

Sec. 3-43. INDEPENDENT COMMUNITY OVERLAY (Zone ICO)

- (a) *Intent.* All land designated as Zone ICO is subject to the regulations of this Section as well as Sec. 20.3-10. Such areas may be established in order to protect and encourage the improvement of owner-occupied, low-income housing areas that have existed as independent communities historically in accordance with Future Land Use Policy 1.16 of the Clay County Comprehensive Plan. This overlay zone does not eliminate the underlying primary zoning, but expressly modifies the requirements of the underlying zoning only as indicated.
- (b) *Criteria For Overlay Zone.*
- (1) The community requesting overlay approval must be well defined and demonstrably homogenous and distinct or independent of surrounding land uses or neighborhoods, and predominantly residential in nature. It must possess a "community" character and community attributes, such as a focal center, commercial, social, recreational and/or church uses.
 - (2) At least thirty (30) percent of the dwelling units must be substandard, as shown by a survey of building conditions.
 - (3) At least thirty (30) percent of the households must have incomes under 50 percent of the median income of Clay County, or at least fifty (50) percent of the households must have incomes under eighty (80) percent of the median income of Clay County.
 - (4) The community must be eligible for CDBG or other funding, tax abatement or other incentives which would enable rehabilitation and upgrade of structures and/or infrastructure.
- (c) *Procedure for Approval of Independent Community Overlay.* The procedure for obtaining approval of an Independent Community Overlay shall be as follows:
- (1) The applicant shall submit the request for approval of an Independent Community Overlay with the following exhibits:
 - (i) A vicinity map(s) showing the Independent Community Overlay, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, and existing land uses on the site and surrounding areas.
 - (ii) A boundary survey map indicating with reasonable certainty the location of the proposed overlay.
 - (iii) A list showing the parcel identification numbers of all parcels which would be included in the overlay zone.

- (iv) A survey of existing building conditions showing the number and locations, addresses and ownership of substandard dwelling units, and their potential for rehabilitation according to the definitions in Housing Policy 2.2 of the Clay County Comprehensive Plan. A location map showing parcel boundaries and location of substandard units shall be included. The criteria for determining whether a dwelling unit is substandard based on external structural conditions are found in Table 14 of the Housing Element of the Clay County Comprehensive Plan. The survey results may be verified by Clay County staff using the criteria in the Standard Existing Buildings Code (SBCCT) after the application for ICO status is received and/or approved.
 - (v) A survey or other documentation which indicates the number and percent of households within the proposed overlay boundaries with incomes under fifty (50) percent of the median income of Clay County, and the number and percent of households with incomes under eighty (80) percent of the median income of Clay County.
 - (vi) Such other documents or statistical information deemed necessary or pertinent to the application by the applicant or County officials.
- (2) Thereafter, the application shall be processed as any other zoning application in accordance with the provisions of these Regulations. The County may request further information as necessary to enable informed consideration of the request, and may approve, disapprove, or modify and approve the proposed Independent Community Overlay.
- (d) *Permitted Uses and Conditions.*
- (1) *Lots of Record*
 - (i) For the purposes of the independent community overlay, a lot of record shall mean a platted or non-platted piece, parcel, plot, or tract of land described by metes and bounds or other similar means in a legally recorded deed as of 12:01 a.m., July 1, 1991; provided, that with respect to any such lot, the recording of a deed subsequent to said date only for the purpose of correcting an error in the legal description or curing a defect in the chain of title shall not operate to divest it of its status as a lot of record.
 - (ii) One dwelling unit may be constructed on unimproved lots of record provided the following criteria are met:
 - a. For lots of record created prior to October 23, 1973, lot size must be no less than five thousand (5,000) square feet, lot width must be no less than fifty (50) feet, and lot depth must be no less than

seventy-five (75) feet. Front building lines and setbacks from side and rear property lines shall conform to the requirements of Sec. 20.3-7 and other applicable sections of this Article.

b. For lots of record created between October 23, 1973, and June 30, 1991, lot size must be consistent with the minimums applicable to the property on June 30, 1991. Front building lines and setbacks must be consistent with the underlying zoning district regulations in effect at that time (see Sec. 20.3-11).

(iii) Permitted uses must be consistent with the underlying zoning district. However, non-commercial agricultural uses, such as the keeping of horses, pigs, chickens and the like, shall be permitted only in communities where they have historically been kept and are currently being kept as common practice acceptable to community members, and shall conform to the following:

The breeding, raising, grazing, and keeping of animals, fowl, and insects including, but not limited to, customary farm animals similar to horses, cattle, goats, pigs, rabbits, insects, or poultry and domestic animals similar to dogs, cats, or birds. Provided, however, that no more than one (1) insect hive or one (1) adult customary farm animal six (6) months of age or older, per each one-half (1/2) acre (21,780 sq. ft.) of land, and no more than one (1) domestic animal six (6) months of age or older per each one-fifth (1/5) acre (8,712 sq. ft.) shall be raised, grazed, kept, or maintained, and provided further, that no animal pen, stall, stable, cage, kennel, or other similar animal enclosure, nor insect hive shall be nearer than one hundred (100) feet from any residential dwelling under different ownership or occupancy. If said residential dwelling is constructed subsequent to any of the aforementioned animal enclosures or hives, which may be located on an abutting lot or parcel, then the one hundred (100) foot separation shall be deemed non-applicable and the appropriate property setbacks as established herein, shall apply. The farm or domestic animals or hives referenced herein shall be raised, grazed, kept, or otherwise maintained upon the same parcel upon which the main residence is located, or may be upon another parcel which lies immediately abutting the parcel upon which the main residence is located.

The keeping of animals as set forth herein shall be subject to the following restrictions:

a. A fenced enclosure for any permitted customary farm animal shall be erected not less than five (5) feet from adjoining properties, except as otherwise provided for below.

b. No animal shelter, stall, stable, kennel, cage, hive, or other similar

enclosure shall be less than one hundred fifty (150) feet from the residential dwelling of a different property owner when such dwelling is separated by an existing street or roadway.

- c. The keeping and maintenance of all animals as set forth herein shall conform with all State, County and Local regulations and requirements affecting such concerns as, but not limited to, health, safety, drainage and environmental protection.

- (2) *Lots recorded on or after July 1, 1991.*
 - (i) Lot size and dimensions must be consistent with the underlying zoning district. Front building lines and setbacks must be consistent with the underlying zoning district.
 - (ii) Permitted uses must be consistent with the underlying zoning district.
- (3) Primary dwelling units and customary accessory buildings existing as of July 1, 1991, which are located on lots of size and dimension consistent with (c)(1)(ii)(a) or (c)(1)(ii)(b) above may be replaced if destroyed or damaged. Mobile homes are allowed. Alteration or expansion of such a dwelling unit is permitted.
- (4) Additional dwelling units existing on non-conforming lots may not be expanded or replaced. No additional dwelling units may be constructed or moved on a lot where a dwelling unit already exists unless the existing lot can be divided to create a separately deeded conforming lot or an heirs or homestead exemption lot of a size meeting the requirements set forth in item (6) below.
- (5) New dwelling units must connect to existing water and sewer service, if available, or must be able to secure a septic tank permit.
- (6) Future Land Use Element Policies 2.1 (heirs exemption) and 2.5 (homestead exemption) of the Clay County 2001 Comprehensive Plan will be applicable to the lots within the overlay zone. Within the overlay zone heirs lots must be at least one (1) acre in size, and homestead lots must be at least two and one-half (2-1/2) acres in size. No more than two (2) such lots may be sold or transferred within a single calendar year without conformance to subdivision requirements.

