

TOWN OF YANKEETOWN

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE TOWN OF YANKEETOWN FLORIDA PROVIDING FOR ADOPTION OF AMENDMENTS TO THE TOWN OF YANKEETOWN COMPREHENSIVE PLAN; AMENDING SECTIONS 1.1.1.2.6; 1.1.1.2.7; 1.1.1.2.10; 1.1.2.6.2; TABLE 1-1A; POLICY 5.1.5.3; POLICY 5.1.5.4; POLICY 5.1.5.5; POLICY 5.1.5.7; POLICY 5.1.6.6; POLICY 5.1.6.7; POLICY 5.1.6.10; POLICY 10.1.1.2; 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 existing Comprehensive Plan is excessively uniform and/or restrictive with regard to waterfront setbacks and that the adoption of this Ordinance will provide for adjustment of setbacks 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 LAND DEVELOPMENT CODE AMENDMENTS AS FOLLOWS:

**CHAPTER 1 FUTURE LAND USE ELEMENT
POLICY 1.1.1.2**

SECTION 1.1.1.2.6 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.1.2:

1.1.1.2.6 Clearing of native vegetation for all development in all land use districts, including that for all non-habitable structures, is limited to the percentage of the total site as specified in the land use districts as impervious surface requirement. Clearing limitation calculations shall include that upland area used for pile-supported, nonhabitable structures such as docks, decks, dining areas and walkways. They shall not exceed 4 feet in width, and be constructed in accordance with OFW and Aquatic Preserve regulations.

SECTION 1.1.1.2.7 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.1.2:

1.1.1.2.7 Set back structures ~~50 feet~~ an appropriate distance from the Withlacoochee River, streams, creeks, and wetlands.

“Florida-friendly” shall mean native or naturalized vegetation that is non-invasive, conserves water, protects the environment, is drought tolerant and adaptable to local conditions. It promotes water conservation objectives as set forth in F.S. §373.185.

Maintain a buffer of native and/or Florida-friendly vegetation of ~~50 feet~~ an appropriate distance in all land use districts.

SECTION 1.1.1.2.10 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.1.2:

1.1.1.2.10 With the exception of construction of pile-supported structures, no filling of wetlands in Residential Environmentally Sensitive and Resource Protection land use districts shall be permitted. No filling of wetlands in all other land use districts shall be permitted unless a DEP permit and a beneficial use determination is obtained from the Board of Adjustment [See objective 1.1.11].

Only pile-supported, nonhabitable structures such as docks, decks, dining areas and walkways, ~~not exceeding 4 feet in width and constructed in accordance with OFW and Aquatic Preserve regulations~~, are allowed within wetlands without the beneficial use determination. However, any area used for this purpose shall not count towards fulfilling the open space requirement and shall be included in the impervious surface requirement of its respective land use district.

CHAPTER 1 FUTURE LAND USE ELEMENT
POLICY 1.1.2.6
Resource Protection land use district

SECTION 1.1.2.6.2 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.6:

1.1.2.6.2 No density is allowed other than one on-parcel caretaker residence for the Withlacoochee Gulf Preserve and no new development is permitted other than ~~pile supported~~ non-habitable structures and, if permitted by the Alachua Conservation Trust, restroom facilities, showers and camping platforms. All development shall utilize “low impact” development practices. No building shall exceed 35 feet in height from the average existing natural grade.

TABLE 1-1A LAND USE DENSITIES AND INTENSITIES IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

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 |
|----------------------------|--|--------------|--------------------------------|------------|---|--|
| Residential 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 <u>5</u> /50 | n/a |
| Residential Highest | 2 DU per Acre | 50 | 50 | 35 | 50 <u>5</u> /50 | n/a |
| Agriculture | 1 DU per 20 | 90 | 10 | 35 | 50/150 | n/a |
| Public use | N/A | 25 [9] | 75 [4] | 35 [3] | 50/50 | 5,000 sq. ft. 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 <u>5</u> /50 | .07 FAR & Table 1-1B with 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 <u>5</u> /50 | .07 FAR & Table 1-1B With Traffic Study 3,000 sq. ft. total structure [4] [7] [10] |
| Light Industrial | 0 [8] | 50 [9] | 50% | 35 | 50/50 | .07 FAR Table 1-1B 3,000 sq. ft. total structure |

[Note 1] Two (2) contiguous upland acres required as set forth in Policy 1.1.1.4.

[Note 2] No building shall exceed 35 feet in height from the average existing natural grade. Where base flood elevation is 18 feet or more, a building located on an island may exceed the height limit of 35 feet, but may not exceed a height limit of 25 feet higher than base flood elevation.

[Note 3] Public Use district policy excepts water storage tanks, telecommunication antennae, and utility transmission poles and lines from the height limitation.

[Note 4] Each bedroom shall be counted as a unit for density/intensity calculations. See policies for additional requirements

[Note 5] See standards as defined in Policy 1.1.1.2.6 and 1.1.1.2.10. [Structure setbacks are set forth in the Land Development Code.](#)

[Note 6] Transfer of Units. Owners of parcels of record in the Residential Environmentally Sensitive land use district, which have not been subdivided and have sufficient area to build in this district may build units in the DRRA above and beyond that permitted as-of-right at a ratio of 1:1.5 (1 unit in this district can be transferred to build 1.5 units in the DRRA). Once transferred, the right to build on the subject parcel is extinguished and shall be recorded as a conservation easement allowing the property owner of the subject parcel to reduce ad valorem tax burden on the subject parcel. The subject parcel may continue to be used for passive recreational uses only (one dock is an allowable use). Owners of lots or parcels of record in this land use district which do not have sufficient area to build may transfer one (1) unit to the DRRA at the same 1:1.5 ratio or file an application for a determination of vested rights or beneficial use. Once a Parcel of Record has been subdivided, development rights may no longer be transferred.

[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 the floor area ratio, 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 8] One (1) allowable single on parcel affordable workforce housing dwelling unit located above, below, or in the structure and directly supporting business operation if approved by the Board of Adjustment.

[Note 9] Where building size and parking space requirements would result in there being less than the allowable open space available the Board of Adjustment may allow up to 10% of the open space requirement to be made up of parking area that has a pervious surface.

[Note 10] Table 1-1B Acre = 43,560 square feet 1/2Acre= 21780

**CHAPTER 5 CONSERVATION AND COASTAL MANAGEMENT ELEMENT
POLICY 5.1.5.3**

POLICY 5.1.5.3 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 5.1.5.3:

Prohibit-Limit the removal of trees 4 inches or greater in diameter at breast height (DBH) within 25 feet of the mean high water line.

**CHAPTER 5 CONSERVATION AND COASTAL MANAGEMENT ELEMENT
POLICY 5.1.5.4**

POLICY 5.1.5.4 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 5.1.5.4:

Limit trimming of limbs of trees of 4 inches DBH located within 25 feet of the mean high water line to the lower 25% higher of (i) the lower 25% of the trunk; or (ii) 8 feet above ground level.

**CHAPTER 5 CONSERVATION AND COASTAL MANAGEMENT ELEMENT
POLICY 5.1.5.5**

POLICY 5.1.5.5 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 5.1.5.5:

Only pile-supported, nonhabitable structures such as docks, decks, dining areas and walkways, ~~not exceeding 4 feet in width and constructed in accordance with OFW and Aquatic Preserve regulations,~~ are allowed within wetlands without the beneficial use determination. However, any area used for this purpose shall not count towards fulfilling the open space requirement and shall be included in the impervious surface requirement of its respective land use district.

**CHAPTER 5 CONSERVATION AND COASTAL MANAGEMENT ELEMENT
POLICY 5.1.5.7**

POLICY 5.1.5.7 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 5.1.5.7:

With the exception of construction of pile supported structures, wetlands in Residential Environmentally Sensitive and Resource Protection land use districts shall not be filled. Wetlands in all other land use districts shall not be filled unless DEP approval and a beneficial use determination are obtained from the Board of Adjustment [See objective 1.1.11].

Only pile-supported, nonhabitable structures such as docks, decks, dining areas and walkways, ~~not exceeding 4 feet in width and constructed in accordance with OFW and Aquatic Preserve regulations,~~ are allowed within wetlands without the beneficial use determination. However, any area used for this purpose shall not count towards fulfilling the open space requirement and shall be included in the impervious surface requirement of its respective land use district.

CHAPTER 5 CONSERVATION AND COASTAL MANAGEMENT ELEMENT POLICY 5.1.6.6

POLICY 5.1.6.6 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 5.1.6.6:

Clearing of native vegetation for all development in all land use districts, including that for all non-habitable structures, is limited to the percentage of the total site as specified in the land use districts as impervious surface requirement.

Clearing limitations shall include that upland area used for ~~pile-supported,~~ nonhabitable structures such as docks, decks, dining areas and walkways. ~~They shall not exceed 4 feet in width, and be constructed in accordance with OFW and Aquatic Preserve regulations.~~

CHAPTER 5 CONSERVATION AND COASTAL MANAGEMENT ELEMENT POLICY 5.1.6.7

POLICY 5.1.6.7 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 5.1.6.7:

Structures shall be set back an appropriate distance ~~50 feet~~ from the Withlacoochee River, streams, creeks, and wetlands.

A buffer of native and/or Florida-friendly vegetation ~~of 50 feet~~ shall be maintained on all parcels and for a reasonable width or depth ~~in all land use districts.~~

~~Only pile-supported, nonhabitable structures such as docks and walkways that shall not exceed 4 feet in width, and constructed in accordance with OFW and Aquatic Preserve regulations are allowed within the 50-foot setback zone.~~

~~Only native and/or Florida-friendly vegetation shall be maintained under such pile-supported structures in the setback zone.~~

CHAPTER 5 CONSERVATION AND COASTAL MANAGEMENT ELEMENT

POLICY 5.1.6.10

POLICY 5.1.6.10 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 5.1.6.10:

Wetlands in Residential Environmentally Sensitive and Resource Protection land use districts shall not be filled. Wetlands in all other land use districts shall not be filled unless DEP approval and a beneficial use determination is obtained from the Board of Adjustment [See objective 1.1.11].

Only pile-supported, nonhabitable structures such as docks, decks, dining areas and walkways, ~~not exceeding 4 feet in width and constructed in accordance with OFW and Aquatic Preserve regulations,~~ are allowed within wetlands without the beneficial use determination. However, any area used for this purpose shall not count towards fulfilling the open space requirement and shall be included in the impervious surface requirement of its respective land use district.

CHAPTER 10 FISHERIES AND THE ECONOMY POLICY 10.1.1.2

POLICY 10.1.1.2 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 10.1.1.2:

The town shall adopt a coastal and riverine construction setback line (CSL) an appropriate distance ~~fifty (50) feet~~ landward of the mean high water line (MHWL) or ordinary high water line (OHWL) for all development. The area between the MHWL or OHWL and CSL shall be considered a Protection Zone for renewable fishery resources, scenic river maintenance, storm and flood impacts, and protection of property values.

- 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 _____, 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:**

NORM FUGATE, Town Attorney