

FRANKLIN COUNTY

ORDINANCE NO. 81-5

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA REPEALING ORDINANCE NUMBER 75-7, AS AMENDED; ESTABLISHING A NEW ZONING ORDINANCE WITHIN THE UNINCORPORATED PORTION OF FRANKLIN COUNTY, FLORIDA; DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING AN ADMINISTRATIVE PROCESS, REGULATING AND RESTRICTING THE LOCATION AND THE USE OF BUILDINGS, STRUCTURES, LAND AND WATER AREAS; REGULATING THE NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES CREATING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING PENALTIES FOR VIOLATIONS; RECONSTITUTING THE PLANNING AND ZONING COMMISSION AND CREATING A BOARD OF ADJUSTMENT; ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 163, FLORIDA STATUTES AND CHAPTER 125, FLORIDA STATUTES.

WHEREAS, for the purpose of promoting health, safety and welfare of the inhabitants of Franklin County, Florida, including among other things lessening of congestion in the streets, securing safety from fire, and other dangers; providing adequate light and air; preventing the overcrowding of land; promoting such distribution of the population and such classification of land uses and utilization and distribution of land development as will tend to facilitate and conserve adequate provisions for public services, land, water, energy and natural resources and other purposes; there is hereby adopted and established an official zoning ordinance for Franklin County, Florida.

SECTION 1. THAT SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE OR ANY PORTION THEREOF, ANY PARAGRAPH, SENTENCE, OR WORD BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH DECISION SHALL NOT EFFECT THE VALIDITY OF THE REMAINDER HEREOF AS A WHOLE OR PART THEREOF OTHER THAN THE PART DECLARED TO BE INVALID.

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION AND FILING.

FIRST READING: 8 June 1981

SECOND READING: 22 June 1981

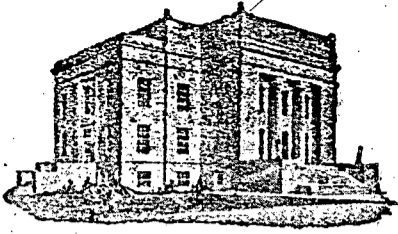
THE BOARD OF COUNTY COMMISSIONERS  
OF FRANKLIN COUNTY, FLORIDA.

BY: Cecil Varner  
Its Chairman

ATTEST:

Robert L. Howell  
Clerk





ROBERT L. HOWELL, CLERK

# FRANKLIN COUNTY

APALACHICOLA, FLORIDA 32320

June 26, 1981

BOARD OF COUNTY COMMISSIONERS

CECIL VARNES, *Chairman*

ADMIRAL BROWN

I. D. WADE

WILLIS "BILL" COLLINS

RALPH G. KENDRICK

Honorable George Firestone  
Secretary of State  
State of Florida  
The Capitol  
Tallahassee, Florida 32301

Dear Sir:

Enclosed you will find a certified copy of Ordinance #81-4 which was adopted by the Board of County Commissioners at the second of two public hearings held at 7:30 P.M. on June 22, 1981.

Also enclosed, you will find a certified copy of Ordinance #81-5 which was adopted by the Board of County Commissioners at the second of two public hearings held at 10:30 P.M. on June 22, 1981.

I trust this is all the information you desire.

Sincerely,

Robert L. Howell  
Clerk Circuit Court  
Franklin County, Florida

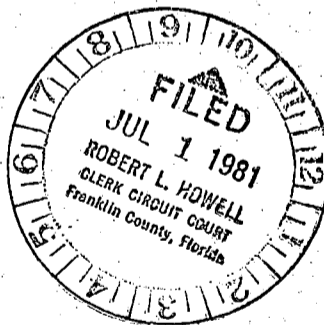
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Enclosures

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TALLAHASSEE, FLORIDA



FRANKLIN COUNTY

ORDINANCE NO. 81-5

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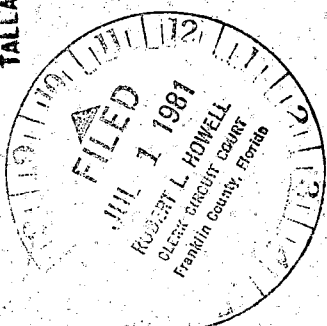
SECTION 1. THAT SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE OR ANY PORTION THEREOF, ANY PARAGRAPH, SENTENCE, OR WORD BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH DECISION SHALL NOT EFFECT THE VALIDITY OF THE REMAINDER HEREOF AS A WHOLE OR PART THEREOF OTHER THAN THE PART DECLARED TO BE INVALID.

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION AND FILING.

FIRST READING: 8 June 1981  
SECOND READING: 22 June 1981

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THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA.

BY: Cecil James  
Its Chairman

ATTEST:

Robert L. Howell  
Clerk

A CERTIFIED TRUE COPY

ROBERT L. HOWELL  
Clerk Circuit Court

BY: Meriam Johnson  
Deputy Clerk

FRANKLIN COUNTY ZONING ORDINANCE

Ordinance No. 81-5

I. Zoning Ordinance

- Section 100 - Introductory Provisions
- Section 200 - Term Definitions
- Section 300 - Zoning Administration
- Section 400 - General Regulations
- Section 500 - District Regulations
- Section 600 - Special Districts

II. Attachments

Attachment A - Official Zoning Map of Franklin County

Detail map A - Alligator Point

B - Lanark Village

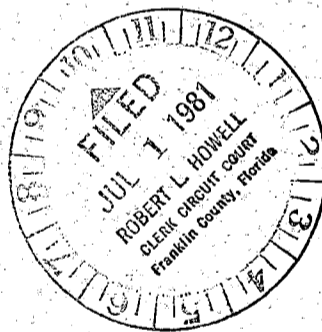
C - St. George Island

D - East Point

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100 INTRODUCTORY PROVISIONS

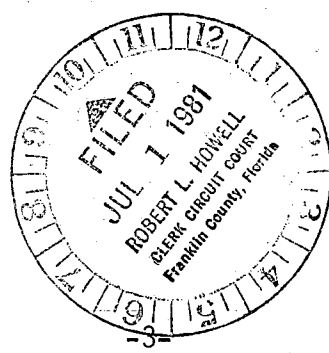
- 110 CITATION - This ordinance shall be known, referred to, and cited as the Franklin County Zoning Ordinance.
- 120 AUTHORITY - The Franklin County Board of County Commissioners is hereby designated the Zoning Administrator and is empowered to administer this Ordinance.
- 130 - PURPOSE - The Ordinance 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 districts of which there shall be alphabet-numbers as follows:

| District Symbol | District                               |
|-----------------|--|
| P-1             | Preservation District                  |
| P-2             | Recreational District                  |
| A-1             | Forestry-Conservation District         |
| A-2             | Forestry-Agriculture District          |
| R-1             | Single Family Residential              |
| R-2             | Single Family Residential/Mobile Homes |
| R-3             | Single Family Estate Residential       |
| R-4             | Single Family Home Industry            |
| R-5             | Multi-Family                           |
| C-1             | Commercial-Fishing District            |
| C-2             | Commercial-Business District           |
| C-3             | Commercial-Tourist District            |
| C-4             | Commercial/Tourist Recreational        |
| I-1             | Light Industrial District              |
| Z-1             | Public Facilities                      |
| S-1             | Cluster Development District           |
| S-2             | Flood Hazard District                  |
| S-3             | Critical Shoreline District            |
| S-4             | Lanark Village District                |

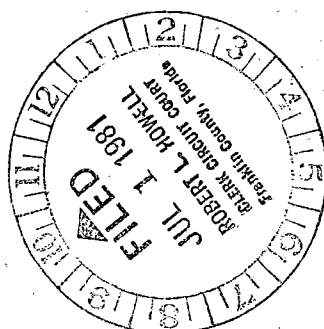
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OFFICIAL ZONING MAP - The location and boundaries of zoning districts are hereby established and shown on the official zoning map entitled "Official Zoning Map of Franklin County" which, together with all explanatory matter thereon, is hereby adopted 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.
- 171 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.



- 172 Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- 173 Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 174 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 175 Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- 176 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

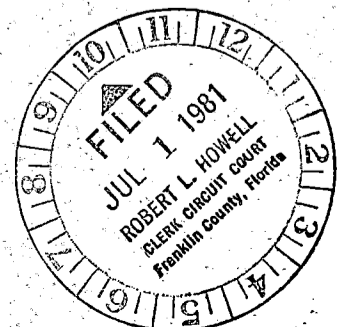
210 INCLUSIONS - In order to eliminate ambiguity, the following shall apply throughout the Ordinance.

- 211 All words used in the present tense include the future tense.
- 212 All words used in singular include the plural and the plural the singular.
- 213 The word 'shall' is always mandatory and not discretionary.
- 214 The word 'structure' includes building.
- 215 The word 'lot' includes the word 'plot' or 'parcel'.
- 216 The word 'person' includes the words 'individual', 'Partnership', 'firm', 'cooperation', 'Association', 'governmental body' and all other legal entities.
- 217 The word 'map' or 'zoning map' means the official zoning map of Franklin County.
- 218 The word 'erected' includes the words 'constructed', 'moved', 'located' or 'relocated'.

## 220 GENERAL TERMS AND DEFINITIONS

- 220.01 A-ZONES - An area subject to inundation from a designated level of flooding. Used on both preliminary and adopted FIRM. Zones are numbered to reflect the degree of flood risk.
- 220.02 ACCESSORY BUILDING AND USE - A building or a use customarily incidental and subordinate to the principal building or use and located on the same lot.
- 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 ALTERNATIVE WASTE DISPOSAL SYSTEM - shall be defined as innovative methods to treat sewage wastes which substantially reduce the potential for contaminants to be introduced into ground or surface waters. Examples include, but are not limited to, on-site extended aeration treatment systems, Clivus Multrum biological reduction systems, etc.
- 220.05 APPLICANT - The record owner or his 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 of an appeal or other land development approval.
- 220.06 BOARD OF ADJUSTMENTS - BOA is appointed by the Franklin County Board of County Commissioners and has those functions as defined in Section 315 of the Zoning Ordinance.
- 220.07 BOARD OF COUNTY COMMISSIONERS - The 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 designed for the shelter, housing or enclosure of persons, animals or property of any kind.
- 220.09 BUILDING, HEIGHT OF - The vertical distance from the grades at the building line, whichever is the highest, to the highest point of the building.
- 220.10 BUILDING, principal - A building in which is conducted the principal use of the lot on which it is situated.

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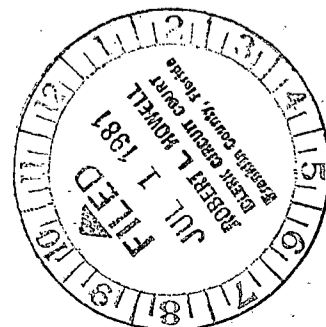
- 220.11 CHAPTER 10D-6 FAC - That chapter in the Florida Administrative Code that addresses septic tank use.
- 220.12 COMMISSION - Franklin County Planning and Zoning Commission.
- 220.13 COUNTY - Franklin County
- 220.14 DEPTH TO SEASONAL WATERTABLE - shall be defined as the distance below the ground surface at which one can find water during the wettest season of the year.
- 220.15 DEVELOPMENT - Defined according to Chapter 380.04, Florida Statutes, as follows: Development means the carrying out of any building or mining operation or the making of any material change in the use or appearance of any structure or land and the dividing of land into two (2) or more parcels.

The following activities or uses shall be taken for the purposes of this chapter to involve development, as defined in this section.

- a. A reconstruction, alteration of the size or material change in the external appearance of a structure on land.
- 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 a structure or on land.
- c. Alteration of a shore or bank of 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. Clearing of land as an adjunct of construction.
- g. Deposit of refuse, solid or liquid waste or fill on a parcel of land.

The following operations or uses shall NOT be taken for the purposes of this chapter to involve development as defined in this section.

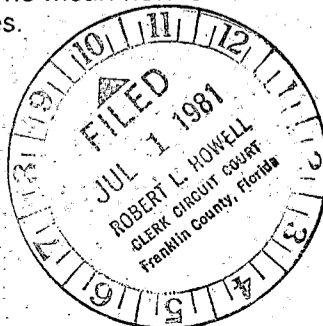
- a. Work by highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- b. Work by a utility and/or person engaged in the distribution or transmission of gas or water, for the 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. A change in the ownership or form of ownership of any parcel or structure.
- f. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land or other rights.



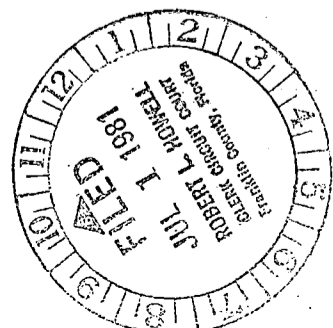
Developments, as designated in this code, includes all other development customarily associated with it, unless otherwise specified. When appropriate to the context, development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean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

- 220.16 DEVELOPMENT PERMITS - The process for obtaining a building permit as outlined in Section 301 of this Ordinance.
- 220.17 DWELLING - A building used entirely as a residence having the number of families permitted in any given district.
- 220.18 DWELLING, MULTI-FAMILY - A residence designed for or occupied by two or more families, with separate housekeeping and cooking facilities for each, including duplexes, town houses, row houses, apartments and condominiums.
- 220.19 DWELLING, SINGLE-FAMILY - A detached residence designed for or occupied by one family only, not to include mobile homes.
- 220.20 DWELLING UNIT - One or more rooms designed for the occupancy, cooking and sleeping of one or more persons living as a single housekeeping unit.
- 220.21 FRANKLIN COUNTY COMPREHENSIVE PLAN - The Plan of Franklin County, Florida which was developed and adopted pursuant to Chapter 163.3161, Florida Statutes.
- 220.22 FEMA - Federal Emergency Management Agency.
- 220.23 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.
- 220.24 FILTRATIVE CAPACITY - shall be defined as the capability of the soil to absorb the constituents in surface or ground water percolating through the soil.
- 220.25 FIRM - Flood Insurance Rate Map. Map used by the Federal Emergency Management Agency to set rates for the Federal Flood Insurance Program.
- 220.26 FLOODWAY MAP - Map that delineates potential high water marks which would occur during a potential storm.
- 220.27 FLOODWAY ZONES - The channel of a watercourse and portions of the adjoining flood plain which are reasonably required to carry and discharge the floodwaters during a storm.
- 220.28 IMPERVIOUS SURFACES - shall be defined as those man-made surfaces which reduce the natural rate of percolation of the ground surface or result in a modification in the natural quantity and rate of stormwater runoff. Examples include asphalt paving materials, concrete, crushed limestone, and rooftops.
- 220.29 LOT - For zoning purposes, as covered by this Ordinance, a lot is a developed or undeveloped tract of land in one ownership, legally transferable as a single unit of land.
- 220.30 LOT, CORNER - A lot abutting two or more streets at their intersection.
- 220.31 LOT MEASUREMENTS - The size of a lot is measured by:
1. LOT DEPTH - The mean horizontal distance between the front and the rear lot lines.

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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 the building line and at right angles to its depth.
- 220.32 LOT, THROUGH (DOUBLE FRONTAGE) - A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.
- 220.33 MEAN HIGH WATER - The average height of the high waters over a nineteen (19) year period or for shorter periods of observations; the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean nineteen (19) year value, as defined in Florida Statutes, Chapter 253.
- 220.34 MOBILE HOME - A vehicle designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation.
- 220.35 MOBILE HOME PARK OR TRAILER PARK - A parcel of land planned and improved for the placement of mobile homes for non-transient use.
- 220.36 NATURAL VEGATATION - shall be defined as functionally adapted endemic vegetation.
- 220.37 NON-CONFORMING USE - A lawful use of land or of a building existing at the effective date of this ordinance which does not conform with the requirements of this ordinance.
- 220.38 ORDINARY HIGH WATER - High water similar to MHW except that there is no tidal influence. A more precise definition according to standard surveying techniques.
- 220.39 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.
- 220.40 SEPTIC TANK - shall be defined as conventional septic tanks with below ground placement and below ground drainage fields, seepage pits, or other functionally equivalent appurtenances.
- 220.41 SCS - United States Soil Conservation Service. Will provide detailed soils analysis upon request.
- 220.42 SIGNS - Any outdoor advertisement and announcement having a permanent location on the ground or attached to or painted on a building including bulletin boards, bill boards and poster boards.
- 220.43 STORMWATER DRAINAGEWAYS - shall be defined as natural or constructed roads, swales, sloughs, or channels, where precipitation naturally accumulates and travels off-site during drainage of the land.
- 220.44 STREET - A public throughfare which affords principle means of access to abutting property.
- 220.45 STREET CENTERLINE - A line midway between street lines.
- 220.46 STRUCTURE - Anything constructed or erected on the ground or attached to something located on the ground.
- 220.47 TRANSMISSIVITY - shall be defined as the rate at which water migrates vertically or laterally through soils.

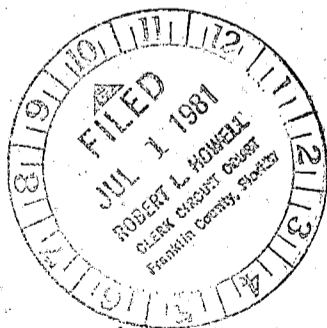


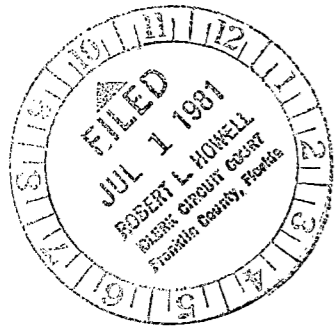
- 220.48 UNITS OF HIGH IMPACT - Any facility with over 50 units that is:
- a. rented by a hotel or motel to guests for terms of less than one month, or
  - b. a time-sharing vacation units defined as a dwelling unit that is divided into time-share estates for sale as internal ownership condominiums.
  - c. a part of a development rented to guests for terms of less than one month.
- 220.49 V-ZONES - These zones correspond to A-Zones but are subject to the additional risk of wave action.
- 220.50 WETLAND - shall be defined according to current definitions of the State of Florida and the U.S. Army Corps of Engineers and shall include all areas subjected to prolonged soil saturation that are vegetated or that could support vegetation; such as salt marshes, swamps, and bogs.
- 220.51 YARD - A required open space unoccupied and unobstructed by the structure or portion of a structure from 36 inches above the general ground level of the graded lot upward, provided however, that fences and walls may be permitted in any yard subject to height limitation as indicated herein.
- 220.52 YARD, FRONT - A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies, or open porches.
- 220.53 YARD, REAR - A yard extending across the rear of a lot between the side yard lines, and being the minimum horizontal distance between the lot line and the rear of the main building or any projections other than steps, unenclosed balconies or open porches.
- 220.54 YARD, SIDE - A yard between the main building and the side lines of the lot beyond the minimum horizontal distance between the building and the side yard line, and extending from the front line to the rear lot line.

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300 ZONING ADMINISTRATION

301 DEVELOPMENT PERMITS

301.01 STAFF REVIEW or "EASY PERMIT" PROCEDURES

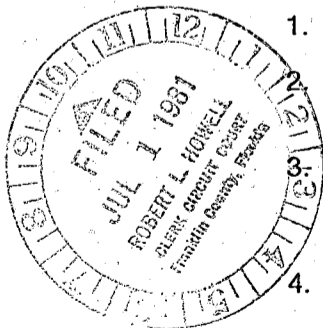
- a. STAFF REVIEW PERMITS shall be available for the following types of development, subject to the requirements of this section.
  - 1. Construction of single family dwellings at densities less than or equal to one unit per acre.
  - 2. Additions or extensions to existing single family residences and commercial structures less than 1,500 square feet.
  - 3. Commercial structures not exceeding 1,500 square feet in floor area.
  - 4. Designated accessory uses to an existing principal use.
  - 5. Development by public utilities in accordance with the provisions of their franchise granted by the Board.
  - 6. Signs, subject to the requirements of Section 450.
  - 7. Development Activity consistent with the Policies and Standards of Land Use Category 11 of the adopted Land Use Plan (Commercial/Fishing) and Category 5 (Forestry/Agriculture).
- b. HOWEVER, IF THESE DEVELOPMENTS ARE WITHIN
  - 1. the Critical Shoreline
  - 2. the 100-year floodplain: A-Zones or V-Zones
  - 3. adjacent to a pollution sensitive segment of the marine and/or estuarine waters
  - 4. A district where the proposed use is not allowed by either the adopted Comprehensive Plan or Zoning Ordinance
  - 5. Land Use categories and activities not described in 301.01(a)(1) through (7) above.

THEN THE DEVELOPMENT MUST GO THROUGH THE PLANNING REVIEW PERMIT PROCESS (SECTION 301.03)

301.02 STAFF REVIEW PROCESS - Anyone wishing to develop land in accordance with the STAFF REVIEW shall:

- a. Contact the county planner and obtain a copy of the application and guidelines. As a minimum the county planner shall complete a written staff review checklist which includes:
  - 1. The parcel location in terms of the federal survey system.  
The parcel location as depicted on the preliminary or adopted floodway maps and/or the flood insurance rate maps.
  - The parcel location in relation to the Critical Shoreline and Pollution Sensitive Segments identified in the adopted Comprehensive Plan.
  - 4. The parcel location as depicted on the Future Land Use and Zoning maps for the type of development proposed.

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5. The type of potable water and wastewater system proposed, and
6. With reference to Chapter 22F, FAC is the developmental one having a regional impact(s).

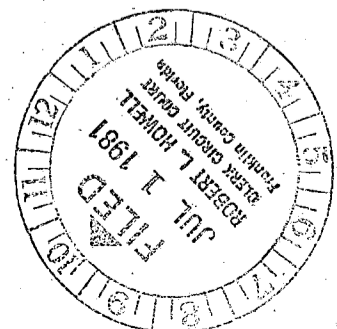
The county planner will then determine which review process is relevant to the applicant, subject to these procedures, and will inform the applicant in writing as to the appropriate review process. The county planner's office is located in the Franklin County Courthouse in Apalachicola, Florida and may be contacted by writing to the following address:

Franklin County Planner  
Franklin County Courthouse  
Apalachicola, Florida 32320

- b. Next, contact the county sanitarian to receive a septic tank or other waste water system authorization. As a minimum such written authorization shall contain the following information:
  1. The USDA Soil Texture as determined by the use of a detailed soil survey or as documented by SCS personnel, and
  2. A description of the type of system and other relevant information such as area of the drainfield, FDER approval of a gray water system, location of the system on the parcel, etc.
- c. Next, return the completed authorization and form to the county planner who shall determine the appropriate fee from the schedule contained in the Southern Standard Building Code and issue the permit.
- d. The county building inspector shall make sufficient site visits to ensure compliance with the permit and shall notify the Board of violations and act in their name.
- e. The Board of County Commissioners is the enforcement agency for Franklin County (Section 310).

### 301.03 PLANNING REVIEW PERMITS

- a. PLANNING REVIEW PERMITS shall be available for the following types of development subject to the requirements of this section:
  1. Construction of commercial development having greater than 1,500 square feet of floor area.
  2. Any conditional use.
  3. Any development within the A-Zones as identified by the preliminary or adopted flood insurance rate map.
  4. Any other development not allowed by Section 301 and not disqualified by this Section 301.03 or Section 301.05.
  5. Special exceptions.
- b. HOWEVER, IF THESE PROPOSED DEVELOPMENTS ARE
  1. a parcel adjacent to a pollution sensitive segment as identified in the Comprehensive Plan.
  2. a High Hazard or V-Zone or Floodway Zone as identified in the Floor Insurance Maps and/or Floodway Maps.



3. a clustering proposal.
4. a residential or commercial unit of high impact.
5. review of site plans of the commercial areas within the St. George Island DRI which are subject to the approval of the Franklin County Board of County Commissioners
6. Multi-family development.

THEN THE DEVELOPMENT SHALL GO THROUGH THE FULL REVIEW PERMIT PROCESS (SECTION 301.05).

**301.04 PLANNING REVIEW PERMITS -** Anyone wishing to develop land in accordance with the PLANNING REVIEW shall:

- a. Contact the county planner and complete the necessary forms and information required in the staff review (Section 301.02).
  1. In addition, the application shall provide a general site and drainage plan drawn at a scale of 1" equals 2,000', i.e., USGS 'Quadrangle' Map, and
  2. Architectural plans and drawing of a large scale.
- b. Both the county planner, and applicant and other interested persons shall submit the material developed in STEP a of this process for the review of the COMMISSION.

The Commission shall review the proposed development in order to determine what information is needed to complete their review. Among the information which shall be considered is:

1. The use of buffering.
2. The type of and amount of water and wastewater and solid waste which the development is expected to generate.
3. Detailed drawings of the location and type of wastewater system which is proposed.
4. Location, type, and amount of impervious surface created.
5. A drainage plan, showing the location of wetlands and drainage ways.
6. Consistency of the proposed development with the County's Comprehensive Plan and the standards of the County Zoning Ordinance.

The COMMISSION Secretary shall provide the applicant, in written form, the listing and description of information requested and shall agenda the rehearing at the convenience of the applicant and the Commission.

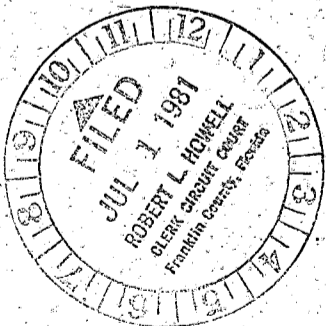
- c. The applicant shall then obtain the necessary wastewater certification based upon the information provided in b above.
- d. The applicant shall then appear before the Commission in order to allow their formulation of a recommendation for the BOARD.

In order for the Commission to act on an application, the relevant information must be available for their review ten (10) working days prior to their regularly scheduled meeting for the item agended.

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- e. The applicant shall then appear at the next meeting of the BOARD (agended for that business) with the Chairman of the COMMISSION or his designee in order that a Report and Recommendation may be made to the BOARD, that the applicant may present further evidence, that other interested parties may be heard. After their review, the BOARD shall decide if the development shall occur, occur with modifications, or be denied.

In any case, the decision shall be made by motion and majority approval of the BOARD and the applicant shall recieve written confirmation of the decision by certified mail by the Secretary of the COMMISSION.

- f. If approved, the applicant shall file final plans with the county planner who shall determine the relevant fees and issue a building permit.
- g. The building inspector shall make the number of site visits necessary to ensure proper compliance with State and County resolutions, ordinances, and laws.
- h. The BOARD shall be the enforcement agency for Franklin County as designated in Section 310.

301.05 FULL REVIEW - ENVIRONMENTAL AND PLANNING

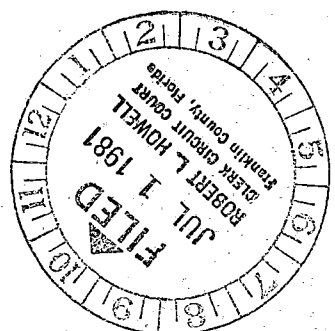
- a. A Full Review shall be required for any development proposed for:
  - 1. A parcel adjacent to a Pollution Sensitive Segment.
  - 2. The High Hazard or V-Zones.
  - 3. Industrial development.
  - 4. Development of Regional Impact.
  - 5. Power plants and transmission lines.
  - 6. Mining activity.
  - 7. Oil or gas exploration and drilling.
  - 8. Commercial development having greater than 1,500 square feet or multi-family residential development which is proposed for barrier islands.
  - 9. A commercial or residential unit of HIGH IMPACT.

301.06 FULL REVIEW PROCESS -- Anyone wishing to obtain a permit requiring Full Review shall:

- a. Contact the county planner in order to develop the information required for the PLANNING REVIEW Section 301.04(a).

Prior to the first meeting between the COMMISSION, the county staff, and the applicant, the county planner shall contact the relevant staff of the following agencies:

- 1. Apalachee Regional Planning Council.
- 2. Florida Department of Environmental Regulation.
- 3. National Estuarine Sanctuary.



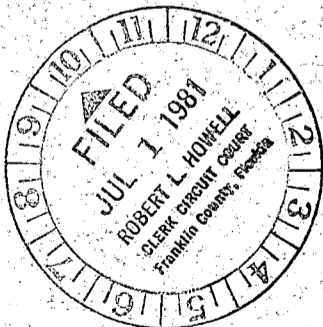
These agencies will supplement the process outlined in the PLANNING REVIEW PROCESS (for the full review). By telephone and in writing, the county planner or his secretary shall notify the agency staff of the COMMISSION agenda and the information or a summary of the information developed pursuant to Section 301.04(a).

- b. In addition to a review of the issues raised by the PLAN and the specifics of the PLANNING REVIEW, the FULL REVIEW shall consider the issues of regional significance developed by the Apalachee Regional Planning Council pursuant to the requirements of Section 380.06, Florida Statutes, as amended.

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305 PLANNING AND ZONING COMMISSION

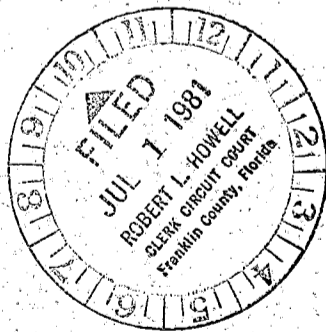
ESTABLISHMENT AND COMPOSITION - The Franklin County Planning and Zoning Commission shall consist of nine (9) members. Seats one through nine shall be filled by at-large representatives, nominated by the Board and confirmed by a majority vote of the Franklin County Board of County Commissioners.

1. The member filling seat one shall be nominated and approved by the Board and shall be a resident of Franklin County.
2. The member filling seat two shall be nominated and approved by the Board and shall be a resident of Franklin County.
3. The member filling seat three shall be nominated and approved by the Board and shall be a resident of Franklin County.
4. The member filling seat four shall be nominated and approved by the Board and shall be a resident of Franklin County.
5. The member filling seat five shall be nominated and approved by the Board and shall be a resident of Franklin County.
6. The member filling seat six shall be nominated by the Board of County Commissioners and shall be a representative of the Forestry Industry, National Forest and/or Apiarists.
7. The member filling seat seven shall be nominated by the Board of County Commissioners and shall be a representative of the oystermen, crabbers and/or shrimpers.
8. The member filling seat eight shall be nominated by the Board of County Commissioners and shall be a representative of the seafood processors, distributors, dealers and/or other representative of the seafood industry.
9. The member filling seat nine shall be nominated by the Board of County Commissioners and shall be a science teacher, scientific research, marine biologist, National Estuarine Sanctuary Manager, environmental planner or environmental engineer, or in some similar capacity represent technical, scientific, planning or conservation interests.

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306 ALTERNATES, VOTING, APPOINTMENTS AND TERMS OF OFFICE

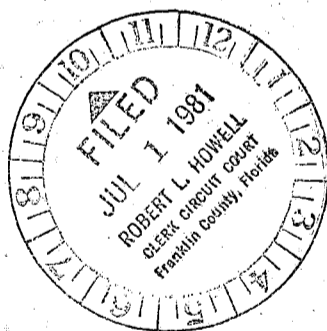
There shall be two Alternates to the Planning and Zoning Commission. The first alternate shall be appointed by the Board of County Commissioners and shall be a builder, contractor, carpenter, realtor, motel owner and/or other representative of the tourist, real estate, or construction industries. The first alternate shall serve as a voting member of the Planning and Zoning Commission in the absence of any one of the nine members. The second Alternate shall be appointed by the Board of County Commissioners and shall serve as a voting member of the Planning and Zoning Commission in the absence of any two of the nine members. Each alternate, as well as each member, shall cast one and only one vote and shall be a resident of Franklin County.

1. All nominations of members and alternates to the Franklin County Planning and Zoning Commission shall be confirmed by a majority vote of the Franklin County Board of County Commissioners.
2. The three members filling seats 1,4, and 7 shall be appointed to terms of one year beginning June 30, 1981. The three members filling seats 2, 5, and 8 shall be appointed to terms of two years beginning June 30, 1981. The three members filling seats 3,6, and 9 and the two alternate members shall be appointed to terms of three years beginning June 30, 1981. After the expiration of these terms, each appointment shall be for three year terms. Members may be reappointed to serve any number of successive terms.

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307 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.

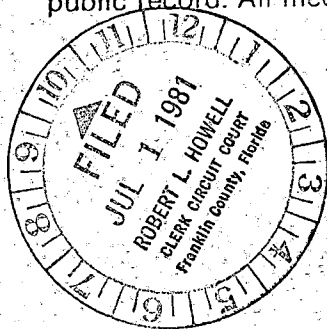
Any vacancy occurring during the unexpired term of office of any member or alternate shall be filled by the Board of County Commissioners for the remainder of the term pursuant to the provisions of Sections 306 and 307 of this ordinance. The Board of County Commissioners is authorized to remove any member 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.

1. Any of the following are examples of situations which could be cause for removal from office of a member of the Planning and Zoning Commission: four consecutive absences from regularly scheduled meetings of the Planning and Zoning Commission, mental or physical disability medically diagnosed which renders the member incapable of performing adequately his/her functions, conduct unbecoming a member of the Planning and Zoning Commission such as to bring the Commission or Board into disrepute, conviction of any criminal act involving moral turpitude, habitual use of intoxicating beverages to excess or indulgence in intoxicating beverages during Commission meetings, failure to maintain residence in Franklin County, use of bribery or political pressure to secure advantages, 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.
2. 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.
3. 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 public.

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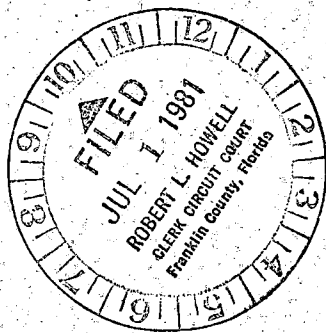
310 ZONING ENFORCEMENT

The Franklin County Board of County Commissioners shall be the administrative and enforcement agency for the Franklin County Zoning Ordinance. The Franklin County Planning Commission shall make such recommendations to the Board of County Commissioners as they may deem proper. The Franklin County Building Official shall ensure compliance with this ordinance and report violations to the BOARD. The county planner shall not issue a permit for any structure or use which will result in a violation of this action or proceedings in the name of the Board of County Commissioners, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or state such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

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315 BOARD OF ADJUSTMENT - ESTABLISHMENT AND COMPOSITION

The Franklin County Board of Adjustment (BOA) shall consist of five members:

1. The member filling seat one shall be the Chairman of the Planning and Zoning Commission.
2. The member filling seat two shall be the Vice Chairman of the Planning and Zoning Commission.
3. The member filling seat three may be the National Estuarine Sanctuary Manager, a scientific or environmental expert, etc. who is a resident of Franklin County and not a member of the Planning and Zoning Commission.
4. The member filling seat four shall be a representative of the seafood industry and a resident of Franklin County who is not a member of the Planning and Zoning Commission.
5. The member filling seat five shall be a resident of Franklin County.

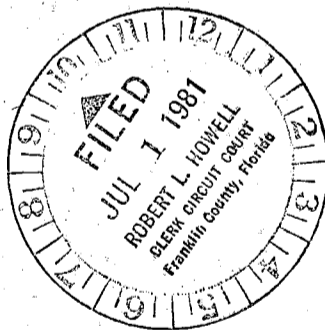
In the event that a member cannot participate in a decision of the BOA because of a conflict of interest, this section shall also provide for the appointment of two alternates:

1. The first alternate shall be a representative from the real estate, tourism or development sector and must be a resident of Franklin County.
2. The second alternate shall be a resident of Franklin County.

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316 APPOINTMENT AND TERMS OF OFFICE

Except for the members who serve due to their membership on the Commission, seats three through five and the alternates shall be directly appointed by the Board. All nominations of members and alternates shall be confirmed by a majority vote of the BOARD.

The three members and alternates shall be appointed as follows:

- a. Seat three and the alternates shall be appointed one year terms beginning on June 30, 1981.
- b. Seat four shall be appointed to a two year term beginning on June 30, 1981.
- c. Seat five shall be appointed to a three year term beginning on June 30, 1981.

After expiration of these terms, each appointment shall be for terms of three years. Members may be reappointed to serve any number of successive years.

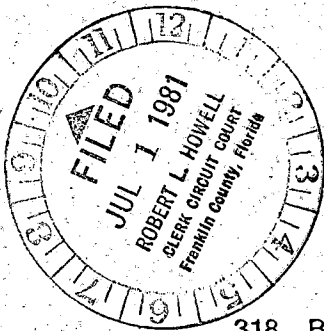
317 EX-OFFICIO MEMBERS VACANCIES, OFFICERS AND REMOVAL FROM OFFICE

All members of the Board of County Commissioners may serve as ex-officio members of the Franklin County Board of Adjustment (BOA).

Any vacancy occurring during the unexpired terms of office of any member or alternate shall be filled by the Board for the remainder of the term pursuant to Sections 315 and 316 of this ordinance. The Board is authorized to remove any member or alternate to the BOA pursuant to Section 163.220 et. seq. Florida Statutes.

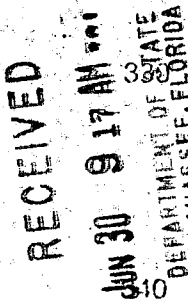
The absence of any member from two of three consecutive meetings of the BOA, unless approved by the Chairman shall, at the discretion of the county commission, render any such member liable for immediate removal from office.

The BOA shall elect a Chairman and a Vice Chairman from among their members. The BOA shall appoint a secretary who may be the county planner or his designated representative, or another employee of the Board.



318 BOARD OF ADJUSTMENT - POWERS AND DUTIES

The BOARD OF ADJUSTMENT (BOA) shall have the powers and duties which are mandated by Section 163.225, Florida Statutes and any other duties assigned to the BOA by the BOARD through the adoption of ordinances. Further, the BOA is responsible for developing written rules of procedure pursuant to Section 163.220(3).



330 PENALTIES FOR VIOLATION - Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars nor more than one thousand dollars, or confinement in the county jail not to exceed thirty days, or both, for each offense; and any such person shall stand committed to the county jail until such fine and costs of prosecution are paid. Each day that a violation of this Ordinance is permitted to exist shall constitute a separate offence.

340 SEVERABILITY CLAUSE - Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

350 AMENDMENTS - The Board of County Commissioners may, from time to time, on its own action or petition by county property owners in accordance with Chapter 163.125 Florida Statutes, after public notice and hearings as provided by law, and after report by the Commission, amend, supplement or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of County Commissioners.

360 CONFLICT - Should this Ordinance come into conflict with any existing or future ordinance, the more strict shall apply.

400 GENERAL REGULATIONS

410 APPLICATION OF REGULATIONS - The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

411 No building, structure, or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conforming with all the regulations herein specified for the district in which it is located.

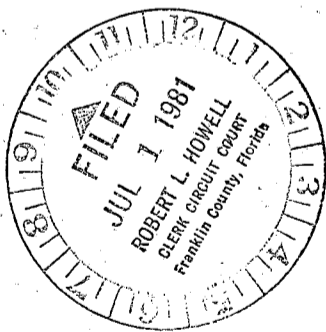
412 No building or structure shall hereafter be erected or altered to:

1. Height, number of stories, size, bulk, location, erection, construction, repair, reconstruction, alteration, and use of buildings and other structures for trade, industry, residence, and other purposes;
2. Use of land and water for trade, industry, profession, residence, and other purposes;
3. Size of yards, courts, and other open spaces;
4. Percentage of lot that may be occupied;
5. Density of population;
6. Conditions under which various classes of nonconformities may continue, including authority to set fair and reasonable schedules for the elimination of non-conforming uses;
7. Use and types and sizes of structures in those areas subject to seasonal or periodic flooding, so that danger to life and property in such areas will be minimized; and
8. Performance standards for use of property and location of structures thereon.

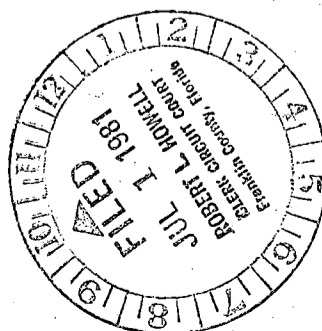
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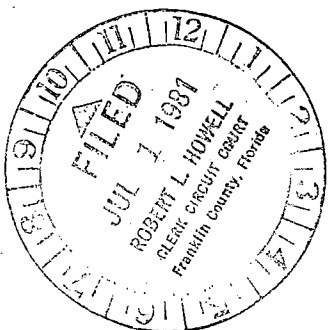
- 413 Every building hereafter erected, except in the case of clustered or planned development authorized in this Ordinance, or structurally altered shall be located on a lot, and not more than one residential building shall be located on a lot except in the case of clustered or planned development authorized in this Ordinance.
- 414 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as a part of a yard, open space or off-street parking or loading space similarly required for any building.
- 415 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 416 No building or structure shall hereafter be erected on a lot that does not abut for at least twenty-five feet upon an open street which shall be either a public street, a publicly approved street, or a publicly maintained street.
- 417 For the purposes of this Ordinance, all streets are hereby classified in accordance with the Traffic Circulation Element of the Franklin County Comprehensive Plan.
- 418 All territory which may hereafter be regulated by this Ordinance as a result of annexation shall be considered to be in the P-1 Preservation District until otherwise classified.
- 420 **NON-CONFORMING USES** - After the effective date of this Ordinance, land or structures or the uses of land or structures that would be prohibited under the regulations for the zoning districts in which they are located shall be considered as non-conforming. It is the intent of this Ordinance to permit these non-conforming uses to continue provided they conform to the following provisions.
- 421 Except as herein specified, the lawful use of any structure or land existing at the time of effective date of this Ordinance or in a district changed by future amendments, may be continued even though not conforming to the provisions of this Ordinance.
- 422 No existing structure devoted to a use not permitted by this Ordinance in the district in which such structure is located shall be enlarged, extended, constructed, moved or structurally altered, unless such use is changed to a use is permitted in the district in which such structure is located.
- 423 If a non-conforming use of any structure is damaged by fire, wind, flooding, action of God or public enemy, to the extent that less than fifty percent (50%) of its fair market value is destroyed, it may be restored. Otherwise, the restoration is subject to flood insurance requirements which the county may adopt to conform with federal law.
- 430 **OFF-STREET PARKING** - Required off-street parking facilities shall be primary for the parking of private passenger automobiles of occupants, patrons, or employees of the principle use served.
- 431 **DEFINITION OF OFF-STREET PARKING SPACE** - For purposes of this Ordinance, the term 'off-street parking space' shall consist of a minimum rectangular parking space measuring nine (9) feet in width and twenty (20) feet in depth excluding all driveways or aisles. Parking areas must be constructed of a permeable surface.
- 432 **REQUIREMENTS FOR OFF-STREET PARKING** - There shall be provided at the time of the erection of any main building or structure parking space with adequate provisions for ingress and egress in accordance with the following requirements:



1. AUDITORIUM, THEATERS OR OTHER PLACES OF ASSEMBLY - one parking space for each six (6) seats or one (1) space for each 100 square feet of assembly area, whichever requirement is greater.
2. AUTOMOBILE SALES AND SERVICE - one parking space for each three hundred square feet of automobile sales/or service space.
3. BUSINESS AND COMMERCIAL STRUCTURES (unless specifically addressed elsewhere in this section) - one parking space for each 200 square feet of gross floor area.
4. CHURCHES - one parking space for each six (6) seats in the principle auditorium.
5. DWELLINGS - two (2) parking spaces for each dwelling unit.
6. FUNERAL HOMES AND MORTUARIES - one parking space for each five (5) seats in the principle auditorium.
7. HOSPITAL AND CONVELESCENT HOMES - one parking space for each four (4) beds and one parking space for every two (2) employees.
8. HOTELS, MOTELS AND LODGING HOUSES - one parking space for each sleeping unit plus one space for the owner or manager and one space for every two (2) employees.
9. MANUFACTURING AND INDUSTRIAL USES - one parking space for every two (2) employees on the largest working shift.
10. OFFICE AND PROFESSIONAL BUILDINGS - one parking space for every 300 square feet of gross floor area.
11. RESTAURANTS AND TAVERNS - one parking space for every three (3) seats or seating places.
12. SCHOOLS
  - JUNIOR HIGH AND ELEMENTARY SCHOOLS - one parking space per classroom and one space for each administrative office.
  - HIGH SCHOOLS - one parking space per classroom and one space for each administrative office plus one space for every five (5) students.
13. WHOLESALE ESTABLISHMENTS AND WAREHOUSING - one parking space for every two (2) employees.

433. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and which is similar may apply subject to the planning review and approval process.

434. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in the case of a dwelling and not less than eighteen (18) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question, except where provided in connection with a use permitted in residential district, such easement of access or access drive shall not be located in any residential district.



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- 435 Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
1. No part of any parking shall be closer than five feet to any established street right-of-way or alley line. In case the parking lot adjoins a residential district, it shall be set back at least five (5) feet from the residential district boundary and shall be effectively screen planted.
  2. Any off-set parking area, including any commercial parking lot for more than ten (10) vehicles shall be surfaced, and shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. Such parking development shall be subject to the requirements of Section 301.03, Planning Review.
  3. Any lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any residential district.
- 436 Subject to the requirements of Item 432, off-street parking areas may be established in any residential district that immediately joins a commercial or industrial district, or is directly across an alley from a commercial or industrial district; provided such parking shall be accessory to and for use of one or more business or industrial district provided, however, that such transitional use shall not extend more than 100 feet from the boundary of the less restricted zone. Adequate buffering shall be provided to avoid the creation of a nuisance to the residential use.
- 440 OFF-STREET LOADING AND UNLOADING - Within the central business district, on the same premises with every building devoted to retail and wholesale trade, manufacturing and warehouses, and other buildings where large amounts of goods are received or shipped, erected in any zone after the date of adoption of this Ordinance, shall be provided loading and unloading space as follows:
- 441 Building of four thousand square feet or more of floor area shall provide one off-street loading and unloading space plus one additional such off-street loading and unloading space for each additional ten thousand square feet of floor area.
  - 442 Each loading and unloading space shall be at least ten (10) feet in width and twenty-five (25) feet in length and fourteen (14) feet in height.
  - 443 Such space may occupy all or any part of any required yard or court space, except where adjoining a residential district.
- 450 SIGNS - Advertisings and billboards may be in commercial districts in accordance with the following:
- 451 Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device, or in such manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic.
  - 452 In all commercial districts:
    1. For off-premise signs, not closer than 300 feet to any public to semi-public facility such as parks, playgrounds, schools, colleges or universities, churches, hospitals, sanitariums, museums, art galleries, auditoriums and libraries.

