purpose.**

A. The purpose of this ordinance is to protect the City's residents and citizens from the harmful effects of illegal business operations by establishing a certificate of business use requirement, which shall provide a review procedure to ensure that new business occupancies and uses, and changes of existing business occupancies and uses, comply with the City's Land Development Code, Code of Ordinances, building code and life safety requirements, and other applicable codes and regulations. The Planning and Development Administrator shall administer the certificate of business use program in coordination with the City Clerk, Police Chief, Fire Chief, and other personnel of the City.

B. *Certificate of business use required.* No building, location, or structure used for the purpose of exercising the privilege of doing business within the City limits shall be used or occupied for any business, profession or occupation without first obtaining a certificate of business use pursuant to this ordinance. Home occupations, as defined in Section 2-7.02.02 of the Land Development Code, shall not be required to obtain a certificate of business use.

C. *Requirements.* A separate certificate of business use shall be obtained for each place of business. It shall be the duty of every person owning, operating, or purchasing any business within the City limits to comply with the requirements of this ordinance prior to opening any business, profession, or occupation within any building, structure, or location within the City.



D. Term of certificate of business use and transfer.

1. Once issued, a certificate of business use shall remain valid until there is a change of the use, business, business ownership, business name, or business location from that specified on the approved certificate of business use.

2. When there is a change of the use, type of business, business ownership, business name, or business location from that specified on the approved certificate of business use, a new certificate of business use application shall be required.

E. Due date for payment of certificate of business use fee. Payment of the certificate of business use fee shall be required prior to issuance of the certificate of business use.

F. Penalty. Any person or entity engaging in or managing any business without first obtaining a certificate of business use, if required under this ordinance, shall be subject to a penalty equal to 100 percent of the fee determined to be due. For the purpose of code enforcement proceedings, a penalty of 100.00 per day will apply.

G. Fees. The Planning and Development Administrator or designee shall collect the certificate of business use fee, which shall be as provided in the City's adopted fee schedule.

H. Existing businesses; effective date. All existing businesses, professions, and occupations as of the effective date of this ordinance, shall be considered to have an active certificate of business use.

**12.12.02. Formal Quasi-Judicial Proceedings Process Table**

Order	Item	Time Limit (Minutes)
1	Introduction of the Petition	3
2	Petitioner Presentation	20
3	Staff Presentation	10
4	Affected Party (if any) For	10 (per person)
5	Affected Party (if any) Against	10 (per person)
6	Rebuttal (petitioner/ Staff)	5
7	Close of Quasi-Judicial Proceeding	
8	Public Hearing	3 (per person)
9	Vote of Decision-Making Body	

**12.12.02. Formal Quasi-Judicial Proceedings.**

A. The order of presentation, with corresponding time limits for each presentation, shall be as follows:

B. Cross examination is limited to ten (10) minutes per witness.

C. The time limits set forth above may be modified by the decision-making body upon request of a party to the proceedings. Said request shall detail the additional time desired and the subjects to be discussed during the requested additional time. A request for an extension of time should be considered by the decision-making body to assure all parties have a full fair opportunity to participate without undue repetition and delay.

D. The decision-making body may, in its discretion and at any time during the hearing, continue the hearing and request further information from any party.

E. Affected Party Defined; Determination.

1. An affected party is any person who is entitled to actual written notice of a petition before the decision-making body, pursuant to section 12.02.03 of this Chapter, if applicable.

2. An affected party who is not entitled to actual written notice but who believes that he has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large by the petition, may request affected-party status by filing an application with the city clerk in writing no less than seven (7) days prior to the meeting when the petition is scheduled to be heard. The decision-making body shall consider the application for affected party status prior to the commencement of the quasi-judicial hearing. The decision on affected party status of the decision-making body shall be final.

F. *Representation.* Any petitioner or affected party may be represented by an attorney.

G. *Registration of Affected Parties.* In order to participate in the formal quasi-judicial proceeding, all affected parties shall complete a registration card in the form prescribed by the decision-making body, stating their name and address and other pertinent information, and whether they support or oppose the petition before the decision-making body. The registration card shall be delivered to the decision-making body at the proceeding after determination of affected party

status. If an attorney represents an affected party or several affected parties, the attorney shall complete the registration card and identify the person or persons they represent and whether their client supports or opposes the petition before the decision-making body.

H. Commencement of the Hearing.

1. The appropriate City staff shall introduce the case and shall provide a brief description of the petition. This introduction shall not be considered evidence in the proceeding, and the member(s) of the City staff presenting the introduction shall not be subject to cross-examination by any party to the proceedings.
2. Ex parte communications and conflicts of interest.
  - a. *Ex parte communications.* In accordance with section 12.12.06 of this Chapter, the members of the decision-making body shall disclose any ex parte communications that may have occurred concerning the petition. The petitioner and any affected party may examine, through the chair, each decision maker about these communications.
  - b. *Conflicts of interest.* The petitioner and any affected party may challenge the impartiality of any decision-maker in accordance with section 12.12.06 of this chapter.
3. In the interest of saving time, the Petitioner, City staff, affected parties, and all witnesses shall be collectively sworn by the appropriate City staff.

I. Evidence.

1. Testimony or other evidence that is irrelevant or immaterial to the issue to be decided by the decision-making body is inadmissible. The decision-making body shall make rulings on objections to the relevance and materiality of the examination. A decision-making body member, party, or City staff member may raise an objection to the possibly irrelevant and immaterial testimony or evidence.
2. The examination of witnesses shall be conducted under oath by direct examination on matters which are relevant and material to the issues before the decision-making body. After the conclusion of direct examination, the witness may be cross examined by another party, decision-making body member, or City staff. The inquiry under cross examination shall be limited to matters raised in the direct examination of the witness being examined. No re-direct shall be allowed unless requested by a party stating the desired area of inquiry and that request is approved by the decision-making body. If re-direct is allowed, it shall be limited to questions of the witness on issues raised on the cross-examination. This provision shall not limit a decision-making body member from questioning any person on matters relevant to the petition before the decision-making body.
3. During the presentation by the opponents or proponents of an issue before the decision-making body, no one may present testimony or evidence which is unduly cumulative or repetitious of previously presented testimony or evidence by a fellow opponent or proponent.

J. *Public Hearing.* After the quasi-judicial hearing is completed, those members of the public who were not a party to the quasi-judicial hearing may be permitted to speak up to three (3) minutes and present testimony to the decision-making body. No party, petitioner, City staff or witness shall speak during the public hearing portion of the proceedings.



**K. Decision and Final Order.**

1. After the public hearing, the decision-making body shall vote to approve, deny, or approve with conditions the petition. In reaching its decision, the decision-making body shall only consider evidence presented at the hearing and shall base its decision on the competent, substantial evidence of record.
2. After voting, the chair of the decision-making body shall orally issue an order consistent with the vote of the decision-making body.
3. The order shall be reduced to writing and shall include findings of fact and conclusions of law and state whether the petition is approved, denied, or approved with conditions. The order shall also specify any conditions, requirements or limitations on the approval of the petition. The written order shall be presented to the decision-making body for approval at a special meeting, or at the next regular meeting of the decision-making body. The chair of the decision-making body and the city clerk shall execute the order as it is approved. Executed copies of the order shall be sent by certified mail to the petitioner and any affected party.
4. If applicable, the final executed order is a Final Development Order under 12.01.02 and 12.01.03 above. Notice of all Final Development orders must be recorded in the Official Records of Levy County at the petitioner's expense using a form provided by the City in substantially the following form: (Within the Laws of Cedar Key. Page 380).

**2.12.03. Maximum Permissible Sound Levels By Receiving Land Use**

*Prohibition.* No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth in Table 2.12.03 for the receiving land use category:

Table 2.12.03 MAXIMUM SUSTAINED SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use	Times of Day	dB(A) Sound Level Limit
Residential/ Educational & Institutional	7am- 10pm	60
	10pm- 6:59am	55
Commercial/ Recreational/ Conservation/ Aquaculture	7am- 10pm	65
	10pm- 6:59am	60

**2.12.04. Specific Prohibitions and Exemptions**

*A. Specific prohibitions.* In addition to the general prohibitions set out in subsection 2.12.02, and unless otherwise exempted by this section, the following specific acts, or the causing or permitting thereof, are hereby regulated as follows:

1. *Motor vehicles.* No person shall operate or cause to be operated a public or private motor vehicle, or combination of vehicles towed by a motor vehicle, that creates a sound exceeding the sound level limits in Table 2.12.03 when the vehicle(s) are not traveling on public streets, highways, driveways, parking lots and ways open to vehicle travel.
2. *Radios, televisions, electronic audio equipment, musical instruments or similar devices.* No person shall operate, play or permit the operation or playing of any radio, tape player, television, electronic audio equipment, musical instrument, sound amplifier or other

mechanical or electronic sound making device that produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary. However, this subsection shall not apply to any use or activity exempted in paragraph B below and any use or activity for which a special events permit has been issued pursuant to section 2.14.00, Special Events, of this Chapter.

*3. Loudspeakers and public address systems.*

- a. No person shall operate, or permit the operation of, any loudspeaker, public address system or similar device, for any commercial purpose:
  - i. Which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance; or
  - ii. During nighttime hours on a public right-of-way or public space.
- b. No person shall operate, or permit the operation of, any loudspeaker, public address system or similar device, for any noncommercial purpose, during nighttime hours in such a manner as to create a noise disturbance.

*4. Animals.* No person shall own, possess or harbor an animal or bird that howls, barks, meows, squawks or makes other sounds that:

- a. Create a noise disturbance across a residential real property boundary;
- b. Are of frequent or continued duration for ten or more consecutive minutes; or
- c. Are intermittent for a period of 30 or more minutes.

*5. Construction and demolition.* No person shall operate or cause the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 9:00 p.m. and 6:00 a.m. the following day such that the sound therefrom creates a noise disturbance across a real property boundary, except for emergency work by public service utilities or for other work approved by the City. This section shall not apply to the use of domestic power tools as provided below.

*6. Emergency signaling devices.*

- a. No person shall intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm, siren or whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as follows:
  - iii. Testing of a stationary emergency signaling device shall not occur between 7:00 p.m. and 7:00 a.m. the following day.
  - iv. Testing of a stationary emergency signaling device shall use only the minimum cycle test time, in no case to exceed 60 seconds.
  - v. Testing of a complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall only occur on weekdays and not during nighttime hours, and shall be exempt from the time limit specified in paragraph 2. above.
- b. No person shall permit the sounding of any exterior burglar or fire alarm unless such alarm is automatically terminated within 15 minutes of activation.

*7. Domestic power tools.* No person shall operate or permit the operation of any mechanically, electrically or gasoline motor-driven tool during nighttime hours so as to cause a noise disturbance.

8. *Pumps, air conditioners, air-handling equipment and other continuously operating equipment.* No person shall operate or permit the operation of any pump, air conditioning, air-handling or other continuously operating motorized equipment in such a manner so as to cause a noise disturbance.

B. The following activities or sources are exempt from these noise standards:

1. Equipment necessary for a bona fide commercial fishing or aquaculture operation.
2. Bells or chimes or a house of worship.
3. Non-amplified human voice, except yelling, shouting, whistling, hooting, or generally creating a racket such that it creates a noise disturbance during the nighttime hours in a residential area in other than time of emergency.
4. Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
5. Sounds resulting from emergency work as defined in subsection 12.02.01.
6. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
7. All sounds coming from the normal operations of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
8. Sounds from the operation of motor vehicles, to the extent they are regulated by Chapter 316, Florida Statutes.
9. Any non-amplified noise generated by noncommercial public speaking activities conducted on any public property or public right-of-way pursuant to legal authority.
10. Sounds produced at organized sporting events, by fireworks and by permitted parades on public property or public right-of-way.



#### 4-6.03.01. - Basic Requirement for Off-Street Parking.

Off-street parking facilities shall be provided for all development within the City except for the downtown exception area. Where applicable, the parking facilities shall be maintained as long as the use exists that the facilities were designed to serve.

*A. Invalidation of previous provisions and waivers.*

1. Any change of use, redesign or increase in space which would change the parking requirements of this Code shall invalidate any previous parking provisions or waiver of parking requirements and parking shall be re-computed and the provisions of this Code applied, except that any previously granted waiver may be considered in determining parking requirements for existing areas to the extent that such waiver has been documented. When no specific number of parking spaces previously waived has been documented the administrator may determine a past waiver on the basis of one parking space per single-family residential dwelling unit or one parking space per 250 square feet of commercial space which existed prior to the change of use, redesign or increase in space.
2. In determining parking requirements for new uses the administrator shall consider the highest use to which the structure may be used, unless limited by a legal instrument which specifies the intended use for which the parking requirement applies.
3. Waivers shall run with the property and shall not be transferable from one site to another.
4. Uses shall be determined by Part 4-6.03.02 of this Code. When a proposed use is not considered in Part 4-6.03.02 or when an interpretation is required, the administrator shall apply the use classifications or categories of Chapter 4 of the Standard Building Code adopted by reference in Part 4-1.06.02 of this Code.

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

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

(History: Ord. Nos. 250, 399, 549)

## 4-6.03.02. - Number of Parking Spaces Required.

- A. The minimum number of parking spaces required for off-street parking shall be according to Table 4-6.03.02:

TABLE 4-6.03.02  
NUMBER OF PARKING SPACES REQUIRED

Use	Parking Spaces Required
Residential Dwelling Unit(s) (D/U) that are listed individually on the Local Register of Historic Places or are within the Historic District	
2 or fewer bedrooms	1 space per D/U
3 bedrooms	2 spaces per D/U
4 or more bedrooms	3 spaces per D/U
Residential Dwelling Unit(s) (D/U) that are not listed individually on the Local Register of Historic Places or within the Historic District	
3 or fewer bedrooms	2 spaces per D/U
4 or more bedrooms	3 spaces per D/U
Commercial Uses	2 spaces per business, PLUS
General Commercial	+ 1 space per 250 square feet
Hotel/Motel, Not a D/U	+ 1 space per Hotel/Motel Unit
Restaurant/Bar/Entertainment	+ 1 space per 100 square feet OR
	+ 1 space per four (4) seats



## Combined Uses - Each Use Computed Separately and Adjusted to Avoid Duplication

- B. *Parking study required for change in minimum requirements.* Any development, except for one single-family dwelling unit, proposing fewer than the required number of parking spaces or any request for a change, waiver or variance from the requirements of this Code shall provide the City Commission with five copies of a parking study, as described in Section 4-6.03.01 A. of the Code. Said study shall be conducted at the expense of the developer or petitioner and shall provide justification for any change in the minimum requirements of this Code. The City Commission shall make a determination, after public notice and a public hearing, on the basis of the study within 30 days of public notice.
- C. *[Reserved.]*
- D. *Assessed parking.* The City may assess the owner(s) of areas to be served by parking for the creation of public parking areas. The required off-street parking for a particular use shall be reduced by its proportionate share of any public parking area for which it has been specially assessed.
- E. *Joint use parking.* The City may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing parking when their respective hours of operation and need for parking do not normally overlap. As a condition of approval, the owner(s) shall submit a legal agreement guaranteeing the joint use of off-street parking for as long as the uses requiring parking exist or until the required parking is provided elsewhere.
- F. *Parking deferral.* The City commission may defer all or part of the parking requirements of this Code through a written agreement with the owner(s) or developer which provides that deferred parking spaces required shall be provided, within three years of the date of the agreement. Thereafter, the parking deferral may only be extended as the result of a parking study which meets the requirements of this Code. The decision to grant or deny an extension of the deferral shall be based on findings in the parking study. An extension shall not exceed the three year period of the original deferral.
- G. *Historic preservation exemption.* The City commission may grant a reduction in, or exemption from, the parking requirements of this Code for the preservation of any property that has been placed on the Local Register of Historic Places or located in a Historic District and subject to the historic preservation provisions of this Code. The City may grant the reduction or exemption without the need for a parking study unless a severe parking shortage or severe traffic congestion exists or will result from the reduction or exemption. The reduction or exemption shall apply only to the area of existing buildings which are included in the Local Register or District.
- H.

*Handicapped parking.* Parking areas to be used by the general public shall provide handicapped parking consistent with F.S. § 316.1955/1956.

- I. *Off-shore development parking.* Any off-shore development within three miles seaward of the City limits and not connected by a bridge or ferry system, which cannot show evidence of accessible parking for owners or users, shall meet the requirements of this Code through the provision of alternate off-site off-street parking.
- J. *Downtown exception area.* All parcels or lots with existing structures as of December 1, 2005 and within an area bounded by: 1st Street on the south; 3rd street on the north; A street on the east; and D street on the west shall be exempt from the off-street parking and loading requirements of this Code. In addition, all parcels or lots with existing structures on the north side of 3rd Street between A and D streets; and, all parcels or lots with existing structures along both sides of Dock Street shall be exempt from the off-street parking and loading requirements of this Code. The Planning and Development Administrator shall maintain an inventory of the lots and parcels within the downtown exception area that have existing structures as of December 1, 2005.

(History: Ord. Nos. 399, 429, 549)

#### 4-6.03.04. - Design Standards of Off-Street Parking and Loading Areas.

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

- A. *Location.* Except as provided herein, all required off-street parking and the use it is intended to serve shall be located on the same parcel.
- B. *Alternate locations.* The City Commission may authorize the use of off-site off-street parking spaces which will serve the use for which it is intended. Residential off-site off-street parking shall be within 250 feet of the units served. Commercial or offshore off-site off-street parking shall be within one-half mile of the commercial site or shoreline. Land designated for off-site off-street parking shall meet the standards of this Code and shall be reserved for parking purposes through recorded deed restrictions or legal agreements which shall continue in effect for so long as the parking need of the use it serves shall continue.
- C. *Size.*
  - 1. Standard and compact parking spaces shall be sized according to Figure 4-6.03.04.C.
  - 2. Other spaces shall be sized as follows:
    - a. Parallel parking spaces shall be a minimum of eight feet wide and 22 feet long.
    - b. [Reserved.]
    - c. Handicapped parking spaces shall be as specified in F.S. § 316.1955.
    - d.

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

Figure 4-6.03.04.C.

Standard Cars							Compact Cars						
A	B	C	D	E	F	G	A	B	C	D	E	F	G
0°	9.0'	9.0'	12.0'	23.0'	30.0'	--	0°	8.0'	8.0'	12.0'	16.0'	28.0'	--
	9.5'	9.5'	12.0'	23.0'	31.0'	--		8.5'	8.5'	12.0'	16.0'	29.0'	--
	10.0'	10.0'	12.0'	23.0'	32.0'	--							
20°	9.0'	15.3'	12.0'	26.3'	42.6'	34.2'	20°	8.0'	13.0'	12.0'	23.4'	38.0'	30.5'
	9.5'	15.7'	12.0'	27.8'	43.4'	34.4'		8.5'	13.5'	12.0'	24.9'	39.0'	31.0'
	10.0'	16.2'	12.0'	29.2'	44.4'	35.0'							
30°	9.0'	17.8'	12.0'	18.0'	47.6'	39.8'	30°	8.0'	14.9'	12.0'	16.0'	41.8'	34.9'
	9.5'	18.2'	12.0'	19.0'	48.4'	40.2'		8.5'	15.4'	12.0'	17.0'	42.8'	35.4'
	10.0'	18.7'	12.0'	20.0'	49.4'	40.8'							
40°	9.0'	19.7'	12.0'	14.0'	51.4'	44.6'	40°	8.0'	16.4'	12.0'	12.4'	44.8'	38.7'
	9.5'	20.1'	12.0'	14.8'	52.2'	45.0'		8.5'	16.8'	12.0'	13.2'	45.6'	39.1'
	10.0'	20.5'	12.0'	15.6'	53.0'	45.4'							
45°	9.0'	20.5'	12.0'	12.7'	53.0'	46.6'	45°	8.0'	17.0'	12.0'	11.3'	46.0'	40.4'
	9.5'	20.8'	12.0'	13.4'	53.6'	46.8'		8.5'	17.3'	12.0'	12.0'	46.6'	40.6'
	10.0'	21.2'	12.0'	14.1'	54.4'	47.4'							
50°	9.0'	21.1'	16.0'	11.7'	58.2'	52.4'	50°	8.0'	17.4'	16.0'	10.4'	50.8'	45.6'
	9.5'	21.4'	16.0'	12.4'	58.8'	52.6'		8.5'	17.8'	16.0'	11.1'	51.6'	46.2'
	10.0'	21.7'	16.0'	13.1'	59.4'	53.0'							
60°	9.0'	21.8'	18.0'	10.4'	61.6'	57.0'	60°	8.0'	17.9'	18.0'	9.2'	53.8'	49.8'
	9.5'	22.1'	18.0'	11.0'	62.2'	57.4'		8.5'	18.2'	18.0'	9.8'	54.4'	50.1'
	10.0'	22.3'	18.0'	11.5'	62.6'	57.6'							
70°	9.0'	21.9'	20.0'	9.6'	63.8'	60.8'	70°	8.0'	17.7'	20.0'	8.5'	55.4'	52.6'
	9.5'	22.0'	20.0'	10.1'	64.0'	60.8'		8.5'	17.9'	20.0'	9.0'	55.8'	52.8'
	10.0'	22.2'	20.0'	10.6'	64.4'	61.0'							
80°	9.0'	21.3'	24.0'	9.1'	66.6'	65.0'	80°	8.0'	17.2'	24.0'	8.1'	58.4'	57.0'
	9.5'	21.3'	24.0'	9.6'	66.6'	65.0'		8.5'	17.3'	24.0'	8.6'	58.6'	57.2'
	10.0'	21.4'	24.0'	10.2'	66.8'	65.0'							
90°	9.0'	20.0'	24.0'	9.0'	64.0'	--	90°	8.0'	16.0'	24.0'	8.0'	56.0'	--
	9.5'	20.0'	24.0'	9.5'	64.0'	--		8.5'	16.0'	24.0'	8.5'	56.0'	--
	10.0'	20.0'	24.0'	10.0'	64.0'	--		10.0'	20.0'	24.0'	10.0'	64.0'	--

;adv=14; A = Parking angle B = Stall width C = Stall to curb D = Aisle width E = Curb length per car F = Minimum overall double row with aisle between G = Stall center (does not include overhang)



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

(Ord. No. 549)

## Parking Calculations

Total Square Footage: Primary Building = Base 3548 sf + Tiki Bar 360sf = 3908 sf

Liquor Store 900sf (approx)

Commercial Uses require 2 spaces per business PLUS 1 space per 250 sq ft

Total Parking Required:  $2 + 3.6 = 5.6$  spaces

Bar Area, including Tiki Bar  $2648 + 360 = 3008$  sq ft

Commercial Uses require 2 spaces per business PLUS 1 space per 250 sq ft

Total Parking Required:  $2 + 12.03 = 14.03$  spaces

Total Required Parking based on Change of Use: **19.63 (20) spaces**

### OPTION:

Commercial Use - 2 spaces PLUS 1 space per four (4) seats - Proposed Seating: 40

Total Parking Required: **12 spaces**

Staff Report:

The City Commission may approve an application with conditions so long as each condition is reasonable, clearly described, and supported by a finding or conclusion of the Commission on one or more of the factors. The type of conditions the Commission may impose include, but are not limited to, the following:

- a. Limitations on the hours of operation, and/or other limitations on the activities taking place on the site;
- b. Use of buffers beyond that otherwise required by this Code;
- c. The relocation, reconfiguration or other change to any proposed structure or facility on the site, including buildings, accessory structures, dumpsters, air conditioning units, parking facilities, signs, and ingress and egress;
- d. Provide a permit application for any/all changes made to existing structure(s) and follow all Florida Building Code Requirements, Fire & Life Safety Requirements, to include but not limited to plan review by Fire Marshal, Floodplain guidelines, Development Review by the City Commission and the Permitting Process for the City of Cedar Key;
- e. Provide required Certificate of Business Use application, per Business; meet all requirements associated to the business use permit.

*Layout/Design Requirements* - as submitted, the parking and loading areas shall be safe and convenient. Item 5 requires each off-street parking space to open directly onto an aisle or driveway and not a public street. As designed, reentry onto a public street is indicated.

NOTE - no part of this application addresses or ask for approval for any non-permitted development currently occurring on adjacent parcel (0039600000).