

**CITY OF APALACHICOLA  
ORDINANCE NO. 2018-02**

**AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) BY ADDING NEW DEFINITION FOR LARGE SCALE COMMERCIAL ACTIVITY; PROVIDING FOR REVISIONS IN SECTION IV (ZONING DISTRICTS AND REGULATIONS) BY REPLACING SECTION 8 (d), ADDING SECTIONS 8(h) – 8(m), AND AMENDING C-1, C-2, C-4, RF; ADDING NEW SECTION XI (PARKING MITIGATION); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Apalachicola finds that adequate parking is important for the economic success of Apalachicola’s downtown commercial districts, and

**WHEREAS**, commercial properties in the downtown are too small to adequately accommodate required parking, and

**WHEREAS**, dispersing parking offsite is a way that serves multiple properties in a more efficient, cost effective and sustainable way, and

**WHEREAS**, a proportionate capital contribution to construct additional public parking is a fair and equitable method of apportioning the cost of such parking, and

**WHEREAS**, large scale commercial development is not consistent with the scale of development of certain commercial districts and therefore prohibiting large scale commercial activity in C-2 and setting a maximum building footprint in C-1, C-4, and RF districts, and

**WHEREAS**, after public workshops and obtaining citizen input, the Apalachicola Planning and Zoning Board and Apalachicola City Commission deems it necessary to revise the above referenced sections of the Land Development Code.

**NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA THE FOLLOWING ORDINANCE REVISIONS RELATING TO THE ABOVE REFERENCED SECTIONS OF THE LAND DEVELOPMENT CODE:**

**SECTION 1: LDC SECTION II – LANGUAGE AND DEFINITION REVISIONS**

**SECTION II – LANGUAGE AND DEFINITIONS**

*Add definition for “Large Scale Commercial Activity” to read as follows:*

**Large Scale Commercial Activity** – Commercial business of a large scale that requires a single building that exceeds an 8,500 square foot footprint.

## **SECTION 2: LDC SECTION IV – ZONING DISTRICTS AND REGULATIONS REVISIONS**

### **SECTION IV – ZONING DISTRICTS AND REGULATIONS**

*Amend Section IV.E.8.d to read as follows:*

**On-Street Parking** – An allowable commercial use of an existing building at the time of ordinance adoption (Ordinance 91-7 adopted December 3, 1991) may use on-street parking as part of their required parking. An increase in the intensity of use of an existing building after the adoption of Ordinance 91-7 must comply with the parking requirements as provided in Section 8b.

*Add Sections IV.E.8.h – IV.E.8.m to read as follows:*

h. The City shall make a determination, on no less than an annual basis, of the number of publicly owned parking spaces that are available for use as parking mitigation in the C-1, C-4 and RF districts. Parking mitigation as provided in this subsection shall be available on a first come, first served basis, up to a maximum of 15 spaces per development until all currently spaces have been subscribed. Thereafter, the City may make additional spaces available or suspend the availability of parking mitigation.

i. New commercial development or expanded intensity of an existing building use in the C-1, C-4 and RF districts may mitigate up to 50% of the required onsite parking through an approved mitigation plan as provided in Section IV.E.8. This provision does apply to other zoning districts.

j. New commercial development within the C-1, C-4 and RF districts may use on-street parking to meet part of the required parking standard as provided in Section 8b.

k. Restoration of an historic structure in the C-1, C-4 and RF districts may request waiver of up to 100% of required onsite parking not to exceed 8 spaces. Documentation that the structure for which a waiver is sought qualifies as an historic structure as provided in this subsection shall be included in the request for waiver and be included as part of the permit application.

l. New development on a single lot (30x80) within the C-1, C-4 and RF districts may mitigate up to 100% of parking not to exceed 8 spaces.

m. All proposed development within the C-1 and C-4 districts shall be encouraged to locate all onsite parking at the rear of the proposed development to meet onsite requirements. Developments that encumber five or more lots shall be required to incorporate parking at the rear. Shared use agreements with adjacent property owners is encouraged to reduce curb cuts for parking access.

*Add to Section IV C-1 General Commercial Downtown Development Standards the following:*

**MAXIMUM BUILDING FOOTPRINT**

A single commercial development building footprint may not exceed 8,500 square feet.

*Add to Section IV C-2 Neighborhood Commercial Prohibited Uses the following:*

5. Large Scale Commercial Activity

*Add to Section IV C-4 Commercial District Development Standards the following:*

**MAXIMUM BUILDING FOOTPRINT**

A single commercial development building footprint may not exceed 8,500 square feet.

*Add to Section IV RF Riverfront District Development Standards the following:*

**MAXIMUM BUILDING FOOTPRINT**

A single commercial development building footprint may not exceed 8,500 square feet.

**SECTION 3: LDC SECTION XI – PARKING MITIGATION**

**SECTION XI – PARKING MITIGATION**

*Section XI – Added to read as follows:*

This section allows developers to substitute payments toward off-site parking for on-site parking in C-1, C-4, and RF districts.

The City shall establish and administer a dedicated municipal revenue fund, call the “Apalachicola Parking Mitigation Fund (APMF), whose purpose is to help fund operations, maintenance and improvements necessitated by the use of City-owned parking facilities by new building, structures or uses in the City’s commercial district, in order, among other things: to offset impacts from new buildings, structures or uses upon the availability of off-street parking spaces in municipal parking facilities; and to offset increases in the cost of operating and maintain municipal parking facilities that are attributable to the use of such facilities by new buildings, structures, and uses.

The fee shall be calculated by multiplying the number of required parking spaces for the principal buildings, structures, or uses to be provided for designated City parking areas by the rate of \$5,000 per required parking space. The rates are intended to offset the City’s reasonable cost to construct new parking facilities of each type, and to maintain them for a period of thirty (30) years.

Prior to the issuance of a building permit for a principal building, structure, or use a portion of whose required parking is provided at a municipal parking facility under this subsection, the owner of such principal building, structure, or use shall deposit the total dollar amount due for its Parking Mitigation Fee in the APMF Fund as a one-time mitigation fee.

The City shall contribute the payments to a parking fund specifically set aside to provide public parking serving the commercial districts. All monies received as fees imposed by this section shall be deposited and held, together with interest thereon, in a public parking mitigation fund hereby created, and shall be expended from that fund only for the purpose of creating new public parking. The cost of creating public parking shall include all costs related to land acquisition, design, permitting, drainage, mitigation, and construction of lighted and paved public parking, including engineering, legal, consulting, and internal overhead costs.

Required parking spaces for non-residential uses may be mitigated through pro-rata contributions to the Apalachicola Parking Mitigation Fund. Mitigation is not allowed for residential uses. Mitigation may be used to offset up to half of the required parking spaces for a development. The other half must be met by onsite or approved offsite requirements as established in the code unless otherwise referenced for historic structures or development on one lot as identified in Chapter IV Section 8.

Not certificate of occupancy shall be issued until complete payment has been received by the City or the City has:

- a. Approved an agreement providing for a phases payment plan. In no case shall payments be deferred for more than two (2) years;
- b. Approved an agreement providing for the deferred construction or occupancy of floor space for which parking has not been mitigated; or
- c. Approved other arrangements providing for required parking to serve the proposed use within twelve (12) months of the application. In no case shall arrangements include a parking variance.

All proposed parking mitigation contributions shall be placed in the Apalachicola Parking Mitigation Fund which shall be used exclusively to establish parking to serve non-residential uses in the commercial districts.

The monies in the parking fund may be allowed to accumulate from year to year until the City Commission determines to expend the monies in the fund for the purposes specified.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict are hereby repealed.

This Ordinance was read and adopted on July 10, 2018. Motion to adopt Ordinance made by Commissioner Ash, second by Commissioner Bartley.

Voting Aye: MAYOR JOHNSON, ELLIOTT, ASH, BARTLEY, GROVE  
Voting Nay: NONE

FOR THE CITY COMMISSION OF THE  
CITY OF APALACHICOLA

ATTEST:

Lee Mathes  
Lee Mathes, City Administrator

Van W. Johnson, Sr.  
Van W. Johnson, Sr., Mayor