

## **IV ZONING DISTRICTS AND REGULATIONS**

### **A. ESTABLISHING DISTRICT**

The City of Apalachicola is hereby divided into zones, or districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby declared to be part of this code.

The official zoning map shall be identified by the signature of the mayor, attested by the City Clerk, and bearing the seal of the City of Apalachicola under the following words: "This is to certify that this is the official zoning map referred to in Section IV of the Land Development Code of the City of Apalachicola, Florida," with the date of adoption of this development code.

If, in accordance with the provisions of this Code and Chapter 163, Florida Statutes, changes made in district boundaries or other matter portrayed on the official zoning map shall be made promptly after amendments have been approved by the city commission, together with an entry as follows: "On (date), by official action of the City Commission the following changes were made in the Official Zoning Map: (brief description of nature of change): which entry shall be signed by the mayor and attested by the City Clerk. No amendment to the code, which involves matter portrayed on the official zoning map, shall become effective until after such change and entry has been made on said map.

No changes shall be made in the official zoning map or in any matter shown thereon in any manner or by any person or persons except pursuant to the procedures set forth in this code, and any unauthorized change by any person or persons whatever shall be considered to be a violation of this code, punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment of not more than thirty (30) days, or both.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map in the office of the City Clerk shall be the final authority as to current zoning status of lands, buildings and other structures in the City of Apalachicola.

### **B. RULES FOR INTERPRETING BOUNDARIES**

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated, as approximately following centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated, as approximately following platted lot lines shall be construed as following lot lines.
3. Boundaries indicated, as approximately following city limits shall be construed as following city limits.

4. Boundaries indicated as parallel to or extensions of features indicated in items (1) through (3) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
5. Where the street or property layout existing on the ground is at variance with that shown on the official zoning map, or in other circumstances not covered by the rules above, the Board of Adjustment shall interpret the district boundaries.

C. Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises.

Within the districts established by this code or amendments hereof there exist lots, structures, and uses of land and structures which would be prohibited under the terms of this code or amendment hereof.

It is the intent of this code to permit these nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival, since it has been determined that such uses are not compatible with other uses in the districts involved. It is not the intent of this code to permit nonconformities to be enlarged upon, expanded or extended, nor shall existing nonconformities be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses applies to structures and uses of structures and land as they apply to zoning districts and standards stated in the zoning element of this code; and is not to be interpreted as being subject to Section V, Historic Preservation Element of this code.

Thus a nonconforming use of a structure and/or land shall not be extended or enlarged after passage of this code by attachment of additional signs to a building, or by the addition of the other uses, if such additions are of nature which would be prohibited generally in this district involved.

To avoid undue hardship, nothing in this code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this code or amendment hereto and upon which actual building construction has been diligently carried on. Actual construction materials in their permanent position, fastened in a permanent manner; except that where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction work shall be diligently carried on until the completion of the building involved.

Notwithstanding limitations imposed by other provisions of this code in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on a single lot of record at the time of passage or amendment of this code, if such lot is in separate ownership and not of continuous frontage with other lots in the same ownership, even though such lot fails to meet the requirements for area and/or with generally applicable in the district, provided that yard dimensions and other requirements not involving area and/or width of lot shall conform to the regulations for the district in which such lot is located.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this code, and if all or part of the lots do not meet the requirements for lot width and area as established by this code, the lands involved shall be considered to be an undivided parcel for the purposes of this code, and no portion of said parcel shall be used or sold for the purpose of development which does not meet lot width and area requirements established by this code nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements herein.

Where use of land exists at the time of passage or amendment of this code, which is made no longer permissible under the terms of this code as enacted or amended, such use may be continued so long it remains otherwise lawful to the following provisions:

1. No such nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time of adoption or amendment of this code.
2. No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the time of adoption or amendment of this code.
3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by the code for the district in which such land is located.

If a use of a structure, or of structure and premises in combination, exists at time of passage or amendment of this code, the use may be continued so long as it remains otherwise subject to the following provisions:

1. No existing structure devoted to a use not permitted by this code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in district in which it is located.
2. Any nonconforming use of a structure may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this code, but no such use shall be extended to occupy land outside such building.
3. If no structure alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or on findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards.
4. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform

to the regulations for the district in which the structure is located, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which located.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Repairs and maintenance on any building devoted in whole or in part to any nonconforming use may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) per cent of the latest assessed valuation of the building, providing that the cubical contents of the building as it existed at the time of passage or amendment of this code shall not be increased.

Uses under special exception provisions are not nonconforming uses. Any uses for which a special exception is required, or for which a special permit may be granted as provided in this code in any district in which such use is provisionally permitted subject to special permits, shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

D. District Regulations

District regulations comprise those in the schedule of district regulations, hereby declared to be part of this code, and in paragraph E of the code, entitled "Supplementary Regulations."

E. Supplementary Regulations

1. Corner lots in residential districts are platted 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 fifteen (15) feet from the street line, shall be provided along the full length of the lot on the side toward the intersecting street. No portion of any main or accessory building shall encroach upon the latter yard.
2. 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 materially to impede vision between a height of two and a half (2 ½) and ten (10) feet above the center line 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 fifty (50) feet from the point of the intersection.

3. Garages for sales, storage, repairs, and/or services: Service Stations: Sales lot for new or used motor vehicles: Parking lots and similar uses. The following limitations shall apply to commercial structures and uses involving the sale, storage, service, or repair of motor vehicles:
  - a. No public street, parking, sidewalk or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal permitted parking by individual private owners or operators of such vehicles.
  - b. No operation in connection with such establishments shall be conducted in a manner, which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.
  - c. All motor vehicles being handles, stored or repaired by such operations shall be maintained in such conditions that they may be moved under their own power at any time except such vehicles as may be stored or under repair in garages or other buildings as provided below.
  - d. No repair of motor vehicles or parts thereof shall be made except within garages, service stations, body shop, or other enclosed buildings, provided for such purposes, and no storage of parts of motor vehicles shall be other than in an enclosed building.
  - e. No permit shall be issued for the erection of a garage for storage of more than five (5) motor vehicles, or for service stations, or for conversion to such purposes of any premises not so used, on any portion of any lot portion of any lot or plot on which is located a school, a church, a theater or auditorium containing one hundred (100) or more seats, a public library, or a hospital or sanitarium.
4. Fences walls and hedges. Notwithstanding other provisions of this code, fences, walls, and hedges may be permitted in any required yard, or along the edge of any wall; provided however, that no fence, wall or hedge along the sides or front edge of any front yard shall be of such type and/or heights as to block vision required for safety of traffic over two and one-half (2 ½) feet in height.
5. No permit shall be issued for any tavern, bar, lounge, or package store not associated with an eating establishment as defined in Florida Statutes; Chapter 561.20 (3), where such a tavern, bar, lounge or package store will be located within five hundred (500) feet of any portion of any lot or plot on which is located a school or church. No tavern, bar, lounge, or package store shall be located within two hundred (200) feet of any residential district, R-1, R-2, or R-3 except as an approved special exception by the Planning and Zoning Commission after one (1) public hearing.

6. District Overlay – In the event that two or more separate provisions of this code indicate conflicting regulations or standards (Historic District, Zoning District, Waterfront Review Zone), the highest and most restrictive regulation and/or standard shall govern.
7. Waterfront and adjacent area special review requirements. Special requirements for structures, facilities, and uses of land adjacent to the waterfront. (River and Bay including creeks and waterways joining these – See map entitled: Special Waterfront Area).
  - a. All housing and other structures within this Waterfront Area shall be connected to the City’s Central Sewer System.
  - b. All plans for development with the “Waterfront Area” shall assure:
    - i. That the basic functions and productivity of the Apalachicola Bay Area’s natural land and water systems will be conserved to reduce or avoid health, safety, and economic problems for present and future residents of the Apalachicola Bay Area.
      1. Wetlands will be preserved and protected.
      2. Where alterations of wetlands are necessary in order to allow reasonable use of property, either the restoration of the disturbed wetlands will be provided or additional wetlands will be created at a 4:1 ratio to mitigate any wetland destruction. All approved mitigation shall be required to demonstrate, through appropriate monitoring and reporting by the project’s developer, at least an 85% planting survival rate for wetland areas created/augmented during mitigation, for a period at least two years for herbaceous wetland communities, and for at least five years for forested wetland communities.
    - ii. Land development shall be consistent with a safe environment, adequate community facilities, and a desire to minimize environmental hazards.
    - iii. No wastes shall be discharged into any waters of the Apalachicola Bay Area without first being given the degree of treatment necessary to fully protect, and/or improve the present water quality adjoining this area.
  - c. All development within the Special Waterfront District shall comply with Section VII, Site Plan Approval, and Section VIII, Storm water Management Plans, of this code. The storm water management plan will prohibit the use of herbicides in the Special Waterfront District.
  - d. The bulk storage of hazardous materials, as defined by the Federal Environmental Protection Agency (EPA) Schedule 40 CFR Part 261, Subparts C and D, is a specifically excluded use within the “Waterfront Area.” For the purposes of this section, bulk storage is defined as more than 100 kilograms (220 pounds) of EPA listed hazardous materials, and more than one kilogram (2.2 pounds), or EPA listed acutely hazardous materials. In general, every effort should

be made to secure small amounts of these materials, as well as common, less hazardous, chemicals and substances, from release into the environment.

- e. The storage and dispensing of petroleum products with the “Waterfront District” is a permitted use under applicable Department of Environmental Regulation (DER) Rules pursuant to Chapter 17.61 Florida Statutes, and applicable Federal regulations.
  - f. The use of natural vegetation erosion control structures is encouraged and preferred to the construction of rigid shore protection structures (seawalls, bulkheads, revetments, etc.) The construction of vertical seawalls, bulkheads, revetments, etc.) The constructions of vertical seawalls without armoring (rip rap, sandbags) on the water ward face are prohibited on natural water bodies.
  - g. The alteration, other than approved maintenance, of mosquito ditches is prohibited.
8. Parking Requirements
- a. Off-Street Parking – Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served. Parking for disabled persons shall be provided pursuant to s.316.1956 F.S.
  - b. Definition of Off-Street Parking – There shall be provided at the time of the erection of any principal building or structure parking space with adequate provisions for ingress and egress no less than the following space requirements (when calculating the required number of parking spaces, fractional numbers of spaces go to the next whole number):
    - 1. Dwelling – One (1) parking space for each dwelling unit or room for rent.
    - 2. Offices, Studios, and Financial Institutions: One (1) off-street parking space for each 2 persons at work on peak shifts, plus one (1) for each 500 sq. ft. of floor space open to the public.
    - 3. Retail Establishments – One (1) off-street parking space for each two persons at work on peak shifts, plus two (2) for the first 1,000 sq. ft. of floor space devoted to merchandising plus two (2) for each additional 300 sq. ft. used.
    - 4. Eating and/or Drinking Establishments – (1) offshore parking space for each 2 persons at work on peak shifts, plus one (1) for each 2 tables for service, plus one (1) for each 4 stools at service counter.
    - 5. Child Care Centers – One (1) off-street parking space for each 2 persons at work on peak shifts, plus one (1) for each 500 sq. ft. of floor space, plus adequate provisions for the loading and unloading of children off of the public right-of-way, subject to site plan approval.
    - 6. Marinas – One (1) off-street parking space for each wet slip, plus one (1) off-street parking space for every 3 dry slips.
    - 7. All Other Permitted Uses and Structures – One (1) off-street parking space for each 2 persons at work on peak shifts, plus

additional spaces as determined by the Planning and Zoning Commission.

- c. Location of Off-Street parking – Required off-street parking will be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure.
- d. On-Street Parking – For businesses in the downtown area existing at the time of enactment of this ordinance, on street parking equivalent to the schedule above will be provided. Where necessary, parking arrangements may be made on an intermittent basis with other, neighboring businesses.
- e. Where a parking lot does not abut on a public or private street, alley, or easement of access, there shall be provided an access drive not less than ten (10) feet in width in the case of a dwelling and not less than eighteen (18) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such a manner as to secure the most appropriate development of the property in question. Parking spaces shall be a minimum of 10 ft. by 20 ft. and access aisles shall be a minimum of 18 ft. in width.
- f. Every parcel of land used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
  - 1. No part of any parking area shall be closer than five feet to any established road right-of-way or alley line. In case the parking area adjoins a residential district, it shall be set back at least five (5) feet from the residential district boundary and shall be effectively screened with landscaping, fence, wall or other approved materials.
  - 2. Any off-street parking area, including any commercial parking lot, for more than five vehicles shall be so gadded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of vehicles.
  - 3. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any residential district as well as to eliminate driving nuisance and highway safety hazards.
  - 4. Any commercial parking area shall require a Department of Environmental Regulation storm water permit before a city development permit can be issued.
- g. Off-Street Loading and Unload – In addition to the required off-street parking spaces, adequate off-street loading space, as determined by the Building Inspector, shall be provided so that no part of any commercial vehicle shall encroach or park upon any street, alley, sidewalk or public way during loading, unloading or servicing operations.

9. Endangered, threatened, or species of special concern's habitats and nesting areas shall not be altered or disturbed. Appropriate state and federal guidelines concerning regulations, setbacks, lighting, etc. will be followed at all times.
10. All development shall be required to connect to the city water and sewer system where and when it is available.
11. All septic tanks and drain fields shall be set back at least 75 feet from waters or wetlands of the state of Florida.

F. **SCHEDULE OF FEES, CHARGE AND EXPENSES.**

The City Commission has established a schedule for fees, charges and expenses, and a collection procedure, for building permits, appeals, rezoning requests, site plan review, storm water management plan review and similar matters. This schedule of fees shall be available in the City Building Inspectors Office and may be altered or amended only by the City Commission.

The building permit fee schedule is found on page 372, Section 6-2 Code of Ordinance for the City of Apalachicola. All other fees are as follows:

1. Requests for Rezoning \$100.00
2. Requests for Variance & Special Exceptions \$75  
(\$100.00 amended)
3. Site Plan Review
4. Sign Permit \$500. (Amended – See Sign regulations)

No permit, certificate, exception or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

G. **PENALTIES**

Any person who shall violate any of the provisions of this code or fail to comply with any of its requirements, or build or alter any building or structure contrary to intent expressed or approved, or without obtaining the required permits and certificates, or use any land, building or other structure in a manner prohibited by this code, shall upon conviction thereof, be fined not more than five hundred (\$500.00) dollars, or imprisoned for not more than sixty (60) days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continued shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, any architect, building, contractor, agent, or other person who commits, takes part in, assists in, or maintains such violation shall each be guilty of a separate offense and suffer the penalties herein provided.

Every violation of this code shall constitute a misdemeanor and be punishable as such, but nothing herein contained shall prevent or remedy any violation.

H. INTERPRETTION AND VALIDITY

In their interpretation and application, the provisions of this code shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals or general welfare. Wherever the requirements of this code are at variance with the requirements of any other lawfully adopted rules, regulations, codes, restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

I. AMENDMENTS

The regulations, restrictions and boundaries set forth in this code may from time to time be amended, supplemented, changed or repealed; provided however that no such action may be taken until after a public hearing with due notice as defined in Chapter 163.170 (3). The amendment and its effect on the Comprehensive Plan shall be discussed as well as the concerns of the public and property holders about the proposed change.

In case, however, of a protest against such change signed by the owners of twenty (20) percent of more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending five hundred (500) feet from the street frontage of such, opposite lots, such amendments shall not become effective except by the favorable vote of four-fifths of the governing body of the City of Apalachicola.

## **Zoning Districts and Regulations**

### **SCHEDULE OF DISTRICT REGULATIONS**

#### List of Districts

R-1 Single Family Residential

R-2 Multi-Family Residential

R-3 Mobile Home Residential

R-4 Mixed Use Residential

O/R Office Residential

C-1 General Commercial

C-2 Neighborhood Commercial

C-3 Highway Commercial

C-4 Riverfront Commercial

RF Riverfront

R/C Research Conservation

#### **R-1 SINGLE FAMILY RESIDENTIAL**

##### **DISTRICT INTENT**

To provide for the accommodation of low density residential development in area's predominately occupied by single family detached dwellings. And where appropriate, to allow certain educational, religious, recreational and public activities compatible with the general characteristics of the District.

##### **PERMITTED USES AND STRUCTURES:**

###### PRINCIPAL

1. Single family residential

###### ACCESSORY

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures and not of a commercial nature, including private garages, tool sheds, kitchen gardens and the like. Accessory structures may not be used for residential purposes.

**SPECIAL EXCEPTIONS:** After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit as special exceptions, subject to referenced development standards:

1. Utilities Substations
2. Churches
3. Schools
4. Hospitals & Clinics (Prohibited in Velocity zones as shown on the Flood Insurance Rate Maps)
5. Two Family Residential
6. Parks and Playgrounds
7. Residential Apartment Units in existing single family structures (See Applicable Regulations No. 5)
8. Public Facilities & Structures
9. Home Occupations

#### **PROHIBITED USES AND STRUCTURES**

1. Mobile homes and house trailers
2. Establishments for the conduct of retail trade
3. Storage yards or warehouses
4. Travel trailers
5. Any structure or use of a nature not specifically or provisionally permitted herein.

#### **DEVELOPMENT STANDARDS**

##### **MINIMUM LOT OR SITE SIZE**

Single Family and Home Occupations

Area: 6,000 sq. ft.

Width: 60 ft.

Depth: 100 ft.

#### Two Family

Area: 9,000 sq. ft.

Width: 90 ft.

Depth: 100 ft.

#### Special Exceptions except for Two Family and Home Occupations

Area: 12,000 sq. ft.

Width: 120 ft.

Depth: 100 ft.

#### MINIMUM BUILDING SETBACKS

Front: 15 ft.

Side - Interior Lot: 7 1/2 feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than 5 feet.

Side - Corner Lot: 15 feet

Rear: 25 feet for principal structures

5 feet for accessory structures

#### MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 40%

Building Height: 35 feet

#### APPLICABLE REGULATIONS

##### 1. Location of accessory structures:

Location of accessory structures in residential districts:

In residential districts, and on any lot used for residential purposes, no accessory structure shall be located in required front yards.

## 2. Parking Regulations

See Section IV E (8) Parking Regulations

## 3. Special Exceptions:

Unless otherwise specified, special exceptions must comply with development standards As referenced. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

## 4. Submerged Lands:

In case where building lots are adjacent to and contiguous with wetlands, a setback of 20 feet from jurisdictional wetlands shall replace conflicting lot line setbacks. This setback shall consist of a vegetative buffer.

## 5. Residential Apartment Units:

When approved as a special exception, up to a maximum of three (3) residential apartment units may be allowed per existing single family structure provided that the lot upon which the structure is located has a front lot line of at least 60 feet and a depth of at least 100 feet and provided that at least one parking space per apartment unit is provided onsite; however, up to a maximum of four (4) residential apartment units may be allowed when approved as a special exception provided that the lot upon which the structure is located has a front lot line of at least 90 feet and depth of 100 feet and provided that at least one parking space per apartment unit is provided onsite.

## 6. Supplemental Regulations:

Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management Plans shall be applicable to certain lands within this district.

## **R-2 MULTI-FAMILY RESIDENTIAL**

### **DISTRICT INTENT:**

To provide for the accommodation of medium to high density, multi-family dwelling units. And where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the District.

### **PERMITTED USES AND STRUCTURE:**

PRINCIPAL

1. Single family residential
2. Two family residential
3. Townhouses
4. Multi-family residential

#### ACCESSORY

Accessory uses and structure customarily incidental and subordinate to permitted principal uses and structure and not of a commercial nature, including private garages, tool sheds, kitchen gardens and the like.

SPECIAL EXCEPTIONS: After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit as special exceptions, subject to referenced development standards:

1. Funeral Homes
2. Utilities Substations
3. Churches
4. Schools
5. Hospitals & Clinics
6. Home Occupations
7. Nursing Home
8. Public Facilities & Structure
9. Residential Apartment Units in existing single family structure (See Applicable Regulations No. 5)

#### PROHIBITED USES AND STRUCTURE

1. Mobile homes or house trailers on vacant lots or in residential yards.
2. Any structure or use of a nature not specifically or provisionally permitted herein.
3. Travel trailers

#### DEVELOPMENT STANDARDS

##### MINIMUM LOT OR SITE SIZE

### Single Family and Home Occupations

Area: 6,000 sq.ft.

Width: 60 ft.

Depth: 100 ft.

### Two Family

Area: 9,000 sq.ft.

Width: 90 ft.

Depth: 100 ft.

### Townhouses

#### **Area**

Site Size: 9,000 sq.ft.

Individual Lot Size: 1,800 sq.ft. per dwelling unit

Maximum building grouping: 10 units or 200 feet

Minimum building grouping: 3 units or 48 feet

#### **Width**

Site: 90 ft.

Individual Lot: 16 ft.

Depth:

Site: 100 ft.

Individual Lot: none

### Multi-family and Special Exceptions

Area: 12,000 sq. ft.

Width: 120 ft.

Depth: 85 ft.

#### MINIMUM BUILDING SETBACKS

Front: 15 ft.

Side - Interior Lot:

Single Family: 7 1/2 feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than 5 feet.

Two Family: 7 1/2 feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than 5 feet.

Townhouses: For 4 or fewer attached townhouses the same as for single family. For 5 or more attached townhouses the same as for multi-family.

Multi-family: 15 feet

Side - Corner Lot: 15 feet

Rear: 25 feet for principal structure

5 feet for accessory structure

#### MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 40% for single family

45% for two family

45% for townhouses

50% for multi-family

Building Height: 35 feet

#### APPLICABLE REGULATIONS

##### 1. Location of accessory structures:

Location of accessory structures in residential districts: In residential districts, and on any lot used for residential purposes, no accessory structure shall be located in required front yards.

##### 2. Parking Regulation

See Section IV E (8) Parking Regulations

### 3. Multi-Family Housing

- 1) Fifty percent (50%) maximum lot coverage which shall include impervious surface.
- 2) Maximum of one ground floor dwelling unit per 2,000 square feet of total building site.
- 3) Minimum dwelling unit size shall be 600 square feet.
- 4) Maximum of twenty (20) dwelling units per acre at total build out.

### 4. Special Exceptions:

Unless otherwise specified, special exceptions must comply with development standards as referenced. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

### 5. Residential Apartment Units

When approved as a special exception, up to a maximum of three (3) residential apartment units may be allowed per existing single family structure provided that the lot upon which the structure is located has a front lot line of at least 60 feet and a depth of at least 100 feet and provided that at least one parking space per apartment unit is provided onsite; however, up to a maximum of four (4) residential apartment units may be allowed when approved as a special exception provided that the lot upon which the structure is located has a front lot line of at least 90 feet and a depth of 100 feet and provided that at least one parking space per apartment unit is provided onsite.

### 6. Supplemental Regulations

Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management Plans, shall be applicable to certain lands within this district.

## **R-3 MOBILE HOME RESIDENTIAL**

### **DISTRICT INTENT:**

To provide for the accommodation of medium to high density, multi-family dwelling units, as well as to allow for the location of mobile and module homes within City limits. And, where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the District.

### **PERMITTED USES AND STRUCTURES:**

#### PRINCIPAL

1. Single family residential
2. Two family residential
3. Townhouses

4. Multi-family residential

5. Mobile and modular homes constructed in accordance with the Southern Building Code.

#### ACCESSORY

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures and not of a commercial nature, including private garages, tool sheds, kitchen gardens, and the like.

**SPECIAL EXCEPTIONS:** After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit as special exceptions.

1. Funeral Homes

2. Utilities Substations

3. Churches

4. Schools

5. Hospitals & Clinics

6. Home Occupations

7. Cemeteries

8. Public Facilities & Structures

9. Mobile home parks (see site plan requirements)

10. Parks and Playground

11. Child Care Centers

#### **PROHIBITED USES AND STRUCTURES**

Any structure or use of a nature not specifically or provisionally permitted herein.

#### **DEVELOPMENT STANDARDS**

##### MINIMUM LOT OR SITE SIZE

Single Family and Home Occupations

Area: 6,000 sq.ft.

Width: 60 ft.

Depth: 100 ft.

#### Two Family and Day Care Centers

Area: 9,000 sq. ft.

Width: 90 ft.

Depth: 100 ft.

#### Townhouses

Area:

Site Size: 9,000 sq.ft.

Individual Lot Size: 1,800 sq.ft. per dwelling unit

Maximum building grouping: 10 units or 200 feet

Minimum building grouping: 3 units or 48 feet

Width:

Site: 90 ft.

Individual Lot: 16 ft.

Depth:

Site: 100 ft.

Individual Lot: none

#### Multi-family and Special Exceptions

Area: 12,000 sq. ft.

Width: 120 ft.

Depth: 85 ft.

#### MINIMUM BUILDING SETBACKS

Front: 15 ft.

Side - Interior Lot:

Single Family: 7 1/2 feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than 5 feet.

Two Family: 7 1/2 feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than 5 feet.

Townhouses: For 4 or fewer attached townhouses the same as for single family.  
For 5 or more attached townhouses the same as for multi-family.

Multi-family: 15 feet

Side - Corner Lot: 15 feet

Rear: 25 feet for principal structure

5 feet for accessory structure

#### MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 40% for single family

45% for two family

45% for townhouses

50% for multi-family

Building Height: 35 feet

#### APPLICABLE REGULATIONS

##### 1. Location of accessory structures:

Location of accessory structures in residential districts: In residential districts, and on any lot used for residential purposes, no accessory structure shall be located in required front yards.

##### 2. Review Requirements for Mobile Home Parks

Mobile home park site plan requirements: As a special exception, mobile home parks are allowed in this district when the developer meets the following requirements:

a) Submit a site plan.

b) Submit a Department of Environmental Regulation permitted storm water management plan.

c) The park must be hooked up to the City's central water and sewer.

d) Submit a copy of park regulations that require:

1) Under skirting

2) Limit on accessory buildings.

A mobile home park may have a greater density up to one unit per 4,500 square feet, with minimum lot width of 50 feet, minimum lot depth of 90 feet, providing that:

a) All of the above requirements are met.

b) The Planning and Zoning Commission is satisfied that because of the layout of the park, the increased density will not have a negative effect on the character of the area.

All parks require a 20 foot landscaped area adjacent to public streets which shall be attractive and maintained at all times. This required buffer may be included within a required setback.

### 3. Multi-Family Housing

1) Fifty percent (50%) maximum lot coverage which shall include impervious surface.

2) Maximum of one ground floor dwelling unit per 2,000 square feet of total building site.

3) Minimum dwelling unit size shall be 600 square feet.

4) Maximum of twenty (20) dwelling units per acre at total build out.

### 4. Special Exceptions:

Unless otherwise specified, special exceptions must comply with development standards as referenced. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

### 5. Parking Regulations:

See Section IV E (8) Parking Regulations

### 6. Supplemental Regulations

Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management plans, shall be applicable to certain lands within this district.

## **R-4 MIXED USE RESIDENTIAL**

## **DISTRICT INTENT**

To provide for a mixture of compatible residential and commercial uses in areas where such development already exists or has historically occurred. This district shall occur in the area shown as Residential Mixed Use on the Official Land Use Map of Apalachicola.

## **PERMITTED USES AND STRUCTURES**

### **PRINCIPAL**

1. Single Family Residential
2. Two Family Residential
3. Professional Offices and Services
4. Laundromats
5. Monument Companies
6. Retail Food and Grocery
7. Retail Drug Store
8. Retail Hardware
9. Retail Variety Store
10. Retail Specialties
11. Retail Small Appliances
12. Upholstery
13. Personal Services (Barber and Beauty Shops)
14. Social, Fraternal and Recreational Clubs
15. Antique Shops
16. Financial Institutions
17. Utilities Substations
18. Child Care Centers

## ACCESSORY

Accessory Uses and structures customarily incidental and subordinate to permitted principal uses and structure.

**SPECIAL EXCEPTIONS:** After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit as special exceptions:

1. Churches
2. Schools
3. Residential Apartment Units
4. Funeral Homes
5. Utilities Substations

## PROHIBITED USES AND STRUCTURE

1. Mobile homes and house trailers
2. Travel trailers
3. Junk Yards
4. Any structure or use not of a nature specifically or provisionally permitted herein.

## DEVELOPMENT STANDARDS

### MINIMUM LOT OR SITE SIZE

#### Single Family and Other Principal Uses

Area: 6,000 sq. ft.

Width: 60 ft.

Depth: 100 ft.

#### Two Family

Area: 9,000 sq. ft.

Width: 90 ft.

Depth: 100 ft.

#### Special Exceptions

Area: 12,000 sq. ft.

Width: 120 ft.

Depth: 100 ft.

#### MINIMUM BUILDING SETBACKS

Front: 15 ft.

Side - Interior Lot: 7 1/2 feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than 5 feet.

Side - Corner Lot: 15 feet

Rear: 25 feet for principal structures

5 feet for accessory structures

#### MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 40%

Building Height: 35 feet

#### APPLICABLE REGULATIONS

##### 1. Location of Accessory Structures:

No accessory structures shall be located in required front or side yards.

##### 2. Parking Regulations:

See Section IV E (8) Parking Regulations

##### 3. Special Exceptions:

Unless otherwise specified, special exceptions must comply with development standards as referenced. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

##### 4. Supplemental Regulations

Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management plans, shall be applicable to certain lands within this district.

## **O/R OFFICE RESIDENTIAL**

### **DISTRICT INTENT**

The provisions of the O/R District are intended to apply to areas with a specialized intensive residential character wherein a variety of housing types and compatible non-retail, education, religious, non-commercial recreation & accessory retail commercial services of a limited nature are permitted. This district shall occur in that area shown as Residential Mixed Use on the Official Land Use Map of Apalachicola.

### **PERMITTED USES AND STRUCTURES**

#### **PRINCIPAL**

1. Single Family Residential
2. Two Family Residential
3. Professional Offices and Services
4. Studios and Galleries for Photography, Music, Art, Dance, Vocal and Drama
5. Medical Offices and Services

#### **ACCESSORY**

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures and not of a commercial nature, including private garages, tool sheds, kitchen gardens, and the like.

**SPECIAL EXCEPTIONS:** After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit, as special exceptions:

1. Funeral Homes
2. Utilities Substations
3. Guest Houses
4. Hospitals and Clinics
5. Public Buildings
6. Cemeteries

7. Churches and Church Sponsored Businesses
8. Schools
9. Residential Apartment Units
10. Child Care Centers

#### **PROHIBITED USES AND STRUCTURES**

1. Mobile homes or house trailers
2. Establishments for the conduct of retail trade
3. Storage yards or warehouses
4. Any structure or use not of a nature specifically or provisionally permitted herein.

#### **DEVELOPMENT STANDARDS**

##### **MINIMUM LOT OR SITE SIZE**

###### Single Family and Other Principal Uses

Area: 6,000 sq. ft.

Width: 60 ft.

Depth: 100 ft.

###### Two Family

Area: 9,000 sq. ft.

Width: 90 ft.

Depth: 100 ft.

##### **MINIMUM BUILDING SETBACKS**

Front: 15 ft.

Side - Interior Lot: 7 1/2 feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than 5 feet.

Side - Corner Lot: 15 feet

Rear: 25 feet

## MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 40%

Building Height: 35 feet

## APPLICABLE REGULATIONS

### 1. Parking Regulations

See Section IV E (8) Parking Regulations

### 2. Special Exceptions:

Unless otherwise specified, special exceptions must comply with development standards for principal uses. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

### 3. Residential Apartment Units

When approved as a special exception, up to a maximum of three (3) residential apartment units may be allowed per existing single family structure provided that the lot upon which the structure is located has a front lot line of at least 60 feet and a depth of at least 100 feet and provided that at least one parking space per apartment unit is provided onsite; however, up to a maximum of four (4) residential apartment units may be allowed when approved as a special exception provided that the lot upon which the structure is located has a front lot line of at least 90 feet and depth of 100 feet and provided that at least one parking space per apartment unit is provided onsite.

### 4. Supplemental Regulations

Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management Plans, shall be applicable to certain lands within this district.

C-1 GENERAL COMMERCIAL DOWNTOWN (amended 8-8-2005 Ord. 2005-05)

## DISTRICT INTENT

The provisions of the C-1 District are intended to apply to areas that can serve the general needs of the community wherein a large variety of retail commercial, financial, professional, office, service and other general commercial activities are permitted. This district accommodates certain residential applications (either short term or permanent) provided such residential development is combined with a first floor commercial endeavor. It is to be understood that the C-1 district is primarily commercial in nature – any provisions for residential use must accept existing

commercial uses in the district and accept overall general commercial noise, traffic, smells, etc. (nuisances notwithstanding.) As all of C-1 falls within the Historic District, it is the district intent that all development within the district have an aesthetic compatibility with the nature of the Historic Downtown. The overall intent is to create a pedestrian friendly flow of commerce throughout the downtown area that encourages local residents and visitors to experience the traditional resource-based industries and attractions in and adjacent to the district. This district is not intended to accommodate heavy automotive and repair services and other types of heavy commercial activity not always compatible with retail shopping areas. It is the intent within this district that all new construction, whenever possible, direct parking and vehicular access to the back of the building via an alley.

#### PERMITTED USES AND STRUCTURES PRINCIPAL

1. Retail establishments
2. Eating and Drinking Establishments
3. Offices, Studios
4. Financial Institutions
5. Service Establishments
6. Hotel, Motels
7. Private Clubs
8. Public Buildings
9. Trade Schools
10. Funeral Homes
11. Utilities Substations
12. Indoor Amusements
13. Indoor Theaters
14. Repair Services (small items)
15. Printing and Publishing
16. Child Care Centers
17. Laundromats
18. Retail Package Stores
19. Light Manufacturing and Assembly
20. Boat Sales and Service/marine Retail
21. Retail and wholesale Seafood establishments
22. Museums, Galleries
23. Single Family Residential Units when combined with commercial establishments provided there is no more than one residential unit per 2400 sq. ft. of property. All residential units proposed for this district must adhere to the minimum lot size requirements and may not extend beyond the total foundation footprint (may include porches, but NOT parking spaces and/or driveways) of the first commercial floor. Further, the residential units will not be permitted on the ground floor nor shall first floor parking garages, storage units or drivethroughs be considered commercial endeavors. Commercial and residential units will not be connected within the building. Separate entrances must be provided. The commercial areas in mixed use will not be used as auxiliary storage or convenience spaces for residential uses above. Nonconforming uses will be subject to penalties as

provided in Section III.D. of this code. All first floor uses will be consistent with principal uses outlined above.

24. Medical office/clinic.
25. Veterinary clinic.
26. Service Stations/Convenience stores. Note: light automotive repair is an acceptable use provided it is done in conjunction with a service station operation.

Note: any change of use affecting intensity/density of use of land within this district will be subject to Planning and Zoning Board review.

#### ACCESSORY

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures. Accessory structures may not be constructed prior to principal use structures unless specifically identified as construction-related in nature. (Example: construction she/workshop.) Accessory structures deemed to be construction-related in nature shall not be allowed to remain without a principal structure for a period of more than one year after a permit is issued.

SPECIAL EXCEPTIONS: After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit, as special exceptions:

1. Other Commercial uses compatible with the principal uses.

#### PROHIBITED USES AND STRUCTURES

1. Adult Businesses.
2. All uses and structures not of a nature specifically or provisionally permitted and any uses which in the opinion of the Planning and Zoning Commission is likely to be incompatible, dangerous or offensive to existing permitted uses in the District.

#### DEVELOPMENT STANDARDS

##### MINIMUM LOT OR SITE SIZE

##### Principal Uses:

Platted lot of record (in most cases 30 x 80: 2,400 sq. ft) platted prior to 1991. Existing platted lot may not be subdivided to create smaller lots. All proposed development must provide for adequate parking space as required in Section IV. All required off-street parking will be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure. Clustering of development when it occurs on multiple lots will be encourage so long as such proposed development meets applicable lot size, parking and storm water requirements. See building setbacks below.

All proposed development must provide for adequate parking space as required in Section IV. All required off-street parking would be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure.

#### MINIMUM BUILDING SETBACKS

Front: 0 feet

Side – Interior Lot: None

Side – Corner Lot: None

Rear: 0 feet

#### MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 80%

Building Height: 35 feet.

#### APPLICABLE REGULATIONS

1. Parking Regulations. See Section IV (8) Parking Regulations
2. Special Exceptions: Unless otherwise specified, special exceptions must comply with development standard for principal uses. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed. In particular, the Planning and Zoning Board will consider compatibility of use in relation to adjacent properties when considering a special exception request. Any proposed use which is considered by the Board to be incompatible with existing conforming use shall be grounds for denial of a special exception.
3. Deleted
4. Sign Regulations – See Section V Sign Regulations
5. Storm water Management Plans. Commercial development requires a department of Environmental Regulation permitted storm water management plan.
6. Supplemental Regulations – Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management Plans shall be applicable to all lands within this district. Those areas within this district which fall within the Special Waterfront District are also subject to applicable regulations.
7. Sewer and Water. All development within the C-1 General Commercial District must be hooked up to the Apalachicola Water and Sewer System.
8. Development Adjacent to Wetlands. According to the City of Apalachicola Comprehensive Plan (Coastal management Element: Policy 2.2) “the City’s land use regulations shall prohibit high density development proposed for areas within the Special

Waterfront District adjacent to the waters or wetlands of the State. Development on lots adjacent to waters/wetlands will be restricted to 60% lot coverage. Further, lots that fall within the Special Waterfront District which are adjacent to waters or wetlands of the state will maintain a 20 foot buffer (10 feet in RF) See standard #9 for applicable types of development allowed within the Special Waterfront District buffer.

9. Within the Special Waterfront District setback buffer (20 foot setback from the State waters/wetlands, 10 feet in RF district), the only development allowed shall consist of docks, pervious walkways or elevated walkways. This setback shall otherwise consist of a natural vegetation buffer.

## C-2 NEIGHBORHOOD COMMERCIAL

### DISTRICT INTENT

The provisions of the C-2 District are intended to apply to areas within convenient traveling distance to one or more neighborhoods wherein small groups or retail commercial, professional, office and financial and other conventional commercial activities are permitted. This district is not intended to accommodate large scale commercial or service activities or automotive or other type of more intensive commercial activities.

### PERMITTED USES AND STRUCTURES

#### PRINCIPAL

1. Retail Food and Grocery
2. Retail Drug Store
3. Retail Hardware
4. Retail Variety Store
5. Retail Specialties
6. Retail Small Appliances
7. Eating and Drinking Establishments
8. Offices, Studios
9. Upholstery
10. Laundromat
11. Personal Services (Barber and Beauty Shops)
12. Social, Fraternal and Recreational Clubs
13. Antique Shops
14. Financial Institutions
15. Single Family
16. Utilities Substations
17. Child Care Centers

#### ACCESSORY

Customary uses and structures clearly incidental to one or more permitted uses and structures including dwelling units for owners or employees of permitted principal uses, provided that no such accessory use shall be of a nature prohibited as a principal use.

**SPECIAL EXECUTIONS:** After public notice and hearing and appropriate conditions safeguards, the Planning and Zoning Board may permit, as special exceptions:

1. Transient lodgings
2. Indoor Amusements (Pool, Billiard, Similar Uses)
3. Service Stations (No Repair Facilities)
4. Two Family
5. Residential Apartment Units

#### PROHIBITED USES AND STRUCTURES

1. Junk Yards
2. Mobile Homes
3. Residential Travel Trailers
4. Uses and Structures not permitted as a special exception, principal use or accessory use of structure.

#### DEVELOPMENT STANDARDS

##### MINIMUM LOT OR SITE SIZE

###### Single Family and Other Principal Uses

Area: 6,000 sq. ft.  
Width: 60 ft.  
Depth: 100 ft.

##### MINIMUM BUILDING SETBACKS

###### Single Family

Front: 15 ft.  
Side - Interior Lot: 7 1/2 feet each side, or any combination of setbacks on each that equals at least 15 feet, provided that no such setback shall be less than 5 feet.  
Side - Corner Lot: 15 ft.  
Rear - 25 ft.

###### Other Principal Uses

Front: 15 ft.  
Side: Interior Lot: 5 ft.  
Side - Corner Lot: 5 ft.  
Rear: 10 ft.

##### MAXIMUM BUILDING RESTRICTIONS

###### Single Family

Lot Coverage: 40%  
Building Height: 35 feet

###### Other Principal Uses

Lot Coverage: 60%  
Building Height: 35 feet

##### APPLICABLE REGULATIONS

1. Parking Regulations

See Section IV E (8) Parking Regulations

2. Sign Regulations

See Section V Sign Regulations

3. Special Exceptions:

Unless otherwise specified, special exceptions must comply with development standards for principal uses. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

4. Residential Apartment Units

When approved as a special exception, up to a maximum of three (3) residential apartment units may be allowed per existing single family structure provided that the lot upon which the structure is located has a front lot line of at least 60 feet and a depth of at least 100 feet and provided that at least one parking space per apartment unit is provided onsite; however, up to a maximum of four (4) residential apartment units may be allowed when approved as a special exception provided that the lot upon which the structure is located has a front lot line of at least 90 feet and a depth of 100 feet and provided that at least one parking space per apartment unit is provided onsite.

5. Storm water Management Plans

Commercial development requires a Department of Environmental Regulation permitted storm water plan.

6. Supplemental Regulations

Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management Plans, shall be applicable to certain lands within this district.

**C-3 HIGHWAY COMMERCIAL**

DISTRICT INTENT

The provisions of the C-3 District are intended for areas suitable for light commercial and office development abutting arterial roads as defined in Section II of this code. Special requirements addressing limitations placed on access are intended to minimize and control ingress and egress to arterial roadways and promote a smooth and safe traffic flow of the general traveling public. (See special requirements)

PERMITTED USES AND STRUCTURES

PRINCIPAL

1. Transient Lodgings
2. Restaurants
3. Antique Shops
4. Business and Professional Offices
5. Medical Offices
6. Social and Fraternal Clubs and Lodges

7. Repair Services
8. Financial, Insurance and Real Estate Services
9. Personal Services (barber and beauty shops)
10. Utilities Substations

#### ACCESSORY

Customary uses and structures clearly incidental to one or more permitted uses and structures including dwelling units for owners or employees of permitted principal uses provided that such accessory use shall not be of a nature prohibited as a principal use.

**SPECIAL EXCEPTIONS:** After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit as special exceptions:

1. Convenience Stores
2. Retail Specialties
3. Churches
4. Service Stations
5. Single Family Residential
6. Two Family Residential

#### PROHIBITED USES AND STRUCTURES

1. Mobile Homes
2. House Trailers
3. Residential Travel Trailers
4. Uses and structures not permitted as a special exception, principal use or accessory use and structure.
5. All uses and structures not of a nature specifically or provisionally permitted and any uses which in the opinion of the Planning and Zoning Commission is likely to be dangerous or offensive to permitted uses in the District, or those who pass on public ways, because of odor, smoke, noise, fumes, gas, fire, vibrations or emission of particulate matter or hazardous because or unusual danger of fire or explosion.

#### DEVELOPMENT STANDARDS

##### MINIMUM LOT OR SITE SIZE

###### Principal Uses

Area: 6,000 sq.ft.

Width: 60 ft.

Depth: 100 ft.

##### MINIMUM BUILDING SETBACK

Front: 15 ft.

Side - Interior Lot: 5 ft.

Side - Corner Lot: 5 ft.

Rear: 10 ft.

##### MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 60%

Building Height: 35 feet

#### APPLICABLE REGULATIONS

##### 1. Parking Regulations

See Section IV E (8) Parking Regulations

##### 2. Special Exceptions:

Unless otherwise specified, special exceptions must comply with development standards for principal uses. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

##### 3. Sign Regulations

See Section V Sign Regulations

##### 4. Storm water Management Plans

Commercial development requires a Department of Environmental Regulation permitted storm water plan.

##### 5. Supplemental Regulations

Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management Plans, shall be applicable to certain lands within this district.

#### **C-4 COMMERCIAL DISTRICT** (standards amended 2-7-06. Ordinance: 2006-01)

##### DISTRICT INTENT

To provide for the economic needs of the City residents by accommodating a variety of light commercial land uses in areas convenient to transportation and central water/sewer facilities. This district accommodates certain residential applications (either short term or permanent) contingent on certain restrictions being met. All residential development proposed for this district shall be combined with a first floor commercial endeavor. No stand-alone residential development shall be allowed. It is to be understood that the C-4 district is primarily commercial in nature – any provision for residential use shall accept existing commercial uses in the district and accept overall general commercial noise, traffic, smells, etc. It is the district intent that all development within the district be consistent with the intent of Section VI Historic and Cultural Preservation Regulations and have an aesthetic compatibility with the nature of the adjacent Historic Downtown.

The overall district is to create pedestrian friendly flow of commerce throughout the downtown area that encourages local residents and visitors to patronize both the retail, business, dining and drinking establishments in the area and experience the traditional resource-based industries and attractions of the district. This district implements planned infrastructure features not feasible in the adjacent C-1 district: i.e.: clustering, planned parking, setback provisions. It is the intent within

this district that all new construction, whenever possible, direct parking and vehicular access to the back of the building via an alley/easement.

## PERMITTED USES AND STRUCTURES

### PRINCIPAL

1. Retail and Wholesale Building Materials
2. Automotive Repair, Sales and Rental
3. Veterinary Hospitals, Medical Clinics and Offices.
4. Light Manufacturing and Assembly
5. Printing and Publishing
6. Boat Sales and Services
7. Retail and Wholesale Activities
8. Retail and Wholesale Seafood
9. Ship Repair Yards with Dry-dock facilities
10. Marine Supplies
11. Single Family Residential Units when combined with commercial establishments provided there is no more than one residential unit per 2400 sq. ft. of property. All residential units proposed for this district shall adhere to the minimum lot size requirements and shall not extend beyond the total foundation footprint (may include porches, but NOT parking spaces and/or driveways) of the first commercial floor. Further, the residential units will not be permitted on the ground floor nor shall first floor parking garages, storage units or drive-thru be considered commercial endeavors. All first floor uses shall be compatible with adjacent upstairs residential use. Principal uses 2,8, and 9 are not compatible as first floor endeavors when residential use is sought as a use upstairs.
12. Hotels, Motels (see Transient Lodging Ordinance)
13. Eating and Drinking Establishments
14. Offices/Studios
15. Museums/Galleries.

Note: Any change of use affecting any intensity/density of use of land within this district shall be subject to Planning and Zoning Board review.

### ACCESSORY

Accessory structures customarily incidental and subordinate to permitted principal uses and structures shall not be constructed prior to principal use structures. The only exception to this provision is for a temporary construction trailer which houses materials and tools, Construction trailers shall not be allowed to remain without a principal structure for a period of more than one year after a permit is issued.

SPECIAL EXCEPTIONS: After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit as special exceptions:

1. Other commercial uses compatible with the principal uses.

## PROHIBITED USES AND STRUCTURES

1. All uses and structures not of a nature specifically or provisionally permitted and any uses which in the opinion of the planning and Zoning commission is likely to be incompatible, dangerous or offensive to existing permitted uses in the District, and
2. Adult Businesses

## DEVELOPMENT STANDARDS

### MINIMUM LOT OR SITE SIZE

#### Principal Uses

Platted lot of record (in most cases 30 x 80: 2,400 sq. ft) platted prior to 1991. Existing platted lot may not be subdivided to create smaller lots. All proposed development must provide for adequate parking space as required in Section IV. All required off-street parking will be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure. Clustering of development when it occurs on multiple lots will be encourage so long as such proposed development meets applicable lot size, parking and storm water requirements. See building setbacks below.

### MINIMUM BUILDING SETBACKS

Front: 0 or the minimum distance required to provide elevated access to the building.

Side –5 feet. Note: the minimum 5-foot setback may be reduced to zero provided appropriate fire safety standards (firewalls, etc.) are met.

Rear: 0 or the balance between what is necessary to set back on eh front and still meet a 20 foot overall setback from front/rear.

Note: It is the intent within this district to require the footprint of all new construction be flush with the front lot lines, as much as possible to encourage walking traffic. It is recommended that all new construction direct parking and vehicular access to the back of the building via alley/easement access.

It is understood that elevation requirements vary within the district and may not allow for adequate access to built to the front lot line – thereby this provision would allow development to be set back the minimum required to provide such access. Elevated access when applicable shall be compatible with adjacent lot access.

### MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 65% See note 6 for additional requirements

Building Height: 35 feet.

### APPLICABLE REGULATIONS

1. Storm water Management Plans: Commercial development requires a department of Environmental Regulation permitted storm water plan and review by City engineers.
2. Special Exceptions. Unless otherwise specified, special exceptions shall comply with development standards for principal uses. If deemed appropriate by the Planning and

Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

3. Parking Regulations: See Section IV e 8 Parking Regulations
4. Sign Regulations: See Section V Sign Regulations
5. Supplemental Regulations Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management Plans, shall be applicable to all lands within this district. Those areas within this district which fall within the Special Waterfront District are also subject to applicable regulations.
6. Development Adjacent to Wetlands. According to the City of Apalachicola Comprehensive Plan (Coastal management Element: Policy 2.2) "the City's land use regulations shall prohibit high density development proposed for areas within the Special Waterfront District adjacent to the waters or wetlands of the State. Development on lots adjacent to waters/wetlands will be restricted to 60% lot coverage. Further, lots that fall within the Special Waterfront District which are adjacent to waters or wetlands of the sate will maintain a 20 foot buffer (10 feet in RF) See standard #7 for applicable types of development allowed within the Special Waterfront District buffer.
7. Within the Special Waterfront District setback buffer (20 foot setback from the State waters/wetlands, 10 feet in RF district), the only development allowed shall consist of docks, pervious walkways or elevated walkways. This setback shall otherwise consist of a natural vegetation buffer.
8. Hotels/Motels: See Transient Lodging Ordinance for specific development standards that apply to uses in this district.

## **RF RIVERFRONT DISTRICT**

### **DISTRICT INTENT**

To provide for a variety of uses along the Apalachicola waterfront to meet the need for both water dependent activities such as seafood related and boating, with such water enhanced activities as tourism related and residential development. The area to be zoned as Riverfront shall be limited to that which has traditionally served as the center of the City's economy. Furthermore, to guide the development in a manner consistent with the protection and conservation of the basic functions and productivity of the Apalachicola River/Bay systems.

## **PERMITTED USES AND STRUCTURES**

### **PRINCIPAL**

1. Retail and Wholesale Seafood
2. Ship Repair Yards and Dry-dock Facilities
3. Marine Supplies and bait Shops
4. Ice houses
5. Marinas
6. Restaurants
7. Motels/Hotels
8. Recreation Facilities

9. Boat Sales and Service

**ACCESSORY**

Accessory uses and structures customarily incidental and subordinate to permitted uses and structures.

**SPECIAL EXCEPTIONS:** After public notice and hearing and appropriate conditions and safeguards the Planning and Zoning Board may permit, as special exceptions.

1. Fuel dispersing devices
2. Retail establishments such as, but not limited to, gift shops, boutiques, and souvenir shops.
3. Drinking establishments
4. Multi-Family Residential
5. Single Family Residential
6. Utilities Substations

**PROHIBITED USES AND STRUCTURES**

1. All uses and structures not of a nature specifically or provisionally permitted

**DEVELOPMENT STANDARDS**

**MINIMUM LOT OR SITE SIZE**

Principal Uses other than Residential

Area: 3,500 sq ft platted  
Width: 50 feet  
Depth: 70 ft. platted

Single Family

Area: 3,500 sq ft platted  
Width: 50 ft  
Depth: 70 ft. Platted

Multi-Family Residential

Area: 7,000 sq ft platted  
Width: 100 ft.  
Dept: 70 ft platted

**MINIMUM BUILDING SETBACKS**

Residential Uses

Front: None

Side: Interior Lot: Any combination of setbacks on each side that equals at least 15 feet provided that no such setback shall be less than 5 feet.

Side - Corner Lot: Any combination of setbacks on each side that equals at least 15 feet provided that no such setback shall be less than 5 feet.

Rear: 10 feet from the river.

## Other Principal Uses

Front : None

Side: - Interior Lot: 5 Feet. The minimum 5 foot interior setback on one side may be reduced to zero provided that at least a 10 foot setback is provided on the other side, the adjacent property owner agrees to build on the same interior lot line and to construct an adjoining wall, and both property owners file deed restrictions on the subject lots to ensure that development complies with this provision. The deed restriction shall be approved by the City Attorney and may be released only upon approval by both property owners and the City Commission.

Side - Corner Lot: 5 feet. The minimum 5 foot interior setback on one side may be reduced to zero provided that at least a 10 foot setback is provided on the other side, the adjacent property owner agrees to build on the same interior lot line and to construct an adjacent wall, and both property owners file deed restrictions on the subject lots to ensure that development complies with this provision. The deed restriction shall be approved by the City Attorney and may be released only upon approval by both property owners and the City Commission.

Rear – 10 feet from the river.

## MAXIMUM BUILDING RESTRICTIONS

Lot Coverage: 80% total lot coverage  
50% impervious lot coverage

## APPLICABLE REGULATIONS

### 1. Outdoor Storage of Waste and Materials

No outdoor storage of waste or materials, other than oyster shells, used in seafood processing, machine maintenance or solid waste shall occur within 50 feet of the Apalachicola River; and no discharge of such waste and materials shall occur into the river.

### 2. Storm water Management

To ensure protection of the Apalachicola River/Bay system, all development in the RF District shall comply with the City Storm water Management Plan and Site Plan Review, Section VII and Section VIII of this code. Storm water shall be directed away from the river. All structures, with the exception of pile supported uninhabitable water dependent structures such as docks, shall be setback a minimum of 10 feet from the river and no impervious surfaces shall be placed within the setback.

In order to minimize storm water contamination, all roof covering must be constructed of tin (metal) clay tile, slate, untreated wood, or a comparable material which will not contaminate runoff from the roof. No asbestos, asphalt or other petroleum-based material shall be used.

### 3. Residential Development

Residential development in the RF District shall be limited to a total of one unit per 50 linear feet of river frontage for single family and one unit per 25 linear feet of river frontage for multi-family. Motel/hotel development shall be restricted to one unit per 10 linear feet of river frontage. Conversion or use of hotel/motel units for permanent residences is prohibited.

4. Parking Requirements

See Section IV E (8) Parking Regulations

5. Seafood Dealer and Processors

Seafood dealers and seafood processors shall be exempt from the 10-foot setback from the river and shall also be exempt from the 50% maximum impervious surface requirement. Such developments are not exempt from State storm water permitting or the provision of Section VII Site Plan Review and Section VIII, Storm water Management Plan review.

6. Special Exceptions

Unless otherwise specified, special exceptions must comply with the development standards for principal uses. If deemed appropriate by the Planning and Zoning Commission in order to grant a special exception, certain more stringent standards may be imposed.

7. Supplemental Regulations

Provisions of Section VII, Site Plan Review, and Section VIII, Storm water Management Plans, shall be applicable to certain lands within this district.

8. Standards for Marinas

- a. New enclosed boat basins shall be prohibited.
- b. Docks shall extend out to water no less than four feet deep at mean low tide.
- c. Dredging for new marinas shall be restricted to limited channels for launching boats.
- d. Marinas must provide vehicular parking according to the standards set forth in Section IV, E, 8 of this code.
- e. Fueling facilities shall be designed to contain spills from on-land equipment and shall be prepared to contain spills in the water.
- f. All parking, dry storage and non-water dependent facilities shall be built on existing uplands.
- g. Marinas must prepare by 1993 a hurricane plan which will describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment. The hurricane plans must be filed with an approved by the Emergency Management Director and City Building Inspector.
  
- h. All new marinas shall be required to have sewage pump out facilities. All existing marinas will be required to install sewage pump out facilities before Dec. 31, 1995.

**R/C RESEARCH CONSERVATION DISTRICT**

DISTRICT INTENT

To provide areas for the research, enjoyment and preservation of natural wetland systems within the jurisdiction of the City, and provide for facilities compatible with, and in support of such research, enjoyment and preservation, which require proximity to the area's natural systems.

PERMITTED USES AND STRUCTURES

PRINCIPLE

1. Open Space

2. Scientific Research Facilities
3. Educational Facilities for Natural Observation and Demonstration Programs
4. Facilities necessary for the Regulation and Support of Public Facilities
5. Management Facilities for Federal, State or Local Research Programs.

#### ACCESSORY

Accessory uses and structures customarily incidental and subordinate to permitted principle uses and structures.

#### SPECIAL EXCEPTIONS:

After public notice and hearing and appropriate conditions and safeguards, the Planning and Zoning Board may permit as special exceptions:

Uses compatible and consistent with aforementioned principle uses.

#### PROHIBITED USES AND STRUCTURES

1. Residential Uses
2. Commercial Uses
3. Industrial Uses

#### DEVELOPMENT STANDARDS

##### MINIMUM LOT OR SITE SIZE

Area: 8,000 sq. ft.  
Width: 80 ft.  
Depth: 100 ft.

##### MINIMUM BUILDING SETBACKS

Front: 25 feet  
Side- Interior Lot: 15 feet  
Side- Corner Lot: 15 feet  
Rear: 20 feet

#### MAXIMUM BUILDING RESTRICTIONS

Lot coverage: 30%  
Building Height: 35 feet

#### APPLICABLE REGULATIONS

1. Parking regulations  
See section IV E (8) Parking Regulations
2. Facilities and structures must be located on sides adjacent to existing roadway.
3. No development, except elevated pervious walkways, shall occur within sixty (60) feet of marsh land, wetlands or mean high water. This 60 feet shall consist of a vegetated buffer.
4. Supplemental Regulations  
Provisions of Section VIII, Site Plan Review, and Section VIII, Stormwater Management Plans, shall be applicable to certain lands within this district.

