

## II. LANGUAGE AND DEFINITIONS

3. **Accommodations-** Any hotel, motel, tourist court, rooming house, bed and breakfast or rental unit intended to be used for transient persons or tourist for overnight lodging or longer. Any business containing one or more rental units renting for a time period of less than one month shall be deemed an accommodation facility. Non-accommodations shall be any activity other than one, which may be classified as an accommodations activity.

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.

196. **Townhouse-** A group of two or more single-family dwellings separated by a space of not more than one (1) inch. The walls or part wall separating the dwellings units of the townhouse

shall extend to the roofline of the dwelling and shall have no openings therein. Each townhouse unit shall be serviced with separate utilities and other facilities and shall otherwise be independent of one another.

**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.

## IV ZONING DISTRICTS AND REGULATIONS

### 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.

- i. Roof: Roof forms and materials shall be virtually compatible with the existing architectural context of the streetscape and the majority of dwellings in the immediate neighborhood. The pitch of the roof is critically important to the success of being harmonious with the typical surrounding dwellings, and well-extended overhangs can be beneficial in protecting any home from frequent and heavy rainfall. The pitch of the major roof shall have a minimum vertical rise of 5 units for each 12 units or horizontal run with a minimum 12-inch overhang, measured horizontally from the outer edge of the sloped roof to the vertical face of the wall under the roof. In addition, the roof pitch shall be equal to or greater than the roof pitches of the majority of homes in the immediate neighborhood. The roof covering shall be visually compatible with dwellings in the immediate neighborhood.
- ii. Siding: Exterior wall and trim materials shall be visually compatible with the existing architectural context of the streetscape and immediate neighborhood. Vinyl and aluminum siding are prohibited. Use of siding materials other than vinyl and aluminum (e.g., solid wood and fiber cement board) have long-term benefits for resistance to storm damage and overall structural integrity.
- iii. Design elements: All new or structurally- or materially-altered dwellings shall provide some form of architectural character with the use of design elements such as roof dormers, extended entry way, a covered porch, decorative columns or wing walls and/or other features to enhance the appearance and alter the straight line or rectangular shape of the structure to be consistent with the majority of dwellings in the immediate neighborhood.

- iv. Windows and doors: Proportion, scale, height, shape, detailing and building material of windows and doors shall be consistent with the style of the proposed dwelling and other dwellings in the immediate neighborhood. Windows and doors shall be set back two to three inches from siding and trim to prevent the appearance of flatness to the facades, which is contrary to the appearance of the majority of dwellings in the City of Apalachicola.
  - v. Crawl space: The crawl space of an elevated above-grade building (that area located between the grade and the lowest floor member) shall be shielded by some architectural feature which is compatible with the design and architecture of the building so that the line of sight from any public road or alley does not include any portion of the underside of the structure. Such feature shall be included as part of any building permit application.
  - vi. Foundation and enclosure: There is required a permanent foundation and an enclosure, which presents a clean, uncluttered appearance, around the perimeter of every elevated home. An enclosure in flood zone V must additionally meet applicable requirements of the City’s floodplain management ordinance and the Florida Building Code that it references. Any wheels, tongue, or other transportation apparatuses must be removed. The foundation or finished floor elevation must be substantially similar in appearance to the foundation or finished floor elevations of dwellings in the immediate neighborhood. An open structural pier foundation may be allowed, but in no case will any anchor tie down strap be visible.
- b. To promote safety within residential neighborhoods in the City, the following safety standards shall apply to all newly-constructed single-family dwellings in all zoning districts.
- i. Footings: All elevated above-grade buildings shall be supported by and tied to a continuous footing of sufficient size to resist the gravity, wind and uplift forces which might be imposed on such buildings. Dry stack masonry units (blocks and bricks) as piers for support of any structure are prohibited.
  - ii. Metal fasteners. For all residential structures, any bolts, anchors, straps, tie downs or other type hardware which are in contact with the ground or any part of which is within 12 inches above the ground at that location shall be of stainless steel material. This shall not apply to any such items, bolts, anchors, straps, tie downs or other such hardware, that are permanently and wholly encased in concrete.
  - iii. Exterior steps: Exterior steps of elevated homes must be permanently affixed to the foundation or façade stem wall.
  - iv. Electric meter box: The electrical meter box shall be permanently affixed to the single-family dwelling or mounted on a suitable structure but in no case shall be pole-mounted.



## **Zoning Districts and Regulations**

### **SCHEDULE OF DISTRICT REGULATIONS**

#### **R-3 MOBILE HOME RESIDENTIAL**

##### **DISTRICT INTENT:**

To provide for the accommodation of medium to high density, multi-family dwelling units, as well as to allow for the location of mobile and module homes within City limits. And, where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the District.

##### **PERMITTED USES AND STRUCTURES:**

###### **PRINCIPAL**

4. Multi-family residential

##### **APPLICABLE REGULATIONS**

###### **3. Multi-Family Housing**

- 1) Fifty percent (50%) maximum lot coverage which shall include impervious surface.
- 2) Maximum of one ground floor dwelling unit per 2,000 square feet of total building site.
- 3) Minimum dwelling unit size shall be 500 square feet.
- 4) Maximum of twenty (20) dwelling units per acre at total build out.

#### **O/R OFFICE RESIDENTIAL**

##### **DISTRICT INTENT**

The provisions of the O/R District are intended to apply to areas with a specialized intensive residential character wherein a variety of housing types and compatible non-retail, education, religious, non-commercial recreation & accessory retail commercial services of a limited nature are permitted. This district shall occur in that area shown as Residential Mixed Use on the Official Land Use Map of Apalachicola.

##### **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:

#### **C-1 GENERAL COMMERCIAL DOWNTOWN**

## DISTRICT INTENT

This district accommodates certain residential applications (either short term or permanent) provided such residential development is combined with a first floor commercial endeavor. It is to be understood that the C-1 district is primarily commercial in nature – any provisions for residential use must accept existing commercial uses in the district and accept overall general commercial noise, traffic, smells, etc. (nuisances notwithstanding.) As 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. Hotel, Motels

23. One Single-Family Dwelling, one Apartment, or one Residential Apartment Unit per 2,400 square foot 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. Bed and Breakfasts, minimum of two units per 2,400 square foot lot, on an upper floor above a first-floor commercial business. Upstairs bed and breakfast use shall be compatible with the first-floor commercial use.

## **C-2 NEIGHBORHOOD COMMERCIAL**

### DISTRICT INTENT

The provisions of the C-2 District are intended to apply to areas within convenient traveling distance to one or more neighborhoods wherein small groups or retail commercial, professional, office and financial and other conventional commercial activities are permitted. This district is not intended to accommodate large-scale commercial or service activities or automotive or other type of more intensive commercial activities.

### PERMITTED USES AND STRUCTURES

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

1. Hotels, Motels, and Bed and Breakfasts

### **C-3 HIGHWAY COMMERCIAL**

#### DISTRICT INTENT

The provisions of the C-3 District are intended for areas suitable for light commercial and office development abutting arterial roads as defined in Section II of this code. Special requirements addressing limitations placed on access are intended to minimize and control ingress and egress to arterial roadways and promote a smooth and safe traffic flow of the general traveling public. (See special requirements)

#### PERMITTED USES AND STRUCTURES

##### PRINCIPAL

1. Hotels, Motels, and Bed and Breakfasts

### **C-4 COMMERCIAL DISTRICT**

#### DISTRICT INTENT

This district accommodates certain residential applications (either short term or permanent) contingent on certain restrictions being met. All residential development proposed for this district shall be combined with a first floor commercial endeavor.

#### PERMITTED USES AND STRUCTURES

##### PRINCIPAL

11. One Single-Family Dwelling, one Apartment, or one Residential Apartment Unit per 2,400 square foot 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, minimum of two units per 2,400 square foot lot, on an upper floor above a first-floor commercial business. Upstairs bed and breakfast use shall be compatible with the first-floor commercial use.

## **X. Transient Lodging**

### **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
- Maximum 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)

### **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) Proper licensing will be required of all transient-lodging units (hotel/motel/B&B) through all applicable agencies that license hotels prior to any certificate of occupancy being issued. All licenses must be kept current.
- (3) A reservation system shall be required as an integral part of the hotel/motel facility for the rental of units.
- (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) All units shall be subject to all applicable tourist tax collections when rented.
- (6) For hotels/motels, all units must be included in the inventory of units that are available for rent.
- (7) Annual occupational licenses for each business operating a transient lodging facility shall be required from the City of Apalachicola.
- (8) All transient-lodging facilities must have sufficient signage viewable by the general public designating the use as such.



- (9) The books and records of the transient lodging facility pertaining to the rentals of each unit in a hotel/motel facility shall be open for inspection by authorized representatives of the City of Apalachicola, upon reasonable notice, in order to confirm compliance with these regulations as allowed by general law.
- (10) The City of Apalachicola may require affidavits of compliance with this section from each hotel/motel facility owner.
- (11) Each hotel/motel facility shall have no more than 1 water tap and 1 electric hookup.
- (12) Time sharing of hotel/motel/B&B units shall not be permitted.
- (13) Cooking facilities other than microwave ovens are not allowed in transient lodging (hotel/motel/B&B) facility units.
- (14) Transient lodging facilities (hotel/motel) located along the riverfront must provide access to the riverfront and provide boardwalk access along the waterfront and give a perpetual easement to the City of Apalachicola for the general public.
- (15) Transient lodging facilities (applies to hotels, motels and bed and breakfasts) must be located in appropriate zoning districts as provided in ordinance 91-7 Zoning Code.
- (16) All Transient-lodging facilities must meet applicable parking, stormwater and site plan requirements as provided in Ord. 91-7 Zoning Code.