

1. *Revise the Chapter II definitions of “Apartment,” “Boarding and Rooming Houses,” “Dwelling,” “Dwelling, Multi-Family,” “Dwelling, Single-Family,” “Dwelling, Two-Family,” “Residential Apartment Unit,” and “Transient Accommodations” (including “Motel,” “Hotel,” and “Bed and Breakfast”) to read as follows.*

11. **Apartment-** A single dwelling unit rented for thirty (30) or more consecutive days and containing a room or suite of rooms together with a kitchen or kitchenette and sanitary facilities. The minimum required size for an apartment unit is five hundred (500) square feet of enclosed, heated living area.

22. **Boarding and Rooming Houses-** a building or part thereof, other than a hotel, motel or restaurants, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

73. **Dwelling-** any building or portion thereof which is designed for or used for residential purposes but does not include a trailer coach or converted trailer, hotel, motel, boarding house, or rooming house.

74. **Dwelling, Multi-Family-** A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided, and with only structural maintenance services furnished by the management. The minimum required size for a multi-family dwelling unit is five hundred (500) square feet of enclosed, heated living area.

75. **Dwelling, Single-Family-** A residence used or intended to be used as a home in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed for the use of one (1) family, and with partitioning so that any substantial interior portion of the dwelling is accessible without resort to exterior access, and the building shall have only one kitchen and one electrical meter. The minimum required size for a single-family dwelling is eight hundred (800) square feet of enclosed, heated living area.

76. **Dwelling, Two-Family-** A residential building designed for or occupied by two (2) families (duplex), with the number of families in residence not exceeding the number of dwelling units provided. The minimum required size for each of the two units within a two-family dwelling is five hundred (500) square feet of enclosed, heated living area.

172. **Residential Apartment Unit-** A single-family structure existing prior to the original adoption of this Code that may be modified so as to allow more than one family to reside within with separate housekeeping facilities, providing there is a minimum of 500 square feet of enclosed, heated living area per apartment unit.

199. **Transient Accommodations-** Any unit, group of units, building or group of buildings within a single complex of buildings, that is 1) rented for less than an entire calendar month, or for a period of thirty (30) or less consecutive days spanning two (2)

months, and that is 2) advertised or held out to the public, as a place regularly rented to transients. Forms of transient accommodations include the following:

1. **Motel:** A group of transient accommodation units under one (1) ownership located on one (1) tract of land designed primarily for access by automobile. A motel dwelling is hereby defined as a single room or group of rooms with facilities that are used or intended to be occupied for sleeping and sanitation by one family at a time. Laundry facilities and cooking facilities other than a microwave oven shall not be provided in said rental unit.
2. **Hotel:** A structure primarily for transient guests and confined within one (1) principal building except for necessary accessory buildings. A hotel dwelling is hereby defined as a single room or group of rooms with facilities that are used or intended to be occupied for sleeping and sanitation by one family at a time. Laundry facilities and cooking facilities other than a microwave oven shall not be provided in said rental unit.
3. **Bed and Breakfast:** A place where tourist, transients, travelers or persons desiring overnight accommodations are provided with sleeping and sanitary facilities. Cooking facilities other than a microwave oven are not allowed in an individual bed and breakfast room, but they are allowed within a common kitchen area.

2. *In the Chapter IV Zoning Districts and Regulations, revise Supplementary Regulations section IV.E.12.a. to read as follows.*

#### E. Supplementary Regulations

#### 12. Architectural design, aesthetic, and safety standards for single-family dwellings.

- a. To promote consistency within residential neighborhoods in the City, the following architectural design and aesthetic standards shall apply to all stand-alone, newly-constructed or structurally- or materially-altered single-family dwellings in all zoning districts except R-3, mobile and manufactured home residential. These standards do not apply to upper-floor, single-family dwellings above first-floor businesses in commercial zones C-1 and C-4.

As used in this section, “immediate neighborhood” means single-family dwellings whose property lines lie within 500 feet of the subject property and which are in zoning districts other than R-3.

The standards in this section shall apply to subdivisions and the Historic District, but covenants or restrictions for these areas that are more stringent than these standards take precedence over these standards. The “immediate neighborhood” for such subdivision is the subdivision itself, and “immediate neighborhood” for the Historic District is the District itself.

Subsections i. through vi. \* \* \* (unchanged)

3. *In the Chapter IV Zoning Districts and Regulations for zone R-3, mobile home residential, revise the Applicable Regulations at section 3.(3) to read as follows.*

**R-3 MOBILE HOME RESIDENTIAL**

**APPLICABLE REGULATIONS**

- 3. Multi-Family Housing
  - 1) \* \* \* (unchanged)
  - 2) \* \* \* (unchanged)
  - 3) Minimum dwelling unit size shall be 500 square feet.
  - 4) \* \* \* (unchanged)

4. *In the Chapter IV Zoning Districts and Regulations for zone O/R, office residential, add as a principal permitted use item No. 6 bed and breakfasts. As a special exception, remove item No. 3, guest houses. Recodify item Nos. 4 through 10 as 3 through 9.*

**O/R OFFICE RESIDENTIAL**

**PERMITTED USES AND STRUCTURES**

**PRINCIPAL**

- 6. Bed and Breakfasts

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

- 1. Funeral Homes
- 2. Utilities Substations
- 3. Hospitals and Clinics
- 4. Public Buildings
- 5. Cemeteries
- 6. Churches and Church Sponsored Businesses
- 7. Schools
- 8. Residential Apartment Units
- 9. Child Care Centers

5. *In the Chapter IV Zoning Districts and Regulations for zone C-1, commercial downtown, revise the District Intent section to read as follows; revise principal, permitted use No. 23 to read as follows; and add principal, permitted uses Nos. 27 and 28.*

**C-1 GENERAL COMMERCIAL DOWNTOWN**

**DISTRICT INTENT**

The provisions of the C-1 District are intended to apply to areas that serve a wide variety of commercial needs of the community. This district accommodates certain residential and bed-and-breakfast applications, but these uses must accept existing commercial uses in the district and accept overall general commercial noise, traffic, smells, etc. (nuisances notwithstanding). Because all of C-1 falls within the Historic District, it is the district intent that all development within the district have an aesthetic compatibility with the nature of the Historic Downtown.

## PERMITTED USES AND STRUCTURES

### PRINCIPAL

#### 6. Hotels, Motels

23. One Single-Family Dwelling, one Apartment, or one Residential Apartment Unit per 2,400 square feet of lot when combined with a commercial establishment. All such residential units may not extend beyond the total foundation footprint (may include porches, but not parking spaces and/or driveways) of the first commercial floor. Further, the residential units will not be permitted on the ground floor nor shall first floor parking garages, storage units or drive-throughs be considered commercial endeavors. Commercial and residential units will not be connected within the building. Separate entrances must be provided. The commercial areas in mixed use will not be used as auxiliary storage or convenience spaces for residential uses above. Nonconforming uses will be subject to penalties as provided in Section III.D. of this code. All first floor uses will be consistent with principal uses outlined above.

27. Stand-alone, single-family dwellings existing on [Insert effective date of Florida Department of Economic Opportunity's State Register notice approving this provision.].

#### 28. Bed and Breakfast units:

- (a) On an upper floor above a first-floor commercial business provided the bed and breakfast use is compatible with the first-floor commercial use, or
- (b) On the first and/or upper floor of a stand-alone, single-family dwelling existing on [Insert effective date of Florida Department of Economic Opportunity's State Register notice approving this provision.] provided the requirements of code Chapter X, Additional Regulations requirement number (18), are met.

*6. In the Chapter IV Zoning Districts and Regulations for zone C-2, neighborhood commercial, revise "Special Execution" to read "Special Exception" and revise item No. 1 to read as follows.*

## **C-2 NEIGHBORHOOD COMMERCIAL**

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

1. Bed and Breakfasts

7. *In the Chapter IV Zoning Districts and Regulations for zone C-3, highway commercial, revise principal, permitted use No. 1 to read as follows.*

**C-3 HIGHWAY COMMERCIAL**

PERMITTED USES AND STRUCTURES

PRINCIPAL

1. Hotels, Motels, and Bed and Breakfasts

8. *In the Chapter IV Zoning Districts and Regulations for zone C-4, revise the name of the district from “commercial” to “riverfront commercial;” revise the District Intent section to read as follows; revise principal, permitted uses Nos. 11 and 12 to read as follows; and add principal, permitted use No. 16.*

**C-4 RIVERFRONT COMMERCIAL DISTRICT**

DISTRICT INTENT

The provisions of the C-4 District are intended to provide for the economic needs of the City residents by accommodating a variety of commercial land uses along the Apalachicola River waterfront. This district accommodates certain upper-floor residential and bed-and-breakfast applications, but these uses must accept existing commercial uses in the district and accept overall general commercial noise, traffic, smells, etc. (nuisances notwithstanding). No stand-alone, single-family dwelling shall be allowed.

PERMITTED USES AND STRUCTURES

PRINCIPAL

11. One Single-Family Dwelling, one Apartment, or one Residential Apartment Unit per 2,400 square feet of lot when combined with a commercial establishment. All such residential units shall not extend beyond the total foundation footprint (may include porches, but not parking spaces and/or driveways) of the first commercial floor. Further, the residential units will not be permitted on the ground floor nor shall first floor parking garages, storage units or drive-throughs be considered commercial endeavors. Commercial and residential units will not be connected within the building. Separate entrances must be provided. Upstairs residential use shall be compatible with the first-floor commercial use.

12. Hotels, Motels

16. Bed and Breakfasts units, on an upper floor above a first-floor commercial business. Upstairs bed and breakfast use shall be compatible with the first-floor commercial use.

9. *In the Chapter X Transient Lodging requirements, revise the Dimensional Requirements section to read as follows; and in the Additional Regulations section, revise item Nos. 1, 4, 6, 11, and 13, and add item Nos. 17 and 18 to read as follows.*

**Dimensional Requirements**

Hotel/Motel:

- Minimum number of units: 11
- Maximum number of units: 50
- Minimum square footage per unit: 200 square feet
- Maximum square footage per unit: 600 square feet
- Permissible building height: 35 feet
- Maximum lot coverage: Refer to district standards
- Maximum impervious surface ratio: Refer to district standards
- Minimum building lot size: That amount of land necessary to accommodate desired number of units (minimum 11 units) and still adhere to lot coverage and infrastructure requirements.
- Minimum width: Refer to district standards
- Minimum depth: Refer to district standards
- Setbacks: Refer to district standards

Bed and Breakfast:

- Minimum number of units: 2 (per building)
- Maximum number of units: 10 (per building)
- Minimum building lot size: That amount of land necessary to accommodate desired number of units (minimum 2 units) and still adhere to lot coverage and infrastructure requirements.

**Additional Regulations**

In addition to any existing regulations relating to hotel/motel development found elsewhere in the land development regulations, the following criteria shall apply to all transient lodging facilities:

- (1) All units in all transient lodging facilities (hotel/motel/B&B) within the City of Apalachicola shall be considered transient accommodation units and must be made available as rentals on a continual daily or weekly basis but for a period of time less than 30 consecutive days. If the occupancy of any such unit does not change more frequently than 12 times or more in any continuous 12-month period, then a rebuttable presumption shall arise that the unit is not being used for transient accommodations.
- (2) and (3) \* \* \* (unchanged)

- (4) For hotels/motels, there shall be a lobby/front desk area that is internally-oriented, operated for transient lodging, and occupied or accessible by staff on a 24-hour basis.
- (5) \* \* \* (unchanged)
- (6) For hotels/motels, all units must be included in the inventory of units that are available for rent.
- (7) through (10) \* \* \* (unchanged)
- (11) Each hotel/motel facility shall have no more than 1 potable water tap and 1 electric hookup.
- (12) \* \* \* (unchanged)
- (13) Cooking facilities other than microwave ovens are not allowed in transient lodging (hotel/motel/B&B) facility units.
- (14) through (16) \* \* \* (unchanged)
- (17) In General Commercial zone C-1 or Riverfront Commercial zone C-4, a building having a first-floor commercial use may have a bed and breakfast use on an upper floor provided all applicable requirements are met.
- (18) In General Commercial zone C-1, the first and/or upper floor of a stand-alone, single-family dwelling existing on [Insert effective date of Florida Department of Economic Opportunity's State Register notice approving this provision.] may be converted to a bed-and-breakfast use provided that the first floor dwelling footprint is not expanded and all parking, Floodplain Management Ordinance, and other applicable requirements are met.