

**ORDINANCE NO: 2021-02**

**AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR THE AMENDMENT OF PART II, SUBPART B, CHAPTER 111, ARTICLE III, DIVISION 4, SECTION 111-288 OF ORDINANCE NO.:(S) 2016-01, 2017-07 AND 2018-02; SUPPLEMENTARY REGULATIONS; PROVIDING FOR PURPOSE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Article VII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof;

WHEREAS, the purpose of this Ordinance is to clarify and enhance the City of Apalachicola's supplementary land development regulations dealing with setbacks, visibility at intersections and fencing;

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA:**

**Section 1. AMENDMENT OF PART II, SUBPART B, CHAPTER 111, ARTICLE III, DIVISION 4, SECTION 111-288 OF ORDINANCE NO.:(S) 2016-01, 2017-07 AND 2018-02:**

PART II – CODE

SUBPART B – LAND DEVELOPMENT CODE

CHAPTER 111 – LAND USE

ARTICLE III - ZONING

DIVISION 4. - SUPPLEMENTARY REGULATIONS

Sec. 111-288, - In general.<sup>1</sup>

- (a) Corner lots in residential districts are platted in such a manner as to change the normal yard pattern along either of the intersecting streets. ~~The~~ The required front yard shall be provided across the end of the lot fronting on the street, and a yard measuring not less than 15 feet from the ~~street lot~~ lot line shall be provided along the full length of the lot on the side toward the intersecting street. No portion of any ~~main principal~~ principal or accessory building shall encroach upon the minimum setbacks of either the front or side yard fronting a street.
- (b) Visibility at intersections in residential districts. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such manner as to materially impede vision between a height of two and one-half (2½) feet (thirty (30) inches) and ten (10) feet (one hundred twenty (120) inches) above the centerline grade of the intersecting street in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

\* \* \* \* \*

- (c) ~~Fences, Walls and Hedges. Notwithstanding other provisions of this code, fences, walls, and~~  
hedges may be permitted in any required yard, or along the edge of any wall; provided, however, that no fence, wall or hedge along the sides or front edge of any front yard shall be of such type and/or heights as to block vision required for safety of traffic over 2½ feet in height.

(1) Requirements applying to all zoning districts and the Historic District.

- a. 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, dimensions and placement clearly stated on the plans. It is not necessary for a Landscape Architect or Engineer to draw or sign and seal the plans.
- b. 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).
- c. A fence may abut but shall not be located on any property line.

(2) All residential districts.

- a. Height, location, and design.

<sup>1</sup> NOTE: *Struck-through language is language proposed to be deleted, Underlined language is amended language, sections that have been skipped or remain unchanged are shown as \*\*\*.*

ORDINANCE 2021-02

1. 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 responsible utility provider shall erect fences at least six (6) feet (seventy-two (72) inches) in height around them.
2. No fence or wall in excess of four (4) feet (forty eight 48 inches) in height shall be allowed in the front yard (for corner lots, the two sides of the lot paralleling the two streets).
3. As required in section 11-288(b) above, front-yard fences on corner lots may not exceed two and one-half (2½) feet (thirty (30) inches) in height within 50 feet of the point of intersection of two streets.
4. A fence extending from the side of a principal structure to the side lot line shall attach to the structure no closer to the front lot line than where the façade (not including any covered front porch, uncovered porch, uncovered steps, and uncovered balconies) is located. These fences shall not exceed six (6) feet (seventy-two (72) inches) in height.
5. No fence or wall in excess of six (6) feet (seventy-two (72) inches) in height shall be allowed in side and/or rear yards. These fences may begin from the rear of the principal structure facade.
6. All fence construction, repair and replacement of any section or portion thereof must be consistent with the remaining fence on the property. The intent of this section is to ensure that all fencing erected on a property is uniform and consistent in construction and appearance.

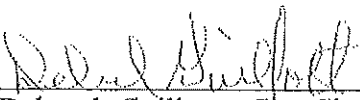
**Section 2. Severability.** If any portion of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

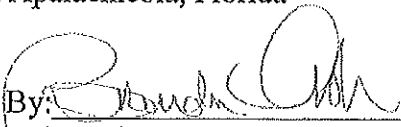
**Section 3. Effective Date:** This Ordinance shall become effective upon adoption.

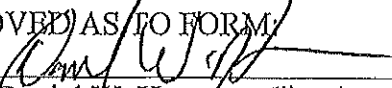
First Reading on : June 8, 2021  
Second Reading and Adoption on : July 6, 2021

ATTEST:

City Commission of the  
City of Apalachicola, Florida

By:   
Deborah Guillotte, City Clerk

By:   
Brenda Ash, Mayor

APPROVED AS TO FORM  
By:   
Daniel W. Hartman, City Attorney