

FRANKLIN COUNTY, FLORIDA
ORDINANCE NO. 2005-17

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA,
AMENDING THE ZONING CODE; AMENDING THE
FRANKLIN COUNTY ZONING MAP; DESIGNATING
AND ESTABLISHING THE TUCKERS LANDING PLANNED UNIT
DEVELOPMENT; ADOPTING CERTAIN REGULATORY REQUIREMENTS
FOR THE TUCKERS LANDING 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, B & H, LLC and AK 47, LLC (hereinafter applicant) have filed a joint application for a Planned Unit Development approval of a 18.08 parcel of land located in Franklin County, Florida, presently zoned C-3 under the Franklin County Zoning map, which allows various commercial uses of the property ranging from marinas, fish camps, motels and hotels and restaurants; and

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

WHEREAS, the development of this property as applicant proposes will eliminate 42 substandard housing units presently served by septic tanks, and replace same with new code compliant housing units served by a central sewer system, and further, such development will eliminate fuel tanks above and below ground; 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 Zoning Code by recognizing and preserving significant environmental features on the property, while preserving and protecting the property rights of the property owner; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida, has received a recommendation from the Franklin County Planning & Zoning Commission for amending the Franklin County Zoning Ordinance to create the Tuckers Landing Planned Unit Development as a separate district; and

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

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 Tuckers Landing Planned Unit Development (Tuckers Landing PUD).

SECTION 2. APPROVAL.

The application for the establishment of the Tuckers Landing PUD on the land legally described within Exhibit "A", which is attached hereto and incorporated herein by reference, is hereby approved subject to the conditions in the Ordinance. The application and all documentation submitted by the Applicant in support of it are hereby incorporated by reference.

SECTION 3. PERMITTED USES.

The following uses shall be principal and accessory permitted uses within the Tuckers Landing PUD, with all structures therein served by central sewer and water provided by the City of Apalachicola:

- PRINCIPAL:**
- (1) Marina or multi-family dock and mooring facility (private for use of residents, guest and invitees);
 - (2) Dry stacked storage for boats (private for use of residents, guest and invitees);
 - (3) Bar and lounge, with liquor sales and with limited seating restaurant (private for use of residents, guest and invitees);
 - (4) Outfitter or guide services;
 - (5) Single family detached dwellings;
 - (6) Single family attached dwellings;
 - (7) Two, three, and four family dwelling units;
 - (8) Townhouses, condominiums and time-sharing units.

- ACCESSORY:**
- (1) Those activities clearly ancillary and incidental to marina activities, including tackle & bait shop, ship store, etc., (private for use of residents, guest and invitees);
 - (2) Uses of land customary, incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

SPECIAL EXCEPTIONS: No special exception or changes in allowable use shall be allowed without prior permission of the Franklin County Commission.

SECTION 4. DEVELOPMENT STANDARDS

DENSITY:

- (1) Commercial density will be a minimum of 1,500 square feet to a maximum of 15,000 feet aggregate, in the areas denoted on the attached Master Plan.
- (2) Residential density is limited to 4.3 units per gross acre of the Breakaway PUD area, which will be a maximum of 76 units, in the areas denoted on the attached Master Plan.

BUILDING SETBACK:

- (1) Commercial – Same as C-2. Also, must comply with critical habitat setback of 50 feet for river front property, except for existing building(s);
- (2) Residential – Same as R-5, except for attached dwelling units or condominium units. Also, must comply with critical habitat setback of 50 feet for river front property.

MINIMUM LOT SIZE: No minimum lot size is required, but residential unit and associated land must be 20 feet width minimum, except for condominiums for which there will be no minimum.

MAXIMUM BUILDING HEIGHT: 35 feet in height except existing building(s). See Section 462 of Zoning Ordinance.

MAXIMUM IMPERVIOUS COVERAGE: 80%

SIGNS: See Section 450 Zoning Ordinance.

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

UTILITIES: Water will be provided by the City of Apalachicola. Sewer disposal will be by facility approved by the Department of Environmental Protection and ultimately operated and managed by the City of Apalachicola.

ROADS: Roads shall be private. However, they have a 60 foot right-of-way and shall be built to existing Franklin County standards.

OFF STREET PARKING AND LOADING REQUIREMENTS: See Section 430 and 440 of zoning ordinance.

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

At the option of the applicant or its successor, the development may proceed with subdividing the property and complying with all requirements of the Franklin County Subdivision Ordinance, or by not subdividing the property and selling the units as part of buildings approved pursuant to the County's site plan approval process, or a combination of the two, provided that all commercial development shall be confined to the areas denoted on the Master Plan as commercial and all residential development shall be confined to the areas denoted on the Master Plan as residential; and provided further that there will not be any more than 76 residential units. At the option of the applicant or its successor, the development may proceed in phases with final plat approval or site plan approval, whichever is applicable, for each phase as it is ready for development.

SECTION 6. MASTER PLAN.

The Master Plan attached hereto as Exhibit "B" is intended to show the general location of the commercial and residential areas, together with the roads, natural features, and other general improvements. The precise location of all developments within the property will be described on the final plat(s) or site plan(s), as applicable. Amendments to the Master Plan may be made as provided below.

SECTION 7. AMENDMENTS TO THE BREAKAWAY PUD.

Requests for any amendment to this Ordinance or the Master Plan shall be submitted to the Franklin County Commission.

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 City of Apalachicola or the Florida Department of Environmental Protection, as applicable, such that the City will accept responsibility for the operation, maintenance and repair of such facilities. Necessary easements shall be available to the City to maintain and repair the facilities.

SECTION 9. ENFORCEMENT.

The County may enforce this Ordinance as authorized by law.

SECTION 10. OTHER ORDINANCES.

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 this Ordinance, all provisions of the Franklin County Zoning Code and the Franklin County Subdivision Ordinance shall apply in the Tuckers Landing PUD in the same manner as throughout the County. Also, Franklin County Ordinance 89-8, Critical Shoreline, and Franklin County Ordinance 88-2, Flood Hazard are applicable to lands within this district, except as to existing building(s).

SECTION 11. ZONING MAP.

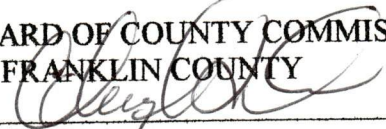
Upon this Ordinance becoming effective, the Franklin County Zoning Map shall be amended to show the property described on attached Exhibit "A" as the Tuckers Landing PUD.

SECTION 12. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstances is held to be invalid, such invalidity shall not effect the other provisions of applications of the Ordinance that can be given without the invalid provision or application.

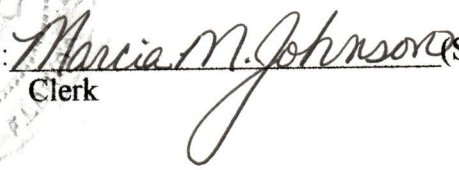
SECTION 13. EFFECTIVE DATE.

This Ordinance was adopted in a regular open meeting this 5th day of April, 2005, after notice of intent to consider same was made and evidence thereof kept by the County Clerk.

BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY

By 
Chairman



Attest:  (Seal)
Clerk

PARCEL "A"

A portion of that parcel of land described in the instruments recorded in Official Records Book 121, Page 292, Official Records Book 126, Page 136 and Official Records Book 285, Page 262 of the Public Records of Franklin County, Florida, lying in the northeast quarter of Fractional Section 27, Township 8 South, Range 8 West, Franklin County, Florida, more particularly described based on a recent field survey by Allen Nobles and Associates, Inc., showing a field survey date of March 19, 2004 as follows:

COMMENCE at a concrete monument marking the southwest corner of the Northeast Quarter of the Northeast Quarter of Fractional Section 27, Township 8 South, Range 8 West, Franklin County, Florida and run thence North 00 degrees 28 minutes 37 seconds East 47.00 feet; thence run North 89 degrees 20 minutes 52 seconds West 75.00 feet to an 1-1/2" iron pipe; thence continue North 89 degrees 20 minutes 52 seconds West 100.00 feet to an 1" iron pipe; thence run North 65 degrees 26 minutes 55 seconds West a distance of 100.34 feet to an iron pipe marking the northwest corner of that parcel of land described in the instrument recorded in Official Records Book 126, Page 136 of said public records and lying on the westerly boundary of that parcel of land described in the instrument recorded in Official Records Book 285, Page 262 of said public records for the POINT OF BEGINNING. From said POINT OF BEGINNING, run thence North 25 degrees 25 minutes 45 seconds East along said westerly boundary, a distance of 25.30 feet to a 2" iron pipe; thence continue North 25 degrees 25 minutes 45 seconds East along said westerly boundary, 135.80 feet; thence leaving said westerly boundary, run South 65 degrees 52 minutes 52 seconds East 2.02 feet to a concrete monument with cap marked LS#4064 marking the southeast corner of that parcel of land described in the instrument recorded in Official Records Book 689, Page 310 of said public records; thence run North 25 degrees 15 minutes 27 seconds West along the easterly boundary of said parcel described in the instrument recorded in Official Records Book 689, Page 310 of said public records, 630.63 to the southerly Mean High Water Line of the Apalachicola River (Elevation 1.28 feet, National Geodetic Vertical Datum of 1929), said point marked by a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar (and the Beginning of a Survey Meander Line described herein); thence leaving said easterly boundary, run Southeasterly along said Mean High Water Line and the northerly boundary of said parcel described in the instrument recorded in Official Records Book 285, Page 262, as follows: North 84 degrees 51 minutes 26 seconds East 4.70 feet; thence South 68 degrees 12 minutes 30 seconds East 34.39 feet; thence South 61 degrees 16 minutes 22 seconds East 29.82 feet; thence South 59 degrees 37 minutes 43 seconds East 49.04 feet; thence South 51 degrees 59 minutes 01 seconds East 33.55 feet; thence South 60 degrees 32 minutes 01 seconds East 49.53 feet; thence South 60 degrees 15 minutes 57 seconds East 44.15 feet; thence South 69 degrees 31 minutes 46 seconds East 24.09 feet; thence South 29 degrees 06 minutes 59 seconds East 12.97 feet; thence South 78 degrees 54 minutes 07 seconds East 27.01 feet; thence South 61 degrees 48 minutes 04 seconds East 57.78 feet; thence South 55 degrees 19 minutes 23 seconds East 53.03 feet;

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thence leaving said Mean High Water Line, run South 23 degrees 53 minutes 20 seconds West 990.21 feet to the southerly boundary of said parcel described in the instrument recorded in Official Records Book 285, Page 262 of said public records; thence run North 58 degrees 16 minutes 31 seconds West along the southerly boundary of said parcel, 378.37 feet to a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar; thence continue North 58 degrees 16 minutes 31 seconds West along said southerly boundary, 65.00 feet to the southwest corner of said parcel; thence leaving said southerly boundary, run North 25 degrees 25 minutes 45 seconds East along the westerly boundary of said parcel, 70.00 feet to a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar; thence continue North 25 degrees 25 minutes 45 seconds East along said boundary, 105.00 feet to the POINT OF BEGINNING, containing 9.60 acres, more or less.

The Mean High Water Line of the Apalachicola River being referenced by a Survey Meander Line described as: BEGIN at a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar at the northwest corner of the above described parcel, said point lying on the southerly Mean High Water Line of the Apalachicola River (Elevation 1.28 feet, National Geodetic Vertical Datum of 1929); thence run Southeasterly along said meander line as follows: South 01 degrees 55 minutes 08 seconds West 21.64 feet to a 5/8" iron rod with cap marked Control Point LB#3293; thence run South 58 degrees 13 minutes 50 seconds East 408.88 feet to the easterly boundary of the parcel described herein, said point lying North 58 degrees 13 minutes 50 seconds West 52.20 feet of a 5/8" iron rod with cap marked Control Point LB#3293; thence run North 23 degrees 53 minutes 20 seconds East along said easterly boundary, 39.46 feet to the northeast corner of the parcel described herein and the terminal point of the meander line.

Bearings are Grid Bearings, North American Datum of 1983, 1990 Adjustment (N.A.D. 83/90), Florida North Zone, Lambert Projection, based on a control network incorporating the following National Geodetic Survey control points: "APALPORT" P.I.D. AS0895; "APALPORT AZ MK" P.I.D. AS0884; "WEST" P.I.D. AS0123; and "WIMICO" P.I.D. AS0751.

I hereby certify that this description meets the Minimum Technical Standards as set forth by the Florida Board of Surveyors and Mappers in Chapter 61G-17-6.006(1), Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

M. Kevin Mears
Professional Surveyor and Mapper
Florida Certificate Number 5459
ALLEN NOBLES & ASSOCIATES, INC.
Florida Licensed Business Number 3293
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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PARCEL "B"

A portion of that parcel of land described in the instruments recorded in Official Records Book 199, Page 112 and Official Records Book 285, Page 262 of the Public Records of Franklin County, Florida, lying in the northeast quarter of Fractional Section 27, Township 8 South, Range 8 West, Franklin County, Florida, more particularly described based on a recent field survey by Allen Nobles and Associates, Inc., showing a field survey date of March 19, 2004 as follows:

COMMENCE at a concrete monument marking the southwest corner of the Northeast Quarter of the Northeast Quarter of Fractional Section 27, Township 8 South, Range 8 West, Franklin County, Florida and run thence South 00 degrees 28 minutes 37 seconds West 276.76 feet to the southerly boundary of said parcel described in the instrument recorded in Official Records Book 285, Page 262 of said public records; thence run South 58 degrees 16 minutes 31 seconds East along said southerly boundary, 45.17 feet to the intersection of said southerly boundary with the Survey Line shown on the Florida Department of Transportation Right of Way Map, Section Number 49596-2601 and described in the instrument recorded in Official Records Book 93, Pages 441 and 458 of said public records and the POINT OF BEGINNING. From said POINT OF BEGINNING, and leaving said southerly boundary, run North 23 degrees 53 minutes 20 seconds East 990.21 feet to the southerly Mean High Water Line of the Apalachicola River (Elevation 1.28 feet, National Geodetic Vertical Datum of 1929); thence run Southeasterly along said Mean High Water Line and the northerly boundary of said parcel described in the instrument recorded in Official Records Book 285, Page 262, as follows: South 55 degrees 19 minutes 23 seconds East 53.00 feet; thence South 82 degrees 55 minutes 35 seconds East 15.51 feet; thence South 75 degrees 24 minutes 39 seconds East 19.17 feet; thence South 34 degrees 54 minutes 25 seconds East 22.84 feet; thence South 83 degrees 05 minutes 25 seconds East 26.67 feet; thence South 62 degrees 51 minutes 51 seconds East 43.41 feet; thence South 66 degrees 17 minutes 06 seconds East 57.57 feet; thence South 57 degrees 44 minutes 32 seconds East 49.99 feet; thence South 45 degrees 49 minutes 45 seconds East 37.61 feet to the easterly boundary of said parcel; thence leaving said Mean High Water Line, run South 21 degrees 30 minutes 45 seconds West along the easterly boundary of said parcel, 397.11 feet to the southerly bank of an existing canal and the northwest corner of that parcel of land described in the instrument recorded in Official Records Book 199, Page 112 of said public records (said point lying South 21 degrees 30 minutes 45 seconds West 1.00 feet of a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar; thence leaving said easterly boundary of said parcel described in Official Records Book 285, Page 262, run Southeasterly along the bank of an existing canal, 205 feet, more or less to the easterly boundary of said parcel described in Official Records Book 199, Page 112; thence leaving said bank, run South 20 degrees 58 minutes 35 seconds West 24.00 feet to a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar; thence continue South 20 degrees 58 minutes 35 seconds West along said easterly boundary, 150.00 feet to a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar; thence run North 69 degrees 01 minutes 25 seconds West along the southerly boundary of said parcel, 200.00 feet to the aforesaid easterly boundary of said parcel described in the instrument recorded in Official Records Book 285, Page 262 of said public records; thence run South 21 degrees 30 minutes 45 seconds West along said easterly boundary, 475.25 feet to a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar; thence run North 58 degrees 16 minutes 31 seconds West along the southerly boundary of said parcel, 361.83 feet to the POINT OF BEGINNING, containing 8.48 acres, more or less.

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The Mean High Water Line of the Apalachicola River being referenced by a Survey Meander Line described as:

BEGIN at a 1/2" aluminum rod with cap marked LB#3293 and a 5/8" rebar at the northeast corner of the above described parcel and run South 21 degrees 30 minutes 45 seconds West along the easterly boundary of said parcel, 20.95 feet to a point lying North 65 degrees 24 minutes 04 seconds West 54.68 feet of a 5/8" iron rod with cap marked Control Point LB#3293; thence leaving said easterly boundary, run North 65 degrees 24 minutes 04 seconds West 265.69 feet to a 5/8" iron rod with cap marked Control Point LB#3293; thence run North 58 degrees 13 minutes 50 seconds West 52.20 feet to the westerly boundary of said parcel; thence run North 23 degrees 53 minutes 20 seconds East along said westerly boundary, 39.46 feet to the northwest corner of said parcel described herein and the terminal point of the meander line described herein.

Bearings are Grid Bearings, North American Datum of 1983, 1990 Adjustment (N.A.D. 83/90), Florida North Zone, Lambert Projection, based on a control network incorporating the following National Geodetic Survey control points: "APALPORT" P.I.D. AS0895; "APALPORT AZ MK" P.I.D. AS0884; "WEST" P.I.D. AS0123; and "WIMICO" P.I.D. AS0751.

I hereby certify that this description meets the Minimum Technical Standards as set forth by the Florida Board of Surveyors and Mappers in Chapter 61G-17-6.006(1), Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

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Professional Surveyor and Mapper

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Tuckers Landing

APALACHICOLA, FRANKLIN COUNTY, FLORIDA

PLANNED UNIT DEVELOPMENT CONCEPT PLAN

NOTE: BASE INFORMATION IS FROM FIELD RUN SURVEY BY ALLEN NOBLES AND ASSOCIATES, INC. DATED 11/12/03, AERIAL PHOTOGRAPHY FROM FLORIDA D.O.T. DATED APRIL 2004



VICINITY MAP
NOT TO SCALE

EXISTING BOAT DOCKS

TURN AROUND

GATED ENTRY

ROBINSON CIRCULATION (PARKING)

EXISTING TREE LINE,
POSSIBLE WETLANDS



JANUARY 25, 2005

LAND USE KEY

-  COMMERCIAL
-  MIXED USE
(COMMERCIAL AND/OR RESIDENTIAL)
-  RESIDENTIAL



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FAX (615) 264-7120

EXHIBIT B