

ORDINANCE No. 2000-28

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, RELATING TO THE ZONING CODE; AMENDING THE COUNTY ZONING MAP; CREATING THE ST. JAMES BAY PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a 378-acre multi-use golf course community called St. James Bay has been proposed for the old Anneewakee/Inner Harbor Hospital site just east of Lanark Village in Franklin County; and

WHEREAS, the proposed project has been located away from the areas of Apalachicola Bay approved for shellfish harvesting in order to protect the local shellfishing industry from potential adverse impacts; and

WHEREAS, the proposed project is designed to retain and reuse as much reclaimed wastewater and stormwater as possible on site for irrigation purposes; and

WHEREAS during storm events up to and including a 25-year 24-hour storm the post-development discharge rate from the site will be equal to or less than the current discharge rate from the site; and

WHEREAS the wastewater and stormwater systems have been designed to ensure that the quality of any water discharged from the site will be equal to or better than the quality of the water currently discharged from the site in order to protect and enhance St. George Sound and the Apalachicola Bay; and

WHEREAS the proposed project will protect and enhance many of the environmentally sensitive areas on the project site, including rehydrating some of the wetlands areas which were drained as a result of silviculture and past development practices, restoring more natural hydrologic cycles of the wetlands, and hand-clearing some selected wetland areas which will mimic the beneficial effects of fire; and

WHEREAS the proposed project protects, and in some cases enhances, the habitat of protected and endangered species known to be present in surrounding areas; and

WHEREAS the proposed project will require connection to water and sewer rather than well and septic for all residential and commercial facilities except the Homeowner's Bay Recreation facility which will utilize an advanced septic system; and

WHEREAS the proposed project has no adverse impact on public water and wastewater infrastructure, and the developer is committed to either cooperating with a utility provider to accommodate the project demand, or to providing water and advanced wastewater treatment facilities to meet the project demand; and

WHEREAS, the proposed project is anticipated to significantly contribute to the economic stability of Franklin County by providing a number of permanent jobs in addition to temporary construction jobs, and is projected to provide more than \$1.5 million of recurring local tax revenue annually;

WHEREAS, the facility previously known as Inner Harbor Hospital, currently zoned as a public facility, allowing up to 50% impervious coverage of the land has been abandoned; and

WHEREAS, the proposed St. James Bay Planned Unit Development is a mixed-use residential project with a proposed density of just 1.6 units per acre and a maximum of 575 residential units; and

WHEREAS, the proposed St. James Bay Planned Unit Development places substantially less burden on the land than the current public facility designation; and

WHEREAS, the proposed mixed-use residential land use designation is more consistent with the current land use of surrounding properties than the public facilities designation; and

WHEREAS, the proposed land use is consistent with the policies and goals of the Franklin County Comprehensive Plan;

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

SECTION 1. Creation and Purpose. There is hereby created the St. James Bay Planned Unit Development (PUD), the boundaries of which are set forth in Exhibit A.

1. This ordinance establishes land uses and development standards applicable to the District.
2. Upon approval of this ordinance, the Franklin County Zoning map shall be amended to show the property as "St. James Bay PUD."
3. This ordinance shall become part of the Franklin County Zoning Code and shall be incorporated as the "St. James Bay PUD."

SECTION 2. Relation to Other Development Regulations

1. The terms of the St. James Bay Development of Regional Impact Development Order, as amended from time to time (hereinafter referred to as the DRI Order) and this ordinance shall govern all aspects of the planning, engineering, and construction of the St. James Bay PUD.
2. In the event of a conflict between this ordinance and the DRI Order, the provisions of the DRI Order shall prevail.

3. Unless otherwise stated in this ordinance or the DRI Order, the Franklin County Comprehensive Plan and all other applicable Franklin County development regulations shall remain in full force and effect with respect to the District.

SECTION 3. Master Development Plan

1. The Master Development Plan is a graphic representation drawn to appropriate scale outlining the proposed development for the entire St. James Bay PUD. The master plan is not intended to be as specific as the site plan for particular phases, but is intended to show the general location of roads, structures, buffer zones, natural vegetation, the conceptual stormwater management system, and other general improvements. The Master Development Plan, Exhibit B, is approved and incorporated as part of this ordinance.
2. Amendments to the approved Master Development Plan may be requested in accordance with Section 6 of this ordinance and shall become effective upon approval by the Board of County Commissioners.

SECTION 4. Permitted Uses

Permitted uses, structures, and densities shall be as established in the DRI Order and the approved site plan. Densities in any use category may not be increased above the density approved when this ordinance becomes effective.

SECTION 5. Development Standards

1. Building setbacks, buffers, and the layout and dimensions of parking and roads shall be as set forth in the DRI Order and on the approved site plan. These requirements shall be enforced through the restrictive covenants of St. James Bay as recorded in the public records of Franklin County and as provided herein.
2. The maximum building height shall be established by the DRI Order, but shall not exceed 35 feet above the first habitable floor, as defined in the Franklin County Zoning Code and Ordinance.
3. The right-of-way widths for road construction shall not be less than 50 feet, with a minimum paved road surface of 20 feet plus curbing. Maximum cul-de-sac length shall be 2000 feet, with a minimum cul-de-sac turning radius of 47 feet. The maximum degree of curvature shall be 127 degrees with a design speed of 30 miles per hour, and a minimum roadway centerline radius of 45 feet.
4. Portions of structures providing parking, storage, maintenance, solid waste disposal, elevators, and similar functions may be constructed below the first habitable floor, provided that construction complies with Franklin County Ordinance No. 87-5, the Flood Hazard Ordinance.

5. Signs are permitted in accordance with Section 450 of the County Zoning Ordinance.
6. Areas designated on the approved site plan as buffer areas shall remain in their natural state, or be replanted with native vegetation. Consistent with the approved site plan, minor alterations may occur in these areas to accommodate pedestrian walkway systems, drainage accessory improvements and amenities, and selected clearing of understory vegetation. These requirements shall be enforced through the restrictive covenants of St. James Bay as recorded in the public records of Franklin County.
7. Prior to receiving a building permit for any habitable structure, arrangements will be made with the servicing utilities to ensure that adequate capacity is available to serve that structure.

SECTION 6. Master Development Plan Amendments

1. Requests for an amendment to the approved site plan shall be submitted to the County Planner by the owners of the site, and shall be accompanied by a filing fee of \$500.
2. All drawings submitted must have a minimum scale of 1 inch equals 100 feet.
3. The amendment must show any changes to the stormwater management plan which must satisfy all applicable laws, regulations, and ordinances, and the DRI Order.
4. The amendment must show any changes in the layout and width of roads, paths, and parking areas.
5. The request for an amendment must be accompanied by, or supplemented by, such other documents as may reasonably be required by the County Planner, including, but not limited to, applicable legal documents which will control development of the site, such as covenants, grants, easements, dedications, or other restrictions to be imposed on the site, and a statement of the impact of the proposed amendment.
6. A decision by the Board to approve, approve with conditions, or deny an amendment to the approved site plan shall be rendered within 45 days from submittal of a complete application to the County Planner. Failure of the Board to act within 45 days shall not automatically constitute approval or denial of the amendment, but the Board may not refuse to act on the proposed amendment as a delay tactic or as an alternative to approval or denial. If the County Planner requests more information in writing, the time clock is stopped until the information is supplied.
7. A decision to deny a requested amendment to the approved site plan shall be rendered in writing and shall describe in detail how the site plan is inconsistent with the DRI Order or other applicable development regulations. Any amendment which would

increase the density of development or stormwater runoff impact may be denied for that reason alone.

SECTION 7. Covenant Enforcement

The Board of County Commissioners shall have the authority but not the duty to enforce the Declaration of the St. James Bay Land Use Covenants, and other easements, dedications, or restrictions which are imposed on the site, to the extent such enforcement is reasonable and necessary for the purpose of carrying out the requirements of the DRI Order and this ordinance or other applicable regulations.

SECTION 8. Enforcement by County

The County may enforce this ordinance by any and all of its lawful powers.

SECTION 9. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.



SECTION 10. Upon adoption of this ordinance, the zoning map for Franklin County shall be amended to show the property herein described as the St. James Bay PUD.

SECTION 11. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and the provisions of this ordinance are declared severable.

SECTION 12. This ordinance shall become effective upon passage.

This ordinance was adopted in open regular meeting this 5TH day of DECEMBER 2000, after notice of interest to consider the same has been made and kept in the Ordinance Book of the Clerk of the Board for at least 15 days, exclusive of Sundays and legal holidays, and notice given for rezoning of less than five percent of the County.

ATTEST:


KENDAL WADE, CLERK


FRANKLIN COUNTY BOARD OF
COUNTY COMMISSIONERS



, Chairman

EXHIBIT A

Legal Description of the Property

St. James Bay Multi-Use Golf Course Community
Franklin County, Florida

PARCEL 1:

All that tract or parcel of land lying and being in fractional section 5, township 7 south, range 3 west, Tallahassee meridian, Franklin County, Florida, being more particularly described as follows:

Beginning at a concrete monument which is at the northwest corner of said fractional section 5 and on the boundary of a tract of land owned by the United States of America at Carrabelle Radar Annex No. D 3c;

Thence north along the boundary of said United States tract 359.8 feet to a concrete monument at a corner of said tract;

Thence east along the boundary of said United States tract 3,300.0 feet to a concrete monument;

Thence south along the boundary of said United States tract a distance of 3,300.0 feet to a concrete monument;

Thence west along the boundary of said United States tract a distance of 3,300.0 feet to a concrete monument;

Thence north along the boundary of said United States tract a distance of 293.8 feet to a concrete monument;

Thence continue north along the boundary of said United States tract a distance of 2,646.4 feet, more or less, to the point of beginning, being all of tract a-100 of Carrabelle Radar Annex No. D 3c.

PARCEL 2:

A tract of land lying in the southwest and southeast quarter of section 5, township 7 south, range 3 west, Franklin County, Florida, and more particularly described as follows:

Commence at the southwest corner of section 5, township 7 south, range 3 west, Franklin County, Florida, said point of commencement also being the point of beginning, from said point of beginning run along the west line of said section 5, north 00 degrees 07 minutes 33 seconds west 2373.34 feet to a point, thence leaving said west line of section 5 run north 89 degrees 52 minutes 24 seconds east 3301.24 feet to a point, thence south 00 degrees 08 minutes 18 seconds east 703.01 feet to a point, thence run south 60 degrees 53 minutes 40 seconds west 1931.40 feet to a point, thence south 29 degrees 06 minutes 20 seconds east 150.00 feet to a point on the northerly right of way of U.S. Highway 98, thence run along said right of way, south 60 degrees 53 minutes 40 seconds west 1249.80 feet to a point on the south line of section 5, thence leaving said northerly right of way of U.S. Highway 98, run along said section line north 89 degrees 55 minutes 15 seconds west 591.18 feet to the point of beginning. This includes Lots 1-7, Unit 1, Block A.

PARCEL 3:

Lots 1 and 2, Block B, St. James Island Park, Unit #1, a subdivision as per map or plat thereof recorded in plat book 1, page 19, of the public records of Franklin County, Florida.

PARCEL 4:

Lot 15, Block B, Unit No. 1 of St. James Island Park, a subdivision as per map or plat thereof recorded in plat book 1, page 19, of the public records of Franklin County, Florida.

PARCEL 5:

Begin at the southwest corner of lot 70 of area or Block "S" of Unit Two (2) of St. James Island Park, and run in a westerly direction along the north boundary line of the right of way of Federal Highway No. 319 to a point directly opposite the northeast corner of lot 63 of area or Block "C" of Unit Two (2) of said St. James Island Park Subdivision, which said point arrived at the point of beginning. From said point of beginning run in a northerly direction on the same bearings as the east boundary line of said lot 63 of Block "C" of Unit 2 of St. James Island Park, the distance of 150 feet to the northern boundary line of the land of the parties of the first part, thence run south 52 degrees and 30 minutes west along the northern boundary line of the lands of the parties of the first part, the distance of 100 feet to a point, thence run southerly 150 feet to a point on the northern boundary of the right of way of Federal Highway No. 319, at a point south 52 degrees 00 minutes 30 seconds west 100 feet from the point of beginning; thence run north 52 degrees 00 minutes 30 seconds east along the northern boundary line of the right of way of said Federal Highway No. 319, 100 feet to the point of beginning. More particularly described as the east 100 feet of lot 51.

PARCEL 9:

Lot 63, Area C, Unit No. 2 of St. James Island Park, a subdivision as per map or plat thereof recorded in plat book 1, page 30, of the public records of Franklin County, Florida.

PARCEL 10:

Lot 64, Area C, Unit No. 2 of St. James Island Park, a subdivision of a part of sections 4 and 5, township 7 south, range 3 west, according to plat recorded in plat book 1, page 30, of the public records of Franklin County, Florida.

PARCEL 11:

The west half of lot 65, area of Block C, Unit 2 of St. James Island Park, a subdivision of a part of sections 4 and 5, township 7 south, range 3 west, according to plat of same recorded in plat book 1, page 30, of the public records of Franklin County, Florida.

PARCEL 12:

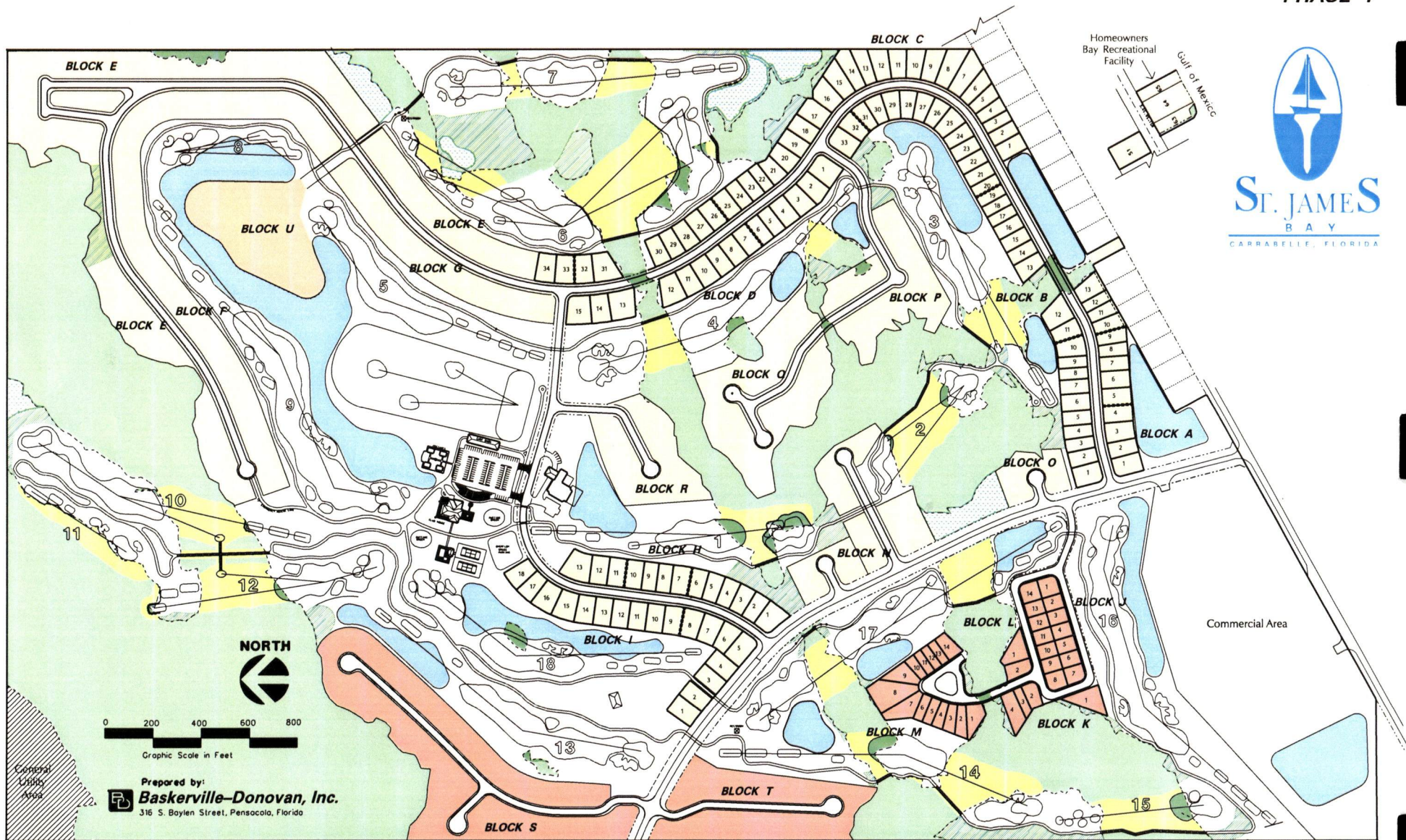
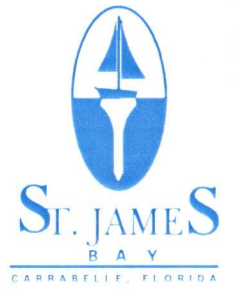
Lot 10, Block B, Unit 1, St. James Island Park, according to the map or plat thereof recorded in Plat Book 1, Page 19, in the Public Records of Franklin County, Florida.

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| Area of Main Parcel | 377.4 Acres |
| Area of Homeowners Bay Recreation Facility | <u>1.24 Acres</u> |
| Total Project Area | 378.68 Acres |

EXHIBIT B

Master Development Plan

MASTER PLAN PHASE 1



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|-------------|--|---|--|------------------------|--|-----------------|--|---------------------|--|-----------------|--|
| Golf Course | | Jurisdictional Wetlands to be Preserved | | Wetlands to be Filled | | Upland Preserve | | Single Family Homes | | Commercial Area | |
| Lakes | | Wetland Mitigation | | Wetlands to be Cleared | | Garden Homes | | Multi Family Homes | | | |

Prepared by:
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