

AN ORDINANCE PROVIDING THAT ON TRACTS OF TEN ACRES OR LESS BY DEED PRIOR TO JUNE 22, 1979, RIGHTS OF WAYS AND EASEMENTS SHALL NOT BE CONSIDERED IN DETERMINING AREA OF ONE-ACRE LOTS.

ORDINANCE NO. 80-8

FRANKLIN COUNTY, FLORIDA

WHEREAS, Franklin County, Florida by its Board of County Commissioners has adopted zoning and subdivision ordinances requiring that tracts not be subdivided into lots of less than one acre for residential purposes (R-1, R-1 MH), and

WHEREAS, the original Franklin County Subdivision Ordinance (74-1), provided that conveyances of lots no small than 5 acres shall not be considered a subdivision of land, and

WHEREAS, Franklin County Ordinance 79-7, enacted June 22, 1979, provides that lots of not less than one acre may be conveyed without reference to a plat and shall not be considered a subdivision of land requiring filing of a plat, and

WHEREAS, the Board of County Commissioners of Franklin County, Florida determines and finds that requiring of dedication of public or private streets which are not considered part of the one acre minimum for each residential lot, bears harder on tracts of less than ten (10) acres, than on larger tracts, and

WHEREAS, the need for more substantial road grows directly with the number of residences depending on the road for access, and

WHEREAS, the Board of County Commissioners of Franklin County, Florida wishes to allow tracts of less than ten (10) acres established by deed recorded prior to June 22, 1979, to count private drives and access easements within such tracts as part of lots or tracts conveyed out of said tract, but not otherwise, and

WHEREAS, the purpose of this Ordinance is to prevent hardship to the owners of small tracts of land which were conveyed by deed on or before June 22, 1979, and not prospectively, because prospective application of the rule established herein may encourage a future watering down of the one-acre rule, and

WHEREAS, the Board of County Commissioners of Franklin

County, Florida declares that the enactment of this Ordinance is necessary to protect the health, safety and welfare of the people of Franklin County, Florida,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, that:

Section 1: In determining whether a lot, tract or parcel of land is one acre or more for purposes of Franklin County zoning or subdivision ordinances, and for the purposes of Franklin County Ordinance 79-5, private roadway or rights-of-way shall be considered a part of the acreage, and shall not be deducted from the acreage, provided:

A.) The tract from which said parcel is divided does not exceed ten acres; and

B.) The tract from which said parcel is divided was last conveyed on or before June 22, 1979, and said conveyance was recorded on or before January 1, 1980, in the Official Records of Franklin County; and

C.) The lot, tract or parcel conveyed is at least one acre; and

D.) The roads, easements, or rights-of-way do not exceed 10% of the acre; and

E.) No road hereby described shall exceed 400 feet in length, and no road right-of-way or easement herein described shall be used as the connecting road for another such herein described road; and

F.) Variances may be granted for conditions (d) and (e) of this Ordinance only, in the same manner as zoning variances are granted; and

G.) In the following areas:

1. High hazard zones and active sand dunes as defined by Franklin County Ordinance 80-5;

2. Barrier Islands;

3. Alligator Point;

4. Within 500 feet any bay, stream, marsh, creek, pond, lake, the Gulf of Mexico and any navigable water, the following

additional requirements shall apply:

a) Prior to approval for construction of private access drives each land owner will provide to the Planning and Zoning Commission a topographic sketch map of the stated tract including the proposed access drives. Upon receipt of such map and construction request a member of the Planning and Zoning Commission will visit the proposed tract and personally review with tract owner plans for driveway construction for the purpose of making such construction recommendations as may be necessary for the overall environmental protection, health, safety and welfare of citizens residing within such tracts.

b) Location of proposed driveway: Alteration of existing topography should be minimized and emphasis placed on the protection of existing terrain and vegetation.

c) Design and construction of driveways: Driveways should be constructed of permeable materials (oyster shell/lime rock) to help reduce the quantity and rate of stormwater runoff.

d) Extent of fill and/or excavation required: Inasmuch as tract driveways are for the purpose of providing access to single family dwellings such drives will receive only limited traffic thus excavation and/or fill should not be required if such access drives follow the natural contour of the existing topography.

Section 2. The County building official, the County Planning Board and the Franklin County Board of County Commissioners shall have the right to inspect driveways constructed pursuant hereto at any time prior to or during construction.

This Ordinance adopted in open session this 18th day of November, 1980, after such notice of intent to consider such an ordinance has been made and kept in the ordinance book of the Clerk of this Board for at least 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in the Apalachicola Times, a newspaper of general circulation within the County.

(SEAL)

Attest:

Robert H. Howell  
Clerk

THE BOARD OF COUNTY COMMISSIONERS  
OF FRANKLIN COUNTY, FLORIDA.

BY: Cecil Varner  
Its Chairman

