

**CITY OF APALACHICOLA
ORDINANCE 2017-04**

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) RELATING TO BUILDING HEIGHT, GRADE AND PERMISSIBLE BUILDING HEIGHT; PROVIDING FOR REVISIONS IN SECTION IV RELATING TO BUILDING HEIGHT LANGUAGE IN ZONING DISTRICTS R-1, R-2, R-3, R-4, O/R, C-1, C-2, C-3, C-4, AND RC; PROVIDING FOR REVISIONS TO SECTION VII (SITE PLAN REGULATIONS) AND SECTION X (TRANSIENT LODGING); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, upon review of the Land Development Code, it has been determined that there are potentially conflicting definitions relating to the regulation of building height; 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 to clarify terms relating to the regulation of building height.

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 DEFINITIONS REVISIONS

SECTION II – LANGUAGE AND DEFINITIONS

Remove the current definition of “Grade”, and add definitions for “Grade, existing” and “Grade, finished” to read as follows:

Grade, existing – The vertical elevation of the ground surface as it exists prior to disturbance in preparation for development regulated by this Code.

Grade, finished – The final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, or excavating, have been made on the ground surface.

Remove the definition of “Height of Buildings, and add definition of “Building Height” to read as follows:

Building Height – The vertical distance from either the highest existing, or pre-development, grade of the property at the front center of a building or the crown of the road adjacent to the front of a building (whichever is higher in elevation) to the structure’s highest point of the roof. In the case of an existing building proposed to be increased in height, the building height is the vertical distance from the finished grade at the front center of the building to the proposed highest point of the roof.

Remove the definition of “Permissible Elevation of Structure” and replace it with a definition of “Permissible Building Height” to read as follows:

Permissible Building Height – The maximum building height for new construction of all residential and nonresidential structures in both non-flood-rated and flood-rated areas within the City is 35 feet.

Height Exception: Proposed construction of architectural or structural elements above 35 feet such as chimneys, parapets, cooling towers, elevator bulkheads, fire towers, ornamental architectural detailing, heating/cooling systems, or necessary mechanical appurtenances must be approved by the Architectural Review Board, and a certificate of appropriateness must be received prior to development. Approved architectural or structural elements must not exceed thirty six (36) inches above the 35-foot building height limit.

An existing historic building which exceeds current height restrictions and which is destroyed by fire or acts of nature may be permitted to be rebuilt to original height provided the building is a replica of the original historic building.

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

SECTION IV – ZONING DISTRICTS AND REGULATIONS

In the zoning district regulations for each of the zones R-1 Single-Family Residential, R-2 Multi-Family Residential, R-3 Mobile Home Residential, R-4 Mixed Use Residential, O/R Office Residential, C-1 General Commercial, C-2 Neighborhood Commercial, C-3 Highway Commercial, C-4 Riverfront Commercial, and RC Research Conservation, revise ***“Building Height: 35 feet”*** to read ***“Permissible Building Height: 35 feet”*** in the list of Maximum Building Restrictions.

Zoning Districts and Regulations – Schedule of District Regulations – Maximum Building Restrictions for each of the following zones:

- R-1 Single-Family Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home Residential
- R-4 Mixed Use Residential
- O/R Office Residential
- C-1 General Commercial
- C-2 Neighborhood Commercial
- C-3 Highway Commercial
- C-4 Riverfront Commercial
- RC Research Conservation

Permissible Building Height: 35 feet

In the zoning district regulations for zone RF (Riverfront), add ***“Permissible Building Height: 35 feet”*** to the list of Maximum Building Restrictions.

Zoning Districts and regulations – Schedule of District Regulations – Maximum Building Restrictions – RF Riverfront

Permissible Building Height: 35 feet

SECTION 3: LDC SECTION VII – SITE PLAN REVIEW REGULATIONS REVISIONS

SECTION VII – SITE PLAN REVIEW REGULATIONS

Revise the term “Height of building” at section F.2.b.3 to read “Building height” as follows:

F. SITE PLAN REQUIREMENTS

2. Site plans shall contain maps and documents indicating:
 - b. Building and Structures

3. Building height

SECTION 4: LDC TRANSIENT LODGING REVISIONS

SECTION X – TRANSIENT LODGING

In the Dimensional Requirements section, revise the requirement “Maximum height: 35 feet” to read “Permissible Building Height: 35 feet.”

SECTION 5: 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 _____, 2017. Motion to adopt Ordinance made by Commissioner _____, second by Commissioner _____.

Voting Aye:

Voting Nay:

**FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA**

ATTEST:

Lee Mathes, City Administrator

Van W. Johnson, Sr., Mayor