

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING
ORDINANCE

ORDINANCE NO. 89-15
FRANKLIN COUNTY, FLORIDA

APPROVED BY FRANKLIN COUNTY COMMISSION
ON AUGUST 1, 1989

APPROVED BY ADMINISTRATION COMMISSION
ON NOVEMBER 21, 1989

EFFECTIVE JANUARY 1, 1990

100 INTRODUCTORY PROVISIONS

- 100 CITATION - This ordinance shall be known, referred to, and cited as the Franklin County Zoning Ordinance.
- 120 AUTHORITY - The Franklin County Board of County Commissioners is hereby designated the Zoning Administration and is empowered to administer this ordinance.
- 130 PURPOSE - The ordinance has been developed in accordance with the Franklin County Comprehensive Plan for the purpose of preserving and maintaining productivity of Apalachicola Bay, of promoting health, prosperity, and general welfare to prevent the overcrowding of land; to avoid undue concentrations of populations; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate open spaces for light and air; to encourage the most appropriate use of land; to conserve and stabilize the value of property; and to facilitate the adequate provision of transportation, water, sewage, school, parks and other public requirements.
- 140 JURISDICTION - The Franklin County Board of County Commissioners shall control and enforce the zoning of all land and water within the unincorporated limits of Franklin County.
- 150 CLASSIFICATION OF ZONES - In order to carry out the purpose and intent of this ordinance, the area to be zoned is hereby divided into zoning of all districts of which there shall be identified as follows:

<u>District Symbol</u>	<u>District</u>
P-1	Preservation
P-2	Recreational
A-1	Forestry-Conservation
A-2	Forestry-Agriculture
R-1	Single Family Residential
R-1A	Single Family Subdivision
R-2	Single Family Res./Mobile Home
R-3	Single Family Estate Residential
R-4	Single Family Home Industry
R-5	Multi-family
R-6	Rural Residential
R-7	Multi-family High Density
C-1	Commercial Fishing
C-2	Commercial Business
C-3	Commercial Recreational
C-4	Commercial Residential
I-1	Industrial
Z-1	Public Facilities

Special District Symbol District

S-1	Cluster Development
S-4	Lanark Village
S-5	Mobile Home Parks
S-6	Bob Sike's Cut P.U.D.

151 In addition to this zoning ordinance, several other ordinances regulate land development in Franklin County and include the following: Critical Shoreline District, Coastal Building Code, Flood Damage Prevention Ordinance, Subdivision Ordinance, and Septic Tank Installation Ordinance.

160 OFFICIAL ZONING MAP - The location and boundaries of zoning districts are hereby established and shown on the official zoning map entitled "Official Zoning Map of Franklin County" which together with all explanatory matter herein, is hereby adopted by reference and declared to be a part of this ordinance.

170 BOUNDARIES OF ZONES - Where uncertainty exists to the boundaries of any zoning district showing on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such center lines.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracts.
5. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
6. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this ordinance the use regulation applicable of the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty feet beyond the district boundary line.

200 TERM DEFINITIONS

- 210 INCLUSIONS - In order to eliminate ambiguity, the following shall apply throughout the ordinance:
- 210.01 All words used in the present tense include the future tense.
- 210.02 All words used in singular include the plural and the plural the singular.
- 210.03 The word "shall" is always mandatory and not discretionary.
- 210.04 The word "structure" includes building.
- 210.05 The word "lot" includes the word "plot" or "parcel".
- 210.06 The word "person" includes the words "individual", "partnership", "firm", "corporation", "association", "governmental body", and all other legal entities.
- 210.07 The word "map" or "zoning map" means the official zoning map of Franklin County.
- 210.08 The word "erected" includes the words "constructed", "moved", "located", or "relocated".

220 GENERAL TERMS AND DEFINITIONS

- 220.01 A-ZONES - An area subject to a one percent or greater chance of flooding in any given year. The area is designated on the FIRM as Zone A, AO, AH, A1-A30, and A99.
- 220.02 ACCESSORY STRUCTURE AND USE - A structure or a use customarily incidental and subordinate to the principal structure or use and located on the same lot. An accessory structure shall not be constructed nor accessory use allowed until such time as the principal structure is erected. Sea walls and docks are exempt from this requirement.
- 220.03 ALLEY - A public or private traffic way, other than the street, twenty feet or less in width affording secondary means of access to abutting property.
- 220.04 AEROBIC TREATMENT UNIT - Any Department of Health and Rehabilitative Services approved onsite individual sewage disposal system which will consistently provide a level of sewage treatment equal to or exceeding that of a Class I aerobic treatment unit in compliance with ANSI/National Sanitation Foundation Standard 40, revised May, 1983. The unit must also meet all requirements as called for in Chapter 10D-6, Florida Administrative Code, "Standards

for Onsite Sewage Disposal Systems."

- 220.05 APPLICANT - The record owner or his/her authorized representative, of a tract of land which is the subject of a request for a change in zoning classification, a conditional use, a variance, a special exception or an appeal or other land development approval.
- 220.06 BOARD OF ADJUSTMENT - The Franklin County Board of Adjustment whose members are appointed by the Franklin County Board of County Commissioners and whose authority is derived from Section 315.04 of this ordinance.
- 220.07 BOARD OF COUNTY COMMISSIONERS - The elected Board of County Commissioners of Franklin County, Florida. Hereafter referred to as the "Board".
- 220.08 BUILDING - Any structure attached to the ground which has a roof and which is designated for the shelter, housing or enclosure of persons, animals or property of any kind.
- 220.09 BUILDING (HEIGHT OF) - The vertical distance from the grade or the building line, whichever is the highest, to the highest point of the building.
- 220.10 BUILDING LINE - A line parallel or equal to the first habitable floor of a building.
- 220.11 BUILDING (PRINCIPAL) - A building in which is conducted the principal use of the lot on which it is situated.
- 220.12 COASTAL CONSTRUCTION LINE - Designated areas of coastal Franklin County requiring coastal construction permits from the Florida Department of Natural Resources.
- 220.13 CHAPTER 10D-6, F.A.C. - That chapter in the Florida Administrative Code that sets forth the rules governing OSDS use, hereinafter referred to as "10D-6, F.A.C."
- 220.14 COMMISSION - The Franklin County Planning and Zoning Commission whose members are appointed by the Franklin County Board of County Commissioners (See Section 305 of this ordinance).
- 220.15 COMMUNITY HOUSE - A structure used by a unified body for the well being of the people of a particular area.
- 220.16 COTTAGE INDUSTRY - A family owned non-nuisance industry operated by family members within the family residence or upon the parcel containing the family residence.
- 220.17 COUNTY - Franklin County.

- 220.18 CRITICAL HABITAT ZONE AND POLLUTION SENSITIVE DISTRICT -
(See Ordinance 89-8 Critical Shoreline)
- 220.19 DEPTH TO SEASONAL WATERTABLE - Shall be the distance below the ground surface at which one can find water during the wettest season of the year.
- 220.20 DEVELOPMENT - Defined according to Chapter 380.04, Florida Statutes, means the carrying out of any building activity or mining operation, or the making of any material change in the use or appearance of any structure or land, or the dividing of land into three (3) or more parcels, including the establishment of roads and accessways.
1. The following activities or uses shall be taken for the purpose of this Ordinance to involve development:
 - a. A reconstruction, alteration of the size or material change in the external appearance of a structure.
 - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.
 - c. Alteration of a shore or bank or a seacoast, river, stream, lake, pond, or canal, including any coastal construction, as defined in Florida Statutes, Chapter 161.021.
 - d. Commencement of drilling, mining or excavation on a parcel of land, except to obtain soil samples, or to drill individual water supply and irrigation wells.
 - e. Demolition of a structure.
 - f. Land Clearing
 - g. Deposit of refuse, solid or liquid waste or fill on a parcel of land.
 2. The following operations or uses shall not be taken for the purpose of this Section to involve development:
 - a. Work by highway or road agency or railroad company for the maintenance or improvement of a road or railroad tract, if the work is carried out on land within the boundaries of the right-of-way.
 - b. Work by a utility and/or person engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or construction on established rights-of-way, any

sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

- c. Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- e. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- f. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- g. A change in the ownership or form of ownership of any parcel of land or structure.
- h. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development" as designated in an ordinance or development permit includes all development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

- 220.21 DEVELOPMENT PERMITS - Written permission given by the issuing authority to a person signifying approval for initiating and engaging in an activity or use of land or structure, as defined in Chapter 380.04, Florida Statutes and Section 220.20 of this ordinance, and specifying such conditions as necessary to ensure compliance with all applicable ordinances, codes, and regulations.
- 220.22 DWELLING - A building used entirely as a residence having the number of families permitted in any given district.
- 220.23 DWELLING, MULTI-FAMILY - A residence designed for or occupied by two or more families, with separate housekeeping and cooking facilities for each; for example, duplexes, townhouses, rowhouse, apartments, and condominiums.
- 220.24 DWELLING, SINGLE-FAMILY - A detached residence designed

for or occupied by one family, not to include mobile homes.

- 220.25 DWELLING UNIT - One or more rooms designed for the occupancy, cooking and sleeping of one or more persons living as a single housekeeping unit.
- 220.26 FRANKLIN COUNTY COMPREHENSIVE PLAN - The two-volume multi-element general plan prepared and adopted for the unincorporated areas of Franklin County pursuant to the provisions of Chapter 163.3161, Florida Statutes.
- 220.27 FEMA - Federal Emergency Management Agency.
- 220.28 FAMILY - One or more persons immediately related by blood, marriage, or adoption or living as a single housekeeping unit in a dwelling shall constitute a family.
- 220.29 FILTRATIVE CAPACITY - The ability of soils to absorb the constituents in surface or ground water.
- 220.30 FIRM - Flood Insurance Rate Map used by FEMA to set rates for the Federal Flood Insurance Program.
- 220.31 FLOODWAY MAP - That which delineates potential high water marks which would occur during a particular storm or flood.
- 220.32 FLOODWAY ZONES - The channel of a watercourse and portions of the adjoining flood plain which are reasonably required to carry and discharge floodwaters.
- 220.33 IMPERVIOUS SURFACES - Those man-made surfaces which reduce the natural rate of percolation of water or result in a modification in the natural quantity and rate of stormwater run-off. Examples include but are not limited to clay, asphalt paving materials, concrete, crushed limestone, and rooftops.
- 220.33.1 LAND CLEARING - The removal of live vegetation by any means including but not limited to cutting, grading, plowing, chemical treatment and mechanical or non-mechanical uprooting. Does not include mowing of existing lawns or planted grasses.
- 220.34 LOT - For zoning purposes, as covered by this ordinance, a lot in a developed or undeveloped tract of land legally transferable as a single unit of land.
- 220.35 LOT, CORNER - A lot abutting two or more streets at their intersection.

- 220.36 LOT MEASUREMENTS - The size of a lot as determined by:
1. Lot Depth - The mean horizontal distance between the front and the rear lot lines.
 2. Lot Frontage - That portion of a lot which abuts a public street; each side of a lot so abutting a public street shall be considered as separate lot frontage.
 3. Lot Width - The width of a lot measured at right angles to its depth measured at the setback line as defined in Section 220.56 of this ordinance.
- 220.37 LOT, THROUGH (DOUBLE FRONTAGE) - A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.
- 220.38 MAJOR AUTO AND ENGINE REPAIR - Includes auto body and paint shops, engine overhaul requiring the removal of engine or parts thereof from the vehicle, including repairs of transmission, radiators, or running gear.
- 220.39 MANUFACTURED BUILDINGS - Includes open and closed structures that have been approved by and which bear the insignia of approval from the State of Florida. Such structures may require further approval by the County in accordance with Section 301 of this ordinance including the submission of a complete set of plans and specifications for each installation.
- 220.40 MARINA - A water access dependent facility established for the purpose of providing safe commercial storage and mooring for boats and which may offer accessory services such as fueling, repair, and accommodations for launching and retrieving such vessels. This definition does not include private docks defined pursuant to Chapter 403.813(1)(b)1, Florida Statutes that are used for recreational, noncommercial activities provided that such structures do not exceed 500 square feet or, in areas not designated outstanding Florida waters, 1000 square feet of over-water surface area.
- 220.41 MEAN HIGH WATER (MHW) - The average height of the high waters over a nineteen (19) year period or for shorter periods of observation: the average height of the high waters after corrections are applied to eliminate known variations and to reduce the results to the equivalent of mean nineteen (19) year value, as defined in Chapter 177, Florida Statutes.
- 220.42 MEAN SEA LEVEL (MSL) - The average height of the sea for all stages of the tide. Used as a reference for establishing various elevations within the floodplain. The term is synonymous with National Geodetic Vertical

Datum (NGVD).

- 220.43 MINOR AUTO AND ENGINE REPAIR - Includes emergency repairs such as replacement of belts, hoses, spark plugs, tires, lubrication, oil and other minor tune ups not requiring the removal of the engine or parts thereof from the vehicle.
- 220.44 MOBILE HOME - A structure also defined as a modular home, transportable in one or more sections, designed as a residential unit constructed to standards promulgated by the Department of Housing and Urban Development as to permit occupancy thereof when connected to the required utilities, with a minimum of 450 square feet of living area. A mobile home may be attached or unattached to a permanent foundation and consistent with the definition found in 10D-26.62, F.A.C., does not include "recreational vehicles"; i.e., motor homes which are self-propelled or travel trailers which are on wheels and must be towed or manufactured buildings as defined in Section 220.41 of this ordinance.
- 220.45 MOBILE HOME PARK OR TRAILER PARK - A parcel of land planned and improved for the placement of mobile homes for non-transient use. See Note 4 under the R-2 Single Family Residential/Mobile Home District.
- 220.46 NATURAL VEGETATION - Plants that are native and indigenous, i.e., functionally adapted, to the particular area in which they are found.
- 220.47 NON-CONFORMING USE - A lawful use of land or of a building existing on the effective date of this ordinance which does not conform with the standards adopted by this ordinance for the district within which the use occurs. The term may also be applied to describe a lawful structure pre-existing the effective date of this ordinance which does not conform with the provisions of the ordinance or which may be in variance with other applicable zoning requirements. Non-conforming uses shall be subject to the provisions of Section 420 of this ordinance.
- 220.48 ORDINARY HIGH WATER - High water similar to mean high water except that there is no tidal influence. A more precise delineation may be established using standard surveying techniques or by Franklin County Ordinance 89-8, Critical Shoreline.
- 220.49 PLANNING AND BUILDING DEPARTMENT - The Franklin County Planner and the Franklin County Building Official shall constitute the Franklin County Planning and Building Department.
- 220.50 QUARTER/QUARTER SECTION - The northeast, northwest,

southwest, or southeast quarter of a quarter section delineated by the United States Government system of land survey and which is exactly or nearly 40 acres in size.

- 220.51 ROAD, ARTERIAL - A route providing service which is characterized by: continuous flows of high traffic volume, long average trip length, high operating speed, and high mobility. All U.S. Highways shall be arterial roads.
- 220.52 ROAD, COLLECTOR - A route providing service which is characterized by: moderate traffic volume, moderate trip length, and moderate operating speed. These roads also collect and distribute traffic between local roads or arterial roads and serve as a linkage between local roads and arterial roads.
- 220.53 ROAD, LOCAL - A route providing service which is characterized by: low average traffic volume, of short average trip length, minimal through-traffic movements, and high land access for abutting property.
- 220.54 ROAD, PRIVATE - A development providing access to more than one property owner designed solely for private use and developed in accordance with provisions of Franklin County Ordinance 80-8.
- 220.55 SEPTIC TANK - Consistent with the definition found in 10D-6, F.A.C., a water tight receptacle or vault designed to provide for the separation and storage of solids from wastewater, limited digestion of organic matter, and further treatment and disposal of clarified liquids in a soil absorption system or drainfield and the use of which is subject to the provisions of County Ordinance 79-8.
- 220.56 SETBACK LINE - A line extending inward from and parallel to property boundaries within which development may be authorized. The area between property boundaries and setback line, as established by zoning districts, will be maintained as undeveloped open space, exclusive of driveways, vehicle parking, and fences.
- 220.57 SCS - Soil Conservation Service, U.S. Department of Agriculture.
- 220.58 SIGNS - Any outdoor advertisement or announcement having a location on the ground or attached to or painted on a building including bulletin boards and poster boards.
- 220.58.1 SITE PLAN - A drawing to appropriate scale illustrating the location, dimensions, and intended use of all existing and proposed development on a lot or parcel of land.
- 220.59 STORMWATER DRAINAGEWAY - Natural or constructed features

of land which serve as conveyances for stormwater.

220.59.1 STORMWATER MANAGEMENT PLAN - The detailed analysis and accompanying drawings which describe how the proposed stormwater management system for the development has been planned, designed, and will be constructed to meet the requirements of this ordinance.

220.59.2 STORMWATER MANAGEMENT SYSTEM - The natural and constructed features of the property which are designed to treat, collect, convey, channel, detain, hold, inhibit, or divert stormwater.

220.60 STREET - A public thoroughfare which affords principal means of access to abutting property.

220.61 STREET CENTERLINE - A line midway between street lines.

220.62 STRUCTURE - Defined according to the Chapter 380.031(19), Florida Statutes, as anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes movable structures which can be used for residential, commercial, or agricultural purposes either temporarily or permanently. The term also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

220.63 TRANSMISSIVITY - The property of soils influencing the rate at which water migrates vertically or laterally.

220.64 UNIT OF HIGH IMPACT - Any multiple family or single family residential development exceeding 50 units, any hotel or motel exceeding 75 units, any commercial development exceeding 15,000 square feet, any office development exceeding 25,000 square feet, or any industrial development exceeding 10 acres.

220.65 V-ZONES - Areas subject to high velocity waters caused by, but not limited to hurricanes, storms or wave wash. The area is designated on the FIRM as Zone VI-30.

220.66 WETLANDS - Defined in Chapter 403.817, F.S., and 17-3.022, F.A.C., as the landward extent of waters of the state.

220.67 YARD - A required open space on a lot, unoccupied and unobstructed by any structure or portion of a structure with the exception of fences and walls which may be permitted subject to height limitation as provided by Section 464 of this ordinance. For the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the respective lot line and principal building or any projection thereof other than the

projections of uncovered steps, unenclosed balconies, or open porches/ patios, shall be used as a measurement.

220.68 YARD, FRONT - A yard extending across the front of a lot between the side lot lines.

220.69 YARD, REAR - A yard extending across the rear of a lot between the side lot lines.

220.70 Coastal High Hazard Area - For the purpose of these regulations the definition of the coastal high hazard area shall be the same as the definition within the Franklin County Flood Plain Management Ordinance but also include the Category 1 Hurricane Evacuation Zone. The Eastpoint Urban Service Area shall be exempt from this definition.

300 ZONING ADMINISTRATION

301 DEVELOPMENT PERMITS -

An application for development approval shall be submitted and a development permit obtained in accordance with section 301.02, 301.04, or 301.06 of this ordinance; no development shall begin without the appropriate development permit. Where subdivision approval of a project is required pursuant to the Franklin County Subdivision Ordinance, zoning approval for the project as a whole shall not be required; however, development permits for individual lots shall be obtained in accordance with the appropriate zoning review and approval section of this ordinance.

Any owner, authorized agent, builder or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, or construct a sign of any description, or to install or alter fire extinguishing apparatus, elevators, engines, or to install boilers, furnaces, incinerators, heating or cooling apparatus, or other appurtenances, the installation of which is regulated by the Standard Building Code, Standard Plumbing Code, National Electrical Code, or County Zoning Ordinance, or to cause any such work to be done, shall first make application for and obtain the required permit.

A permit shall carry with it the right to install in any building or structure, or part thereof, electrical and plumbing fixtures, elevators, and heating and cooling apparatus provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with said application, a separate permit shall be required.

Minor repairs, not affecting the structural integrity of a building, may be made with the approval of the Planning and Building Department, and a permit issued without charge; provided such repairs do not violate any of the provisions of the Standard Building Code, National Electrical Code, Standard Plumbing Code or provisions of this or other applicable ordinances.

Each application for a permit and, where required, the appropriate fee, shall be filed with the Planning and Building Department on a form furnished for this purpose which shall contain a description of the proposed work and its location in accordance with Section 301.02 of this ordinance. Each application for a permit shall also indicate the proposed use or occupancy of all parts of the building and of that portion of the site or lot not covered by the building or structure, and shall contain such other information as may be required by the Planning and Building

Department. The completed application shall be signed by the owner, or his/ her authorized agent and returned with any support material to the Planning and Building Department for review and permit approval prior to development.

Under no circumstances will electrical service be authorized, other than temporary service for construction purposes, for any building, structure, mobile or modular home without a final electrical inspection and connection and current inspection of authorized sanitary wastewater disposal system as provided for at Section 301.02.a.1. of this ordinance.

301.01 STAFF REVIEW

The following types of development shall be subject to staff review and approval, except for permitted structures in the Critical Habitat Zone or any structure in the Critical Shoreline District requiring a variance from the Board of Adjustment:

1. Construction of a single family detached home or placement of a mobile home
2. Construction of accessory structures
3. Construction of an addition to an existing principal or accessory structure
4. Repairs to an existing principal or accessory structure
5. Land clearing
6. Signs, fences, docks, onsite sewage disposal systems, driveways, parking areas, temporary structures.

301.02 STAFF REVIEW AND APPROVAL PROCESS

- a. Application for development approval for development listed at section 301.01 shall be made on forms provided by the planning department and submitted to the County Planner for review and approval. Development shall conform to all applicable local, state, and federal regulations. No construction shall begin without a development permit.

Application for development approval shall consist of the following:

1. Application
2. Legal description
3. Location map
4. Sketch plan showing dimensions of the lot or parcel, location of existing and proposed structures, setbacks, parking, and where appropriate, height or size of structures, and driveway culverts.

5. For construction of a new single family detached dwelling, a survey prepared, signed, and sealed by a Florida registered land surveyor. Any wetlands or sand dunes located on or bordering property shall be identified on the application for development. Dune alteration shall be kept to a minimum and be consistent with section 475 of this code.
6. Wastewater disposal permit consisting of either (a) a current onsite sewage disposal construction permit or current inspection certificate of an existing system from the HRS Franklin County Public Health Unit or the Department of Environmental Regulation, or (b) a letter from the appropriate water and sewer district stating that central wastewater treatment is available.
7. When applicable, permits from state and federal agencies including DER and Army Corps of Engineers for dredge and fill, DER for stormwater management, DOT for access to state highways and for storm water connections to state highways, Board of Trustees of the Internal Improvement Trust Fund for a lease for sovereign submerged lands, and DNR for construction seaward of the Coastal Construction Control Line.
8. When required by the Building Official, two sets of building plans consisting of specifications and drawings to scale of sufficient clarity and detail to indicate the nature and character of the work. When required by the Standard Building Code, drawings, specifications, and accompanying data shall be prepared and sealed by an architect or engineer legally registered under the laws of Florida.
9. For those developments located in areas of special flood hazard, a topographic map with 1 foot contour intervals shall be provided.
10. For land clearing which is not an adjunct of construction, a plan to re-establish a soil-stabilizing vegetation cover within 10 days of clearing shall be included.
11. On beachfront construction, sufficient information shall be obtained prior to a building permit being issued to assure that house and dune walkover lights will be low intensity, seasonal, or timed and beachfront windows shall be shaded or tinted so as not to interfere with sea turtle nesting.
 - b. The County Planner shall review the application for compliance with this ordinance, the comprehensive plan, and other applicable land development regulations. He may request the assistance of the County Engineer, the

Building Official, the Public Health Official, or other local and state officials in conducting the review. However, all commercial development shall be submitted to HRS for review and approval.

- c. Upon approval, the Building Official shall issue a development permit authorizing construction. Both sets of building plans shall be stamped, signed, and dated by the Building Official. One set shall be given to the developer along with the building permit. The permitted drawings shall be retained at the site of work and shall be open to inspection by the Building Official or his authorized representative.

301.03 PLANNING REVIEW

The following types of development shall be subject to planning review and approval:

1. Development within the Critical Shoreline District requiring a variance from the Board of Adjustment or any structure in the Critical Habitat Zone;
2. Commercial and office development, less than units of high impact;
3. Multiple family development, mobile home parks, townhouses less than units of high impact;
4. Industrial development less than units of high impact;
5. Public facilities;
6. Churches, community houses, group homes;
7. Boat ramps, marinas, parks, recreational vehicle facilities; and
8. Development not included within sections 301.01 or 301.05 of this ordinance.

301.04 PLANNING REVIEW AND APPROVAL PROCESS

- a. Application for development approval for development listed at section 301.03 shall be made on forms provided by the planning department and shall be submitted to the County Planner at least 30 days prior to the next Planning and Zoning Commission meeting. Development shall conform to all applicable local, state, and federal regulations. Application for development approval shall consist of the following:
 1. Application
 2. Location map

3. Legal survey prepared, signed, and sealed by a Florida registered land surveyor, indicating legal description and area to the nearest one tenth of an acre.
 4. Topographic map with one foot contour intervals. The topographic map may be combined with the survey.
 5. Site plan, drawn to appropriate scale, showing the location, dimensions, and intended use of all existing and proposed development in detail sufficient to allow an evaluation of compliance with applicable land development regulations. The site plan shall show: wetlands and flood prone areas; all structures, their setbacks and height; parking; streets; means of ingress and egress; potable water and wastewater disposal facilities; fences and walls; signs; sidewalks; number of dwelling units for residential development; square footage of commercial office and industrial development; number of rooms for motels/hotels, number of employees, students, or seats for other development, as appropriate; other information as may be required by the County Planner.
 6. Stormwater Management Plan prepared in compliance with section 465 of this ordinance. Before a building permit is issued which requires a stormwater facility the property owner shall sign a release allowing the County Engineer the authority to enter private property to inspect the facility. It shall be the owner's responsibility to maintain the facility in proper condition.
 7. Wastewater disposal permit consisting of either (a) a current onsite sewage disposal construction permit or current inspection certificate of an existing system from the HRS Franklin County Public Health Unit or the Department of Environmental Regulation, or (b) a letter from the appropriate water and sewer district stating that central wastewater treatment is available.
 8. When applicable, permits from state and federal agencies including DER and Army Corps of Engineers for dredge and fill, from DER for stormwater management, DOT for access to state highways and for storm water connections to state highways, and from DNR for construction seaward of the Coastal Construction Control Line.
- b. The County Planner shall review the application and accompanying materials for compliance with this ordinance, the comprehensive plan, and other applicable land development regulations. He may request

the assistance of the County Engineer, the Building Official, the Public Health Official, or other local and state official in conducting the review. The County Planner shall then prepare a report and recommendation for action to the Planning and Zoning Commission for consideration at the next regular meeting. However, all commercial development shall be submitted to HRS for review and approval.

- c. The Commission shall study the application for development approval and the report of the County Planner, taking into consideration the requirements of this ordinance, the comprehensive plan, and other applicable land development regulations. The Commission shall recommend to the Board of County Commissioners that the application for development approval be approved, be approved with conditions, or be disapproved.
- d. After action by the Commission, the County Planner shall place the application for development approval on the next regularly scheduled Board agenda. The report of the County Planner and the recommendation of the Commission shall be forwarded for the Board's consideration. The Board, after reviewing the material presented, shall by motion approve, approve with conditions, or disapprove the application for development approval. Approval shall constitute authorization for the developer to apply to the County Planner and Building Official for the issuance of a development permit. The Building Official will actually issue the permit.
- e. After the Board's approval, the developer may apply for a development permit. When required by the Building Official, two sets of building plans shall be submitted. The building plans shall consist of specifications and drawings to scale of sufficient clarity and detail to indicate the nature and character of the work. When required by the Standard Building Code, drawings, specifications, and accompanying data shall be prepared and sealed by an architect or engineer legally registered under the laws of Florida. The Building Official shall review the building plans for conformance with the conditions of the Board's approval and with applicable building codes.
- f. A development permit shall be issued by the Building Official and County Planner upon the Board's approval of the application for development approval, and, when building plans are required, upon the Building Official's certification that the building plans are consistent with the conditions of the Board's approval and applicable building codes. Both sets of building plans shall be stamped, signed, and dated by the Building Official. One set shall be given to the developer along with the development permit. The developer shall retain the permitted

drawings at the site of work and they shall be open to inspection by the Building Official or his authorized representative.

301.05 FULL REVIEW

A full review shall be required for the following types of development:

1. Industrial development defined as units of high impact;
2. Power plants and transmission lines;
3. Oil or gas exploration and drilling;
4. Commercial and office development defined as units of high impact;
5. Single family and multiple family development defined as units of high impact;
6. Multi-family development on barrier islands.
7. Planned Unit Developments and Developments of Regional Impact.

301.06 FULL REVIEW AND APPROVAL PROCESS

- a. Where the proposed development conforms to the provisions of Section 301.05 of this ordinance, the applicant, prior to project review and permit issuance, is required to complete an application which, in addition to the requirements set forth in Section 301.04, shall provide the following:
 1. Any information deemed necessary by the County Planning and Building Department for assessing the proposed development's impact on issues of regional significance developed by the Apalachee Regional Planning Council pursuant to the requirements of Chapter 380.06, Florida Statutes, as amended.
- b. Prior to the first meeting of the Commission with the applicant and the Planning and Building Department staff, the County Planner shall contact the appropriate staff of the following agencies: (1) Apalachee Regional Planning Council; (2) Florida Department of Natural Resources; (3) Florida Department of Environmental Regulation; (4) Florida Department of Health and Rehabilitative Services; (5) Florida Department of Community Affairs, (6) Florida Department of Transportation, (7) Northwest Florida Water Management District; and, where applicable, the water and sewer department of the Cities of Apalachicola or Carrabelle and the water and sewer district of Eastpoint, Lanark Village or Alligator Point. The agencies, Plan-

ning Council and, where appropriate, the water and sewer departments or districts will be requested to review the proposed development for the purpose of determining if there are issues or elements of the proposed development of regional significance or local concern.

- c. All comments resulting from agency, Planning Council, and applicable water and sewer department or district review of the proposed development will be presented at the first meeting of the Commission with the applicant and the Planning and Building Department. Such comments, if any, will be incorporated as a part of the planning review process of Section 301.04 of this ordinance.

301.07 STAFF RESPONSIBILITIES

- a. The County Planner shall ensure compliance/consistency with all provisions of the County Zoning Ordinance, the County Comprehensive Plan and other applicable land development regulations.
- b. A written staff review checklist/certification attesting to such compliance/consistency and signed by the County Planner shall accompany all completed permit applications and become part of the permanent file for each development order issued by the County. At a minimum, the staff review checklist shall certify the receipt of the information or action required by this ordinance under Sections 301.02, 301.04, and 301.06 and that:
 1. The appropriate flood rate and elevation, as indicated on floodway and/or the flood insurance rate maps, and the elevation of structural development, as required by the Flood Hazard Ordinance, Franklin County Ordinance 88-2 which amends 87-5.
 2. The location of the proposed development as depicted on the Franklin County zoning map complies with the zoning district regulations.
 3. A determination has been made regarding the location of the proposed development with respect to the Coastal Building Zone and, if so, whether the proposed development complies with the Coastal Building Code and the High Hazard Zone.
- c. If, in the finding of the County Planner, the application submitted for a development permit is incomplete with respect to the requirements listed in Sections 301.02, 301.04 and 301.06, where applicable, of this ordinance, the County Planner may deny the permit or suspend review subject to the receipt of additional information from the applicant or the applicant's authorized agent.
- d. The County Building Official shall ensure compliance

with the conditions of the permit, the Standard Building Code, and this ordinance and shall notify the Board of any violations.

- e. Where a finding is made by the County Building Official that development has occurred or is occurring without the issuance of a valid development permit or, where permitted, such development violates the conditions of the permit, the Standard Building Code, or any provision of this ordinance, the Building Official, shall issue stop work orders and upon direction of the Board of County Commissioners revoke development permits.
- f. Development permits issued in accordance with the provisions of Section 301 of this ordinance shall be held valid for a period not to exceed six (6) months from the date of issuance or, where in the finding of the Building Inspector that construction is occurring on an uninterrupted basis, until such permitted development is complete. Exceeding the time-to-act limitation of the permit, or where it has been determined that construction has not occurred on an uninterrupted basis within a 90-day period following an inspection, shall be grounds for revoking the permit.
- g. A stop work order shall be considered issued when a notice is posted at the construction site and a notification of such is sent by certified mail to the permittee or his/her authorized agent.
- h. If the issuance of a stop work order does not result in a suspension of the activity found to be in non-compliance with the provisions of this ordinance, or where the permittee has failed to act pursuant to Section 301.07.i. of this ordinance, the County Building Official, based upon a finding that such conditions still exist, shall act to make a recommendation to the Board to revoke the permit. The permittee shall be notified of the recommended action to revoke the permit, by certified mail. The act of revoking a development permit shall be construed as a permanent invalidation of the permit.
- i. In order to lift the suspension imposed by the stop work order or in the case where a permit is held no longer valid pursuant to Section 301.07.f of this ordinance, the permittee must act within 30 days of the notice of violation to file an appeal with the Franklin County Board of Adjustment. The Board of Adjustment shall act in accordance with Section 315.04 of this ordinance to schedule a public hearing at which time the permittee or his/her authorized agent may present any evidentiary material demonstrating that the activity cited in violation is, in fact, in compliance with all applicable provisions of this ordinance including, but not limited to, conditions prescribed on the permit and the permit's

validity pursuant to Section 301.07.f of this ordinance. The Board of Adjustment shall exercise its authority granted pursuant to Section 315.04 of this ordinance and any other authority created by the Board of County Commissioners to: (a) uphold the Building Official's issuance of a stop work order or recommendation to the Board to revoke a permit; (b) find for the permittee and set aside the stop work order or recommendation to revoke; or (c) prescribe corrective actions as necessary to ensure the permitted activity's conformance with this ordinance including a reasonable time within which to make the prescribed corrections or satisfy such conditions and safeguards as deemed necessary by the Board of Adjustment to eliminate or reasonably mitigate the permitted activity's adverse impact and detriment to the area and to the public welfare.

- j. The Building Official may act within the 30-day period to rescind the stop work order or withdraw his/her recommendation to the Board to revoke the permit if in his/her finding the permittee has demonstrated that the activity cited in violation has, since the finding on non-compliance, been brought into compliance. If the permittee fails to act within the prescribed period of time to file an appeal with the Board of Adjustment or to prove to the Building Official that the violation has been corrected or, where applicable, to produce documented evidence of compliance with the provisions of Section 301.07.f of this ordinance, the Building Inspector shall move to revoke the permit in accordance with the provisions of Section 301.07.h of this ordinance. The act of permit revocation shall constitute a finding of guilt and subject to the provisions of Section 330 of this ordinance and Chapter 125.69, Florida Statutes.

305 PLANNING AND ZONING COMMISSION

305.01 ESTABLISHMENT AND COMPOSITION - The Franklin County Planning and Zoning Commission shall consist of nine (9) members and two (2) alternates, who shall be residents of Franklin County. In making nominations and in the confirmation of members and alternates to the Commission, the Board shall, insofar as possible, provide equal representation of the geopolitical districts and various industries, crafts, trades and concerns of the citizens of Franklin County, and shall guard against the possibility of any single interest having a majority vote on the Commission. All seats shall be filled by at-large representatives, nominated by the Board and confirmed by a majority vote of the Franklin County Board of County Commissioners:

1. The member filling seats one, two, three, and four shall be representative of the general population of Franklin County.

2. The member filling seat five shall be a representative of the tourist, real estate, or construction industries.
3. The member filling seat six shall be a representative of the forestry agriculture, industry, and/or apiarists.
4. The member filling seat seven shall be a representative of the oystermen, crabbers and/or shrimpers and/or representative of seafood workers.
5. The member filling seat eight shall be a representative of the seafood processors, distributors, dealers and/or other representative of the seafood industry.
6. The member filling seat nine shall be a science teacher, scientific research or marine biologist, environmental planner or environmental engineer, or in some similar capacity represent technical, scientific, planning or conservation interests.

Powers and duties of the Commission shall be directed by county ordinances, assignments by the Board or as may be provided by Florida Statutes.

305.02 APPOINTMENTS AND TERMS OF OFFICE - Each member on the Commission shall be appointed to three-year terms. Members may be appointed to serve any number of successive or non-consecutive terms.

305.03 EX-OFFICIO MEMBERS, VACANCIES, OFFICERS AND REMOVAL FROM OFFICE - Any and all of the members of the Franklin County Board of County Commissioners may serve as ex-officio members of the Franklin County Planning and Zoning Commission. Any vacancy occurring during the unexpired term of office of any member or alternate shall be filled by the Board of County Commissioners for the remainder of the term pursuant to the provisions of Section 305.02 of this ordinance.

- a. The Board of County Commissioners is authorized to remove any member or alternate to the Planning and Zoning Commission for cause after written notice and a public hearing which may be scheduled to be held during any regular meeting of the Board of County Commissioners. Any of the following examples or situations could be cause for removal from office of a member of the Planning and Zoning Commission:

1. Four consecutive absences from regularly scheduled meetings of the Planning and Zoning Commission.

2. Mental or physical disability medically diagnosed which renders the member incapable of performing adequately his/her functions.
 3. Conduct unbecoming a member of the Planning and Zoning Commission such as to bring the Commission or Board into disrepute.
 4. Conviction of any criminal act involving moral turpitude, habitual use of intoxicating beverages to excess or indulgence in intoxicating beverages during Commission meetings.
 5. Failure to maintain residence in Franklin County.
 6. Use of bribery, or political pressure to secure advantages.
 7. Incompetence or unwillingness to render satisfactory service or any other action of a magnitude which would raise serious questions about the ability of the member to render satisfactory service to the County.
- b. The Planning and Zoning Commission shall elect a Chairman and a Vice Chairman from among its members. The Commission shall appoint a Secretary who may be the County Planner or his designated representative, or an employee of the Board of County Commissioners.
- c. The Commission shall meet at regular intervals to be determined by it and at such other times as the Chairman or Commission may determine. The Commission shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings and determinations, which record shall be a public record. All meetings of the Commission shall be open to the public.

310 ZONING ENFORCEMENT - The Franklin County Board of County Commissioners shall be the administrative and enforcement agent for the Franklin County Zoning Ordinance. The Franklin County Planning and Zoning Commission shall make such recommendations to the Board as they may deem proper. The Planning and Building Department shall ensure compliance with this ordinance and report violations to the Board. The Planning and Building Department shall not issue a permit for any structure or use which will result in a violation of the Standard Building Code, Standard Plumbing Code, National Electrical Code or County Zoning Ordinance and will prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of such, and will restrain, correct or post and report all such violations, as to prevent the occupancy of said building, structure or land and to prevent any illegal

act, business or use in or about said premises. The Planning and Building Department, in accordance with Section 301.07.e of this ordinance shall act to issue stop work orders against development where such development violates the conditions imposed on the permit and act at the direction of the Board to revoke permits as provided at Sections 301.07.h and 301.07.j of this ordinance.

315 BOARD OF ADJUSTMENT

315.01 ESTABLISHMENT AND COMPOSITION - The Franklin County Board of Adjustment (BOA) shall consist of five members who shall be appointed by the Board of County Commissioners. In addition, the Board of County Commissioners may appoint not more than two alternate members, who shall be designated as such. Alternate members may act in the temporary absence or disability of any regular member, or may act when a regular member is otherwise disqualified in a particular case that may be presented to the Board. No member or alternate member of the Board of Adjustment shall be a paid or elected official or employee of the Board of County Commissioners of Franklin County.

315.02 APPOINTMENTS TERMS OF OFFICE, REMOVAL FROM OFFICE AND VACANCIES - Members of the Board of Adjustment may be removed from office for cause by the Board of County Commissioners upon written charges being filed and after public hearing. Vacancies that are created for any reason shall be filled by appointment by the Board of County Commissioners for the unexpired term. Members of the Board of Adjustment shall serve the following term:

(a) members filling seats one and two shall serve until January 1, 1988, and three year terms thereafter, (b) members filling seats three and four shall serve until January 1, 1987, and three terms thereafter, and (c) member filling seat five shall serve until January 1, 1986, and three year terms thereafter. Terms for alternate members shall be until January 1, 1987 and three year terms thereafter.

315.03 OFFICERS, RULES OF PROCEDURE, EMPLOYEES AND SALARIES - The Board of Adjustment shall elect a chairman and vice chairman from among its members and shall appoint a secretary who may be an officer or employee of the governing body or the Commission. The Board of Adjustment may create and fill such other offices as it may determine to be necessary for the conduct of its duties. The Board of Adjustment shall adopt rules as necessary to exercise its powers and duties as prescribed in Section 315.04 of this ordinance and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall become public record. Meetings of the Board of Adjustment shall be held on the first Monday of each month and at such times as the members may determine.

315.04 BOARD OF ADJUSTMENT - POWERS AND DUTIES - In addition to any other duties assigned by the board of County Commissioners through the adoption of ordinances the Board of Adjustment shall have the following powers and duties:

a. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this zoning ordinance or any other applicable regulation or ordinance promulgated by the Franklin County Board of Commissioners.

b. Special Exceptions:

1. To hear and decide such special exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of this zoning ordinance; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards and to deny such requests when not in harmony with the purpose and intent served by this ordinance.

2. In granting any special exception, the Board of Adjustment shall find that such grant will not adversely affect the public interest.

3. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the standards set forth in this ordinance, the Franklin County Comprehensive Plan, and any other applicable land development regulation adopted by the Board. Violation of such conditions and safeguards, when made part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance.

4. The Board of Adjustment may prescribe a reasonable time limit within which the action for which the special exception was granted shall be commenced, completed, or both.

5. The Board of Adjustment shall confer with the Commission in all cases involving requests for special exceptions.

c. Variances:

1. To authorize upon appeal such variance from the terms of this ordinance as will not be contrary to the public interest when owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this ordinance, the Board of Adjustment must find:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
 - (b) The special conditions and circumstances are not the result of an action by the applicant;
 - (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district;
 - (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;
 - (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - (f) That the grant of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
2. In granting any variance, the board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the standards of this ordinance, the Franklin County Comprehensive Plan, and any other applicable land development regulation adopted by the Board. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.
 3. The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance was granted shall be commenced, completed, or both.
 4. Under no circumstances, except as permitted in this section, shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands,

structures, or building in other zoning districts shall be considered grounds for the authorization of a variance.

- 315.05 APPEALS TO THE BOARD OF ADJUSTMENT - Any person aggrieved or affected by any decision of an administration official pursuant to this ordinance may appeal that decision to the Board of Adjustment within 30 days after rendition of such order, requirement, or determination by filing a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall, upon notification of the filing of the appeal, forthwith transmit to the Board of Adjustment all the documents, plans, papers, or other materials constituting the record upon which the action appealed from was taken. An appeal to the Board of Adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was taken shall certify to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by restraining order which may be granted by the Board of Adjustment or by a court or record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- 315.06 HEARING OF APPEALS - The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any interested party may appear at the hearing in person or through an agent or attorney. Appellants may be required to assume such reasonable costs in connection with appeals as may be determined by the Board through action in setting of fees to be charged for appeals.
- 315.07 REVIEW OF DECISIONS OF THE BOARD OF ADJUSTMENT - Unless superseded by other provisions of state or local law, a person or persons jointly or severally, aggrieved by any decision of the Board of Adjustment may seek judicial relief by filing a petition with the circuit court within 30 days after rendition of the decision by the Board of Adjustment. Review by the court shall be either by a trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules. The election of remedies shall lie with the appellant.
- 330 PENALTIES FOR VIOLATION - Any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor and subject to such penalties as prescribed in Chapter 125.69, Florida Statutes. Each day that a violation of this ordinance exists shall constitute a separate offense.