

IV ZONING DISTRICTS AND REGULATIONS

1. *Revise section IV.E.4.*

E. Supplementary Regulations

4. Fences.

- a. Requirements applying to all zoning districts and the Historic District.
 - i. Application for approval of any new fence or material alteration of an existing fence must be made in the same manner as for authorization of a building permit with a full description of materials to be used and dimensions and placements clearly stated on the plans.
 - ii. Notwithstanding other sections of this code, fences, walls, hedges, landscaped berms, and minor structures such as lampposts (standards) and flagpoles (permanent type) may be allowed in any district subject to approval and issuance of a building permit.
 - iii. Fences shall be erected on the lot of the applicant and shall not extend into a public right-of-way. Fences may be erected within the required setback area (i.e., area between the front, side, and rear property lot lines and the front, side, and rear setback lines).
 - iv. A fence may abut but shall not be located on any property line.
 - v. Fencing shall be constructed so that the finished face is toward the street.
- b. Residential districts.
 - i. Height and location.
 - If there are located utility electrical transformer banks, water towers or other facilities owned or leased by a public utility in residential zones which require the fencing of such for safety precautions, the utilities shall erect fences at least 7 feet (84 inches) in height around them.
 - Within all residential districts, no fence or wall in excess of 4 feet (48 inches) in height shall be allowed in the required front yard (for corner lots, the two lot sides paralleling the two streets).
 - Within all residential districts, no fence or wall in excess of 7 feet (84 inches) shall be allowed in side yards and the rear yard.
 - ii. Visibility at street intersections.
 - On a corner lot in any residential district, no fence, wall, hedge or other visual barrier exceeding 2 ½ feet (30 inches) in height shall be permitted within 50 feet of any street intersection. Nothing shall be erected, placed, planted or allowed to grow in such manner as materially to impede vision between a height of 2 ½ feet (30 inches) and 10 feet above the center line grade in the area within 50 feet from the point of the intersection.
- c. Historic District.
 - i. Fences in the Historic District are subject to review by the Architectural Review Board as part of the permitting process.

- ii. Fences are important elements of the design and character of historic structures and the Historic District. The scale and character of fences, posts and gates must be compatible with the building with they are associated and neighboring structures.
- iii. Within the Historic District, chain link fences abutting a playground or a court devoted to handball, paddle ball, tennis or similar sports constitute a permissible use.
- iv. Traditional historic fencing materials including wood pickets, wrought iron, concrete, brick, wire and combinations of these materials are allowed. Vinyl is not allowed.
- v. Only open-design fences (e.g., wood picket, iron picket, or combination of masonry and picket) up to 4 feet (48 inches) in height are allowed in the front yard (for corner lots, the two lot sides paralleling the two streets).
- vi. Open-design and solid fences up to 7 feet in height (84 inches) are allowed in side yards and the rear yard.
- vii. A fence extending from the side of a house toward the side lot line shall attach to the house no closer to the front of the house than where the front façade of the house joins the front porch.

2. *Revise section IV.E.6.*

E. Supplementary Regulations

6. Implementation of Multiple District Requirements.

In the event that two or more separate provisions of this code indicate conflicting regulations or standards (e.g., Historic District, Zoning District, Special Waterfront District), the highest and most restrictive regulation and/or standard shall govern.

3. *Revise section IV.E.7.*

E. Supplementary Regulations

7. Special requirements for structures, facilities, and uses of land in the Special Waterfront District.

- a. All housing and other structures within this Special Waterfront District shall be connected to the City’s Central Sewer System.
- b. All plans for development with the Special Waterfront District shall assure:
 - i. * * * (unchanged)
 - * * * (requirements unchanged, but codification changed (- inserted for number 1))
 - * * * (requirements unchanged, but codification changed (- inserted for number 2))
 - ii. * * * (unchanged)
 - iii. * * * (unchanged)
- c. * * * (unchanged)

d. The bulk storage of hazardous materials, as defined by the Federal Environmental Protection Agency (EPA) Schedule 40 CFR Part 261, Subparts C and D, is a specifically excluded use within the Special Waterfront District. For the purposes of this section, bulk storage is defined as more than 100 kilograms (220 pounds) of EPA listed hazardous materials, and more than one kilogram (2.2 pounds), or EPA listed acutely hazardous materials. In general, every effort should be made to secure small amounts of these materials, as well as common, less hazardous, chemicals and substances, from release into the environment.

e. The storage and dispensing of petroleum products within the Special Waterfront District is a permitted use under applicable Department of Environmental Regulation (DER) Rules pursuant to Chapter 17.61 Florida Statutes, and applicable Federal regulations.

f. * * * (unchanged)

g. * * * (unchanged)

4. *Add section IV.E.8.h.*

E. Supplementary Regulations

8. Parking Requirements

h. Recreational and Commercial Vehicles and Trailers in Residential Areas - No recreational vehicle shall be used for living purposes when parked or stored in a residentially-zoned lot or in any other location not approved for such use. Recreational vehicles, boats, boat trailers, horse trailers, utility trailers, and automobile trailers may be parked or stored on surface drive areas in a required rear or side yard, but not in required front yards and not within five (5) feet of any property line, provided however that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading and unloading. No more than one recreational vehicle may be parked or stored per lot. All recreational vehicles occupied for living quarters in the city shall be parked in a recreational vehicle park. In cases of hardship, variance applications may be submitted for consideration by the Board of Adjustment.

Recreational vehicles, boats, boat trailers, horse trailers, utility trailers, and automobile trailers in multi-family residential areas of 25 dwelling units or more shall be parked only in areas specifically designated for such parking purposes. Any multi-family development shall provide adequate parking space for the purpose of parking and storing recreational vehicles, boats and/or trailers. The designated parking area shall be at a distance most remote from the dwelling units. To diminish visual impacts, the designated parking area shall be screened with plant material, decorative walls, fences, berms or any combination thereof. The designated parking area shall have a surface consistent with the rest of the parking area within the development and shall provide ample ingress and egress and space for easy maneuverability for the type of vehicles and equipment using the area.

It shall be unlawful for any owner, agent, operator or person in charge of a commercial vehicle, recreational vehicle, boat or trailer to park, store or keep such vehicle, on the pavement or swale of any public street or on any public right-of-way within any residentially-zoned district in the city, or on streets abutting residentially-zoned property. For the purposes of this section, "heavy commercial vehicle" is defined as "any truck, bus, tractor, trailer or semitrailer having a gross vehicle weight rating (GVWR) in excess of twelve thousand (12,000) pounds."

The prohibitions in this section do not apply to:

- i. Deliveries by tradesmen or the use of heavy commercial vehicles or trailers in making service calls;
- ii. The emergency parking of a disabled heavy commercial vehicle, recreational vehicle, boat or trailer. However, any such heavy commercial vehicle, recreational vehicle, boat or trailer shall be removed from the residential district within twenty-four (24) hours by wrecker towing or other available means regardless of the nature of the emergency;
- iii. The active loading or unloading of a recreational vehicle or trailer preparatory for or following an off-premises trip, but in no case shall this loading or unloading period exceed twenty-four (24) hours in any seven-day period.
- iv. Recreational vehicles used for temporary housing on construction sites providing that housing use is terminated upon completion of construction. The maximum limit that a construction site trailer may be used for onsite housing shall be the limit of the permit period.

5. *Add section IV.E.13.*

E. Supplementary Regulations

13. Solar Energy Systems.

Subject to the following development and design standards the installation and construction of a solar energy system is allowed in any zoning district as an accessory use to a principal use.

- a. A solar energy system shall not be constructed until a building permit application has been approved and a building permit has been issued.
- b. A solar energy system may be roof-mounted or ground-mounted.
- c. A roof-mounted system may be on a principal building or accessory building. A roof-mounted system may not exceed the permissible building height. In no instance shall any part of the solar energy system extend beyond the edge of a roof.
- d. The footprint area of a ground-mounted system (vertical projection of the outside edges of the system onto the ground) shall be included in the calculation of lot coverage.

- e. A ground-mounted system shall not be located within the required front yard.
- f. For a ground-mounted system, the minimum setback distances from the property lines shall be equivalent to the building setback or accessory building setback requirements of the zoning district.
- g. All mechanical equipment associated with and necessary for the operation of the ground-mounted solar energy system shall be screened from view from any adjacent property. The visual screen shall consist of shrubbery and trees or a fence meeting the requirements of section IV.E.4.
- h. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- i. All power transmission lines from a ground-mounted solar energy system to any building or other structure shall be located underground.
- j. A solar energy system shall not be used to display advertising, signage, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership is allowed on any equipment of the solar energy system provided such information is discrete and not easily visible from the public view.

6. *Add section IV.E.14.*

E. Supplementary Regulations

14. Historic City Squares.

With two exceptions, the following development restrictions apply to all Historic Squares. The development restrictions do not apply to the Washington Square parcel or to State-owned property within the squares.

Effective **[Insert the date of the Department of Economic Opportunity's State Register notice approving these regulations.]**, no new visible structure developments other than public infrastructure projects as approved by Planning and Zoning Board shall occur on the historic squares. All renovation of existing structures on the historic squares shall be designed to minimize footprint and maximize open space design in accordance with the land use classification of the squares as Public Facilities, Historic Squares, which is broadly defined as open space and passive recreation. All proposed public infrastructure development activity and material alteration of existing structures must be proposed by the administrator for State-owned property or the City Administrator for City property and approved for historic compatibility by the City's Planning and Zoning Board and Architectural Review Board.

As of **[Insert the date of the Department of Economic Opportunity's State Register notice approving these regulations.]**, structures on the historic squares are as follows.

Chapman Square - Tennis courts and vacant.

City Square - Open-air pavilion, community garden and vacant.

Franklin Square - Tennis courts, playground, open-air pavilion, Holy Family Senior Center, block building with fenced playground.

Gorrie Square - Gorrie grave, Gorrie memorial, Gorrie museum (State-owned) and Apalachicola Municipal Library.

Madison Square - Water tower, skate park and vacant.

Washington Square - Weems Hospital, Love Center Plex, Apalachee Center, Franklin County Health Department and Weems Medical Center.

7. *In the Schedule of District Regulations, List of Districts, revise the name of Zone R-3.*

R-3 Mobile and Manufactured Home Residential

8. *In the zoning district regulations for Zone R-1, Single Family Residential, revise the Prohibited Uses and Structures section.*

R-1 SINGLE FAMILY RESIDENTIAL

PROHIBITED USES AND STRUCTURES

1. Mobile homes
2. and 3. * * * (unchanged)
4. Recreational vehicles used as residences
5. * * * (unchanged)

9. *In the zoning district regulations for Zone R-2, Multi-Family Residential, revise the Prohibited Uses and Structures section.*

R-2 MULTI-FAMILY RESIDENTIAL

PROHIBITED USES AND STRUCTURES

1. Mobile homes
2. * * * (unchanged)
3. Recreational vehicles used as residences

10. *In the zoning district regulations for Zone R-3, revise the zone name and District Intent, Permitted Uses and Structures, Special Exceptions, Prohibited Uses and Structures, and Applicable Regulations sections.*

R-3 MOBILE AND MANUFACTURED HOME RESIDENTIAL

DISTRICT INTENT:

To provide for the accommodation of medium to high density, multi-family dwelling units, as well as to allow for the location of mobile homes within City limits. And, where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the District.

PERMITTED USES AND STRUCTURES

PRINCIPAL

1. through 4. * * * (unchanged)
5. Mobile and manufactured homes

ACCESSORY

* * * (unchanged)

SPECIAL EXCEPTIONS: After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit as special exceptions.

1. through 8. * * * (unchanged)
9. Mobile and manufactured home parks (See following Applicable Regulations.)
10. and 11. * * * (unchanged)

PROHIBITED USES AND STRUCTURES

1. Recreational vehicles used as residences
2. Any structure or use of a nature not specifically or provisionally permitted herein.

APPLICABLE REGULATIONS

1. * * * (unchanged)
2. Review Requirements for Mobile and Manufactured Home Parks
As a special exception, mobile and manufactured home parks are allowed in this district when the developer meets the following requirements:
 - a) * * * (unchanged)
 - b) Submit the Department of Environmental Protection storm water management plan.
 - c) * * * (unchanged)
 - d) * * * (unchanged)
 - 1) * * * (unchanged)
 - 2) * * * (unchanged)

A mobile and manufactured home park may have a greater density up to one unit per 4,500 square feet, with minimum lot width of 50 feet, minimum lot depth of 90 feet, providing that:

- a) and b) * * * (unchanged)
- 3. through 6. * * * (unchanged)

11. In the zoning district regulations for Zone R-4, Mixed Use Residential, revise the Permitted Uses and Structures section and Prohibited Uses and Structures section.

R-4 MIXED USE RESIDENTIAL

PERMITTED USES AND STRUCTURES

PRINCIPAL

- 1. through 9. * * * (unchanged)
- 10. Speciality Store
- 11. through 18. * * * (unchanged)

ACCESSORY

* * * (unchanged)

PROHIBITED USES AND STRUCTURE

- 1. Mobile Homes
- 2. Recreational vehicle used as a residence
- 3. and 4. * * * (unchanged)

12. In the zoning district regulations for Zone O/R, Office Residential, revise the Prohibited Uses and Structures section by revising item No. 1, adding item No. 2, and recodifying item Nos. 2 through 4 as 3 through 5.

O/R OFFICE RESIDENTIAL

PROHIBITED USES AND STRUCTURES

- 1. Mobile homes
- 2. Recreational vehicles used as residences
- 3. Establishments for the conduct of retail trade
- 4. Storage yards or warehouses
- 5. Any structure or use not of a nature specifically or provisionally permitted herein.

13. In the zoning district regulations for Zone C-2, Neighborhood Commercial, revise the Permitted Uses and Structures section and Prohibited Uses and Structures section.

PERMITTED USES AND STRUCTURES

PRINCIPAL

1. through 4. * * * (unchanged)
5. Specialty Store
6. through 17. * * * (unchanged)

ACCESSORY

- * * * (unchanged)

PROHIBITED USES AND STRUCTURES

1. and 2. * * * (unchanged)
3. Recreational vehicles used as residences
4. * * * (unchanged)

14. In the zoning district regulations for Zone C-3, Highway Commercial, revise the Special Exceptions section and Prohibited Uses and Structures section.

C-3 HIGHWAY COMMERCIAL

SPECIAL EXCEPTIONS: * * * (unchanged)

1. * * * (unchanged)
2. Specialty Stores
3. through 6. * * * (unchanged)

PROHIBITED USES AND STRUCTURES

1. * * * (unchanged)
2. Recreational vehicles used as residences
3. Uses and structures not permitted as a special exception, principal use or accessory use and structure.
4. All uses and structures not of a nature specifically or provisionally permitted and any uses which in the opinion of the Planning and Zoning Board is likely to be dangerous or offensive to permitted uses in the District, or those who pass on public ways, because of odor, smoke, noise, fumes, gas, fire, vibrations or emission of particulate matter or hazardous because or unusual danger of fire or explosion.