

THE FRANKLIN COUNTY ZONING CODE

ORDINANCE NO. 98-13
JULY 7, 1998

ORDINANCE NO. 98-10
MAY 19, 1998

ORDINANCE NO. 98-1
JANUARY 6, 1998

ORDINANCE NO. 97-1
JANUARY 7, 1997

ORDINANCE NO. 96-28
DECEMBER 3, 1996

ORDINANCE NO. 95-1, WHICH AMENDS 89-15
MARCH 21, 1995

ORDINANCE NO. 93-8, WHICH AMENDS 92-6
OCTOBER 3, 1993

ORDINANCE NO. 92-6, WHICH AMENDS 89-15
DECEMBER 21, 1992

ORDINANCE NO. 89-15, WHICH AMENDS 86-9
JANUARY 1, 1990

ORDINANCE NO. 86-9, WHICH REPLACES 81-5
FEBRUARY 17, 1987

ORDINANCE NO. 81-5, WHICH REPLACES 75-7

ORDINANCE NO. 75-7, WHICH WAS THE ORIGINAL ZONING ORDINANCE

CRITICAL SHORELINE ORDINANCE

ORDINANCE NO. 89-8, WHICH REPEALS 87-1 AND REPLACES S-3 SPECIAL DISTRICT
CRITICAL SHORELINE
OCTOBER 26, 1989

FLOOD PLAIN MANAGEMENT ORDINANCE

ORDINANCE NO. 93-9, WHICH AMENDS 87-5
DECEMBER 21, 1993

ORDINANCE NO. 88-2, WHICH AMENDS 87-5

ORDINANCE NO. 87-5, WHICH AMENDS 83-5 AND REPLACES S-2 SPECIAL DISTRICT FLOOD
HAZARD

WELL FIELD PROTECTION ORDINANCE

ORDINANCE NO. 92-9, WHICH CREATES THE WELL FIELD PROTECTION ZONE
DECEMBER 21, 1992

- 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
R-8	Multi - Family Medium Density
C-1	Commercial Fishing
C-2	Commercial Business
C-3	Commercial Recreational
C-4	Commercial Residential
I-1	Industrial
Z-1	Public Facilities

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<u>Special District Symbol</u>	<u>District</u>
S-1	Cluster Development
S-4	Lanark Village
S-5	Mobile Home Parks
S-6	Bob Sikeís Cut P.U.D.
S-7	Dog Island 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 a portion of the lot in the more restricted district a distance 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 the 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 *ilot* includes *iplot* or *iparcel*.

210.06 The word *iperson* includes the words *iindividual*, *ipartnership*, *ifirm*, *icorporation*, *iassociation*, *igovernmental body* and all other legal entities.

210.07 The word *imap* or *izoning map* means the official zoning map of Franklin County.

210.08 The word *ierected* includes the words *iconstructed*, *imoved*, *ilocated*, or *irelocated*.

220 GENERAL TERMS AND DEFINITIONS

220.01 A-ZONES - An area subject to one percent or greater chance of flooding in any given year. The area is designated on the FIRM as Zone A, AO, AH, A1-30, 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.

220.4 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 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 boundaries of the right-of-way.
 - B.

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- 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 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, row houses, apartments, and condominiums.

220.24 DWELLING, SINGLE FAMILY - A detached residence designed for or occupied by one family, not to include mobile homes.

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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 flood or storm.

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 quality 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 transferrable 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 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 replacements 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 220.39 of this ordinance.

- 220.45 MOBILE HOME 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

claimed rights in a soil absorption system or drainage 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 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 V1-30.

220.66 WETLANDS - Defined in Chapter 105.017, F.S., and 17-022, 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 any 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 & 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 addition to an existing principal or accessory structure.
4. Repairs to 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, 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 stormwater 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 topographical 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 or 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 within 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.

- 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 14 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 enough 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; and number of dwelling units for residential development; square footage for commercial office and industrial development; number of rooms for hotels/motels, 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 & 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 stormwater 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 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 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 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 departments of the Cities of Apalachicola or Carrabelle and the water and sewer district of Eastpoint, Lanark Village or Alligator Point. The agencies, Planning Council and, where appropriate, the water & 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 a 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 High Hazard Zone.
- C. If, in the findings 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 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 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 a 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 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, has 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 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.

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 other such times as the Chairman or Commission shall determine. The Commission shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, and 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, the Standard Plumbing Code, National Electric Code or County Zoning Ordinance and will prevent 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 in 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 year 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 the 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. Violations 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 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

when 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 the 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 proceedings in furtherance of the action appealed from, unless the official from which 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 within appeals as may be determined by the Board through action in setting of fees to be charged for appeals.

315.07 REVIEW OF THE 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.

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 from time to time, on its own action or petition by county property owners after public notice and hearings as provided by law, and after report by the Commission, may amend, supplement or change the boundaries or regulations herein or subsequently established. 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 forth by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

411 No land shall be used or developed unless in conformance with all applicable standards herein specified for the district in which is located.

412 No building or structure shall be erected, constructed, reconstructed, moved, structurally altered, or occupied, except as provided by district regulations so as to change any of the following:

1. Height, number of stories, size, bulk, location and use;
2. Use of land and water for trade, industry, profession, residence, and other purposes;
3. Density of population;
4. Conditions under which various classes of nonconformities may continue , including authority to set fair and reasonable schedules for the elimination of nonconforming uses;
5. Uses and types and sizes of structures in the area subject to seasonal or periodic flooding, so that danger to life and property in such areas will be minimized; and
6. Performance standards for the use of property including location of structures, with respect to lot and setback lines, minimum lot size, size of yards, courts and other open spaces and percent of lot coverage including impervious surface areas.

413 Every building erected shall be located on a lot of record, and not more than one

residential building shall be located on a lot except for multi-family dwellings, cluster or planned unit 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 used for any other purpose.
- 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 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 road.
- 417 All owners and users of onsite sewage disposal systems shall connect to a central sewage system within 180 days when it is available.
- 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 unless otherwise classified.
- 419 MARINAS - New marinas and multi-slip docking facilities shall conform to the following criteria:
- (a) Public use marinas shall be allowed only in commercial zoning districts;
 - (b) Non-public use marinas or multislip docking facilities shall be allowed only in residential zoning districts and then only if use of docking facilities are limited to use by residents;
 - (c) Marinas and multislip docking facilities must provide vehicular parking and shall require sewage and bilge pump-out facilities;
 - (d) All parking, dry storage, and non-water dependent facilities must be built on existing uplands.
 - (e) Marinas and multislip docking facilities shall prepare hurricane plans which describe measures to be taken to minimize damage to marina sites, and neighboring properties; this hurricane plan shall be reviewed and approved by the Emergency Management Director;
 - (f) Marinas or multislip docking facilities which propose to disturb wetlands shall create new wetlands in compliance with section 480 of this code. Destruction of grassbeds is prohibited.
 - (g) Dryslip use shall be maximized in order to minimize impacts on water quality, and minimize disturbance of the estuary.
 - (h) Fueling facilities associated with marinas shall be designed to

contain spills from on land equipment and shall be prepared to contain spills in the water.

- (i) No marina expansion or construction will be permitted if the expansion or construction results in any loss of waters classified for the harvest of shellfish. Docking facilities shall be located in areas with good circulation, flushing and adequate water depths.
- (j) The siting of dock facilities shall take into account the access of boat traffic to avoid grassbeds or other aquatic resources in the surrounding area.
- (k) The siting of new facilities within the aquatic preserve shall be secondary to the expansions of existing facilities when such expansion is consistent with other standards.
- (l) New facilities shall be required to prepare and implement a DER approved monitoring program to assure that there are no water quality problems associated with the marina.

420

NON-CONFORMING USES - After the effective date of this ordinance, structures or the uses of land 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:

1. 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 provision of this ordinance.
2. No existing structure not permitted by this ordinance in the district in which such structure is located shall be improved by enlargement, extension, construction, or structurally altered, more than ten percent (10%) of its current fair market value or, where such development does not represent the first improvement to the non-conforming structure, the fair market value as determined at the time of the first improvement. The sum total for all improvements shall not exceed ten percent (10%) over the life of a non-conforming structure. Nothing in this ordinance is intended to prohibit such routine repairs and maintenance that will ensure the health and safety of occupants of such non-conforming structures or such improvements that result in bringing the structure into better conformance with the standards for the district in which it is located.
3. If a non-conforming structure is damaged by fire, wind, flooding, act of God or public enemy, to the extent that less than fifty percent of its current fair market value is destroyed, it may be restored to the configuration and dimensions as specified in the original construction plan including any authorized additions made thereto prior to the damaging event. If the damage exceeds fifty percent of the structure's current fair market value, the use of the land upon which structure exists shall be made subject to the development standards established by this ordinance and all other

requirements applicable to the district in which it is located, including the standards for Franklin County Ordinance 88-2, Flood Hazard.

4. When owing to special conditions and circumstances which are peculiar to the land or structure and which are not the result of any action by the applicant or landowner and where the literal enforcement of the provisions of this section would result in unnecessary and undue hardship, an appeal may be filed with the Board of Adjustment by the party so aggrieved by such provisions, requesting a variance to such in accordance with Section 315.04 of this ordinance. The Board of Adjustment shall not grant a variance to permit a use or structure not generally or by special exception permitted in the zoning district involved or any use or structure expressly or by implication prohibited by the terms of this ordinance and any other land development regulations pertaining thereto including, but not limited to, the standards of the Franklin County Flood Hazard Ordinance 88-2 which amends 87-5, and the Franklin County Critical Shoreline Ordinance 89-8.
5. Non-conforming residential lots of record recorded prior to April 16, 1991 in agricultural areas may continue in residential use until their separate identity is lost.
6. A lot or parcel of land conveyed between family members of lineal descent, for the purpose of providing the grantee in the transaction a personal residential building lot, shall be eligible for the issuance of a residential building permit even though the lot or parcel conveyed is non-conforming as to size. The minimum lot size to which this policy shall apply is one acre. The issuance of a building permit on a nonconforming lot so established shall require compliance with every other permit requirement.

425

CONCURRENCY

1. Public facilities and services needed to serve proposed development shall be available concurrent with the impacts of the development at the adopted level of service standards. Listed below are the public facilities which must be available and the level of service standards that must be achieved:

ROADS

Principal Arterial Roads	LOS C at peak hour
Minor Arterial and Collector Roads	LOS D at peak hour

SOLID WASTE

Residential	5 lbs. per capita per day
Commercial	2 lbs. per 100 sq. ft. per day

SANITARY SEWER

Residential	90 gallons per capita per day
Commercial	15 gallons per 100 sq. ft. per day
Restaurants	50 gallons per seat per day
RV Parks	50 gallons per space per day

DRAINAGE

25 year, 24 hour storm duration, first 1.5 inches retained, water quality established by Chapter 17-25 F.A.C.

POTABLE WATER

Residential

Apalachicola Service Area	150 gallons per capita per day (GPCD)
St. George Island	150 GPCD
Eastpoint Service Area	150 GPCD
Carrabelle Service Area	150 GPCD
Lanark Village	100 GPCD
Alligator Point	50 GPCD
Commercial	15 gallons per 100 sq. ft per day
Restaurants	50 gallons per seat per day
RV Parks	50 gallons per space per day

RECREATION AND OPEN SPACE

Freshwater Boat Ramp	1 ramp per 70,154 persons
Saltwater Boat Ramp	1 ramp per 107,294 persons
RV Site	1 site per 9,120 persons
Picnic Tables	1 table per 3,987 persons
Hiking Trails	1 mile per 13,028 persons
Nature Trails	1 mile per 42,994 persons
9-hole Golf Course	1 course per 90,378 persons
Tennis Court	1 court per 6,400 persons
Ball Diamonds	1 diamond per 21,743 persons
Football Field	1 field per 90,169 persons
Basketball Court	1 court per 25,570 persons
Swimming Pool	1 pool per 15,552 persons

2. For the purposes of this section, subdivision approval, DRI approval, and site plan approval shall hereinafter be referred to collectively as development approval. Prior to the issuance of a development permit or the granting of development approval, the County Planner shall determine whether the public facilities and services needed to serve the proposed

development at the adopted level of service standards are available concurrent with the impacts of that development. Public services and facilities shall be considered available provided one of the following criteria are met:

- (a) The necessary facilities and services are in place at the time a development permit is issued or development approval is granted; or
- (b) A development permit is issued or development approval is granted subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (c) The necessary facilities are under construction at the time a development permit is issued or development approval is granted; or
- (d) The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of 2. (a) - (b) of this section. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

3. The following types of development are exempt from the provisions of this section:

- (a) The development of one single family residence on a lot of record existing as of September 15, 1992.
- (b) Additions to, or alterations within, a residential structure, providing the addition or alteration does not result in the creation of additional living units.
- (c) Accessory structures.
- (d) Repairs to principal or accessory structures.
- (e) Land clearing which does not include grading.
- (f) Signs, fences, docks, onsite sewage disposal systems, individual potable water wells, driveways, swimming pools, temporary structures, or any other development that will not contribute to an increased demand for public services or facilities.
- (g) Public facilities necessary to ensure the protection of the health, safety, and welfare of the citizens of Franklin County.

4. If public facilities and services will not be available concurrent with the

impacts of development, a development permit or development approval shall be denied.

5. The County Planner will create and maintain, or will cause to be created and maintained, a cumulative inventory of the capacities of public facilities and services. The inventory will indicate how the capacities are being impacted by development. No development will be approved which will result in a deficiency in any of the public facilities or services which are subject to concurrency review. The County Planner will report on the status of all public facility capacities to the Board of County Commissioners on an annual basis.
6. The following procedures will be used to determine the status of project compliance with these concurrency requirements:

- (a) Residential Development - For residential development, the total number of persons shall be calculated by multiplying the number of units permitted by the number of persons per household. The number of persons per household shall be as indicated below for the relevant time period:

1991-1994:	2.65 persons per household
1995-1999:	2.52 persons per household
2000-2005:	2.39 persons per household

- (b) Roads - For developments that qualify as a DRI, or as a substantial deviation to an approved DRI, the developer shall be required to prepare and submit a traffic impact analysis showing the impacts of projected traffic on affected roadways. For all other developments subject to concurrency review, the County Planner will use the most recent edition of the Institute of Transportation Engineers' Trip Generation Information Report, and professionally accepted trip distribution methods, to determine the impact of projected traffic on affected roadways.
- (c) Solid Waste - Development shall be considered to satisfy the concurrency requirements for solid waste upon the submittal of a letter from the County's Director of Solid Waste stating that the County has adequate capacity to accommodate the development at the adopted level of service standard.
- (d) Sanitary Sewer and Potable Water - Development shall be considered in compliance with the concurrency requirements for potable water and sanitary sewer upon the submittal of a letter from the appropriate water and sewer district stating that the district has adequate capacity to accommodate the development at the adopted level of service standard. If a development will utilize an HRS permitted wastewater treatment system the development will be considered in compliance with the concurrency requirements for sanitary sewer upon the submittal of an HRS permit for a wastewater treatment system. If a development will

authorize a private well for potable water the development will be considered in compliance with the concurrency requirements for potable water.

- (e) Drainage - Development shall be considered in compliance with the concurrency requirements for drainage upon the submittal of a permit or letter from DER indicating compliance with the stormwater management requirements of Rule 17-25, F.A.C. The development of one single family residence is exempt from the requirements of proving concurrency for drainage.
- (f) Recreation and Open Space - The County Planner shall determine the recreational impacts of proposed residential development based upon the anticipated total number of persons residing in the development. Commercial and industrial developments shall not be assessed as having an impact on recreational facilities.

- 7. If capacity is available for a proposed development, capacity shall be reserved for that development upon the issuance of a building permit or granting of development approval. For a development permit, the reservation shall remain in effect for as long as the permit is valid. For development approval, the reservation of capacity shall remain valid for one year unless otherwise specified in the development order.

430 OFF-STREET PARKING - Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons, or employees of the principle use served.

431 DEFINITION OF OFF-STREET PARKING - There shall be provided at the time of erection of any main building or structure parking space with adequate provisions for ingress and egress no less than the following requirements:

- 1. AUDITORIUM, THEATERS OR OTHER PLACES OF ASSEMBLY - One parking space for each six (6) seats or one space for each 100 square feet of assembly area, whichever requirements 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 units.
- 6. FUNERAL HOMES AND MORTUARIES - One parking space for each five (5) seats in the principle auditorium.
- 7. HOSPITAL AND CONVALESCENT 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 of 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 questions, except where provided in connection with a use permitted in residential district, such easement of access drive shall not be located in any residential district.

435 Every parcel of land 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 road 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-street parking area including any commercial parking lot for more than ten (10) vehicles 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 or safe loading or unloading and parking and storage of vehicles.

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 as well as to eliminate driving nuisance and highway safety hazards.

436 Subject to the requirements of Section 431 of this ordinance, 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 businesses or industrial district and 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 business districts, 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, shall be provided loading and unloading space as follows:

- (a) Buildings of four thousand square feet of floor area shall provide one off-street loading and unloading space, plus one additional ten thousand square feet of floor area.
- (b) 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.
- (c) Such space may occupy all or part of any required yard except where adjoining a residential district.

445 RECREATION REQUIREMENTS - When developing site plans for recreational facilities, the developer shall provide barriers around the facilities to prevent children from escaping into the street, and shall also provide parking.

450 SIGNS - Advertising and billboards may be authorized and erected in commercial districts in accordance with the following, and as provided by Section 301 of this ordinance:

1. Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official sign, signal, or device or in such manner as to obstruct or to interfere with a driver's view of approaching, merging, or intersecting traffic. Signs shall not be erected on the right-of-way or easement of any road.
2. In all commercial districts:
 - A. Off-premise signs may not be closer than 300 feet to any public or semi-public facility such as parks, playgrounds, schools, churches, hospitals, sanitariums, museums, art galleries, auditoriums, and libraries.

2. When abutting a residential district, signs shall not be placed within 300 feet of the residential district except that on-premise signs may not be located within fifty (50) feet of the residential district.
3. All signs and billboards shall be maintained in a neat and presentable condition. In the event their use shall cease, they should be removed promptly and the area restored to a condition free from refuse and rubbish. After thirty (30) days notice and failure to do so, the local government shall remove the sign and assess the charges to the owner.
4. Signs, other than illuminated signs, that are of a temporary nature and smaller than nine (9) square feet are permitted in any district without obtaining a development permit or variance; however, no sign may be erected for more than thirty (30) days without obtaining a development permit and a variance from the standards of this section.
5. Real estate sale and rental signs, other than illuminated signs, that are smaller than twelve (12) square feet may be authorized in any district when permitted in accordance with standards of sections 301 and 450 of this ordinance and provided that each such sign be placed on-premise. Real estate sale and rental signs in excess of twelve (12) square feet may be permitted in any district only with approval of a variance by the Board of Adjustment and only when erected on-premise.

460

EXCEPTIONS AND MODIFICATIONS - The regulations specified in this ordinance shall be subject to the following exceptions and interpretations:

USE OF EXISTING LOTS OF RECORD - Lots existing as official lots or plots on July 1, 1981, shall be considered in compliance with this ordinance except as provided herein:

1. Four (4) or fewer lots in contiguous common ownership need not be consolidated for use.
2. Five (5) or more existing lots shall be consolidated for use so that each lot shall have at least 15,000 square feet provided that each can be served by water and sewer system(s) approved by the Florida Department of Environmental Regulation.
3. Five (5) or more existing lots shall be consolidated for use so that each lot other than private wells shall be at least one-half acre served by public water and provided that an advanced alternate wastewater disposal system approved by the Florida Department of Environmental Regulation and Florida Department of Health and Rehabilitative Services is used.
4. Five (5) or more existing lots in a contiguous common ownership shall be consolidated for use so that at least 40,000 square feet are provided in the lot area unless qualified for smaller lots by number 2 or 3 above, and lot depth and width is a minimum of 100 feet.
5. Except as provided in number four, lots which do not meet the general

density requirements of the land use categories shall not exceed twenty percent (20%) impervious surface cover as defined in Section 220.33 of this ordinance.

461 No standard established by this ordinance shall preclude the consideration of a variance for the purpose of using alternative energy generating devices.

462 **STRUCTURES - PERMITTED ABOVE HEIGHT LIMIT AND MODIFICATIONS:** The building height limitations shall be modified as provided by the zoning districts in accordance with the following standards and exceptions:

1. Building height is determined by the standards for the zoning districts and shall be measured from the first habitable floor. The height of the first habitable floor shall not exceed nine (9) feet above grade except as required by the County Flood Hazard Ordinance and shall not exceed the elevation required by such district if such elevation is greater than nine (9) feet above grade.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, towers or scenery lofts, tanks, water towers, alternative energy devices, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of Franklin County or as approved by the Board of Adjustment as a variance.
3. Public, semi-public or public service buildings, hospitals, sanitariums, schools, and related structures, churches and temples, may be erected to a height not exceeding 70 feet, if the building is set back from each property line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

463 **DOUBLE FRONTAGE LOTS -** Buildings on through-lots extending through from street to street shall provide the required front yard on both streets.

464 **WALLS AND FENCES -** The setback requirements of this ordinance shall not prohibit any necessary retaining wall nor prohibit any free-standing wall or fence provided that such structures conform to the following:

1. Fences whether for security or privacy are considered as developments and shall comply with the development standards as provided by Section 301 of this ordinance.
2. No fence shall be erected at a height greater than eight (8) feet above grade in residential districts.
3. Fences may be constructed of wood, metal, stone or mortar.

465 **STORMWATER MANAGEMENT REQUIREMENTS**

A. Applicability

1. Prior to the issuance of a building permit, a stormwater permit for the Department of Environmental Regulation in accordance with Chapter 17-25, F.A.C., "Regulation of Stormwater Discharge", shall be required for all new development except the construction of one single family dwelling unit, duplex, triplex, or quadruplex that is not part of a larger common plan of development.
2. For those developments using the swale exemption pursuant to Section 17-25.03(1)(c), F.A.C., the applicant shall provide calculations and other supporting documentation as part of the Development Permit approval process demonstrating that the treatment required by Chapter 17-25, F.A.C., is obtained.
3. The construction of a one single family dwelling unit, duplex, triplex or quadruplex that is not part of a larger common plan of development shall use site suitable best management practices to minimize the off-site effects of stormwater. The following standards shall apply:
 - (a) Prior to and during land clearing and construction, a sediment control barrier shall be installed between the area to be cleared and wetlands or waters. In addition, flow paths of stormwater from surrounding lands shall be determined; if stormwater flow is toward areas to be cleared; measures shall be taken to redirect the stormwater toward vegetated land.
 - (b) Only those areas necessary for construction activities should be cleared. During construction, sediment barriers shall be inspected and maintained, and building debris shall be removed from the stormwater flow path and deposited into trash receptacles.
 - (c) Stormwater impacts shall be minimized by using site suitable best management practices which maximize infiltration of stormwater and minimize off-site discharge. Stormwater flow paths for property as it is planned to be developed shall be determined and berms, shallow depressions, swales, landscaping, and other stormwater management practices shall be included in the site plan to intercept, infiltrate, and treat stormwater before it reaches wetlands or waters.

B. General Design Requirements

1. A stormwater management system shall be provided to assure that the stormwater peak discharge rate, volume and pollutant load is no greater after development than before development.
2. The stormwater system shall be designed in accordance with Chapter 17-25, F.A.C., with the exception of the following Franklin County requirements:
 - (a) Detention with filtration systems shall not be allowed unless the

applicant demonstrates that no other alternative is feasible, that the proposed filtration system discharge will meet applicable water quality standards and that the applicant shall be responsible for perpetual maintenance of the system.

- (b) Off-line retention systems shall be used whenever the soil conditions will allow percolation of the treatment volume within 72 hours.
 - (c) When soil conditions will not allow infiltration practices to be used, the stormwater system shall consist of a wet detention system with vegetated littoral zone.
 - (d) To enhance the effectiveness of the wet detention system, landscape retention pretreatment practices such as swales or the placement of raised storm sewer inlets in grassed areas shall be employed in combination with the detention system unless site conditions prohibit such practices.
 - (e) Other stormwater management practices may be used provided the applicant demonstrates that the stormwater management system will provide treatment equivalent to that provided by off-line retention systems.
3. Swales, as defined in Chapter 17-25, F.A.C., shall be used instead of curb/gutter and storm sewer systems unless site conditions prohibit their use. The setback requirement of swales from onsite sewage disposal systems shall be consistent with Chapter 10D-6, F.A.C.
 4. To provide flood protection, the stormwater generated by the development from a twenty-five year frequency, 24 hour duration storm event shall be controlled by a detention facility and released at a rate of discharge not to exceed the peak discharge rate from the site in its undeveloped condition. Special engineering features shall be incorporated to minimize the transport of pollutants remaining in the detention facility.
 5. No direct connection between retention and detention facilities shall be allowed. Flow from the retention facility shall be filtered naturally by percolation through soil.
 6. All detention facilities shall discharge design flows through structural discharge facilities. When direct discharge will degrade waters of natural streams, wetlands, environmentally sensitive areas, or lands naturally receiving sheet flow, the discharge structure shall direct the flow to an intermediate spreader swale system.
 7. All discharge structures shall be designed to trap floating debris and pollutants on site.
 8. A 20-foot wide maintenance berm will be required around wet detention facilities and those dry facilities with slopes steeper than 4:1.
 9. Stormwater management systems shall be designed for ease of maintenance and operation and low maintenance costs. It is suggested that

the required stormwater system be integrated into a street open space and landscaping and that they be used as recreational or park areas. The system should be constructed in such a manner (i.e., gentle slopes, grassed, plantings, etc.) that it will be an amenity to the development.

10. Projects that are to be developed in phases will normally require the submission of a master plan of the applicant's contiguous land holdings. Applications for individual project phases may be considered only when the phases and the stormwater systems are totally independent of adjacent lands.
11. An erosion and sediment control plan to retain sediment on-site shall be required. The plan shall describe, in detail, the type and location of control measures, the stage of development at which they will be put into place and provisions for maintenance.
12. The stormwater system designer shall include an operation and maintenance manual which specifies all maintenance activities that will be needed to assure that the system continues to function as designed. A copy of the operation and maintenance manual shall be provided to the owner of the stormwater system.

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C. Stormwater Management Plan Requirements

It is the responsibility of the applicant to include in the Stormwater Management Plan sufficient information for the County and DER to evaluate the effectiveness and acceptability of the stormwater management system. The plans shall contain maps, charts, tables, photographs, narrative descriptions, calculations, construction plans and specifications, soils information with special attention to limitations to development, extent of proposed topographical changes after development, land use information and any other information as appropriate to demonstrate that the proposed stormwater management system meets the requirements set forth in this section.

470

THREATENED AND ENDANGERED SPECIES - Development shall not be allowed to disturb nesting areas of endangered species, threatened species, and species of special concern, including the nesting areas of sea turtles.

475

Development seaward of the DNR coastal construction control line shall not be permitted by the county without prior written approval from DNR. Vehicular traffic on the primary dunes shall be prohibited. There shall be no alterations of active sand dunes by excavation, leveling, filling, surfacing, or other construction. Structures shall be elevated above the dunelines on deep-anchoring piles. Filling and general clearing, grading, and paving of the site is prohibited. Alteration of dune vegetation shall only be allowed when altered vegetation is replanted. Fill shall not be used for structural support. Access to the beach shall only be allowed by elevated walkways high enough not to interfere with the action of the dunes and constructed so as not to destroy dune vegetation.

480

WETLANDS - Alterations of wetlands shall not be allowed until alternatives are considered first. Altered wetlands shall be restored or additional wetlands shall

be created at a 2:1 ratio to mitigate any wetland destruction, and shall be restored or created wetland type for wetland type. All approved mitigation shall be required to demonstrate, through appropriate monitoring and reporting by the project's developer to the county every six months, at least an 85% planting survival rate for the wetland area created/augmented during mitigation, for a period of at least two years for herbaceous wetland communities, and for at least five years for forested wetland communities.

Development of environmentally sensitive lands is prohibited. Environmentally sensitive land is defined as wetlands and all land within 50 feet landward of wetlands as set forth at policy 3.1 of the comprehensive plan. Alteration of native vegetation within 50 feet of wetlands and the shoreline is prohibited, except as provided at policy 3.2 of the comprehensive plan.

485 COASTAL HIGH HAZARD AREA - Development within the Coastal High Hazard Area shall conform to the following requirements:

1. Land development shall be restricted to one unit per acre or one unit per lot of record.
2. The stormwater system shall be designed to detain a 25 year/24 hour rainfall event and to restrict discharge of stormwater into ditches which may flood evacuation routes.
3. Mobile homes shall be prohibited on the barrier islands and in the V-zones of FEMA maps.
4. New acute care medical facilities shall be prohibited and existing facilities shall be prohibited from expanding.

490 SPECIAL USE PERMITS

1. Special Use Permits shall be required for the following uses: golf courses; small water or sewer plants; any other special or unusual uses not otherwise specifically referred to or provided by these regulations; and uses specifically authorized for Special Use Permits by the Franklin County Zoning Code.
2. No relief may be granted or action taken under the terms of this Section unless such relief or action can be granted or taken without substantial detriment to the public good and will not substantially impair the intent and purpose of the Franklin County Comprehensive Plan or Zoning Code. The burden of demonstrating compliance with this subsection shall rest with the applicant.
3. The County Commission may require such provisions and conditions for the issuance of a Special Use Permit as it deems are in the public interest.
4. Special Use Permits shall be considered by the County Commission pursuant to Section 301.04 of this Code, and may be utilized in any zoning district and land use category. As used herein, "small sewer plant" shall mean a wastewater treatment facility with treatment capacity of not more

than 100,000 gallons per day and small water plants shall mean a water supply system with a production capacity of not more than 100,000 gallons per day. Public notice shall be given as required by Section 125.66 (2) (a), Florida Statutes.