

ORDINANCE

N0.91-7

LAND DEVELOPMENT CODE

APALACHICOLA, FLORIDA

AN ORDINANCE AMENDING ORDINANCE NUMBERS 86-3, 87-1 and 87-2; PROVIDING FOR ESTABLISHING ZONING REGULATIONS AND LAND DEVELOPMENT CODE FOR THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR HISTORIC AND CULTURAL PRESERVATIONS REGULATIONS; PROVIDING FOR SIDE PLAN REVIEW REGULATIONS PROVIDING FOR A STORMWATER MANAGEMENT PLAN, PURSUANT TO THE AUTHORITY CONTAINED IN SECTION 163, F.S.; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ZONING ORDINANCE AND LAND DEVELOPMENT CODE; FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted by Board of City Commissioners December 3, 1991

Approved by Administration Commission

Effective 10-6-87

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WHEREAS, Section 7 of the Charter of the City of Apalachicola empowers the City to establish zoning ordinances and regulations and to provide for its administration, enforcement and amendment, and

WHEREAS, Chapter 163, F.S., empowers and requires the City to establish land-use code and provide for its administration, enforcement and amendment and

WHEREAS, the City Commission deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City of Apalachicola and its people to amend its present Zoning Ordinance and Land Development Code, and

WHEREAS, the Planning and Zoning Commission of the City of Apalachicola, after public hearings pursuant to due public notice, has recommended to the City Commission a proposed amended plan for zoning regulations of the City of Apalachicola along with a Historic and Cultural Preservation Regulation section and a Site Plan Review Regulations section attached thereto and incorporated therein, and

WHEREAS, the City Commission, after due notice and advertising of the proposed amendments to the zoning regulation and Land Development Code, as recommended by the Planning and Zoning Commission, accept and enact such proposed amendments with certain changes, amendments and modifications as set forth herein;

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA THE FOLLOWING ORDINANCE PROVISIONS REGARDING THE ZONING REGULATIONS AND LAND DEVELOPMENT CODE FOR THE CITY OF APALACHICOLA:

SECTION I; Ordinance Numbers 86-3, 87-1 and 87-2, are hereby amended by incorporating therein the following provision:

1. Section II. B (2) is hereby amended to read in full: Accessory Building and Uses – A structure of a use customarily incidental and subordinate to the principal structure or use and located on the same lot. Accessory structure may not be used for habitable purposes.
2. Section II. B (27) is hereby amended to read in full: Caliper – Caliper shall be the diameter at breast height (DBH) of the trunk of all trees four (4) feet above the ground.
3. Section II. B (42) definition of “Community Based Residential Facilities” is hereby deleted.
4. Section II. B (56) is hereby amended to read in full: Dwelling, One (Single) Family - A private residence building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one (1) family unit and with partitioning so that any substantial interior portion of the dwelling is accessible without resorting to exterior access and the building shall have only one kitchen and one electrical meter. The minimum required size for single-family dwellings would be 800 square feet of enclosed heated living area.
5. Section II. B (87) is hereby added to read in full: Impervious Surface Coverage – Those man-made surfaces that reduce the natural rate of percolation of water or result in an increase in the natural quantity and rate of stormwater runoff. Examples include but are not limited to clay, asphalt paving materials, concrete and rooftops. It does not include the areas under structure raised on piers or pilings where stormwater is directed under the structure.
6. Section II. B (110) is hereby amended to read in full: Marina – An establishment with a waterfront location for the purpose in return for compensation of storing more than 10 watercraft and pleasure boats on land, in buildings, in slips or on boat lifts and including accessory facilities for purposes such as refueling, minor repair or launching.
7. Section II. B (154) is hereby amended to read in full: Subdivision – the division of a parcel of land, whether improved or unimproved, into three (3) or

more contiguous lots or parcels of land, designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivision, for the purpose, whether immediate or future, of transfer of ownership or, if the establishment of a new street is involved, any division of such parcel. However, the division of land into parcels of more than five (5) acres, not involving any change in street lines or public easements of whatsoever kind is not to be deemed a subdivision within the meaning of this code. The term includes a re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

8. Section II. B (164) is hereby added to read in full: Wetlands – Defined in Chapter 403.817 F.S. and 17-3.022 F.A.C. as the landward extent of waters of the state.

9. Section III. A (2) (i) (4) language is hereby added: In cases where the property in question is adjacent to the City Limits, the Franklin County Planning Department shall be notified of the proposed special exception.

10. Section III. A (3) (b) (9) language is hereby added: The Board shall not issue a variance which would permit the reduction of the required set-back requirements along arterial and collector roads as defined in the Traffic Circulation Element of the city of Apalachicola Comprehensive Plan.

11. Section IV. E (7) language about boundaries of Special Waterfront District is deleted. Section IV. E (7) (b) (1) (a) and (b) language is hereby added to protect wetlands, to read in full: (a) Wetlands will be preserved and protected. (b) Where alterations of wetlands are necessary in order to allow reasonable use of property, either the restoration of the disturbed wetlands will be provided or additional wetlands will be created at a 4:1 ratio to mitigate any wetland destruction. All approved mitigation shall be required to demonstrate, through appropriate monitoring and reporting by the project's developer, at least an 85% planting survival rate for wetland areas created/augmented during mitigation, for a period at least two years for herbaceous wetland communities, and for at least five years for forested wetland communities.

12. Section IV. E (7) (f) and (g) are hereby added to read in full: (f) the use of natural vegetation erosion control structures is encouraged and preferred to the construction of rigid shore protection structures (seawalls, bulkheads, revetments, etc.). The construction of vertical seawalls without armoring (rip rap sandbags) on the waterward face is prohibited on natural waterbodies. (g) The alteration, other than approved maintenance, of mosquito ditches is prohibited.

13. Section IV. E (8) added/amended to consolidate parking standards into one section.

14. Section IV. E (9), (10) and (11) are hereby added to read in full: (9) Endangered, threatened, or species of special concern's habitats and nesting areas shall not be altered or disturbed. Appropriate state and federal guidelines concerning regulations, setbacks, lighting, etc., will be followed at all times. (10) All development shall be required to connect to the city water and sewer system where and when it is available. (11) All septic tanks and drainfields shall be set back at least 75 feet from water or wetland of the State of Florida.

15. Section IV. J – a list of the zoning districts is hereby added.

16. Section IV. J (R-1 SINGLE FAMILY RESIDENTIAL) is hereby amended to include language to:

- a) Prohibit accessory structure from being used as residences.
- b) Prohibit Hospitals and Clinics in velocity zones.
- c) Clarify where Residential Apartment Units are allowed.
- d) Add travel trailers as a prohibited use.
- e) Adjust Development Standards.
- f) Amend Applicable Regulations.

17. Section IV. J (R-2 MULTI-FAMILY RESIDENTIAL) is hereby amended to include language to:

- a) Amend language in permitted uses.
- b) Clarify where Residential Apartments Units are allowed
- c) Amend language in Prohibited Uses.
- d) Add travel trailers as a prohibited use.
- e) Adjust Development Standards.
- f) Amend Applicable Regulations.

18. Section IV. J (R-3 MOBILE HOME RESIDENTIAL) is hereby amended to include language to:

- a) Amend language in Prohibited Uses.
- b) Adjust Development Standards.
- c) Amend Applicable Regulations.

19. Section IV. J (R-4 MIXED USE RESIDENTIAL) is a new district hereby added

20. Section IV. J (O/R OFFICE RESIDENTIAL) is hereby amended to include language to:

- a) All Galleries as a principal use.
- b) Add Church Sponsored Businesses as a special exception.
- c) Amend Applicable Regulations.

21. Section IV. J (C-1 GENERAL COMMERCIAL) is hereby amended to include language to:

- a) Amend language in accessory uses.
- b) Add Single Family Residential as a special exception.
- c) Remove establishments for retail trade from prohibited uses.
- d) Adjust Development Standards.
- e) Amend Applicable Regulations.

22. Section IV. J (NEIGHBORHOOD COMMERCIAL) is hereby amended to include language to:

- a) Add utilities Substations and Child Care Centers as principal uses.
- b) Adjust Development Standards.
- c) Amend Applicable Regulations.

23. Section IV. J (C-3 HIGHWAY COMMERCIAL) is hereby amended to include language to:

- a) Add Utilities Substations as a principal use.
- b) Amend language in Special Exception under Retail Specialties.
- c) Amend Applicable Regulations.

24. Section IV. J (RF RIVERFRONT DISTRICT) is hereby amended to include language to:

- a) Add Bait Shops and Boat Sales and Services as principal uses.
- b) Delete Multi-Family as principal use.
- c) Add Multi-Family, Single Family and Utilities Substations as special exceptions.
- d) Amend prohibited use language.
- e) Adjust Development Standards.
- f) Amend Applicable Regulations.
- g) Add standards for Marinas.

25. Section IV. J (R/C RESEARCH CONSERVATION DISTRICT) Applicable Regulations are hereby amended.

26. Section IV. J (GENERAL INDUSTRIAL) district is hereby replaced with C-4 RIVERFRONT COMMERCIAL DISTRICT.

27. Section V. A (4) is hereby amended to read in full: Illumination – Illumination devices, such as but not limited to flood or spot lights, shall be so

placed and so shielded as to prevent the rays or illumination therefrom from being cast into neighboring dwellings or approaching vehicles.

28. Section V. A (8) is hereby added to read in full: Prohibited Signs. No billboards or off-site advertising signs shall be permitted.

29. Section V. B (6) is hereby amended to read in full: The following signs do not require a sign permit provided, however, said signs be subject to the provisions of Section A and those provisions listed below.

30. Section VIII. B (3), (5) and (8) are hereby amended to read in full: (3) To provide flood protection, the additional volume generated by the development from a 25-year frequency 24-hour duration storm event shall be controlled by a detention facility and released at a rate of discharge not to exceed the peak discharge rate from the site in its undeveloped condition. Special engineering features shall be incorporated to minimize the transport of pollutants remaining in the detention facility. (5) All detention facilities shall discharge design flow through structural discharge facilities. When direct discharge will degrade waters of natural streams, marshes, environmentally sensitive areas, shellfish classification waters, or lands naturally receiving sheet flow, the discharge structure shall direct the flow to an intermediate spreader swell system. (8) Stormwater management systems shall be designed for ease of maintenance and operation and low maintenance costs. It is suggested that the required stormwater system be integrated into a site's open areas and landscaping and that they be used as recreational or park areas. The system should be constructed in such a manner (i.e. gentle slopes, grassed, plantings, etc.) that it will be an amenity to the development.

31. Section VIII. B (10) is hereby amended to read in full: No new untreated point sources of discharge will be permitted.

32. Section VIII. C (4) (d) and (5) (b) are hereby amended to read in full: (4) (d) A map showing topography at a minimum contour interval of one foot, vegetative cover, soils and seasonally high water table elevations. Also show the location of any soils boring or percolation tests. (5) (b) Stormwater management plan showing all components of the stormwater system including drainage basin boundaries showing the direction and rate of flow of stormwater; details of hydrography, side slopes, depths, elevations of all system components including wetlands, a topographical map with a minimum contour interval of one foot.

33. Section IX. CLUSTER DEVELOPMENT section is hereby added.

SECTION II: The City of Apalachicola amended Land Development Code attached to this Ordinance is incorporated herein by reference and becomes a part of this Ordinance.

SECTOIN III: The City of Apalachicola is hereby divided into zones and districts, as shown on the Official Zoning Map, which, together with all explanatory matters thereon, is hereby declared to be part of this Ordinance.

SECTION IV: The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bear the seal of the City of Apalachicola under the following words: "This is to certify this is the Official Zoning Map referred to in Section IV, of ordinance Number 91-7 of the City of Apalachicola adopted the 3rd day of December, 1991.

SECTION V: If any changes shall be make in district boundaries or other matters portrayed on the Official Zoning Map by amendments approved by the City Commission, the City Clerk is directed to make such changes or amendments to the Official Zoning Map and to initial such changes together with the date entered and the amendment which authorized such changes.

SECTION VI: The Official Zoning Map shall be maintained in the Office of the City Clerk at City Hall.

SECTION VII: This Ordinance shall become effective upon affirmative vote of the majority of the City Commission and when signed by the Mayor and attested by the City Clerk, and subsequently approved by the Administration Commission of the State of Florida in accordance with the provisions of Chapter 3808.0555, F.S.

This Ordinance adopting the Land Development Code of the City of Apalachicola was read for the first reading by the City Commission on the 24th day of September 1991. This Ordinance was read for the second time and finally adopted by the City Commission at its' regular meeting held on the 3rd day of December, 1991, on motion by Commissioner Frye, seconded by Commissioner Elliott.

Voting Aye: Frye, Elliott, Mayor Howell
Voting Nay: McCoy

FOR THE CITY COMMISSION OF
THE CITY OF APALACHICOLA

Robert L. Howell, Mayor

Attest:
Betty Taylor-Webb, City Clerk

Approved As To Form:
J. Patrick Floyd, City Attorney