

**TOWN OF YANKEETOWN**

**ORDINANCE NO. 2024-10**

**AN ORDINANCE OF THE TOWN OF YANKEETOWN FLORIDA PROVIDING FOR ADOPTION OF AMENDMENTS TO THE TOWN OF YANKEETOWN COMPREHENSIVE PLAN; AMENDING SECTIONS 1.1.2.1.5; 1.1.2.2.2; 1.1.2.3.2.; 1.1.2.4.2; 1.1.2.5.3; 1.1.2.6.2; 1.1.2.7.4; 1.1.2.8.5; 1.1.2.9.4; Table 1-1A and [Note 2] thereof 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 height restriction and that the adoption of this Ordinance will provide for flexibility in height restrictions 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 1.1.2.1**

**Residential Environmentally Sensitive land use district**

SECTION 1.1.2.1.5 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.1.5:

- 1.1.2.1.5 **No re-plats, vacation of plats, or new subdivision plats or divisions of parcels of record shall be permitted unless each parcel created complies with the requirement of a minimum of 10 gross acres with five (5) acres of Uplands within each parcel. The boundary line of Parcels of Record may, however, be adjusted so long as such adjustment does not increase the total number of Parcels of Record and so long as each resulting new Parcel of Record has at least two (2) contiguous acres of Upland.**

No building shall exceed the greater of (i) 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 or (ii) 25 feet above base flood elevation.~~

**CHAPTER 1 FUTURE LAND USE ELEMENT  
POLICY 1.1.2.2  
Residential Low Density land use district**

SECTION 1.1.2.2.2 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.2.2:

1.1.2.2.2 **Maximum density is one dwelling unit per five upland acres. No building shall exceed the greater of (i) 35 feet in height from the average existing natural grade or (ii) 25 feet above base flood elevation.**

**CHAPTER 1 FUTURE LAND USE ELEMENT  
POLICY 1.1.2.3  
Residential Highest Density land use district**

SECTION 1.1.2.3.2 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.3.2:

1.1.2.3.2. **The maximum density is two dwelling units per acre. However, all lawfully established parcels of record located in this land use district shall be entitled to one dwelling unit regardless of parcel size. “Low impact” development practices for storm water management are required. No building shall exceed the greater of (i) 35 feet in height from the average existing natural grade or (ii) 25 feet above base flood elevation.**

**CHAPTER 1 FUTURE LAND USE ELEMENT  
POLICY 1.1.2.4  
Agriculture land use district**

SECTION 1.1.2.4.2 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.4.2

1.1.2.4.2 **Maximum density is 1 dwelling unit per 20 acres. No building shall exceed the greater of (i) 35 feet in height from the average existing natural grade or (ii) 25 feet above base flood elevation.**

**CHAPTER 1 FUTURE LAND USE ELEMENT  
POLICY 1.1.2.5  
Public land use district**

SECTION 1.1.2.5.3 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.5.3 **Maximum density is 1 dwelling unit per 20 acres. No building shall exceed the greater of (i) 35 feet in height from the average existing natural grade or (ii) 25 feet above base flood elevation, except for certain non-habitable public facility structures that due to their intrinsic nature, may require heights exceeding the specified limit. These include but are not limited to water storage tanks, telecommunication antennae, and utility transmission poles and lines. These facilities shall require review and approval as special exceptions by the Board of Adjustment that shall consider and determine that the location is appropriate and its height is no more than necessary to carry out its function.**

**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 1.1.2.6.2 **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. All development shall utilize “low impact” development practices. No building shall exceed the greater of (i) 35 feet in height from the average existing natural grade or (ii) 25 feet above base flood elevation.**

**CHAPTER 1 FUTURE LAND USE ELEMENT  
POLICY 1.1.2.7  
Neighborhood Commercial land use district**

SECTION 1.1.2.7.4 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.7.4 **No building shall exceed the greater of (i) 35 feet in height from the average existing natural grade or (ii) 25 feet above base flood elevation.**

**CHAPTER 1 FUTURE LAND USE ELEMENT  
POLICY 1.1.2.8  
Commercial Water-Dependent land use district**

SECTION 1.1.2.8.5 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.8.5 **No building shall exceed the greater of (i) 35 feet in height from the average existing natural grade or (ii) 25 feet above base flood elevation.**

**CHAPTER 1 FUTURE LAND USE ELEMENT  
POLICY 1.1.2.9  
Light Industrial land use district**

SECTION 1.1.2.9.4 IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE (NEW TEXT IS UNDERLINED; DELETED TEXT IS LINED THROUGH):

[PROPOSED] Policy 1.1.2.9.4 **No building shall exceed the greater of (i) 35 feet in height from the average existing natural grade or (ii) 25 feet above base flood elevation,** except for utility transmission poles and lines.

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	[2]	50/50	n/a

Residential Highest	2 DU per Acre	50	50	[2]	50/50	n/a
Agriculture	1 DU per 20	90	10	[2]	50/150	n/a
Public use	N/A	25 [9]	75 [4]	[2] [3]	50/50	5,000 sq. ft. total structure
Resource Protection	N/A	100		[2]	50/150	n/a
Neighborhood Commercial	4 bedrooms per acre [4] [8]	50 [9]	50	[2]	50/50	.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%	[2]	50/50	.07 FAR & Table 1-1B With Traffic Study 3,000 sq. ft. total structure [4] [7] [10]
Light Industrial	0 [8]	50 [9]	50%	[2]	50/50	.07 FAR Table 1-1B 3,000 sq. ft. total structure [4]

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

[Note 2] No building shall exceed the greater of (i) 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 or (ii) 25 feet above 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.

[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 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

- 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