

**TOWN OF YANKEETOWN
ORDINANCE NO. 2024-11**

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)e.; SECTION 18-181(g)(8); Section 18-182(g)(6); SECTION 18-183(g)(1); SECTION 18-184(g)(1); SECTION 18-185(e)(1); SECTION 18-186(g)(1); SECTION 18-187(g)(1); SECTION 18-190(g)(1) and (2) and Section 18-191(g)(1).; 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 PROVING FOR APPROVAL BY REFERENDUM.

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 height restrictions 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)e.; 18-181(g)(8); 18-182(g)(6); 18-183(g)(1); 18-184(g)(1); 18-185(e)(1); 18-186(g)(1); 18-187(g)(1); 18-190(g)(1) and (2) and 18-191(g)(1)**

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. e.

SECTION 18-180 – Commercial neighborhood; CN (d) Conditional uses. (15) Dimensional requirements. e. **HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):**

e. Maximum height is 35 feet above ~~average existing natural grade~~ base flood elevation.

AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-181(g)(8)

SECTION 18-181– Commercial water dependent; CWD (g) *Dimensional requirements.* (8)

SECTION 18-181 – Commercial waterfront dependent; CWD (g) *Dimensional requirements.* (8) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

(8) Maximum height is 35 feet above ~~average existing natural grade~~ base flood elevation.

AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-182(g)(6)

SECTION 18-182 – Light Industrial; LI (g) *Dimensional requirements.* (6)

SECTION 18-182 – Light Industrial (g) *Dimensional requirements.* (6) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

- (6) No building shall exceed 35 feet in height ~~from the average existing natural grade,~~ above base flood elevation, except for allowed radio, cell phone, and television transmission towers. These facilities shall require review and approval as conditional uses by the BOA, which shall consider and determine that the location is appropriate and its height is no more than necessary to carry out its function.

AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-183(g)(1)

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

SECTION 18-183 – Residential highest density 1 (RHD-1) (g) *Dimensional requirements.* (1) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

- (1) No building shall exceed 35 feet in height ~~from the average existing natural grade,~~ above base flood elevation.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-184(g)(1)**

SECTION 18-184 – Residential highest density 2 (RHD-2) (g) *Dimensional requirements.* (1).

SECTION 18-184 – Residential highest density 2 (RHD-2) (g) *Dimensional requirements.* (1) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

- (1) No building shall exceed 35 feet in height ~~from the average existing natural grade,~~ above base flood elevation.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-185(g)(1)**

SECTION 18-185 – Agriculture; A (g) *Dimensional requirements.* (1).

SECTION 18-185 – Agriculture; A (e) *Dimensional requirements.* (1) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

- (1) No building shall exceed 35 feet in height ~~from the average existing natural grade,~~ above base flood elevation

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-186(g)(1)**

SECTION 18-186 – Resource Protection; RP (g) *Dimensional requirements.* (1).

SECTION 18-186 – Resource Protection; RP (e) *Dimensional requirements.* (1) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

- (1) No building shall exceed 35 feet in height ~~from the average existing natural grade,~~ above base flood elevation.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-187(g)(1)**

SECTION 18-187 – Residential low density; RLD (g) *Dimensional requirements.* (1).

SECTION 18-187 – Residential low density; RLD (e) *Dimensional requirements.* (1) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

- (1) No building shall exceed 35 feet in height ~~from the average existing natural grade,~~ above base flood elevation.

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-190(g)(1) and (2)**

SECTION 18-190 – Residentially environmentally sensitive; RES (g) *Dimensional requirements.* (1) and (2).

SECTION 18-190 – Residentially environmentally sensitive; RES (g) *Dimensional requirements.* (1) and (2) ARE HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

- (1) No building shall exceed 35 feet in height ~~from the average existing natural grade,~~ above base flood elevation.
- (2) ~~Where base flood elevation is 18 feet or more, a building located on an island may exceed the height limit of 25 feet, but may not exceed a height limit of 25 feet above base flood elevation.~~
[Intentionally omitted]

**AMENDMENT TO ARTICLE X. – DISTRICT REGULATIONS
SECTION 18-191(g)(1)**

SECTION 18-191 – Public Use; PU (g) *Dimensional requirements.* (1)

SECTION 18-191 – Public Use; PU (g) *Dimensional requirements* (1) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

- (1) No building shall exceed 35 feet in height ~~from the average existing natural grade,~~ above base flood elevation, except for certain nonhabitable public facility structures that, due to their intrinsic nature, may require heights exceeding the specified limit.

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 Land Development Code 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 Code of Ordinances .
- Section 7. Referendum Prior to Effect.** Pursuant to Section 10 of the Yankeetown Charter "No amendment or variance to the Town of Yankeetown Comprehensive Plan or chapter 18, Land Development Code, Yankeetown Code of Ordinances providing for an increase in the allowable "building height" (as defined by chapter 18, Land Development Code, Yankeetown Code of Ordinances) of any "building" (as defined by chapter 18, Land Development Code, Yankeetown Code of Ordinances) shall be adopted by the town council or height variance approved by the board of adjustment, except for reconstruction of a structure that was substantially damaged by fire, wind, flood or other natural disaster, until such amendment or variance is submitted to a vote of the electors by referendum as provided by Florida Statute section 166.031 or by the town Charter of Yankeetown and pursuant to Section 18-72 of the Town of Yankeetown Land Development Code "No amendment or variance to the town comprehensive plan or this LDC providing for an increase in the allowable building height of any building shall be adopted by the town council or height variance approved by the board of adjustment, except for reconstruction of a structure that was substantially damaged by fire, wind, flood or other natural disaster, until such amendment or variance is submitted to a vote of the electors by referendum."
- Section 8. Effective Date.** The amendments set forth herein shall not become effective until the Town Clerk certifies approval of the same by majority vote of those casting votes in the referendum referenced in Section 7.

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