

AN ORDINANCE PROVIDING A MORATORIUM ON MULTI-FAMILY CONSTRUCTION, UNTIL DECEMBER 30, 1981, PROVIDING FOR RESIDENTIAL DENSITY OF ONE UNIT PER ACRE, FOR INTERIM APPLICATION OF EXISTING ZONING ORDINANCES, AND FOR INTERIM LAND USE CONTROL.

INTERIM ZONING

ORDINANCE NO. 81-2

FRANKLIN COUNTY, FLORIDA

WHEREAS, Franklin County, Florida is presently in the process of adopting a new comprehensive plan; and

WHEREAS, the new 1981 comprehensive plan is scheduled to be adopted by July 1, 1981; and

WHEREAS, provision should be made for interim zoning until new ordinances can be adopted following complete formal adoption of the comprehensive plan; and

WHEREAS, it is anticipated that ordinances implimenting the 1981 comprehensive plan can be adopted by December 30, 1981; and

WHEREAS, high density development should not be permitted until the 1981 comprehensive plan and implimenting ordinances can be adopted; and

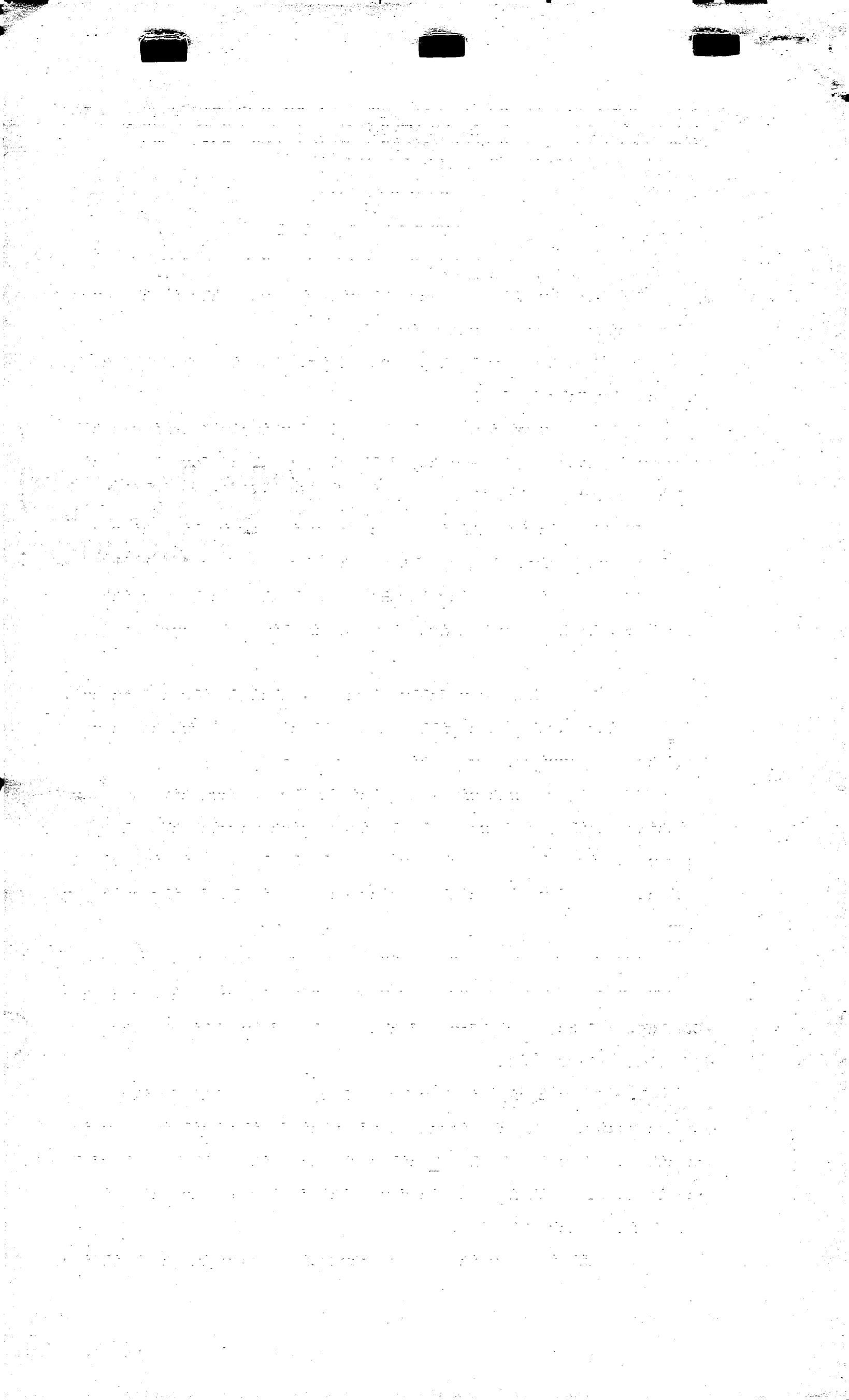
WHEREAS, unless carefully planned, multi-family and other high density development will cause pollution, and create storm safety and hurricane evacuation hazards; and

WHEREAS, a moratorium on multi-family construction and permitting until December 30, 1981, is consistent with the old comprehensive plan, and the proposed 1981 plan, as is interim maintenance of residential density at one single-family unit per acre,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, in order to protect the health, safety and welfare of the people of Franklin County, Florida:

1. A moratorium is hereby declared upon multi-family construction, upon the issuance of multi-family building permits until December 30, 1981. Until such date, it shall be unlawful to issue any building permit for multi-family construction in Franklin County, Florida.

2. Building permits and construction according to building



permits issued prior to January 1, 1981, and any renewals or extensions thereof, are allowed and excepted from this ordinance.

3. Multi-family shall not be a permitted use in commercial or in single-family residential zones.

4. Height of multi-family, hotel and motel structures shall not exceed 35 feet above floor of first occupied level.

5. Lots for single-family, including duplex, residential units, shall be at least one-acre per unit ( a single-family per acre, two acres total for a duplex).

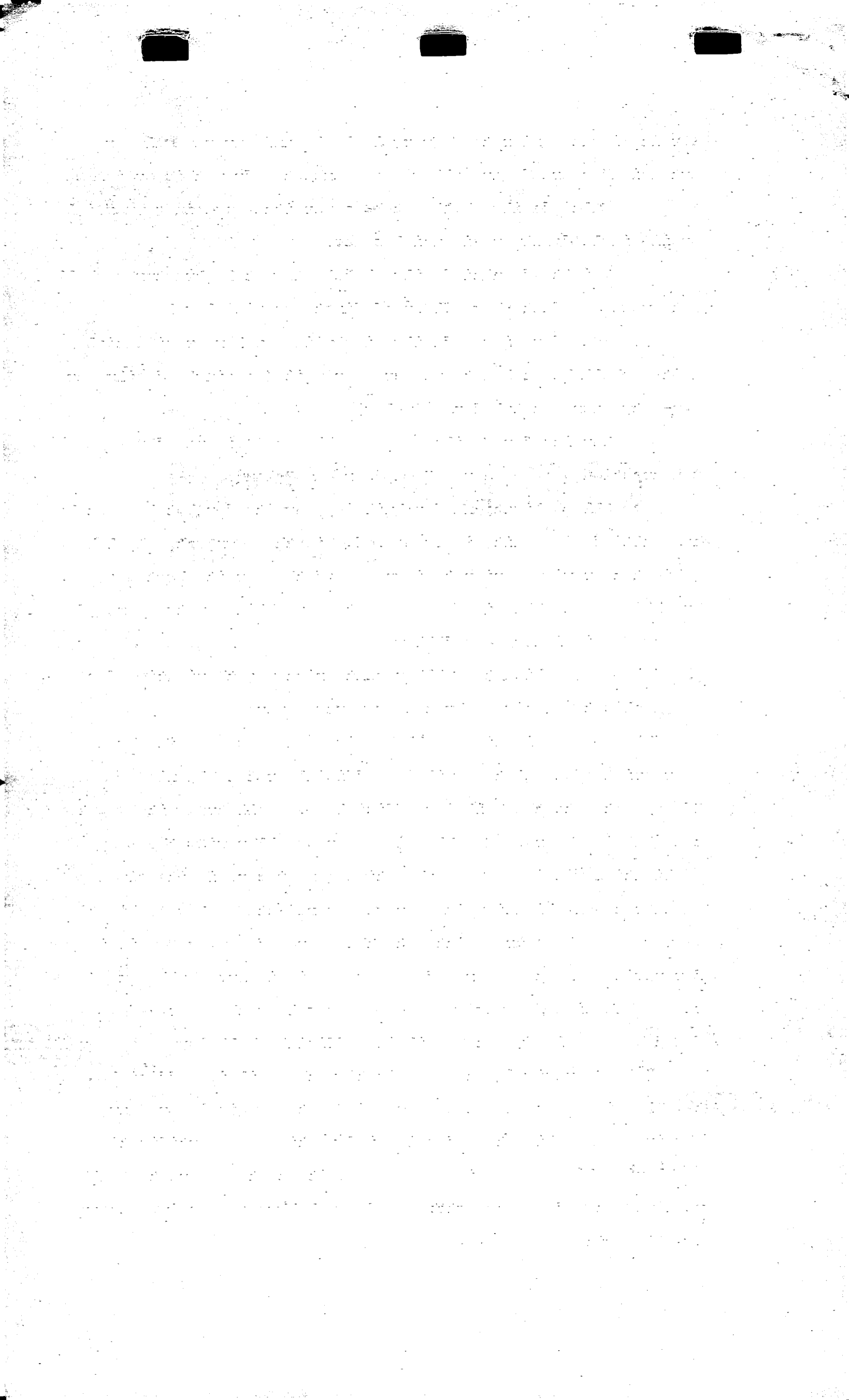
6. Permits for Mobile Homes shall not be issued for construction on St. George Island or Dog Island.

7. All applications for building permits for hotels, motels, and multi-family units in excess of 3 in the aggregate shall be subject to review, prior to issuance of the permit, by the Franklin County Planning Board and the Franklin County Board of County Commissioners, as follows:

(a) The applicant shall present written authorization for the application, signed by the property owner;

(b) The application shall be signed and accompanied by the appropriate fee, to the building official or the Planning Board. If presented to the Building Official, he shall transmit same to the Planning Board. The Planning Board shall review the application within a reasonable time, and record in its minutes whether the application is approved or rejected. Any application approved shall be transmitted to the Board of County Commissioners for review, and the Board of County Commissioners shall have a reasonable time for review. Upon approval by the Board of County Commissioners, the Building Official shall issue the permit;

(c) In reviewing the application the Building Official, the Planning Board and the Board of County Commissioners may require the applicant to furnish information and certification by Florida licensed engineers and architects to assure that all requirements of county, state and federal laws and ordinances are complied with;



(d) In reviewing the application, the Building Official, the Planning Board and the Board of County Commissioners shall determine that all applicable county, state and federal laws and ordinances have been complied with; but such review or application approval shall not be a representation to any person that such requirements are met.

8. Plans for multi-family units, hotels and motels shall include:

(a) Smoke detectors and overhead automatic sprinkler fire control systems in every room;

(b) Standards meeting the "Florida Thermal Efficiency Code";

(c) Standards meeting the "EPCOT" Code, 1977 edition or its successor;

(d) Standards meeting the "Standard Building Code";

(e) Where the provisions of this section shall be inconsistent or vary so that meeting one of the above parts of this Section 8, the stricter shall apply, and this section shall be construed so as to promote maximum safety for occupants of the structures planned.

9. Existing County planning, zoning and land use regulations are hereby found to be generally consistent with the existing and the proposed comprehensive plan, and are readopted by reference.

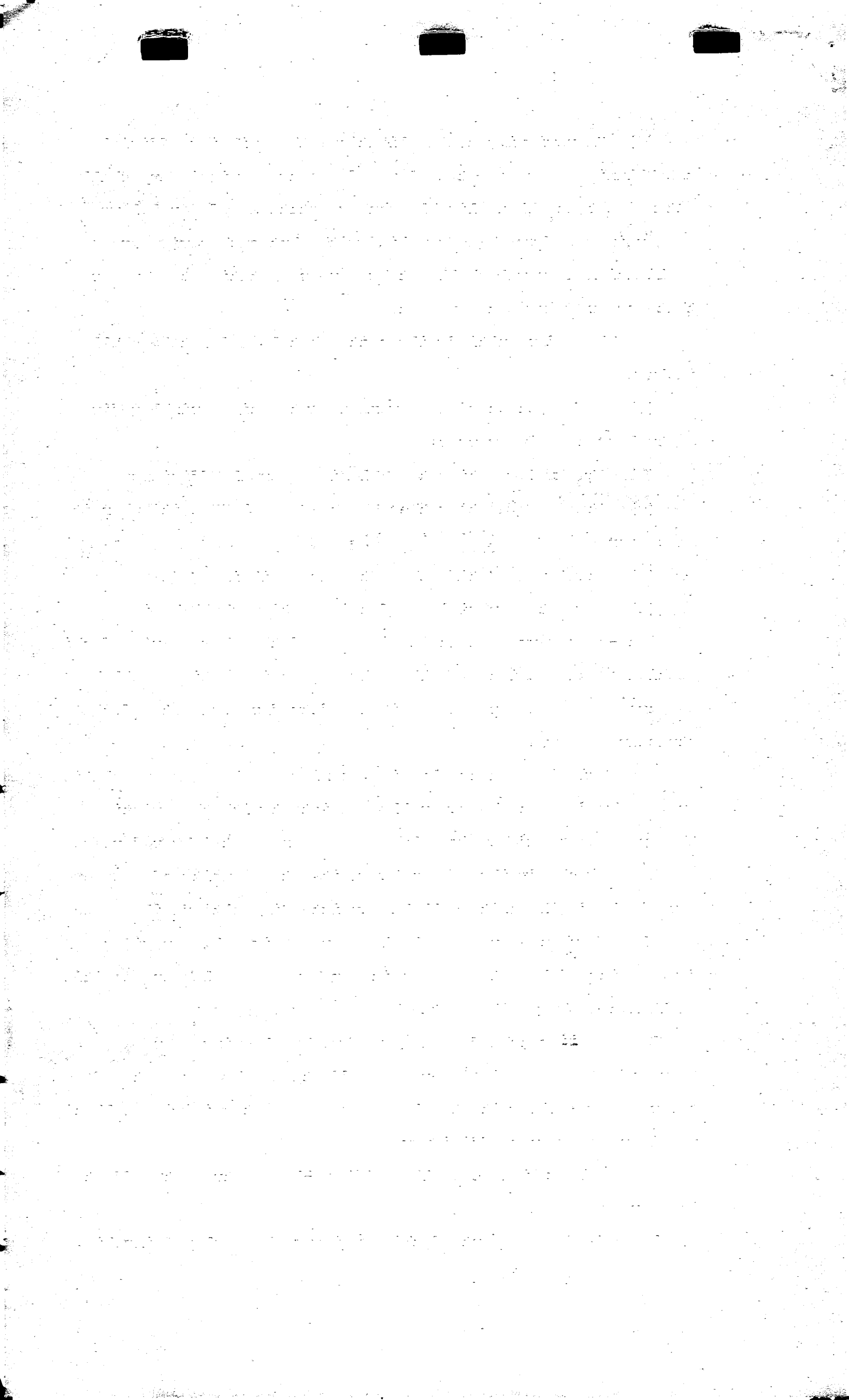
10. Single-family and duplex units at a density of one-acre per single-family unit shall be permitted in multi-family zones.

11. Where the proposed 1981 comprehensive plan provides for density of less than one unit per acre, such lesser densities shall not apply until enacted by ordinance.

12. Density transfers approved by the Planning Board and Board of County Commissioners and effectuated by covenants of record and running with the land may be used to minimize pollution and increase energy efficiency.

13. This ordinance shall be liberally construed to effect its purposes.

14. Should any part of this ordinance be declared invalid,



it shall be considered severable from the remainder, which shall remain in full force and effect.

15. The moratorium imposed by paragraph 1 hereof shall expire December 30, 1981. The further provisions of this ordinance shall continue in force and effect until repealed or revised by ordinance.

This Ordinance adopted in open special meeting this 10<sup>th</sup> day of April, 1981, after receipt of favorable written recommendation of the Franklin County Planning Board.

This Ordinance has been advertised as a rezoning according to Section 125.66(5)(b) Florida Statutes, as a rezoning of more than 5% of the County, and in conformity to according with Section 163.215(2) and 163.270(1), Florida Statutes. Notice of intent to consider this Ordinance has been made and kept in the office of the Clerk of this Board for a least 15 days exclusive of Sundays and legal Holidays.

THE BOARD OF COUNTY COMMISSIONERS  
OF FRANKLIN COUNTY, FLORIDA.

BY: *Leslie Varnes*  
Chairman

Attest:

*Marcia M. Johnson*  
Clerk (deputy)



LAW OFFICES  
SHULER AND SHULER  
APALACHICOLA, FLORIDA 32320  
April 23, 1981

JAY A. SHULER  
ALFRED O. SHULER

DRAWER 850  
TELEPHONE 653-9226  
AREA CODE 904

Honorable Robert L. Howell  
Franklin County Courthouse  
P.O. Box 340  
Apalachicola, Florida 32320

Dear General Howell:

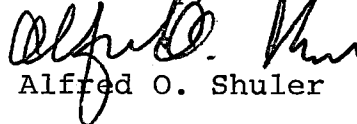
April 10, 1981, Ordinance No. 81-2 was enacted, but the Board voted not to send it to the Secretary of State, until its next regular meeting on April 21, 1981.

At the April 21, 1981 meeting, the Board voted to amend the Ordinance by striking or deleting paragraph 1 thereof, and thereupon to send it to the Secretary of State.

Since an Ordinance does not become effective until a certified copy of same is received by the Secretary of State, and notice thereof made to your office, I believe that the Board may properly amend an Ordinance before it is sent to the Secretary of State.

I have prepared an Ordinance styled as amended Ordinance 81-2, which should be placed in the Ordinance Book and mailed to the Secretary of State.

Sincerely,

  
Alfred O. Shuler

AOS:cs