

ORDINANCE 2023-06

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 91-7, WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE, REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; AMENDING ORDINANCE 2017-07; AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE, PART II – (LANGUAGE AND DEFINITIONS); AMENDING CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISION; SECTION 101-8 AMENDING THE DEFINITION OF TRANSIENT LODGING REVISIONS, AMENDING SECTION X (TRANSIENT LODGING), TO AMEND CHAPTER 111, ARTICLE III, DIVISION 4 – SUPPLEMENTAL REGULATIONS, SECTION 111-292 – DIMENSIONAL REQUIREMENTS AMENDING THE MINIMUM NUMBER OF UNITS PER BUILDING FOR BED AND BREAKFASTS AND TO AMEND SECTION 111-293 – ADDITIONAL REGULATIONS TO REMOVE THE COOKING FACILITIES REQUIREMENTS FOR TRANSIENT LODGING, FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

FINDINGS:

WHEREAS, the City of Apalachicola is a Florida Municipality duly incorporated, with all the rights and powers as provided in s. 2(b), Art. VIII of the State Constitution.

WHEREAS the current code provisions applicable to the definitions and requirement for transient lodging and bed and breakfasts in the City are in need of update. Clarification and additional guidance have been deemed necessary to effectively regulate short term rentals located in the City.

WHEREAS, the City of Apalachicola has determined that it is in the public interest to adopt amendments to its Land Development Code pertaining to transient lodging; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, that:

NOTE: ~~Struck-through~~ language is language proposed to be deleted, Underlined

language is amended language, and \*\*\* represents sections that have been skipped and that remain unchanged.

Section 1.

Section 101-8. Definitions

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***Transient accommodations*** – Any unit, group of units, building or group of buildings within a single complex of buildings, that is 1) rented for less than an entire calendar month, or for a period of thirty (30) or less consecutive days spanning two (2) months, and that is 2) advertised or held out to the public as a place regularly rented to transients. Forms of transient accommodations include the following:

(1) \*\*\*

(2) \*\*\*

(3) ***Bed and Breakfast*** means a place where tourists, transients, travelers or persons desiring overnight accommodations are provided with sleeping and sanitary facilities. ~~Cooking facilities other than a microwave oven are not allowed in an individual bed and breakfast room, but they are allowed within a common kitchen area.~~

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Section 2.

Section 111-292. Transient Lodging

Dimensional requirements.

(1) *Hotel/motel.*

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(2) *Bed and breakfast.*

~~a. Minimum number of units: two (per building).~~

~~b.a. Maximum number of units: ten (per building).~~

~~e.b. Minimum building lot size: that amount of land necessary to accommodate the desired number of units (minimum of two units) and still adhere to lot coverage and infrastructure requirements.~~

(LDC, art. X; Ord. No. 2017-04, § 4, 4-4-2017; Ord. No. 2017-07, § 3, 8-8-2017)

Section 3.

Section 111-293. Additional Regulations

In addition to any existing regulations relating to hotel/motel development found elsewhere in the land development regulations, the following criteria shall apply to all transient lodging facilities:

(1) \*\*\* (12)

~~(13) — Cooking facilities, other than microwave ovens, are not allowed in transient lodging (hotel/motel/B&B) facility units.~~

~~(13)~~(14) Transient lodging facilities (hotels/motels) located along the riverfront must provide access to the riverfront and provide boardwalk access along the waterfront and give a perpetual easement to the city for the general public.

~~(14)~~(15) Transient lodging facilities (applies to hotels, motels and bed and breakfasts) must be located in appropriate zoning districts as provided in the zoning chapter.

~~(15)~~(16) All transient lodging facilities must meet applicable parking, stormwater and site plan requirements as provided in the zoning chapter.

~~(16)~~(17) In the general commercial zone C-1 or riverfront commercial zone C-4, a building having a first-floor commercial use may have a bed and breakfast use on an upper floor provided all applicable requirements are met.

~~(17)~~(18) In the general commercial zone C-1, the first and/or upper floor of a stand-alone, single-family dwelling existing on the effective date of state department of economic opportunity's state register notice approving this provision may be converted to a bed and breakfast use, provided that the first floor dwelling footprint is not expanded and all parking, floodplain management provisions, and other applicable requirements are met.

(LDC, art. X; Ord. No. 2005-08, § 1, 9-27-2005; Ord. No. 2017-07, § 3, 8-8-2017)

Section 4. Severability Clause. If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable, shall be severed here from and the remainder of this Ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby

repealed.

Section 6. This ordinance shall take effect upon approval by the City Commission.

PASSED FIRST READING ON: November 7, 2023

PASSED SECOND READING ON: December 5, 2023

CITY OF APALACHICOLA

BY: Brenda Ash  
Brenda Ash, Mayor

ATTEST:

Lee Mathes

Lee Mathes  
CITY CLERK