

**SPECIAL MEETING
JOINT WORKSHOP WITH THE CITY COMMISSION AND PLANNING & ZONING BOARD
CITY OF APALACHICOLA, FLORIDA
TUESDAY, MARCH 2, 2021 – 5:00 PM
APALACHICOLA COMMUNITY CENTER
#1 BAY AVENUE
APALACHICOLA, FLORIDA**

AGENDA

You are welcome to speak or comment on any matter under consideration by the Apalachicola Board of City Commissioners when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the five minute time limit for public comment.

- I. Call to Order
- II. Joint Workshop with Planning Board – Fence Ordinance
- III. Adjournment

Any person who desires to appeal any decision at this meeting will need a record of the proceeding and for this purpose, may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 48 hours in advance of the meeting.

**PROPOSED AMENDMENT OF
FENCE, WALL, YARD, SETBACK, AND SITE PLAN REGULATIONS**

Underlining denotes addition; strikethrough denotes deletion to existing Land Development Code requirements.

Source of the existing regulations is Municode's website (recodified Code adopted in Ordinance 2020-04).

Proposed amendment:

- Includes fence and wall revisions that the Planning and Zoning Board had workshopped on four occasions (one in 2014 and three in 2017) but did not follow through to adoption because of higher priorities and departure of City's planner. ○ Following the Board's November 9, 2020, workshop:
 - In the definition of corner lot, clarified that yards other than front yards are side and rear yards.
 - Revised definitions of front, rear, and side yards to consistently use other defined terms in their descriptions.
 - Required that 4-foot high, front-yard fences in residential areas outside the Historic District must be open-design.
 - Specified where 4-foot and 6-foot high fences are allowed on a lot.
 - Because fences and walls can be located in the required open spaces around principal structures, revised related yard (front, rear, and side) and setback (building setback and building setback lines) definitions so that all are in agreement.
- Deletes the site plan regulations in the historic preservation chapter (Sections 109-46 through -51) because they repeat the site plan regulations in the land use chapter (Sections 111-1 through -7), which apply to both nonhistoric and historic properties.
- Incorporates Tree Ordinance requirements for a site plan map showing protected tree locations (Ordinance 2018-07), which inadvertently was deleted by stormwater and fill ordinance (Ordinance 2020-03).

Dra\$ – December 14, 2020 – PZB workshop

PART II – CODE

SUBPART B – LAND DEVELOPMENT CODE

CHAPTER 111 – LAND USE

ARTICLE III - ZONING

DIVISION 4. - SUPPLEMENTARY REGULATIONS

Sec. 111-288. - In general.

- (a) Corner lots in residential districts are planned in such a manner as to change the normal yard pattern along either of the intersecting streets. The required front yard shall be provided across the end of the lot fronting on the street, and a yard measuring not less than 15 feet from the lot line shall be provided along the full length of the lot on the side toward the intersecting street. No portion of any principal or accessory building shall encroach upon the minimum setbacks of either the front or side yard fronting a street.
- (b) Visibility at intersections in residential districts. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such manner as to materially impede vision between a height of two and one-half (2½) feet (thirty (30) inches) and ten (10) feet (one hundred twenty (120) inches) above the centerline grade of the intersecting street in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

(e) Fences.

(1) Requirements applying to all zoning districts and the Historic District.

- a. Application for approval of any new fence or material alteration of an existing fence must be made in the same manner as for authorization of a building permit with a full description of materials to be used and dimensions and placements clearly stated on the plans.
- b. Notwithstanding other sections of this code, fences, walls, hedges, landscaped berms, and minor structures such as lampposts (standards) and permanent flagpoles may be allowed in any district subject to approval and issuance of a building permit.
- c. Fences shall be erected on the lot of the applicant and shall not extend into a public right-of-way. Fences may be erected within the required setback area (i.e., area between the front, side, and rear property lot lines and the front, side, and rear setback lines).
- d. A fence may abut but shall not be located on any property line.
- e. Fencing shall be constructed so that the finished face is toward the public right-of-way (e.g., street or alley).

(2) All residential districts.

- a. Height, location, and design.

- 1. If there are located utility electrical transformer banks, water towers or other facilities owned or leased by a public utility in residential zones which require the fencing of such for safety precautions, the utilities shall erect fences at least six (6) feet (seventy-two (72) inches) in height around them.

2. No fence or wall in excess of four (4) feet (forty-eight (48) inches) in height shall be allowed in the front yard (for corner lots, the two sides of the lot paralleling the two streets).
3. As required in section 11-288(b), front-yard fences on corner lots may not exceed two and one-half (2½) feet (thirty (30) inches) in height within 50 feet of the intersecting streets.
4. A fence extending from the side of a principal structure to the side lot line shall attach to the structure no closer to the front lot line than where the facade (not including any covered front porch, uncovered porch, uncovered steps, and uncovered balconies) is located. These fences shall not exceed four (4) feet (forty-eight (48) inches) in height.
5. Front yard fences and fences extending from the side of a principal structure to the side lot lines shall be open-design (e.g., wood picket, metal picket, or combination of masonry and picket).
6. No fence or wall in excess of six (6) feet (seventy-two (72) inches) in height shall be allowed in side and rear yards. These fences may begin from the rear of the principal structure facade. Open-design and solid fences are allowed.

(3) Historic District.

- a. Fences in the Historic District are subject to review by the Architectural Review Board as part of the permitting process.
- b. Fences are important elements of the design and character of historic structures and the Historic District. The scale and character of fences, posts and gates must be compatible with the building they are associated with and neighboring structures.
- c. Within the Historic District, chain link fences abutting a playground or a court devoted to handball, paddle ball, tennis, basketball or similar sports constitute a permissible use.
- d. Traditional historic fencing materials, including wood board pickets, wrought iron, concrete and stone posts, brick, wire (but not chain link) and combinations of these materials, are allowed. New continuous concrete walls and new chain link fences are not allowed. Vinyl is discouraged, but, if a vinyl fence is proposed, it must be shown to be compatible with the building on the property with which it is associated and with other buildings in the Historic District, particularly with historic buildings, squares and places to which it is visually related.

SUBPART B – LAND DEVELOPMENT CODE

Chapter 101 - GENERAL AND ADMINISTRATIVE PROVISIONS

ARTICLE I. - IN GENERAL

Sec. 101-8. - Definitions.

Building setback means the minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or sides of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining building setback when the interior common lot line is straddled by the principal structure.

Building setback lines means imaginary lines across the property, defined in each district by the setback requirement on which the front, rear or side walls of a building may be built. For the purpose of measuring, setbacks shall be determined by measuring from any vertical support of a covered roof section to the nearest point of the lot line.

Fence - A manmade structure erected for separation, security or privacy purposes through the means of intermittent posts supporting vertical or horizontal members.

Lot, corner, means a lot abutting two or more streets at their intersection or at a street corner having an interior angle not greater than 135 degrees. (All boundaries abutting streets shall be considered front yards, and all other boundaries shall be considered side and rear yards.) *Setback* means the distance between the lot line and the building setback line.

Setback line. See *Building setback lines*.

Yard, front, means a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches.

Yard, rear, means a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front of the principal building.

Yard, side, means a yard between the principal building and the side lot line extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection thereof.

Wall- When used in the context of yards, a brick, stone, or masonry structure that surrounds an area or separates one area from another.

Chapter 111 - LAND USE

ARTICLE I. - IN GENERAL

Sec. 111-6. - Site plan requirements.

(b) Site plans shall contain maps and documents indicating:

(1) *General Information.*

m. Protected trees. A map of sufficient scale to clearly show the locations of lot boundaries; footprints of existing and proposed structures and improvements; species and size (Inches diameter breast height) of existing protected trees; and which of these trees are proposed to be removed, relocated, or substantially altered.