

TOWN OF YANKEETOWN

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE TOWN OF YANKEETOWN FLORIDA PROVIDING FOR ADOPTION OF AMENDMENTS TO THE TOWN OF YANKEETOWN COMPREHENSIVE PLAN; AMENDING CHAPTER 1 SECTIONS 1.1.2.7.2; 1.1.2.7.9; 1.1.2.7.12; 1.1.2.8.2; 1.1.2.8.3; 1.1.2.8.4; 1.1.2.9.3; 1.1.2.9.11; 1.1.2.9.12; Table 1-1A; [Notes 7 and 10] and Table 1-1B; AND CHAPTER TWO POLICY 2.2.2.3 thereof PROVIDING EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS PROVISION AND RATIFICATION OF PRIOR ACTS OF THE TOWN; PROVIDING FOR CONFLICTS; CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR APPROVAL BY REFERENDUM.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN, FLORIDA, AS FOLLOWS:

WHEREAS, the TOWN COUNCIL has considered and reviewed the proposed Comprehensive Plan amendments, and received public comments through at least two (2) public hearings on the proposed amendments; and

WHEREAS, the TOWN COUNCIL has received and considered any and all comment letters from the state and other commenting agencies; and

WHEREAS, the TOWN COUNCIL has determined that the application of “Floor Area Ratio” for purposes of limiting development of properties in Yankeetown as currently set forth in the Comprehensive Plan is insufficiently flexible and generally unhelpful and that the adoption of this Ordinance removing that concept from the Comprehensive Plan will provide for flexibility to meet the unique needs and circumstances of individual properties, and is in the best interest of the public health, safety and welfare and meets state requirements.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE YANKEETOWN TOWN COUNCIL TO ADOPT THE COMPREHENSIVE PLAN AMENDMENTS AS FOLLOWS:

CHAPTER 1 FUTURE LAND USE ELEMENT

POLICY 1.1.2.7

Neighborhood Commercial land use district

SECTIONS 1.1.2.7.2; 1.1.2.7.9; AND 1.1.2.7.12 ARE HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.7.2 Only low intensity uses are allowed. Intensity refers to the measurement of nonresidential uses. Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the land; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services, including trip generation, and level of service.

In calculating density and intensity, the percentage of land utilized for determining retail commercial shall be deducted from the parcel size prior to calculating the number of transient units allowed on a parcel. Land utilized for calculating the number of transient units shall be deducted from the parcel prior to calculating the area available for commercial retail. A Transient Unit may contain more than one bedroom; however, each bedroom shall constitute a dwelling unit for density/intensity calculations. Floor area shall mean and include the sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls for nonresidential structures, and all covered, unenclosed areas used for commercial activities including outdoor seating areas, except for entrance and connecting walkways, entryways, parking and loading areas or drive-through canopies. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven (7) feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included are outdoor storage and display areas, temporary uses, temporary structures, and space occupied by transient residential and institutional-residential principal uses. Floor area for transient residential structures is the sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven (7) feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included shall be the floor area of garages, carports, patios, and porches, unless treated as air-conditioned space

[PROPOSED] Policy 1.1.2.7.9 Low intensity neighborhood hotel, motel, resorts are permitted if the following standards are met:

A. No single structure on a parcel shall exceed a gross floor space of 3,000 square feet

[PROPOSED] Policy 1.1.2.7.12 Traffic Study All non-residential uses shall prepare a traffic study detailing not only impacts on transportation levels of service but what percentage trips generated by the use that will utilize each of the nearby streets and roads of Yankeetown. Proposed development shall prepare detailed traffic study including any proposed improvements to streets and roads necessary to accommodate the use. Intensity refers to the measurement of nonresidential uses. Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the land; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services, including trip generation and level of service. For trip generation, low intensity means a nonresidential use that generates less than 50 average daily trips per 1,000 square feet of floor area, medium intensity means a nonresidential use that generates between 50 and 100 average daily trips per 1,000 square feet of floor area, and high intensity means a nonresidential use that generates greater than 100 average daily trips per 1,000 square feet of floor area as set forth in the Institute of Transportation Engineers Trip Generation Manual.

POLICY 1.1.2.8

Commercial Water-Dependent land use district:

SECTIONS 1.1.2.8.2; 1.1.2.8.3; 1.1.2.8.4; 1.1.2.8.7; AND 1.1.2.8.14 ARE HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.8.2 Only low to medium commercial intensity uses are allowed. Impervious surface ratios shall not exceed 50% of the parcel. All development shall utilize “low impact” development practices. Intensity refers to the measurement of nonresidential uses. Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the land; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services, including trip generation and level of service.

[PROPOSED] Policy 1.1.2.8.3 No single structure on a parcel shall exceed a gross floor space of 3,000 square feet

[PROPOSED] Policy 1.1.2.8.4 In calculating density and intensity, the percentage of land utilized for determining retail commercial shall be deducted from the parcel size prior to calculating the number of transient units allowed on a parcel. Land utilized for calculating the number of transient units shall be deducted from the parcel prior to calculating the area available for commercial retail. A Transient Unit may contain more than one bedroom; however, each bedroom shall constitute a dwelling unit for density/intensity calculations. Floor Area shall mean and include the sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls for nonresidential structures, and all covered, unenclosed areas used for commercial activities including outdoor seating areas, except for entrance and connecting walkways, entryways, parking and loading areas or drive-through canopies. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven (7) feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included are outdoor storage and display areas, temporary uses, temporary structures, and space occupied by transient residential and institutional-residential principal uses. Floor area for transient residential structures is the sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven (7) feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included shall be the floor area of garages, carports, patios, and porches, unless treated as a conditioned space

[PROPOSED] Policy 1.1.2.8.7 Hotels, motels, resorts: Low intensity transient lodging facilities such as hotels, motels, resort units, and Bed and Breakfast (B&B) accommodations (which are considered water-enhanced) are allowed if all of the following requirements are met:

- A. Buildings shall not exceed 3000 square feet gross floor area per building.
- B. Hotel, motel, resort, and B&B transient units shall be no larger than 500 interior square feet.

[PROPOSED] Policy 1.1.2.8.14 Traffic Study. All non-residential uses shall prepare a traffic study detailing not only impacts on transportation levels of service but what percentage trips generated by the use that will utilize each of the nearby streets and roads of Yankeetown.

Proposed development shall prepare detailed traffic study including any proposed improvements to streets and roads necessary to accommodate the use. Intensity refers to the measurement of nonresidential uses. Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the land; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services, including trip generation and level of service. For trip generation, low intensity means a nonresidential use that generates less than 50 average daily trips per 1,000 square feet of floor area, medium intensity means a nonresidential use that generates between 50 and 100 average daily trips per 1,000 square feet of **floor area**, and high intensity means a nonresidential use that generates greater than 100 average daily trips per 1,000 square feet of floor area as set forth in the Institute of Transportation Engineers Trip Generation Manual.

POLICY 1.1.2.9

Light Industrial land use district:

SECTIONS 1.1.2.9.3; 1.1.2.9.11; AND 1.1.2.9.12 ARE HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.9.3 No structure shall exceed 3,000 square feet gross floor space.

[PROPOSED] Policy 1.1.2.9.11 Floor area shall mean and include the sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls for nonresidential structures, and all covered, unenclosed areas used for commercial activities including outdoor seating areas, except for entrance and connecting walkways, entryways, parking and loading areas or drive-through canopies. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven (7) feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included are outdoor storage and display areas, temporary uses, temporary structures, and space occupied by transient residential and institutional-residential principal uses. Floor area for transient residential structures is the sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven (7) feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included shall be the floor area of garages, carports, patios, and porches, unless treated as a conditioned space.

[PROPOSED] Policy 1.1.2.9.12 Traffic Study. All non-residential uses shall prepare a traffic study detailing not only impacts on transportation levels of service but what percentage trips generated by the use that will utilize each of the nearby streets and roads of Yankeetown. Proposed development shall prepare detailed traffic study including any proposed improvements to streets and roads necessary to accommodate the use. Intensity refers to the measurement of nonresidential uses. Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the land; the

measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services, including trip generation and level of service. For trip generation, low intensity means a nonresidential use that generates less than 50 average daily trips per 1,000 square feet of floor area, medium intensity means a nonresidential use that generates between 50 and 100 average daily trips per 1,000 square feet of floor area, and high intensity means a nonresidential use that generates greater than 100 average daily trips per 1,000 square feet of floor area as set forth in the Institute of Transportation Engineers Trip Generation Manual.

Table 1-1A Land Use Densities and Intensities

Table 1-1A AND [NOTE 7] IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED]

Table 1-1A Land Use Densities and Intensities - [#] denotes footnote (below table)

Land Use District	Density or transient units	Open Space %	Impervious Surface Ratio/ [11]	Height Max	Structure /Nutrient setback (feet) [5] [12]	Intensity Limits
ISResidential Env. Sensitive	1 DU/10 gross acres; 1 unit per 5 net upland acres (2 contiguous) [1]; [6]	90	10	[2]	50/150	n/a
Residential Low	1 DU per 5 [1]	85	15	35	50/50	n/a
Residential Highest	2 DU per Acre	50	50	35	50/50	n/a
Agriculture	1 DU per 20	90	10	35	50/150	n/a
Public use	N/A	25	75 [4]	35	50/50	5,000 sq. ft.

		[9]		[3]		total structure
Resource Protection	N/A	100		35	50/150	n/a
Neighborhood Commercial	4 bedrooms per acre [4] [8]	50 [9]	50	35	50/50	Traffic Study 3,000 sq. ft. total structure [4] [7] [10]
Commercial Water-dependent	2 bedrooms per acre [4] [8]	50 [9]	50%	35	50/50	Traffic Study 3,000 sq. ft. total structure [4] [7] [10]
Light Industrial	0 [8]	50 [9]	50%	35	50/50	3,000 sq. ft. total structure [4]

[PROPOSED]

[Note 7] Traffic Study All non-residential uses shall prepare a traffic study detailing not only impacts on transportation levels of service but what percentage trips generated by the use that will utilize each of the nearby streets and roads of Yankeetown. Proposed development shall prepare detailed traffic study including any proposed improvements to streets and roads necessary to accommodate the use. Intensity refers to the measurement of nonresidential uses. Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the land; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services, including trip generation and level of service. For trip generation, low intensity means a nonresidential use that generates less than 50 average daily trips per 1,000 square feet of floor area, medium intensity means a nonresidential use that generates between 50 and 100 average daily trips per 1,000 square feet of floor area, and high intensity means a nonresidential use that generates greater than 100 average daily trips per 1,000 square feet of floor area as set forth in the Institute of Transportation Engineers Trip Generation Manual.

[NOTE 10] AND Table 1-1B ARE HEREBY DELETED:

[PROPOSED]

[Note 10] Table 1-1B- [Intentionally Deleted]

CHAPTER TWO TRAFFIC CIRCULATION ELEMENT

GOALS, OBJECTIVES, AND POLICIES

SECTION 2.2.2.3 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] POLICY 2.2.2.3

Traffic Study: All non-residential uses shall prepare a traffic study detailing not only impacts on transportation levels of service but what percentage trips generated by the use that will utilize each of the nearby streets and roads of Yankeetown. Proposed development uses shall prepare detailed traffic study including any proposed improvements to streets and roads necessary to accommodate the use. Intensity refers to the measurement of nonresidential uses. Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the land; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services, including trip generation and level of service. For trip generation, low intensity means a nonresidential use that generates less than 50 average daily trips per 1,000 square feet of floor area, medium intensity means a nonresidential use that generates between 50 and 100 average daily trips per 1,000 square feet of floor area, and high intensity means a nonresidential use that generates greater than 100 average daily trips per 1,000 square feet of floor area as set forth in the Institute of Transportation Engineers Trip Generation Manual.

Section 2. Implementing Administrative Actions. The Town Clerk/Administrator, Town Attorney, Town Planner, or their designees, are hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

- Section 3. Savings Provision; Ratification of Prior Actions.** The prior actions of the Town Council and its agencies in enacting and causing amendments to the Comprehensive Plan of the Town of Yankeetown, as well as the implementation thereof, are hereby ratified and affirmed.
- Section 4. Severability.** If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the Ordinance or effect of any other action or part of this Ordinance.
- Section 5. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 6. Codification/Instructions to Code Codifier.** It is the intention of the Town Council of the Town of Yankeetown, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the Town of Yankeetown Comprehensive Plan and/or the Code of Ordinances of the Town of Yankeetown, Florida by adding a new Property Rights Element to the Comprehensive Plan.
- Section 7. Charter Referendum prior to Second Reading.** Pursuant to the home rule powers grandfathered by Florida Statutes in Town of Yankeetown Charter Section 11. "Voter approval is required for approval of comprehensive land use plan or comprehensive land use plan amendments affecting more than five parcels except for amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule. Amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule shall not require voter approval. A comprehensive plan or comprehensive amendment, (both as defined in Florida Statutes Chapter 163), shall not be adopted by the town council until such proposed plan or plan amendment is approved by the electors in a referendum as provided by Florida Statute Section 166.031 or by the town Charter or as otherwise provided by general or special law. Elector approval shall not be required for any plan or plan amendment that affects five or fewer parcels of land or as otherwise prohibited by Florida Statutes including but not limited to Florida Statute Section 163.3167 as may be amended from time to time."
- Section 8. Effective Date.** The Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3184(3), Florida Statutes, until 31 days after the State land planning agency (Florida Department of Economic Opportunity) notifies the Town that the Comprehensive Plan amendment package is complete. If timely challenged, the Comprehensive Plan amendment shall not become effective until the said State land planning agency or the Administration Council enters a final order determining the adopted amendment to be in compliance.

FIRST HEARING HELD ON _____, 2026.

SECOND HEARING HELD ON _____, 2026.

PASSED AND DULY ADOPTED, with a quorum present and voting, this ___ day of _____, 2026, by a vote of _____ yeas and _____ nays.

TOWN OF YANKEETOWN, FLORIDA, BY AND THROUGH THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN

By: _____
LAURENCE VORISEK, Mayor of Yankeetown

ATTEST:

By: _____
SEANTE M. GYUKERI, Town Clerk

APPROVED AS TO FORM AND CONTENT FOR THE RELIANCE OF THE TOWN OF YANKEETOWN ONLY:

NORM FUGATE, Town Attorney