

TOWN OF YANKEETOWN
ORDINANCE NO. 2024-09

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.1.; 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 Requirements. g. Setbacks. 1. Waterfront or wetland setback 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, ~~excluding manmade slips, or OHWL, except~~ that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL or OHWL the setback will be reduced to the same distance from the MHWL or OHWL as the principal structure on an adjacent property which is setback the least from the MHWL or OHWL. Regardless,

the setback may be reduced to 25 with BOA approval in special circumstances. For accessory structures the setback shall be 0 feet from the MHWL or OHWL 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 higher above ground level than the greater of (i) 4 feet; or (ii) the height of the lowest finished floor of any principal structure on any adjacent parcel.

**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 waterfront 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.*

.....

(10) Setbacks.

- a. Waterfront or wetland setback: 50 feet from the MHWL, ~~excluding manmade slips, or OHWL, except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL or OHWL the setback will be reduced to the same distance from the MHWL or OHWL as the principal structure on an adjacent property which is setback the least from the MHWL or OHWL.~~ Regardless, the setback may be reduced to 25 with BOA approval in special circumstances. For accessory structures the setback shall be 0 feet from the MHWL or OHWL 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 higher above ground level than the greater of (i) 4 feet; or (ii) the height of the lowest finished floor of any principal structure on any adjacent parcel.

**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.*

....

- (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.

**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.*

....

(3) Setbacks.

a.

Waterfront or wetland setback: 50 feet from the MHWL, ~~excluding manmade slips, or OHWL,~~ except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL or OHWL the setback will be reduced to the same distance from the MHWL or OHWL as the principal structure on an adjacent property which is setback the least from the MHWL or OHWL. Regardless, the setback may be reduced to 25 with BOA approval in special circumstances. For accessory structures the setback shall be 0 feet from the MHWL or OHWL 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 higher above ground level than the greater of (i) 4 feet; or (ii) the height of the lowest finished floor of any principal structure on any adjacent parcel.

**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.*

.....

- (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.

**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.*

.....

(3) Setbacks.

- a. Waterfront or wetland setback: 50 feet from the MHWL, ~~excluding manmade slips, or OHWL, except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL or OHWL the setback will be reduced to the same distance from the MHWL or OHWL as the principal structure on an adjacent property which is setback the least from the MHWL or OHWL. Regardless, the setback may be reduced to 25 with BOA approval in special circumstances. For accessory structures the setback shall be 0 feet from the MHWL or OHWL 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 higher above ground level than the greater of (i) 4 feet; or (ii) the height of the lowest finished floor of any principal structure on any adjacent parcel.~~

**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.*

....

- (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.

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.*

....

(3) Setbacks.

- a. Waterfront or wetland setback: 50 feet from the MHWL, ~~excluding manmade slips, or OHWL, except that if any adjacent parcels have a principal structure setback less than 50 feet from the MHWL or OHWL the setback will be reduced to the same distance from the MHWL or OHWL as the principal structure on an adjacent property which is setback the least from the MHWL or OHWL. Regardless, the setback may be reduced to 25 with BOA approval in special circumstances. For accessory structures the setback shall be 0 feet from the MHWL or OHWL 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 higher above ground level than the greater of (i) 4 feet; or (ii) the height of the lowest finished floor of any principal structure on any adjacent parcel.~~

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:**

NORM FUGATE, Town Attorney