

ORDINANCE NO. 2017- 014 _____

AN ORDINANCE OF FRANKLIN, FLORIDA, PROVIDING FOR A SIX (6) MONTH TEMPORARY MORATORIUM ON ALL APPLICATIONS FOR DEVELOPMENT APPROVAL FOR ALL PROPERTY LOCATED ON ST. GEORGE ISLAND, FLORIDA, LOCATED WITHIN A 2,100 FOOT RADIUS OF THE CENTER POINT OF THE INTERSECTION OF FRANKLIN BOULEVARD AND GULF BEACH DRIVE, AS DESCRIBED IN PLAT BOOK 2, PAGE 7, FRANKLIN COUNTY, FLORIDA, EXCLUDING THE AREA EAST OF THE EAST BOUNDARY OF THIRD STREET EAST AND WEST OF THE WEST BOUNDARY OF THIRD STREET WEST; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN ADMINISTRATIVE REMEDY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, FLORIDA:

SECTION 1: AUTHORITY.

The authority for the enactment of this Ordinance is Chapter 125, *Florida Statutes*, and Franklin County's Home Rule powers.

SECTION 2: FINDINGS OF FACTS.

WHEREAS, Franklin County is required to protect the public health, safety, and welfare; and

WHEREAS, the County Commission of Franklin County desires to establish on St. George Island, Florida, a St. George Island Corridor Overlay for the business district which is located within a 2,100 foot radius of the center point of the intersection of Gulf Beach Drive and Franklin Boulevard, St. George Island, Florida, excluding the area east of the east boundary of Third Street East and west of the west boundary of Third Street West. The County shall establish the boundaries of the Corridor Overlay based on the conceptual map provided herein and relevant regulations through a public planning process that will involve property owners as well as the public at-large. The intent of establishing this Corridor Overlay is to welcome existing and future residents and visitors to St. George Island, Florida, and to promote the island as an attractive, vibrant, and economically prosperous community; and

WHEREAS, the County Commission finds that the establishment of a St. George Island Corridor Overlay within the business district, and entrance, to St. George Island, Florida, is

necessary to protect the character of the island and the reasonable development expectations of property owners; and

WHEREAS, the County Commission finds that a six (6) month temporary moratorium on all applications for development approval for all properties located within a 2,100 foot radius of the center point of the intersection of Gulf Beach Drive and Franklin Boulevard, St. George Island, Florida, excluding the area east of the east boundary of Third Street East and west of the west boundary of Third Street West. is necessary to provide adequate time for the County Commission to develop land development regulations to establish a St. George Island Corridor Overlay for all property located within that radius; and

WHEREAS, for the purposes of this Ordinance, the phrase “application for development approval” shall include, but not be limited to, any application and/or request for a site plan approval, a building permit, and a change of use, but shall exclude all building permits for the maintenance and repair of existing structures and the replacement of existing structures that were destroyed by natural causes such as fires or hurricanes; and

WHEREAS, the County Commission desires to exempt from the six-month temporary moratorium any application for development approval located within a 2,100 foot radius of the center point of the intersection of Gulf Beach Drive and Franklin Boulevard, excluding the area east of the east boundary of Third Street East and west of the west boundary of Third Street West, with a zoning designation of R-1 Single Family Residential District and publicly owned lands; and

WHEREAS, for purposes of this ordinance, the phrase “R-1 Single Family Residential District” shall mean the zoning classification defined by the Franklin County Zoning Code, as amended; and

WHEREAS, for purposes of this ordinance, the phrase “publicly owned lands” shall mean all lands the title to which is vested in, or dedicated to, Franklin County, a political subdivision of the state, the State of Florida or the United States of America; and,

WHEREAS, the County Commission desires to establish an administrative remedy for any property owner who contends that the application of this Ordinance to his or her property constitutes a temporary regulatory taking or illegally interferes with a vested right; and

WHEREAS, failure to impose such a six (6) month temporary moratorium may result in development and/or uses that would be inconsistent with the purpose of the proposed St. George Island Corridor Overlay, and, thereby, undermine the County’s ability to “promote St. George Island, Florida as an attractive, vibrant, and economically prosperous community.”

NOW, THEREFORE BE IT ORDAINED by the County Commission of Franklin County, Florida, that the County hereby:

1. Adopts a six (6) month temporary moratorium on all applications for development

approval for all properties located within the area described as follows:

ALL PROPERTY ON ST. GEORGE ISLAND, FLORIDA, LOCATED WITHIN A 2,100 FOOT RADIUS OF THE CENTER POINT OF THE INTERSECTION OF FRANKLIN BOULEVARD AND GULF BEACH DRIVE, AS DESCRIBED IN PLAT BOOK 2, PAGE 7, FRANKLIN COUNTY, FLORIDA, EXCLUDING THE AREA EAST OF THE EAST BOUNDARY OF THIRD STREET EAST AND WEST OF THE WEST BOUNDARY OF THIRD STREET WEST.

SEE THE ATTACHED MAP ILLUSTRATING THIS AREA. IN THE EVENT OF CONFLICT, THE LEGAL DESCRIPTION PREVAILS OVER THE ILLUSTRATION.

2. Exempts all properties located within a 2,100-foot radius of the center point of the intersection of Gulf Beach Drive and Franklin Boulevard, excluding the area east of the east boundary of Third Street East and west of the west boundary of Third Street West, with a zoning designation of R-1 Single Family Residential District and publicly owned lands from the six (6) month temporary moratorium established by this Ordinance.

3. Directs the County Staff to not process and/or approve any application for development approval for any property located within a 2,100-foot radius of the center point of the intersection of Gulf Beach Drive and Franklin Boulevard, excluding the area east of the east boundary of Third Street East and west of the west boundary of Third Street West that does not meet the requirements set forth in Paragraph 2 above.

SECTION 3: ADMINISTRATIVE REMEDY.

1. Any property owner who contends that the application of this Ordinance to his or her property constitutes a temporary regulatory taking or illegally interferes with a vested right shall submit an application to the County Coordinator, or his designee, for administrative relief. The application shall contain all evidence known to the property owner that supports the property owner's contention that the imposition of this Ordinance to his or her property constitutes a temporary regulatory taking or illegally interferes with a vested right.

2. An application which contains an allegation of a temporary regulatory taking shall be evaluated pursuant to the criteria described in *Reahard v. Lee County*, 968 F.2d 1131 (11th Cir. 1992), which include:

- a. Whether the property owner will be denied substantially all beneficial use of the property;
- b. Consideration of economic impact of the temporary moratorium; and

- c. The extent to which the temporary moratorium has interfered with the property owner's investment-backed expectations.

The following is a non-exclusive list of the factors to be analyzed under these criteria:

- a. The history of the property;
- b. The history of the development;
- c. The history of the property's Future Land Use Map classification;
- d. The history of the property's zoning;
- e. Any change in development when ownership changed;
- f. The present nature and extent of the property;
- g. The reasonable expectations of the property owner and the neighboring property owners; and
- h. Any diminution of the property owner's investment-backed expectations.

3. The County Coordinator, or his designee, shall make a determination within thirty (30) calendar days of receipt of a complete application whether to grant or deny such an application. Determinations made by the County Coordinator pursuant to this Section may be appealed to the County Commission by filing a written request with the County Coordinator within ten (10) days of the County Coordinator's determination. Failure to file such an appeal shall constitute a waiver of the property owner's right to challenge the County Coordinator's determination.

SECTION 4: SEVERABILITY.

If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

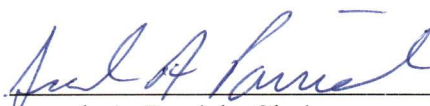
SECTION 5: EFFECTIVE DATE.

This Ordinance shall take effect as provided by law.

Passed on Second Reading the 5th day of September, 2017.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the County Commission, upon second and final reading this 5th day of September 2017.

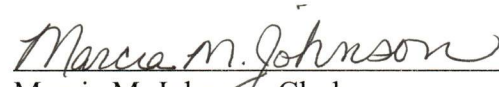
FRANKLIN COUNTY, a political
subdivision of the State of Florida



Joseph A. Parrish, Chairman

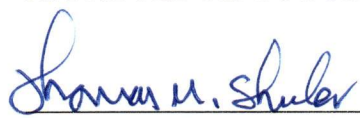


ATTEST:



Marcia M. Johnson, Clerk

APPROVED AS TO FORM



Thomas M. Shuler, County Attorney