

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, AMENDING THE ZONING CODE: AMENDING THE FRANKLIN COUNTY FUTURE LAND USE MAP TO COMMERCIAL MIXED-USE AND DESIGNATING AND ESTABLISHING THE **Serenity Seaside Resort** PLANNED UNIT DEVELOPMENT; ADOPTING CERTAIN REGULATORY REQUIREMENTS FOR THE **Serenity Seaside Resort** PLANNED UNIT DEVELOPMENT TO SUPPLEMENT REQUIREMENTS IN THE FRANKLIN ZONING CODE; PROVIDING FOR RESOLUTION OF CONFLICTS WITHIN THE FRANKLIN COUNTY ZONING CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Craig R. Dermody and Lindlee Dermody (hereinafter applicant **Serenity Seaside Resort L.L.C.**) have filed an application for a Planned Unit Development approval of a 55.88-acre MOL parcel of land located in Franklin County, Florida, presently with a Land Use Designation as Residential and Commercial and a Zoning Designation of R2 and C2 under the Franklin County Zoning map, which allows various commercial uses of the property ranging from Truck & automotive repair, restaurants, lounges, food services, retail, public assembly halls, entertainment centers; and with its R2 areas allowing single family dwellings including mobile homes on septic tank sewerage.

WHEREAS, the applicant recognizes the significant environmental features of the property and desires to create a mixed-use development that combines commercial and residential uses of the property which will protect those features by clustering the development in less significant areas; and

WHEREAS, Franklin County recognizes that clustering development requires flexibility in lot size and setback standards established in the Code; and that the area is contained in the Eastpoint Urban Service Area (USA) providing central sewer collection and treatment and potable water.

WHEREAS, the development of this property as applicant proposes will protect environmentally sensitive land, provide natural vegetation buffers on its perimeters; provide economic benefit to the local tourism industry, ensure compatibility with surrounding land uses; improve public health, safety and welfare of the community by eliminating illegal activities, i.e., dumping and trespassing; and

WHEREAS, Franklin County finds and determines that the provisions of this Ordinance promote the public health, safety and welfare by promoting sound and innovative land development practices that build on the requirements of the Franklin County Land Use Plan and Zoning Code by recognizing and preserving significant environmental features on the property, while preserving and protecting the owner's property rights, and

WHEREAS, the Board of County Commissioners of Franklin County has conducted a public hearing with due notice, and,

WHEREAS, the Board of County Commissioners of Franklin County has requested that the Developers consider making a voluntary contribution to affordable housing in Franklin County and they have agreed to donate \$1,500.00 from the initial sale only for each of the forty-four residential lots, totaling \$66,000.00;

NOW, THEREFORE, BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE FRANKLIN COUNTY ZONING ORDINANCE IS HEREBY AMENDED TO INCLUDE THE FOLLOWING NEW DISTRICT;

**SECTION 1. NAME**

The ordinance shall be known as the **Serenity Seaside Resort Planned Unit Development. (Serenity Seaside Resort PUD)**

**SECTION 2. APPROVAL**

The application for the establishment of the **Serenity Seaside Resort PUD** on the land legally described within the Legal Description, which is attached hereto and incorporated herein by reference, including all of the preamble which is incorporated herein by this reference, is hereby approved subject to Franklin County Ordinance 2007-27 and the conditions in the Ordinance and also subject to the condition that the developer contribute \$1,500.00 per residential lot of the initial sale only of the 44 residential lots, totaling \$66,000.00, to be donated to a qualified entity selected by Franklin County for the strictly limited purpose of developing affordable housing in Franklin County. The application and all documentation submitted by the Application in support of it are hereby incorporated by reference.

**SECTION 3. PERMITTED USES**

Subject to Franklin County Ordinance 2007-27, the following uses shall be principal and accessory permitted uses within the **Serenity Seaside Resort PUD**, with all structures therein served by central sewer and water provided by the Eastpoint Water & Sewer District:

- PRINCIPAL:**
- 1) Hotel with a maximum of 100 units
  - 2) Single Family Residential Lots for detached dwellings – with a maximum 44 dwellings units

- ACCESSORY:**
- 1) Those activities clearly ancillary and incidental to Resorts, including Bathhouse, Laundry, Clubhouse, Swimming Pool, Grill and Coffee Shop in clubhouse, Registration Office with Limited Convenience Retail,

Maintenance Building and Fenced Storage Yard, community room, Multi-modal Trails, Docks, Conservation/Open Space.

2) uses of land customary, incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

**OFF STREET PARKING AND LOADING REQUIREMENTS:** Parking requirements shall comply Section 430 & 440 of the zoning code.

**SPECIAL EXEPTIONS:** No special exception or changes in allowable use except as specifically set forth in the foregoing, shall be allowed without prior permission of the Franklin County Board of County Commissioners.

**SECTION 4. DEVELOPMENT STANDARDS DENISTY and COVER** (Please see Conceptual Land Use Site Plan and Table)

- 1) Common Areas (Green Space (19.08 acres), Wetlands (7.68 acres) Lake (5.61 acres), Upland Buffers (5.76 acres)  
38.12 acres (68.2 % total area);
- 2) Commercial Density 100 Units (40 Unit Hotel with 60 Motor Court Cottages (450 sq ft on 600 ft spaces), Maintenance Building, Common Area Amenities) swimming pool, grill-bar exercise area)  
5.08 Acres (9.1% total area);
- 3) Residential Density 44 Units on 18.14 acres (1350 sq ft buildings on 6000 sq ft lots)  
Buildings clustered on 3.68 Acres (6.7 % total area)  
Note: Of the remaining 15.52 acres, approximately 13.4 acres of wetlands and Critical Habitat Zone buffers will be placed in Conservation Easements with the only allowable use being passive elevated boardwalks by state authorization.
- 4) Infrastructure (roads, sidewalks, stormwater management underground utilities)  
9.0 Acres (16 % total area)

**TOTAL AREA 55.88 Acres**

**Building Setbacks:**

- 1) Commercial – 25 ft front set-back, 10 ft on rear and sides;
- 2) Residential – 10-ft side, 10-ft rear 25 ft front

**MINIMUM LOT SIZE:** Minimum lot size for Residential will be 6000 sq ft. The minimum lot size for the Commercial detached Bungalows will be 800 sq ft including parking and outdoor uses.

**MAXIMUM BUILDING HEIGHT:** Shall be 47 feet for all buildings and structures per Section 462 of Zoning Ordinance.

**MAXIMUM IMPERVIOUS COVERAGE:** 80%

**SIGNS:** Signs in accordance with Section 450 Zoning Ordinance.

**LIGHTING:** Area lights may be provided but must be restricted to minimize visibility from adjacent residential properties.

**UTILITIES:** Water and Sewer will be provided by and operated and managed by the Eastpoint Water & Sewer District (EWSD). Telephone, TV cable and electrical shall be underground.

**STREETS:** Streets shall be private, having a 22 ft driving surface area with curb and gutter. The arterial road will be a minimum of a 40ft right of way (ROW) which will contain the referenced utilities as required by the utility installer. A 50 ft ROW is proposed for the main access road through the PUD.

**STORMWATER:** an innovative stormwater collection and management system (SWM) will be used to collect and treat runoff which minimizes clearing and creates a more natural space between roads and stormwater management facilities.

The innovative features will include stormwater collection by curb and gutter transported to a series of swales and retention areas that are screened from the driving surface by vegetative buffers. The final engineered SWM will be approved by the Northwest Florida Water Management District.

#### **SECTION 5. FUTURE PLAT(S), SITE PLAN(S) AND PHASING**

The Planned Unit Development as illustrated by the Site Plan will be developed as a phased development. The Site plan contains three (3) phases of the Commercial Development and one (1) phase of the Residential Development.

#### **SECTION 6. CONCEPTUAL LAND USE PLAN**

The Conceptual Land Use Plan attached hereto is intended to depict the general location of the commercial recreational and residential areas, together with the roads, development within the property will be described on the final plat(s) or site plan(s), as applicable. Amendments to the Conceptual Land Use Plan may be made as provided below. Any sketch, preliminary or final subdivision plans will be filed with the Franklin County Planning and Zoning. The final permits for Stormwater Management, engineering of any structure including utilities

will be filed with the Planning and zoning Department for building permits before the commencement of construction.

**SECTION 7. AMENDMENTS TO THE PUD**

Requests for any amendment to this Ordinance or the Conceptual Land Use Plan shall be submitted to the Franklin County Planning & Building Department for review and determination of appropriate actions.

**SECTION 8. PUBLIC FACILITIES**

The potable water distribution facilities and waste water collection facilities shall be constructed in accordance with plans and standards approved by the Eastpoint Water & Sewer District (EWSD) and/or the Florida Department of Environmental Protection, as applicable, such that the EWSD will accept responsibility for the operation, maintenance and repair of such facilities. Necessary easements shall be available to the EWSD to maintain and repair the facilities.

**SECTION 9. ENFORCEMENT**

The Franklin County Board of County Commissioners may enforce this Ordinance as authorized by law. A Homeowner’s Association will be formed and will adopt covenants to administer the project’s overall development process assisting in the enforcement of this Ordinance.

**SECTION 10. OTHER ORDINANCES**

Except for Ordinance 2007-27, specific provisions of this PUD Ordinance shall prevail over conflicting provisions of the Franklin County Zoning Code as they apply to the Property. Except as specifically modified or changed in the Ordinance, all provisions of the Franklin County Zoning Code and the Franklin County Subdivision ordinance shall apply in the **Serenity Seaside Resort PUD** in the same manner as throughout the County. Also, Franklin County Ordinance 13.04, Flood Hazard is applicable to lands within this district.

**SECTION 11. LAND USE and ZONING MAP**

Upon this Ordinance becoming effective, the Franklin County Zoning Map shall be amended to show the property described on the attached Legal Description as **Serenity Seaside Resort PUD**. This Ordinance will change the Franklin County future Land Use Map to Mixed Use Commercial.

**SECTION 12. SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, is held to be invalid by the final order of a court of competent jurisdiction, such invalidity shall not affect the other remaining provisions of this Ordinance.

SECTION 13. EFFECTIVE DATE

This ordinance shall take effect as provided by law.

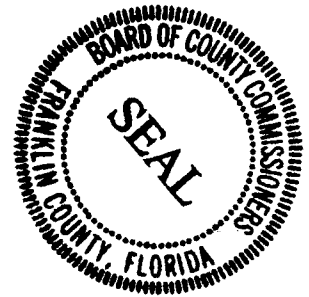
This Ordinance was adopted in a regular open meeting this 16<sup>th</sup> day of July, 2019 after notice of intent to consider same was made and evidence thereof kept by the County Clerk.

FRANKLIN COUNTY, a political subdivision of the State of Florida

By: Noah Lockley Jr.  
Noah Lockley, Jr., Its Chairman

Attest:

By: Marcia M. Johnson (Seal)  
Marcia M. Johnson, Clerk



Approved as to form and content

By: Thomas M. Shuler  
Thomas M. Shuler, County Attorney

**Thurman Roddenberry and Associates, Inc.**  
**Professional Surveyors and Mappers**

PO Box 100  
125 Sheldon Street  
Sopchoppy, Florida 32358  
USA

Phone: 850-962-2538  
Fax: 850-962-1103

July 17, 2019

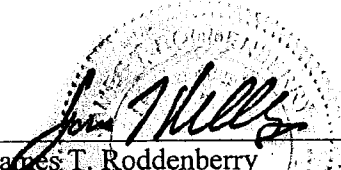
Legal Description of a 55.88 Acre Tract  
Certified To: Prescombe Partners, LLC

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 5J-17.051, Florida Administrative Code).

Commence at the Southeast corner of Fractional Section 36, Township 8 South, Range 7 West, Franklin County, Florida; thence run South 89 degrees 57 minutes 39 seconds West 996.73 feet; thence run North 00 degrees 01 minutes 22 seconds East 50.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 00 degrees 01 minutes 22 Seconds East 370.02 feet; thence run South 89 degrees 58 minutes 39 seconds West 763.07 feet; thence run South 89 degrees 59 minutes 26 seconds West 85.88 feet; thence run North 00 degrees 00 minutes 10 seconds East 1,076.63 feet; thence run North 89 degrees 58 minutes 17 seconds East 87.95 feet; thence run North 00 degrees 03 minutes 53 seconds East 43.45 feet; thence run North 89 degrees 59 minutes 26 seconds East 1,760.91 feet; thence run South 00 degrees 03 minutes 50 seconds West 1076.43 feet, thence run South 89 degrees 56 minutes 32 seconds East 1.64 feet, thence run South 00 degrees 03 minutes 50 seconds West 370.38 feet to a point lying on a curve concave to the Northerly; thence run Southwesterly along said curve having a radius of 362.72 feet, through a central angle of 28 degrees 19 minutes 17 seconds, for an arc distance of 179.29 feet, chord being South 75 degrees 50 minutes 44 seconds West 177.74 feet, thence run North 89 degrees 59 minutes 38 seconds West 828.10 feet to the POINT OF BEGINNING containing 55.88 acres more or less

NO FIELD WORK has been done to verify the accuracy of the property herein.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

  
James T. Roddenberry  
Surveyor and Mapper Florida  
Certificate No: 4261

96-095ac55.87

