

**ORDINANCE #1108**

**AN ORDINANCE AMENDING ORDINANCE NO. 815, WHICH ADOPTED THE CITY OF MARIANNA LAND DEVELOPMENT REGULATIONS, AND ORDINANCE NO 1107, WHICH AMENDED THE CITY OF MARIANNA LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY AND FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of Marianna, Florida has previously enacted Ordinance No. 815, which adopted the City of Marianna Land Development Regulations (LDR) on December 1, 1991, and Ordinance No. 1107 on December 1, 2020 which amended the City of Marianna Land Development Regulations; and

**WHEREAS**, the City Commission of Marianna, Florida desires to amend Ordinance No. 815 and Ordinance No. 1107 to enact a change to the adopted Land Development Regulations of the City of Marianna, Florida, is hereby amended to read as presented in Exhibit A.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA, THAT:**

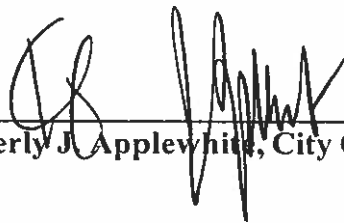
1. Ordinance No. 815 and Ordinance No. 1107 (including all revisions through the effective date of this ordinance) is amended to change the City of Marianna Land Development Regulations (LDR) (see Exhibit A) and change the Land Use District (Zoning) Map of the City of Marianna, Florida, to provide for the language above.
2. **SEVERABILITY**: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.
3. **REPEALER**: All other ordinances or portions of ordinances in force at the time this ordinance becomes effective which are in conflict with any provisions hereof shall be deemed to have been repealed to the extent of any such conflict, otherwise to remain in full force and effect.
4. **EFFECTIVE DATE**: This ordinance shall take effect as provided by law.

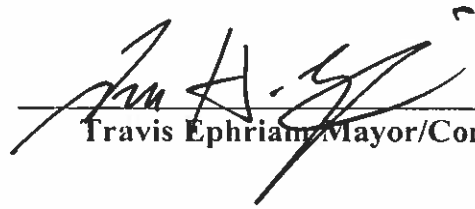
PRESENTED AND READ TO THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA ON THE 4<sup>th</sup> DAY OF NOVEMBER 2020.

THE FORGOING ORDINANCE WAS PASSED AND ADOPTED BY A VOTE OF 5 TO 0 BY THE CITY COMMISSION OF MARIANNA, FLORIDA ON THIS 1<sup>st</sup> DAY OF DECEMBER 2020.

ATTEST:

CITY OF MARIANNA

  
\_\_\_\_\_  
Kimberly J. Applewhite, City Clerk

  
\_\_\_\_\_  
Travis Ephriam Mayor/Commissioner

## EXHIBIT A

**NOTE: STRIKE THROUGH INDICATES LANGUAGE DELETED AND UNDERLINE INDICATES LANGUAGE CHANGES.**

### Article 4 – Definitions

#### Sec. 1-5. Definitions.

The following definitions shall be used for administration of this Code.

*Accessory dwelling unit.* An additional dwelling unit that is attached or unattached with a separate kitchen, sleeping and bathroom facilities.

*Building official.* The chief building official or building inspector ~~for Jackson County~~ designated by the City of Marianna.

*Modular home.* A home constructed in sections in a factory and then transported to a site to be joined together by contractors on a permanent foundation. Modular homes are built to conform to all state, local or regional building codes at their designation, and as such are classified as a site built home.

*Commercial Accessory Structure.* Subordinate, detached structure located on a residential lot for home occupation purposes. Commercial Accessory Structures do not include freight containers, Conex boxes, pods or similar structures designed for temporary storage or transport.

*Tiny Home.* A dwelling unit of 850 square feet or less that is built on a permanent foundation.

*Tiny Home Community.* Four or more detached tiny homes that share a commonly owned courtyard and/or common space and parking.

*Tiny Home on Wheels.* A tiny home that is built on a trailer bed or axels and designed to be movable. Also known as THOWs.

#### 2-6.3. Nonconforming development.

Nonconforming development is considered to be those land uses or structures which are in existence on the effective date of this Code and which by use, design or construction do not comply with the provisions of this Code. Subject to the following restrictions nonconforming development may, if lawfully in existence on the effective date of this Code, remain in its nonconforming state.

4. Abandonment or discontinuance. Where nonconforming development is abandoned or the use is discontinued for a period of ~~six months~~ three years such use shall not be continued or resumed, and shall be subject to compliance with the provisions of this Code.

#### **Article 4 – Development Standards**

##### Sec. 4-1. Zoning districts.

##### 4-1.7. Allowable uses and development standards.

3. R-3, multiple-family residential district.
  - a. Purpose. The purpose of this district is to provide areas for a mix of residential uses from single-family dwellings to multifamily dwellings (apartments, townhouses, etc.).
  - b. Allowable uses. The following uses are allowed as of right in the R-3 district; all other uses are conditional uses as specified in paragraph c, or prohibited.
    - i. All uses allowed as of right in the R-1 and R-2 districts.
    - ii. Multiple-family residential buildings.
    - iii. Home office of convenience as specified in section 4-2.
    - iv. Home occupation as specified in section 4-2.
    - v. Accessory structures as specified in section 4-2.
    - vi. Boardinghouse, roominghouse or guesthouse.
    - vii. Residential design manufactured homes.
    - viii. Tiny Home Communities.
  - c. Conditional uses. The following uses may be allowed in the R-3 district

upon approval of the Planning and Zoning Board and the City Commission subject to the following conditions or any other conditions considered necessary to maintain the integrity of the R-3 district.

- i. All conditional uses which may be allowed in R-1 and R-2 districts.
- ii. Manufactured home parks or subdivisions subject to the requirements of section 4-8.
- iii. Child care facility or family day care home provided a written, notarized statement of no objection is obtained from all adjacent property owners and buffers are provided as specified in section 4-3.
- iv. Tiny Homes with a minimum width of 20' measured across the narrowest portion and a minimum size of 600 square feet.

#### 4. Mixed use district (MU).

a. Purpose. The purpose of the mixed use category is to provide areas for an attractive and functional mix of residential, professional office, neighborhood commercial, and other similar low intensity uses. This category is further intended to provide for a range of uses for the purpose of stimulating the redevelopment or revitalization of underutilized or blighted areas.

b. Allowable uses. The following uses are allowed as of right in the mixed use district; all other uses are conditional uses as specified in paragraph c, or prohibited.

- i. All uses allowed as of right in the R-1 and R-2 districts.
- ii. Multiple-family residential buildings.
- iii. Home office of convenience as specified in section 4-2.
- iv. Home occupation as specified in section 4-2.
- v. Accessory structures as specified in section 4-2.
- vi. Boardinghouse, roominghouse or guesthouse.
- vii. Residential design manufactured homes and Tiny Home Communities, except along US90, SR73 South, Jefferson Street

and Kelson Avenue.

C. Conditional uses.

- i. Tiny Homes with a minimum width of 20' measured across the narrowest portion and a minimum size of 600 square feet.
- ii. The following uses may be allowed in the mixed use district subject to the conditions set forth herein provided that no more than 25 percent of the area may be used for retail commercial or 50 percent of the area may be used for office/service related uses within any MU district. Or, the following uses may be permitted as allowable uses if submitted as part of a PUD.

Neighborhood commercial uses:

Athletic or health clubs.  
Antique dealers.  
Bakery.  
Bookstore or newsstand.  
Card or gift shop.  
Convenience store.  
Dance or music studio.  
Child care centers.  
Delicatessen or carryout.  
Drugstore.  
Dry cleaner.  
Fast food restaurant.  
Florist shop.  
Garden supplies.  
Health products.  
Jewelers.  
Laundromat, washateria.  
Locksmith.  
Printing or copying shop.  
Repair shop, electronics.  
Restaurant.  
Shoe repair.  
Food or supermarket.  
City of Marianna Land Development Code Page 4-11  
Adopted November 2013 Article 4 – Development Standards  
Service or filling station.

Other similar low intensity uses as determined by the Planning and Zoning Board.

Office, medical, and related uses:

Abstract or title companies.

Advertising agencies.

Agents.

Architects, engineers, surveyors.

Auditors, accountants.

Bonding companies.

Book agents.

Business college.

Employment agency.

Film, photography, or art studio.

Finance companies.

Law offices.

Medical offices or clinics.

Professional office building.

Real estate office.

Tailor or seamstress shop.

Travel agency.

Other related uses as determined by the Planning and Zoning Board.

Concealed telecommunication facilities

iii. The following conditions shall apply to neighborhood commercial and office, medical and related uses in the mixed use district.

a) Gross floor area, either singularly or as a complex, shall not exceed 10,000 square feet with a maximum of 35 parking spaces.

b) Hours of operation or opening shall be no more than 7:00 a.m. to 11:00 p.m. when serving the public except for the following approved uses with visual screens and buffers: automatic carwash, ATM, and bulk ice vending machines.

c) Landscaped buffers as specified in section 4-3 shall be installed between any R-1, R-2, or R-3 zoning district boundary.

d). All performance standards as specified in subsection 4-1.8 must be adhered to.

Sec. 4-2. Accessory land uses and structures.

4-2.1. Accessory land uses.

1. Purpose. This subsection is intended to regulate the type, location, configuration and conduct of accessory land uses in order to ensure that such accessory uses are not harmful either physically or aesthetically to residents of surrounding areas.

2. Accessory Dwelling Units.

a. Purpose. The purpose of this subsection is to provide for inexpensive housing units to meet the needs of older households, making housing available to elderly persons who might otherwise have difficulty finding homes, and to provide living quarters for housekeeping or maintenance persons on-premises. This section is also intended to protect the property values and residential character of neighborhoods where accessory dwelling units are located.

b. Standards. An accessory dwelling unit may be allowed in conjunction with single-family homes but will count towards the maximum density requirement, provided that all of the following City of Marianna Land Development Code Page 4-42 Adopted November 2013 Article 4 – Development Standards requirements are met:

i. No more than one accessory dwelling unit shall be permitted on any residential lot.

ii. Accessory dwelling units, in conjunction with single-family homes, may be incorporated within the principal structure, attached to the principal structure, or may be a freestanding or detached structure.

iii. An accessory dwelling unit shall not exceed 25 percent of the square footage of the principal structure on the residential lot.

iv. The accessory dwelling unit shall be located and designed not to interfere with the appearance of the principal



structure as a single-family dwelling unit.

v. No variations, adjustments, or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory dwelling unit.

3. Home occupations. A home occupation shall be allowed in a bona fide dwelling unit or commercial accessory structure within R-2, R-3, and mixed use districts, subject to the following requirements:

a. No person other than members of the family residing on the premises shall be engaged in such occupation.

b. The use of the dwelling unit and accessory units as a whole for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding four square feet in area, non-illuminated, mounted flat against the wall.

d. No home occupation shall occupy more than 25 percent of the first-floor area of the dwelling. Commercial accessory structures can be used when the primary dwelling structure is not used, provided the commercial accessory structure does not exceed 500 square feet in size.

e. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street or right-of-way.

f. No equipment, tools, or process shall be used in a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.

g. Fabrication of Articles commonly classified under the terms "arts and handicrafts" may be deemed a home occupation, providing no retail sales are made at the home.

h. Outdoor storage of materials shall not be permitted.

i. The following shall not be considered home occupations: beauty shops and barbershops (more than one chair), band instrument or dance instructors, swimming instructor, studio for group instruction, public dining facility or tearoom, antique or gift shops, photographic studio, fortunetelling or similar activity, outdoor repair, food processing, retail sales, nursery school, kindergarten, or child day care center.

j. The giving of individual instruction to one person at a time, such as an art or piano teacher, shall be deemed a home occupation; individual instruction as a home occupation for those activities listed in paragraph i above shall be prohibited.

k. A home occupation shall be subject to all applicable City occupation licensing requirements, fees and other business taxes.

#### Sec. 4-9 Tiny Home Communities.

4-9.1. Purpose. The purpose of this section is to provide standards for the location and placement of Tiny Homes, Tiny Homes on Wheels and Tiny Home Communities.

4-9.2. Applicability. Tiny Homes and Tiny Homes on Wheels to be placed or otherwise located within the City shall comply with requirements specified herein. Tiny Homes and Tiny Homes on Wheels shall be used for residential purposes only.

#### 4-9.3 Tiny Homes.

- a. Intent. It is the intent of this regulation to encourage the provision of affordable housing in a general residential environment by permitting the use of tiny homes as defined in Section 1-5 as a dwelling unit of 850 square feet or less that is built on a permanent foundation, subject to the requirements and procedures set forth herein to assure similarity in exterior appearance between such tiny home and dwellings which have been constructed under these and other applicable regulations on contiguous or other lots in the same district.

Tiny homes shall be permitted in specific zoning districts as set forth in this Article in which similar residential occupancy is permitted, subject to all requirements and limitations applying generally to such residential use in such zoning districts, including but not limited to minimum lot, yard and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as described herein.

- b. Standards for determination of similarity in exterior appearance for Tiny Homes.

The following standards shall be used in determinations of similarity in appearance between tiny homes with foundations approved as provided.

1. Size. The minimum size of the home can be no smaller than 200 square feet.
2. Minimum roof pitch, minimum roof overhang, roofing materials. Minimum pitch of the main roof shall be not less than one foot of rise for four feet of horizontal and minimum roof overhang shall be six inches. In general, any roofing material may be used which is generally used for site built houses.
3. Exterior finish; light reflection. Any material may be used for exterior finish which is generally acceptable for housing provided, however, that reflection for such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.
4. Foundation. Tiny homes shall be placed upon a permanent foundation. Permanent foundation shall mean construction of a permanent, perimeter stem wall designed and constructed with the latest adopted edition of the building code specifications for exterior non-load bearing walls, extending at a minimum from the ground surface to the bottom starter of the exterior wall surfaces of the home as approved by the Director and building official. Tiny homes placed on blocks with a frame and tied downs are allowed as long as skirted with vinyl, block or brick façade enclosures around the crawl space.
5. All tiny home units must contain full bathroom and kitchen facilities.
6. All tiny home units must be able to connect to city water and sewer distribution systems.
7. Tiny home units shall not be used for commercial, industrial, or other nonresidential uses.

#### 4-9.4. Tiny Homes with Wheels.

1. Tiny Home with Wheels (THW) Placement. A THW shall be placed only in a tiny home community or mobile home park.
2. Government temporary use. Any agency of local, state or federal government may utilize a THW for temporary public purposes in any zoning district.
3. Tiny Homes on Wheels must be skirted.

#### 4-9.5 Tiny Home Communities.

1. Zoning districts. Tiny Home Communities are an allowable use in the R-3 and Mixed Use district.

2. Development standards. The following property development standards shall apply for all Tiny Home Communities:

- a. *Density.* The tiny home development shall be subject to the density provisions of the district in which it is located, which is 5.8 single family or 16 multifamily units in the R-3 District, with a minimum of 5 tiny home units.
- b. *Setbacks.* Tiny home communities shall maintain a 20' setback from the main road, 20' from sides and 10' from rear. Individual tiny home units shall be no less than 10' from interior roadways and at least 12' from other structures.
- c. *Buffers.* A tiny home community shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or hedge shall not be constructed or planted within the required front yard setback.
- d. *Open Space.* A minimum of 200 square feet of open space adjacent to each tiny home unit and 200 square feet of common open space per dwelling unit or 1500 square feet of common open space, whichever is greater.
- e. *Parking.* At least 2 parking spaces per unit with at least 50 percent of on-site parking in a shared parking area.
- f. *Lot Size.* 8,000 square feet for the first two dwelling units plus 2,500 square feet for each additional dwelling unit for a maximum
- g. *Building Height.* No building or structure erected or stationed in this development shall have a height greater than 35 feet.
- h. *Signage.* Tiny home communities shall be permitted to display one identifying sign of a maximum size of 24 square feet. Said sign shall contain thereon only the name and address of the tiny home development and may be lighted by indirect lighting only.
- i. The tiny home communities shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

3. General Provisions.

- a. Each tiny home community shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment,

and laundry facilities equipped with washing machines and dryers. Outside drying yards shall be enclosed with a six-foot-high solid fence.

- b. Tiny home developments must be managed by a single entity that collectively manages all lots within the development. Future sale of individual lots is prohibited.
- c. Managing entities of tiny home communities are fully responsible for the upkeep and maintenance of all common areas within the development.
- d. Sites designed to provide and rely on communal kitchens and showers in order to meet residents' needs shall not be permitted.
- e. All tiny home units must be able to connect to city water and sewer distribution systems.