

**TOWN OF YANKEETOWN
ORDINANCE NO. 2023-09**

**AN ORDINANCE OF THE TOWN OF YANKEETOWN, FLORIDA
AMENDING THE TOWN OF YANKEETOWN CODE OF ORDINANCES
RELATING TO LAND DEVELOPMENT; AMENDING THE
DEFINITION OF THE TERM “*SUBSTANTIAL IMPROVEMENT*”;
PROVIDING AN EFFECTIVE DATE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN
CONFLICT.**

WHEREAS, the Town Council of the Town of Yankeetown has the power to adopt and implement Land Development Regulations within the Town; and

WHEREAS, at the request of the Town Council, the Planning and Zoning Commission has reviewed and approved proposed amendments to Section 6-139, 12-9, and 12-455 of the Land Development Code; 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 ORDAINED BY THE YANKEETOWN
TOWN COUNCIL THAT THE CODE OF ORDINANCES OF THE TOWN IS
AMENDED, WITH ADDED LANGUAGE SHOWN AS UNDERLINED AND
REMOVED LANGUAGE SHOWN AS ~~STRIKETHROUGH~~, AS FOLLOWS:**

Section 1. Sec. 6-139.

Substantial improvement.

(1) The term "substantial improvement" means any repair, reconstruction, rehabilitation or improvement of a structure, where the actual cost of the improvement or repair of the structure to its pre-damage condition which equals or exceeds, over a ~~five-~~one year period, a cumulative total of 50 percent of the market value of the structure, either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged or is being restored, before the damage occurred.

The cumulative total cost does not include nonstructural interior finishings or roof coverings except when determining whether the structure has been substantially improved as a result of a single improvement or repair.

(2) For the purposes of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.

Section 2. Sec. 12-9.

Substantial improvement means any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a ~~five~~ one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The ~~five~~ one-year period begins on the date of first improvement or repair subsequent to the effective date of the ordinance from which this chapter is derived. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.

(2) Any alteration of an historic structure provided the alteration will not preclude the structure's continued designation as an historic structure.

Section 3. Sec. 12-455. (in part)

(1) Adopt a new local technical administrative amendment to state building code, building section 1612.2 as follows:

Substantial improvement.

Any combination of repair (excluding general routine maintenance), reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a ~~five~~ one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The ~~five~~ one-year period begins on the date of first improvement or repair subsequent to the effective date of the ordinance from which this section is derived. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.

Any alteration of an historic building structure, provided the alteration will not preclude the structure's continued designation as an historic structure.

(Also defined in FBC, B, section 1612.2.)

(2) Adopt a new local technical administrative amendment to state building code, existing building section 202 as follows:

Substantial improvement.

Any combination of repair (excluding general routine maintenance), reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a ~~five~~ one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The ~~five~~ one-year period begins on the date of first improvement or repair subsequent to the effective date of the ordinance from which this section is derived. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.

Any alteration of an historic structure, provided the alteration will not preclude the structure's continued designation as an historic structure.

(Also defined in FBC, B, section 1612.2.)

Section 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon passage by the Town Council.

Section 5. 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 6. REPEAL OF ORDINANCES IN CONFLICT. Any portion of any ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

FIRST HEARING HELD ON _____, 2023.

SECOND HEARING HELD ON _____, 2023.

PASSED AND DULY ADOPTED, with a quorum present and voting, this ____
day of _____, 2023, by a vote of ____ yeas and ____ nays.

TOWN OF YANKEETOWN, FLORIDA

By: _____
ERIC ERKEL, Mayor

ATTEST:

WILLIAM ARY, Town Clerk

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

NORM FUGATE, Town Attorney