

**TOWN OF YANKEETOWN
ORDINANCE NO. 2023-05**

AN ORDINANCE OF THE TOWN OF YANKEETOWN FLORIDA PROVIDING FOR AMENDMENTS TO THE TOWN OF YANKEETOWN LAND DEVELOPMENT CODE; AMENDING SECTION 18-2 DEFINITIONS; AMENDING SECTION 18-361 MINOR/MAJOR DEVELOPMENT PROJECTS AND LAND SUBDIVISION PLATS; AMENDING SECTION 18-364 CONCURRENCY MANAGEMENT AND PROPORTIONATE SHARE, OF THE LAND DEVELOPMENT CODE; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN, FLORIDA, AS FOLLOWS:

WHEREAS, the TOWN COUNCIL has requested and received the recommendation of the Planning and Zoning Commission with regard to amendment of the Land Development Code to provide for additional distinctions between “Major Development” and “Minor Development”, as those terms are defined in the Land Development Code in various locations, and therefore the applicability of certain requirements which currently appear in the Land Development Code; and

WHEREAS, the Planning and Zoning Commission has proposed the addition of a definition for “Major Redevelopment” in Section 18-2 of the Land Development Code, and amendments to certain definitions, including the definitions of “Major Development” and “Minor Project” set forth in Section 18-2 of the Land Development Code, the definitions of “Major Development Project” and “Minor Development Project” set forth in Section 18-361(a) of the Land Development Code, and the definitions of “Major Development” and “Minor Development” set forth in Section 18-364(b) of the Land Development Code; and

WHEREAS, the TOWN COUNCIL has considered and reviewed the proposed definitions and Land Development Code amendments, received public comment through at least two (2) public hearings on the proposed definitions and amendments; and

WHEREAS, the TOWN COUNCIL has received and considered any and all comment letters from the state and other commenting agencies; and

WHEREAS, the TOWN COUNCIL has determined that the adoption of this Ordinance is in the best interest of the public health, safety and welfare and meets state requirements,

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE YANKEETOWN TOWN COUNCIL TO ADOPT THE LAND DEVELOPMENT CODE AMENDMENTS AS FOLLOWS:

AMENDMENT OF Sec. 18-2 – DEFINITIONS

Amended Land Development Code text (underline and ~~strike through~~):

Sec. 18-2.- Definitions.

.....

Major Development means any commercial development or major redevelopment or any residential development, (except for one single-family dwelling or one duplexed dwelling on one parcel). *See Section 18-361...*

Minor Project means any commercial redevelopment which does not constitute major redevelopment and any one single-family dwelling or one duplex dwelling on one parcel...

Major Redevelopment means the additional development of a parcel which additional development materially increases the intensity of the use of the parcel. An increase in intensity of the use of a parcel shall be measured against the intensity of the use of the parcel as last permitted or, if unpermitted, as existing prior to any redevelopment. A material increase in the intensity of the use of a parcel shall mean (i) an increase in the square footage of buildings on the property by 10%; (ii) any alteration of the use of the parcel which increases the estimated number of trips to be generated from the parcel by 10%; or (iii) any other alteration of the use of the parcel which would, if permitted together with the pre-alteration use of the parcel, require under the Land Development Code or other governmental regulations an increase by 10% or more of sewer capacity, drainage retention, or parking requirements....

**AMENDMENT OF Sec. 18-361(a); MINOR/MAJOR DEVELOPMENT PROJECTS
AND LAND SUBDIVISION PLATS**

Amended Land Development Code text (underline and ~~strikethrough~~):

Sec. 18-361.-Minor/Major development projects and land subdivision plats.

- (a) Determination of minor and major redevelopment.
 - (1) *Generally.* For purposes of these review procedures, all development or redevelopment activity shall be determined to be either a minor development or a major development.
 - (2) *Major development project.*
 - a. Any commercial development or major redevelopment.
 - b. Any residential development except for one single-family dwelling or one duplex dwelling on one parcel.
 - c. Subdivision of land into three or more parcels.
 - (3) *Minor development project.* A minor development project is:
 - a. ~~Any one single family dwelling or one duplex dwelling on one parcel.~~ Any commercial redevelopment not constituting major redevelopment
 - b. Any one single-family dwelling or one duplex dwelling on one parcel.
 - c. An accessory structure.
 - d. Interior remodeling.
 - e. Any structural repair.
 - f. Any reroof, greater than 300 square feet and door or window replacement.
 - g. Parcel split into two parcels.

**AMENDMENT OF Sec. 18-364(b); CONCURRENCY MANAGEMENT PROPORTIONATE
SHARE; DEFINITIONS**

Amended Land Development Code text (underline and ~~strikethrough~~):

Sec. 18-364.-Concurrency management and proportionate share.

.....

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Current level of demand means the average of the 12 previous monthly peak days and is calculated every January.

Development approval, for the purposes of determining concurrency, means approval of any of the following:

- (1) Site plan or development plan;
- (2) Subdivision;
- (3) Building permit; or
- (4) Other official action of the town having the effect of permitting the development of land.

Development order means any order granting, denying, or granting with conditions an application for development approval.

Major development means any commercial development or major redevelopment or any residential development except for one single-family dwelling or one duplex dwelling on one parcel.

Minor development means any commercial redevelopment which is not major redevelopment and one single-family dwelling or one duplex dwelling on one parcel.

Section 2. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the Ordinance or effect of any other action or part

of this Ordinance.

Section 3. EFFECTIVE DATE OF INDEPENDENT QUESTIONS. The code amendments shall become effective upon passage by the Town Council pursuant to Section 15 of the Town Charter and shall be incorporated into and become a part of the Town of Yankeetown Code of Ordinances.

Section 4. REPEAL OF ORDINANCES IN CONFLICT. Any portion of any ordinance in conflict with the Town of Yankeetown Charter, to the extent of such conflict, is hereby repealed and compliance is required with the Town of Yankeetown Charter as may be amended by the voters.

FIRST HEARING HELD ON _____, 2023.

SECOND HEARING HELD ON _____, 2023.

PASSED AND DULY ADOPTED, with a quorum present and voting, this ___ day of _____, 2023, by a vote of _____ yeas and _____ nays.

TOWN OF YANKEETOWN, FLORIDA, BY AND THROUGH THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN

By: _____
ERIC ERKEL, Mayor of Yankeetown

ATTEST:

By:

WILLIAM ARY, Town Clerk

NORM FUGATE, Town Attorney