

ORDINANCE NO. 2004 - 36
FRANKLIN COUNTY, FLORIDA

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING
ORDINANCE TO CREATE THE SOUTH SHOAL VILLAGE PLANNED UNIT
DEVELOPMENT DISTRICT AND ESTABLISHING STANDARDS FOR THE
SOUTH SHOAL VILLAGE PLANNED UNIT DEVELOPMENT DISTRICT.**

WHEREAS, an approximate 11-acre mixed use waterfront community in two (2) phases called South Shoal Village has been proposed for the old KOA RV Park and Campground on Alligator Point in Franklin County; and

WHEREAS, the proposed project will include 23 residential dwellings including a residence for Franklin County Sheriff's Deputy and Volunteer Fire Department Substation and community facilities such as a clubhouse and swimming pool (Phase I); and

WHEREAS, the proposed project will include a commercial site (Phase II) which will be reserved for a later date but which is proposed to include a family restaurant, retail/office space, general store and boating and fishing facilities; and

WHEREAS, the proposed project will utilize an advanced waste water treatment plant through FDEP standards; and

WHEREAS, the proposed project will reserve one (1) lot at least 51 feet in width at the end of Tom Roberts Road (along an old platted right of way) to accommodate any future or current right of way, dedicated access, or other vehicular access to the west end of Alligator Point; and

WHEREAS, the proposed project will reduce the intensity of land use from permitted recreational vehicle site with mobile home sites to residential units (Phase I) and a commercial site (Phase II); and

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

WHEREAS, the proposed project is anticipated to significantly contribute to the economic stability of Franklin County by providing a small number of permanent jobs in addition to temporary construction jobs, and will provide recurring local tax revenue annually; and

WHEREAS, the proposed mixed-use residential land use designation is more consistent with the current land use of surrounding property than the current commercial recreational designation.

WHEREAS, the proposed project will provide a reduction in the demand for potable water from the Alligator Point Water Resources District.

NOW THEREFORE BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COMMISSIONERS that the Franklin County Zoning Ordinance is hereby amended to include the following new zoning district:

SECTION 1. Creation and Purpose. There is hereby created the South Shoal Village 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. This PUD consists of two phases: the residential phase (Phase I) is currently zoned C-3 Commercial Recreational and is 7.44 acres; the commercial phase (Phase II) will remain zoned C-3 as part of this PUD and is subject to future approval.
3. This ordinance shall become part of the Franklin County Zoning Code and shall be incorporated as the "South Shoal Village PUD."
4. The commercial site reserved as Phase II of this PUD will include a 3,200 square foot general store, a 3,600 square foot restaurant/café, 4,500 square foot of commercial office/retail space, and boating and fishing facilities at the water.

SECTION 2. Master Development Plan

5. The Master Development Plan is a graphic representation drawn to appropriate scale outlining the proposed development for the entire South Shoal Village PUD. The master plan is not intended to be as specific as a site plan, but is intended to show the general location of roads, structures, buffer zones, natural vegetation, waster water treatment system, and other general improvements. The attached Master Development Plan, attached as Exhibit "B", is approved and incorporated as part of this ordinance.
6. Amendments to the approved Master Development Plan may be requested in accordance with Section 5 of this ordinance and shall become effective upon approval by the Board of County Commissioners.
7. No security gate or other impediment to access along Tom Roberts Road as indicated on the plats of Alligator Harbor, Unit 2, Plat Book 4, Page 7 and Penisular Point, Unit 1, Plat Book 1, Page 2 of the Public Records of Franklin County, Florida from Gulf Shore Boulevard to Lot 23 of the final plat of South Shoal Village PUD.

SECTION 3. Permitted Uses

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

SECTION 4. Development Standards

A. Residential density is limited to three (3) units per gross acre (exclusive of Fire Substation and Deputy Sheriff's residence) for Phase I of the South Shoal Village PUD area. The minimum lot size is as shown in the Master Development Plan with each residential lot being a minimum of 50 feet in width and 120 feet in length.

B. Building Setback:

(1) A setback minimum of 25 feet from the boundary of property line bordering any private, local arterial or collector road.

(2) Setback a minimum of 10 feet from any other property line.

C. Maximum Building Height: 35 feet. See Section 462 of Zoning Ordinance.

D. Maximum Impervious Coverage: 50% for residential area
80% for swimming pool and pavilion

E. Signs: See Section 450 of zoning ordinance.

F. Lighting: Lighting must comply with Turtle Lighting Ordinance.

G. Xeriscaping will be utilized for buffering between the commercial area and residential area a minimum width of 20 feet. 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.

H. Utilities: Water will be provided by the Alligator Point Water Resource District. Sewer disposal will be to advanced waste water treatment (AWT) permit standards as promulgated by Florida Department of Environmental Protection as enumerated in Exhibit "C". The current sewer connections on the existing centrally advanced aerobic treatment facility may be used as an interim system in accordance with applicable FDEP standards and requirements until the AWT plant is constructed and operational. The current plant shall be upgraded to AWT standards and be constructed and operational

within thirty (30) months from effective date of this ordinance. No structure shall be permitted before AWT plan approval by FDEP. Prior to receiving a certificate of occupancy for any habitable structure, the AWT sewer plant shall be certified by FDEP as operational.

I. 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.

J. Critical Shoreline and Flood Hazard Ordinance are applicable to land in this district.

K. Residential structures are minimum of 1000 square feet and maximum of 2250 square feet of heated space.

L. Infrastructure in the Development shall begin within one (1) year of adoption of this ordinance and completed within three (3) years.

M. Any substation for the Franklin County Sheriff's Department and/or the Alligator Point Volunteer Fire Department shall be a long term lease consisting of 99 years.

SECTION 5. Master Plan Amendments.

1. Requests for an amendment to the approved Master Development Plan must be consistent with this ordinance and shall be submitted to the County Planner by the owners of the site. No amendment to the ordinance shall allow for more than eleven (11) residential lots along Alligator Drive nor more than seven (7) residential lots along Harbor Circle to the west.
2. All drawings submitted must have a minimum scale of 1 inch equals 200 feet.
3. The amendment must show any changes to the stormwater management plan which must satisfy all applicable laws, regulations, and ordinances.
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 Master Development 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 Master Development Plan shall be rendered in writing and shall describe in detail how the plan is inconsistent with the applicable development regulations. Any amendment which would increase the density of development or stormwater runoff impact may be denied for that reason alone.

SECTION 6. Covenant Enforcement

The Board of County Commissioners shall have the authority but not the duty to enforce the Declaration of South Shoal Village 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 this ordinance or other applicable regulations.

SECTION 7. Enforcement by County.

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

SECTION 8. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.


SECTION 9. Upon adoption of this ordinance, the zoning map for Franklin County shall be amended to show the property herein described as the South Shoal Village PUD.

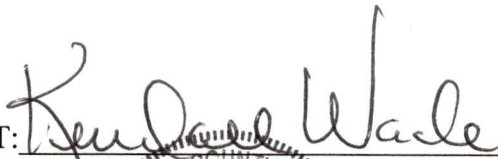
SECTION 10. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and the provisions of this ordinance are declared severable.

SECTION 11. This ordinance shall become effective upon passing.

This Ordinance was adopted in open regular meeting this 15th day of June, 2004, 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.

FRANKLIN COUNTY BOARD
COUNTY COMMISSIONERS

BY: 
Cheryl Sanders, Chairman

ATTEST: 
Kendall Wade, Clerk



Thurman Roddenberry and Associates, Inc.
Professional Surveyors and Mappers

Exhibit "A"

PO Box 100
125 Sheldon Street
Sopchoppy, Florida 32358
USA

Phone: 850-962-2538
Fax: 850-962-1103

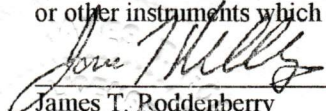
May 24, 2004

Legal Description of a 7.44 Acre Tract
Certified To: South Shoal Development, LLC

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

Begin at a concrete monument marking the Southeast corner of Lot 5, Block "H" of Alligator Harbor Unit No: 2, a subdivision as per map or plat thereof recorded in Plat Book 4, Page 7, of the Public Records of Franklin County, Florida. From said POINT OF BEGINNING run South 08 degrees 32 minutes 14 seconds East 105.11 feet to a concrete monument (marked #2244) lying on the Northerly right-of-way boundary of Alligator Drive, thence run South 68 degrees 47 minutes 54 seconds West along said right-of-way boundary 562.16 feet to a re-rod (marked #7160) marking a point of curve to the right, thence run Southwesterly along said right-of-way boundary and said curve with a radius of 1080.86 feet, through a central angle of 14 degrees 21 minutes 04 seconds, for an arc distance of 270.73 feet, chord being South 75 degrees 58 minutes 26 seconds West 270.02 feet to a re-rod (marked #7160) lying on the intersection with the Easterly right-of-way boundary of Harbor Circle, thence run North 00 degrees 00 minutes 54 seconds East along said Easterly right-of-way boundary 677.84 feet to a re-rod (marked #7160), thence leaving said right-of-way boundary run South 77 degrees 04 minutes 19 seconds East 139.89 feet to a re-rod (marked #7160), thence run North 07 degrees 17 minutes 29 seconds East 237.49 feet to the approximate mean high water line of a canal, thence run Southeasterly along said approximate mean high water line the following courses: South 33 degrees 48 minutes 59 seconds East 23.91 feet, South 59 degrees 05 minutes 26 seconds East 109.65 feet, South 80 degrees 39 minutes 54 seconds East 27.58 feet, thence leaving said mean high water line run South 00 degrees 16 minutes 26 seconds West along the Westerly boundary of aforementioned Alligator Harbor Unit No: 2, a distance of 192.51 feet to a concrete monument, thence run South 00 degrees 01 minutes 29 seconds West along said Westerly boundary 51.18 feet to a concrete monument, thence run South 00 degrees 08 minutes 50 seconds East along said Westerly boundary 114.67 feet to a re-rod (marked #7160), thence run Southeasterly along the Southerly boundary of said Alligator Harbor Unit No: 2 the following courses: South 81 degrees 03 minutes 30 seconds East 68.00 feet to a re-rod (marked #7160), South 77 degrees 55 minutes 30 seconds East 204.00 feet to a re-rod (marked #7160), South 85 degrees 10 minutes 48 seconds East 203.92 feet to the POINT OF BEGINNING containing 7.44 acres more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.


James T. Roddenberry
Surveyor and Mapper
Florida Certificate No: 4261

97-298ac.7.44

Alligator Bay



Gulf of Mexico

MASTER DEVELOPMENT PLAN SOUTH SHOAL VILLAGE

Clemons, Rutherford & Associates, Inc
architects . planners . interior designers
construction managers

FRANKLIN COUNTY

REPLY TO

BOARD OF COUNTY COMMISSIONERS
33 MARKET STREET, SUITE 203
APALACHICOLA, FL 32320
(850) 653-8861, EXT. 100
FAX (850) 653-4795



REPLY TO

PLANNING & BUILDING DEPT.
34 FORBES STREET
APALACHICOLA, FL 32320
(850) 653-9783
FAX (850) 653-9799

MEMO

TO: Steve Fling and the Franklin County Board of County Commissioners
FROM: Alan C. Pierce, Director of Administrative Services *ACP*
DATE: May 13, 2004
SUBJECT: Existing Board Policy on Advanced Wastewater Treatment Facilities

Starting with the approval of the GreenPoint Golf Course Development in 1992(?), the Board established a policy at a county commission meeting of requiring Advanced Wastewater Treatment (AWT) for any new DEP approved sewer plants being built in the county. The levels of treatment at an AWT plant are considerably higher than what had previously been required in the county. According to Mr. Joe May, DEP, AWT plant permits require wastewater to meet the following parameters:

- 5 ppm Biological Oxygen Demand (BOD)
- 5 ppm Total Suspended Solids
- 3 ppm Total Nitrogen
- 1 ppm Total Phosphorus

and finished with high level disinfectant.

The following projects have agreed to utilize AWT: GreenPoint, Resort Village on St. George Island, St. James Bay Golf Course, and SummerCamp. All of these projects could have or will have over 100 dwelling units at build out. The South Shoal Project will have around 33 dwelling units, but an unknown demand from the commercial side of the project.

The City of Apalachicola currently operates an AWT plant. Eastpoint Sewer and Water is developing the capability for AWT. The City of Carrabelle is also upgrading to AWT standards.

The question for the Board is whether they want to apply the AWT policy to new projects that would like to utilize an existing sewer system. The South Shoal Project would like to use the existing system in the campground. The DEP renewal for that system is currently being reviewed. Alligator Harbor is an aquatic preserve; the state has authorized clam aquaculture in the Harbor. The South Shoal project is supposed to reduce the sewage flow below what the campground currently produces. According to Mr. May there is no evidence the existing plant has caused environmental problems for Alligator Harbor, but the plant is probably 25 years old. The plant probably can not be upgraded to AWT standards because of its age and style of construction. A new plant would have to be built if AWT standards are required.

Exhibit "C"

EDDIE CREAMER
District One

CHERYL SANDERS
District Two
Chairman

CLARENCE WILLIAMS
District Three

JIMMY G. MOSCONIS
District Four

BEVIN PUTNAL
District Five
Vice-Chairman