

Franklin County Ordinance 90-9
As Amended by the Administration Commission
And Incorporated By Reference In
Rule 28-22.127, Florida Administrative Code

A. Creation and Purpose

There is hereby created the Dog Island Planned Unit Development (PUD) District. The boundaries of this district are described as Attachment A to the Ordinance. The purpose of this ordinance is to establish the zoning, development standards, and development approval procedures for the district. The Franklin County Zoning Map is hereby amended to show this property rezoned to Dog Island PUD District and this ordinance is incorporated into the Zoning Code as Special District S-7, the Dog Island Planned Unit Development District.

This ordinance establishes three categories of land: Conservation Areas, Developable Lands, and Protected Property.

First, Conservation Areas are designated in the PUD Master Plan. These designated Conservation Areas shall be donated to a conservation entity for conservation purposes. There shall be no development of any type within the designated Conservation Areas. The designated Conservation Areas do not include the 40 lots permitted by the PUD Master Plan.

Second, Developable Lands are all contained within the 40 lots permitted by the PUD Master Plan and shall be delineated on the site plan for each lot. No Developable Lands are within the

designated Conservation Areas. Each of the 40 lots contains a homesite envelope as shown on the PUD Master Plan. Within each of the 40 lots, development is allowed only in the Developable Lands. Developable Lands only include the homesite envelopes and the lands outside the homesite envelopes (within the 40 lots) necessary for the development of the specific facilities listed under paragraph c.2.(b) - (e) of this ordinance.

Third, Protected Property includes the land located outside the homesite envelopes, within each of the 40 lots, where no development is permitted. After a site plan is approved and before a building permit is issued for any of the 40 lots, a perpetual conservation easement for the Protected Property contained in a lot is required to be granted to a conservation entity for conservation purposes only. The perpetual conservation easement within each of the 40 lots, outside the homesite envelopes, is in addition to the protections afforded by the donation of the designated Conservation Areas referenced above.

This ordinance provides a procedure for obtaining authorization to modify the perpetual conservation easement for the Protected Property within each of the 40 lots. This procedure requires approval of an amendment to the site plan for the lot by the local government and approval of an amendment to the perpetual conservation easement on the Protected Property within the lot by the conservation entity. The only grounds for such amendments to the perpetual conservation easement on the

Protected Property within any of the 40 lots shall be damage, destruction, or malfunction of facilities and structures located in the Developable Lands outside the homesite envelope within the 40 lots and authorized by paragraph c.2.(b) - (e) of this ordinance.

B. Regulation to Comprehensive Plan and Other Development Regulations

Unless otherwise specifically stated in this ordinance, the Franklin County Comprehensive Plan and all other applicable Franklin County development regulations shall remain in full force and effect with respect to the Dog Island PUD. In addition, the principles of guiding development set forth at s. 380.0555(8), F.S., as well as other applicable Florida Statutes and regulations shall be observed.

C. Master Plan and Site Plan Approval

The master plan for the Dog Island PUD District is hereby approved and incorporated as a part of this ordinance as Attachment B. Individual site plans for each lot, access roads, and all development shall occur only when consistent with the approved master plan and the requirements of this ordinance.

1. Prior to development on any lot, a site plan for that lot shall be submitted for approval pursuant to the Planning Review and Approval process set forth in s. 301.04, Franklin County Zoning Code. A development permit from the County Planning and Building Department shall be required prior to any clearing, road construction, installation of utilities, or any other

development.

2. In addition to the site plan requirements of the code, and consistent with the restrictions in section E of this PUD, the proposed site plan for each lot shall delineate and designate on the site plan the lands proposed for approval as "developable lands" and the "protected property".

Developable lands are limited to the following:

- (a) lands within the homesite envelope,
- (b) lands necessary for the access road to the homesite envelope,
- (c) lands necessary for the on-site aerobic treatment unit only if the homesite envelope lands are inadequate to meet state and local requirements,
- (d) lands necessary for telephone, electrical lines, water supply facilities, and
- (e) lands necessary for any proposed boardwalk to allow for beach access.

3. Any lands within a lot that are not designated as "developable lands" in the approved site plan, shall be designated "protected property".

4. Upon approval of a site plan and as a prerequisite for approval of a development permit, the owner of a lot shall grant a perpetual conservation easement in favor of a nonprofit conservation entity (hereinafter the "conservation entity"). Said perpetual conservation easement shall apply to all property designated "protected property" on the site plan approved for the

lot. The owner shall retain the right to reasonable use and enjoyment of the "protected property", including but not limited to the right of access, ingress and egress, provided that such use or enjoyment is consistent with and does not violate the provisions of this PUD as amended on July 9, 1991 and amended again on December 17, 1991 by the Administration Commission, and any other applicable local, state or federal restrictions.

D. Unified Ownership

The owner or owners of property within the Dog Island PUD shall join in and sign an application for or consent to the adoption of this ordinance. The consent shall be in writing and acknowledged and proof of such ownership shall be filed with the Franklin County Board of County Commissioners.

E. Permitted Uses, Structures, and Density

The following restrictions shall apply to the property when development occurs:

1. There shall be no non single-family residential units undertaken within the confines of the subject property.
2. There shall be no placement or construction of mobile homes, or similar structures on the property. Signage shall be subject to County ordinance.
3. There shall be no more than 40 single-family dwelling units constructed on the property. The following terms and conditions shall apply:

a. All said units shall be set back at least 75 feet from the nearest water body or wetlands as defined by the Franklin

The vesting interest shall be deemed to be the property

of the donor and shall be set back as if it were made from the date of the gift.

2. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

3. There shall be no power of appointment or power to revoke the gift or to change the beneficiaries of the gift.

4. There shall be no provision for the exercise of the power of appointment or for the revocation of the gift.

5. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

6. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

7. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

8. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

9. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

10. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

11. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

12. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

13. There shall be no more than 10 years from the date of the gift to the vesting of the interest.

County Zoning Ordinance, and provide for means of ingress and egress in utility corridors to each of said units by the most direct practical route in such a way as to preserve the environmental integrity of the subject property.

b. All units shall be constructed within the homesite envelopes, as shown on the attached master plan. There shall be no disruption of vegetation, outside a 20 foot boundary surrounding the homesite except for the allocation of areas for access roads and the installation of on-site aerobic treatment units.

c. All residential lots shall be served by on-site aerobic treatment units subject to a maintenance contract with an approved maintenance entity, as required by 10D-6, F.A.C.

d. Maximum building heights shall not exceed thirty-five (35) feet, measured from the first habitable floor. The height of habitable floor shall not exceed nine (9) feet above grade except as required within the County Flood Hazard Control District and shall not exceed the elevation required within the County Flood Hazard Control District if such elevation is greater than nine (9) feet above grade.

e. All units shall be constructed in such a manner as to protect the integrity of protective dune systems.

f. The location of all units shall be consistent with the approved site plan.

4. Telephone, electrical and water supply within the subject property shall be installed underground. Appurtenances to these facilities which require above ground installation may be

County Zoning Ordinance, and provide for means of ingress and egress in utility corridors to each of said units by the most direct practical route in such a way as to preserve the environmental integrity of the subject property.

d. All units shall be constructed within the domestic envelopes, as shown on the attached master plan. There shall be no disruption of vegetation outside a 20 foot boundary surrounding the domestic except for the allocation of areas for access roads and the installation of on-site aerobic treatment units.

c. All residential lots shall be served by on-site aerobic treatment units subject to a maintenance contract with an approved maintenance entity, as required by 10D-6, F.A.C.

b. Maximum building heights shall not exceed thirty-five (35) feet, measured from the first habitable floor. The height of habitable floor shall not exceed nine (9) feet above grade except as required within the County Flood Hazard Control District and shall not exceed the elevation required within the County Flood Hazard Control District if such elevation is greater than nine (9) feet above grade.

e. All units shall be constructed in such a manner as to protect the integrity of protective dune systems.

f. The location of all units shall be consistent with the approved site plan.

4. Telephone, electrical and water supply within the subject property shall be installed underground. Appliances to these facilities which require above ground installation may be

exempted. A development permit shall be required for the installation of any portion of the telephone, electrical and water supply systems whether above or below ground.

5. There shall be no dumping of trash, noncombustible garbage, or other unsightly or offensive material except in designated garbage disposal areas.

6. There shall be no spraying of pesticides or herbicides or the use of fertilizers except in nominal quantities for gardens and landscaped areas associated with the residence within the 20 foot boundary surrounding each dwelling unit.

7. There shall be no operation of any type of motorized vehicle off of established roads. This prohibition includes all-terrain vehicles, motorcycles, or dune buggies.

8. There shall be no tilling, grazing of livestock, or cutting of trees or shrubs, except within the 20 foot boundary area. There shall be no planting or introduction of non-native plants or wildlife which may compete with and result in the decline or elimination of the species within the subject property.

9. There shall be no manipulation or alteration of natural watercourses, marshes, wetlands, or other bodies of water.

10. Roads within the subject property shall include sodded swales or other stormwater management systems as required by Chapter 17-25, F.A.C., and by Franklin County Ordinances; and shall be constructed with shell or limerock and shall be 12 feet in width. Roads within the subject property shall not be paved. Roads will be owned by the property owner. Maintenance of roads shall be the joint responsibility of the property owner and the

Dog Island Conservation District.

11. Access to colonial water bird nesting and staging areas is prohibited from March 1st to August 31st of each year. There shall be no pets in homesites, numbered 23 through 40, and on other homesites pets must be contained or kept on leashes at all times.

12. There shall be no shoreline preservation structures within the subject property.

13. No later than December 1, 1992, but prior to any development or PUD amendment, the areas designated for conservation on the PUD Master Plan approved by the County and the Administration Commission on December 17, 1991, shall be donated to a "conservation entity" selected to assume ownership and responsibility for the management of the conservation areas for preservation purposes only. Development within any of the designated conservation areas is prohibited. After December 1, 1992, no development shall be permitted on any lot on which a conservation easement has not been created as herein required until after a conservation easement for such lot has been donated to a conservation entity.

14. The construction of docks shall be prohibited, except that one dock facility may be constructed for the entire subject property to be located in Tyson Harbor consistent with the standards for Aquatic Preserves as set forth in Florida Administrative Code, Rule 18-20.004(5). No dredging shall be permitted for access to the dock.

15. There shall be no further subdivision of the subject

property.

16. Crossing of wetlands shall be by bridges. There shall be no filling of wetlands associated with the construction of bridges.

17. There shall be easements through the subject property to allow for beach access. Easements across protective dunes shall be provided by boardwalks of no more than five feet in width, and constructed in such a manner as to protect the integrity of the protective dune. Homeowners shall be responsible for the cost of construction and maintenance of said easements.

18. Indirect lighting is permitted for reasonable access to homesites and vehicles within subject property. Street lights shall be prohibited.

19. These restrictions are not intended to benefit or burden other lands on Dog Island.

20. There shall be no hunting or trapping within any of the property subject to this PUD except as part of a management program by the conservation entity.

F. Consistent with the restrictions contained in this ordinance, a lot owner may request approval to modify the designation of "developable lands" and "protected property" on the originally approved site plan, and "protected property" on the conservation easement.

1. Modifications proposed outside the homesite envelope, shall be limited to the expansion or relocation of facilities and structures authorized under the original site plan as specified under paragraph c.2.(b) - (e) which have been damaged, destroyed or which have malfunctioned. The lot owner shall submit to the

County a request for modification of the original site plan, and shall submit to the conservation entity a request for modification of the perpetual conservation easement. The requests shall be accompanied with a plan to restore the property previously disturbed for the construction or installation of the original structure or facility. Approval of the requests shall not be unreasonably withheld by the conservation entity.

2. Modifications proposed within the homesite envelope shall be consistent with the restrictions contained in this ordinance and shall be submitted to the County for approval. Under no circumstances shall the size, configuration or location of the homesite envelope be modified.

THE FRANKLIN COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Perry Moek
Its Chairman



ATTEST:

Lee R. P. Rivers
Clerk