

CITY OF APALACHICOLA

ORDINANCE 2023-02

AN ORDINANCE OF THE CITY OF APALACHICOLA FLORIDA REGARDING VOTING REQUIREMENTS APPLICABLE TO ANY ORDINANCE THAT WOULD INCREASE THE MAXIMUM PERMISSABLE BUILDING HEIGHT IN ALL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City recognizes its ongoing obligation to maintain the historic character of the City for the benefit of its citizens. In an effort to maintain this historic character the City has established a maximum permissible height of thirty-five (35) feet in all zoning districts with certain exceptions;

WHEREAS, in order to maintain consistency and in recognition of the importance of such height restrictions to the historic character of the City of Apalachicola, the City desires to enhance the voting requirements applicable to any Ordinance that seeks to increase the maximum permissible height above thirty-five (35) feet in any City Zoning District;

WHEREAS, pursuant to Section 166.041(6), F.S. Florida Municipalities may specify additional requirements for the adoption or enactment of ordinances;

WHEREAS, after public workshops and obtaining citizen input, the Apalachicola City Commission deems it necessary to adopt specific additional requirements for adoption applicable to any future Ordinance that would increase the maximum permissible height above those set forth in Code as of the effective date of this Ordinance.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING REVISIONS RELATING TO THE ABOVE REFERENCED ORDINANCE.

- Section 1. Voting Requirements.** The affirmative vote of at least four (4) members of the City Commission shall be required for the approval of any Ordinance increasing the maximum permissible building/structure height over the current height limit of thirty-five (35) feet within any Zoning District described in the Apalachicola Code of Ordinances, Subpart B, Chapter 111, Article III, Division 3, Section 111-267.
- Section 2. Repeal.** All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.
- Section 3. Severability.** If any portion of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.
- Section 4. Effective Date.** This Ordinance shall become effective upon enactment.

This Ordinance was read and adopted on _____. Motion to adopt Ordinance made by
Commissioner _____, second by Commissioner _____.

Voting AYE:

Voting NAY:

FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA

ATTEST:

Brenda Ash, Mayor

Deborah Guillotte, City Clerk