

**TOWN OF YANKEETOWN  
ORDINANCE NO. 2024-08**

**AN ORDINANCE OF THE TOWN OF YANKEETOWN FLORIDA PROVIDING FOR ADOPTION OF AN AMENDMENT TO THE TOWN OF YANKEETOWN LAND DEVELOPMENT CODE; AMENDING SECTION 18-180(d)(15)g.; SECTION 18-181(g)(10); SECTION 18-183(e)(3); SECTION 18-183(g)(3)a.; SECTION 18-184(e)(3); SECTION 18-184(g)(3)a.; SECTION 18-187(e)(3); SECTION 18-187(g)(e)a.; PROVIDING EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.**

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

**WHEREAS**, the TOWN COUNCIL has requested and received the recommendation of the Planning and Zoning Commission with regard to the waterfront setbacks and the amendment of various provisions of the Land Development Code pertaining to the same; and

**WHEREAS**, the Planning and Zoning Commission has recommended modifications of Sections **18-180(d)(15)g.; 18-181(g)(10); 18-183(e)(3); 18-183(g)(3)a.; 18-184(e)(3); 18-184(g)(3)a.; 18-187(e)(3)** and **18-187(g)(e)a.**

**WHEREAS**, the TOWN COUNCIL has considered and reviewed the proposed Land Development Code amendments, received public comment 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 adoption of this Ordinance 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 LAND DEVELOPMENT CODE AMENDMENTS AS FOLLOWS:**

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS  
SECTION 18-180(d)(15)g**

SECTION 18-180 – Commercial Neighborhood;CN. (d) *Conditional uses.*(15) Dimensional requirements g. Setbacks.

SECTION 18-180 – COMMERCIAL NEIGHBORHOOD;CN (d) CONDITIONAL USES (15) DIMENSIONAL REQUIREMENT g. SETBACKS IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

g. Setbacks.

1. Waterfront or wetland setback: 50 feet from the MHWL, except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL the setback will be reduced to the same distance from the MHWL as the principal structure on an adjacent property which is setback the least from the MHWL. The setback may be, under any circumstances, reduced to 25 with BOA approval

in special circumstances. For accessory structures the setback shall be 3 feet from the MHWL except no such accessory structure (excluding permitted docks and boathouses and structures designed to provide shade such as umbrellas, canopies or sun shades) will be greater in height above ground level than the greater of (i) 4 feet; or (ii) the lowest finished floor area of any principal structure on any adjacent parcel. The setback excludes manmade slips.

2. Side: eight feet.
3. Front: 25 feet.
4. Rear: ten feet.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS  
SECTION 18-181(g)(10)**

SECTION 18-181– Commercial water dependent; CWD (g) *Dimensional requirements*. (10) Setbacks.

SECTION 18-181 – COMMERCIAL WATER DEPENDENT; CWD (g) DIMENSIONAL REQUIREMENTS (10) SETBACKS IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

(g) *Dimensional requirements*.

- (1) Maximum impervious surface ratios shall not exceed 50 percent of the site.
- (2) Minimum open space shall be requirement 50 percent.
- (3) No structure shall exceed a gross floor space of 3,000 square feet.
- (4) FAR is 0.07 for any parcel equal to or greater than 20,760 square feet.
- (5) For FAR for parcels less than 20,760 square feet, see Table 1 in section 18-180.
- (6) To calculate density, parcel area less commercial usage area is used to calculate the net area available for transient units.
- (7) To calculate intensity, the parcel area minus transient unit usage area is used to calculate the net area available for commercial.
- (8) Maximum height is 35 feet above average existing natural grade.
- (9) A minimum of 15 feet separation between buildings.
- (10) Setbacks.
  - a. Waterfront or wetland setback: 50 feet from the MHWL, except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL the setback will be reduced to the same distance from the MHWL as the principal structure on an adjacent property which is setback the least from the MHWL. The setback may be, under any circumstances, reduced to 25 with BOA approval in special circumstances. For accessory structures the setback shall be 3 feet from the MHWL except no such accessory structure

(excluding permitted docks and boathouses and structures designed to provide shade such as umbrellas, canopies or sun shades) will be greater in height above ground level than the greater of (i) 4 feet; or (ii) the lowest finished floor area of any principal structure on any adjacent parcel. The setback excludes manmade slips.

- b. Side: eight feet.
- c. Front: 25 feet.
- d. Rear: ten feet.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS  
SECTION 18-183(e)(3)**

SECTION 18-183 – Residential highest density 1 (RHD-1) (e) *Allowed accessory uses and structures.* (3).

SECTION 18-183 – RESIDENTIAL HIGHEST DENSITY 1 (RHD-1) (e) ALLOWED ACCESSORY USES, AND STRUCTURES (3) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

(e) *Allowed accessory uses and structures.*

- (1) Attached private garages may be located in front of the principle residence structure.
- (2) Accessory structures may be placed in front of the primary residence structure if greater than 100 feet separate the front of the accessory from the front parcel line.
- (3) Accessory structures may not intrude upon any setback except the waterfront or wetland setback subject to the height restrictions set forth in subsection (g)(3) below.
- (4) Accessory structures must be architecturally consistent with the primary residential structure.
- (5) Private garages.
- (6) Guest houses.
- (7) Tool sheds.
- (8) Greenhouses.
- (9) Swimming pools.
- (10) Tennis and badminton courts.
- (11) One boat dock per residence.
- (12) Uncovered boat slips/docks.

- (13) Covered boat slip only within town limits.
- (14) Customary home occupations.
- (15) Other accessory uses and structures customarily incidental to residential or other permitted principal uses when located on the same property.

**AMENDMENT TO ARTICLE X – DISTRICT REGULATIONS  
SECTION 18-183(g)(3)a.**

SECTION 18-183 – Residential highest density 1 (RHD-1) (g) *Dimensional requirements.* (3) Setbacks a.

SECTION 18-183 – RESIDENTIAL HIGHEST DENSITY 1 (RHD-1) (g) DIMENSIONAL REQUIREMENTS. (3) SETBACKS a. IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

(g) *Dimensional requirements.*

- (1) No building shall exceed 35 feet in height from the average existing natural grade.
- (2) Maximum impervious surface ratio of 50 percent.
- (3) Setbacks.
  - a. Waterfront or wetland setback: 50 feet from the MHWL, except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL the setback will be reduced to the same distance from the MHWL as the principal structure on an adjacent property which is setback the least from the MHWL. The setback may be, under any circumstances, reduced to 25 with BOA approval in special circumstances. For accessory structures the setback shall be 3 feet from the MHWL except no such accessory structure (excluding permitted docks and boathouses and structures designed to provide shade such as umbrellas, canopies or sun shades) will be greater in height above ground level than the greater of (i) 4 feet; or (ii) the lowest finished floor area of any principal structure on any adjacent parcel. The setback excludes manmade slips.
  - b. Side: eight feet.
  - c. In lots platted prior to June 10, 1991, the minimum side yard shall be ten percent of the total width, to a maximum of eight feet.
  - d. Front: 25 feet.
  - e. Rear: ten feet.
  - f. New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS**  
**SECTION 18-184(e)(3)**

SECTION 18-184 – Residential highest density 2 (RHD-2) (e) *Allowed accessory uses and structures.* (3).

SECTION 18-184 – RESIDENTIAL HIGHEST DENSITY 2 (RHD-2) (e) ALLOWED ACCESSORY USES AND STRUCTURES (3) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

(e) *Allowed accessory uses and structures.*

- (1) Attached private garages may be located in front of the principle residence structure.
- (2) Accessory structures may be placed in front of the primary residence structure if greater than 100 feet separate the front of the accessory from the front parcel line.
- (3) Accessory structures may not intrude upon any setback except the waterfront or wetland setback subject to the height restrictions set forth in subsection (g)(3) below.
- (4) Accessory structures must be architecturally consistent with the primary residential structure.
- (5) Private garages.
- (6) Uncovered boat slips.
- (7) Covered boat slip only within town limits.
- (8) One boat dock per residence.
- (9) Guest houses.
- (10) Tool sheds.
- (11) Greenhouses.
- (12) Swimming pools.
- (13) Tennis and badminton courts.
- (14) Customary home occupations.
- (15) Other accessory uses and structures customarily incidental to residential or other permitted principal uses when located on the same property.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS**  
**SECTION 18-184(g)(3)a.**

SECTION 18-184 – Residential highest density 2 (RHD-2) (g) *Dimensional requirements.* (3) Setbacks.

SECTION 18-184 – RESIDENTIAL HIGHEST DENSITY 2 (RHD-2) (g) DIMENSIONAL REQUIREMENTS (3) SETBACKS a. IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

(g) *Dimensional requirements.*

- (1) No building shall exceed 35 feet in height from the average existing natural grade.
- (2) Maximum impervious surface ratio of 50 percent.
- (3) Setbacks.
  - a. Waterfront or wetland setback: 50 feet from the MHWL, except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL the setback will be reduced to the same distance from the MHWL as the principal structure on an adjacent property which is setback the least from the MHWL. The setback may be, under any circumstances, reduced to 25 with BOA approval in special circumstances. For accessory structures the setback shall be 3 feet from the MHWL except no such accessory structure (excluding permitted docks and boathouses and structures designed to provide shade such as umbrellas, canopies or sun shades) will be greater in height above ground level than the greater of (i) 4 feet; or (ii) the lowest finished floor area of any principal structure on any adjacent parcel. The setback excludes manmade slips.
  - b. Side: eight feet.
  - c. In lots platted prior to June 10, 1991, the minimum side yard shall be 10 percent of the total width, to a maximum of 8 feet.
  - d. Front: 25 feet.
  - e. Rear: ten feet.
  - f. New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS  
SECTION 18-187(e)(3)**

SECTION 18-187 – Residential low density; RLD (e) *Allowed accessory uses and structures.* (3).

SECTION 18-187 – RESIDENTIAL LOW DENSITY; RLD (e) ALLOWED ACCESSORY USES AND STRUCTURES (3) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

(e) *Allowed accessory uses and structures.*

- (1) Attached private garages may be located in front of the principle residence structure.

- (2) Accessory structures may be placed in front of the primary residence structure if greater than 100 feet separate the front of the accessory from the front parcel line.
- (3) Accessory structures may not intrude upon any setback except the waterfront or wetland setback subject to the height restrictions set forth in subsection (g)(3) below.
- (4) Accessory structures must be architecturally consistent with the primary residential structure.
- (5) Private garages.
- (6) Guest houses.
- (7) Tool sheds.
- (8) Greenhouses.
- (9) Swimming pools.
- (10) Tennis and badminton courts.
- (11) Customary home occupations.
- (12) Other accessory uses and structures customarily incidental to residential or other permitted principal uses when located on the same property.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS  
SECTION 18-187(g)(3)a.**

SECTION 18-187 – Residential low density; RLD (g) *Allowed accessory uses and structures.* (3) Setbacks a.

SECTION 18-187 – RESIDENTIAL LOW DENSITY; RLD (g) ALLOWED ACCESSORY USES AND STRUCTURES (3) SETBACKS a. IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

(g) *Dimensional requirements.*

- (1) No building shall exceed 35 feet in height from the average existing natural grade.
- (2) Maximum impervious surface ratio 15 percent.
- (3) Setbacks.
  - a. Waterfront or wetland setback: 50 feet from the MHWL, except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL the setback will be reduced to the same distance from the MHWL as the principal structure on an adjacent property which is setback the least from the MHWL. The setback may be, under any circumstances, reduced to 25 with BOA approval in special circumstances. For

accessory structures the setback shall be 3 feet from the MHWL except no such accessory structure (excluding permitted docks and boathouses and structures designed to provide shade such as umbrellas, canopies or sun shades) will be greater in height above ground level than the greater of (i) 4 feet; or (ii) the lowest finished floor area of any principal structure on any adjacent parcel. The setback excludes manmade slips.

- b. Side: eight feet.
- c. Front: 25 feet.
- d. Rear: ten feet.
- e. New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.

**Section 2. 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 3. EFFECTIVE DATE OF INDEPENDENT QUESTIONS.** The code amendments shall become effective upon passage by the Town Council pursuant to Section 15 of the Town Charter and shall be incorporated into and become a part of the Town of Yankeetown Code of Ordinances.

**Section 4. REPEAL OF ORDINANCES IN CONFLICT.** Any portion of any ordinance in conflict with the Town of Yankeetown Charter, to the extent of such conflict, is hereby repealed and compliance is required with the Town of Yankeetown Charter as may be amended by the voters.

**FIRST HEARING HELD ON \_\_\_\_\_, 2024.**  
**SECOND HEARING HELD ON \_\_\_\_\_, 2024.**

**PASSED AND DULY ADOPTED**, with a quorum present and voting, this \_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays.

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

By: \_\_\_\_\_  
**ERIK ERKEL, Mayor of Yankeetown**

**ATTEST:**

By: \_\_\_\_\_



**WILLIAM ARY, Town Clerk**

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

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**NORM FUGATE, Town Attorney**