

THE FRANKLIN COUNTY PLANNED UNIT DEVELOPMENT ORDINANCE
AN ORDINANCE ESTABLISHING REQUIREMENTS FOR PLANNED UNIT
DEVELOPMENTS AND PROVIDING FOR PLANNED UNIT DEVELOPMENTS
IN FRANKLIN COUNTY, FLORIDA.

FRANKLIN COUNTY, FLORIDA

ORDINANCE NO. 87-4

TERM DEFINITIONS:

BOARD - THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY

COMMISSION - THE FRANKLIN COUNTY PLANNING AND ZONING COMMISSION

DRI - A DEVELOPMENT OF REGIONAL IMPACT

PRC - PLANNING REVIEW COMMITTEE (A COMMITTEE OF PLANNING
AND ZONING COMMISSION)

PUD - PLANNED UNIT DEVELOPMENT

A COUNTY ORDINANCE ESTABLISHING REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

PURPOSE AND INTENT: The purpose and intent of these planned unit development (PUD) regulations is to promote economical and efficient land use, a range of housing costs, usable open space areas, the preservation of natural resource areas from damage and destruction, innovative site planning concepts, and orderly and economical development in Franklin County. In this regard, the PUD regulations shall be utilized to provide for optional planned residential and/or commercial development on tracts of land suitable in size, location, and character for the use proposed to be planned and developed, and to provide a greater dimension to the scope of planning to meet the needs of Franklin County.

UNIFIED OWNERSHIP: All land within the PUD shall be under the ownership of the applicant whether that applicant be an individual, partnership or corporation, or groups of individuals, partnerships, or corporations. PUD applicants shall present firm evidence at the time of application of unified ownership of the entire area within the proposed PUD.

PERMITTED USES AND STRUCTURES:

Single family dwellings.

Two family dwelling units or duplexes.

Multiple family dwelling units, townhouses, garden apartments, cluster housing.

Parks, playgrounds, and other recreational facilities to serve the residents of the project.

Semi-public clubs, community centers, and civic and social organizational facilities.

Public utility facilities and structures.

Houses of worship, schools, out-patient medical clinics, nursing homes, child care centers, fire stations.

Commercial uses which are determined at the time of concept and preliminary plan review to be compatible with the existing and future development within the PUD and nearby land.

Other uses of a nature similar to those listed after determination at the time of concept and preliminary plan review that such use(s) is appropriate to the PUD.

PUD DENSITY: Maximum residential densities will not exceed the level which the County Commission determines is consistent with the local Comprehensive Plan. Unless it determines that a density adjustment should be allowed, the maximum gross density of a PUD shall be 4.3 units per acre. The Board may authorize a density adjustment (bonus) not to exceed 3 units per acre for a PUD based on the degree of environmental protection provided for the Apalachicola Bay Area of Coastal Franklin County and other innovative siting, design and landscaping plans.

COMMERCIAL ACTIVITIES: Commercial activities permissible in a PUD shall be those approved by the Board at the time of final review which are designed to serve the needs and requirements of the PUD. Such commercial uses, except hotels and motels, shall not be intended to serve the general needs of surrounding areas outside the PUD, except when the PUD or a portion thereof is located within a commercial district or provided for by a DRI or an amendment to such DRI. If the PUD is located in an area designated as residential, no more than 30 percent of the gross floor area may be used for commercial development and no building permit for commercial development shall be issued until at least 10 dwelling units have been constructed, are being constructed, or will be constructed simultaneously with the commercial development.

MINIMUM PARCEL SIZE: A PUD without commercial uses shall be a minimum of five (5) acres.

MINIMUM LOT AREA AND YARD REQUIREMENTS: No minimum lot size or yards shall be required within a PUD except that the yard on an arterial or collector road shall be the same as the yard requirements of the zoning district in which the PUD is located.

MAXIMUM BUILDING HEIGHTS: Thirty-Five (35) feet, measured from the first habitable floor. The height of habitable floor shall not exceed nine feet above grade except as required within the County Flood Hazard District and shall not exceed the elevation required

within the County Flood Hazard District if such elevation is greater than nine feet above grade. Building heights near or along the perimeter of the project area shall be related to and consistent with building heights in adjoining districts. The Board may authorize a building height greater than 35 feet for commercial structures, but not to exceed 3 habitable floors, and as provided by Section 462 of the Franklin County Zoning Ordinance.

OFF-STREET PARKING AND LOADING SPACE: Off-street parking and loading space shall be provided as specified in Section 430 and 440 of the County Zoning Ordinance.

SIGN REQUIREMENTS: Signs are permitted in accordance with Section 450 of the County Zoning Ordinance.

OPEN SPACE AND COMMON FACILITIES REQUIREMENTS: Thirty (30) percent of the project shall be for use as common open space or common facilities. This designated open space may be amended to provide more or less open space to be determined by the location of the PUD in relation to area of environmental sensitivity. No area shall be accepted as common open space unless it meets the following standards:

- (1) Common open space shall be dedicated to and usable by all residents of the PUD.
- (2) Common space must be used for amenity, recreational or environmental protection purposes.
- (3) The location, shape, size and character of common open space must be shown on the plan.
- (4) Common open space containing natural features worthy of preservation may be left unimproved.
- (5) Common open space shall not include any structures other than accessory structures as required for recreational uses.
- (6) Appropriate arrangements acceptable to the Board shall be made to guarantee the continued maintenance of common open space through the establishment of trust funds, or creation of a homeowner's association with such restrictive covenants as to assure continued maintenance of designated open space.

UTILITIES: Telephone, television cables, and electrical systems within a PUD shall be installed underground. Appurtenances to these

systems and primary facilities which require above ground installation may be exempted. The PUD plan shall provide for the hook up of all units to a central sewerage treatment facility if such facility is available at the time of plan approval. If such facility is unavailable at the time of plan approval but may become available at a future date, the plan will include provisions that will require mandatory hook up to such system. Temporary on site wastewater disposal may be authorized for PUD districts of less than ten acres and at a density no greater than one dwelling unit per acre. In no case will a conventional septic tank be permitted within a Critical Shoreline District in a PUD. Any PUD in excess of ten acres must provide sewerage treatment facilities approved by the Florida Department of Environmental Regulations.

PROCEDURES FOR PUD APPROVAL: Prior to submitting an application for a PUD, the developer shall submit a Concept Plan of the entire parcel to the PRC. The Concept Plan shall be considered by the PRC and the developer to be a means of familiarizing the developer with the requirements and recommendations of the various departments affecting the proposed project. The Concept Plan and supporting data sheets shall include a vicinity location map of the site, legal description, boundaries of tract, total acreage in tract, general proposed land use areas, the approximate height, location, character and density of dwelling units and other structures, the tentative street layout, approximate rights-of-way alignment and widths, sites for parks, and other public uses, existing structures, current and proposed zoning, source of water supply, method of sewage and solid waste disposal, and other appropriate information to make a schematic presentation of the development plan.

APPLICATION JUSTIFICATION: The developer will provide documentation or other evidence that the proposed PUD is consistent with elements of the Franklin County Comprehensive Plan and current Land Use and Zoning Ordinances. This documentation must be in written form and submitted at the time of Concept Plan Review. The developer shall also submit evidence or documentation that the proposed PUD is the

highest and best use both economically and environmentally of the proposed development.

CONCEPT PLAN APPROVAL: After the developer has submitted a Concept Plan to the PRC and such plan has received a thorough review, the PRC will report to the Commission with recommendations. The Commission may concur, concur with modifications, or reject the Concept Plan and recommendations of the PRC. If modified or rejected, the Concept Plan will be returned to the PRC for further review and recommendations. Once the Concept Plan and the PRC recommendations have been approved, the developer must prepare a preliminary plan to be submitted to the Commission along with a completed application and application fees which shall be established by resolution of the Board of County Commissioners but which shall not be less than five hundred dollars (\$500) for the first one hundred (100) units and ten dollars (\$10) for each unit in excess of the first one hundred planned dwelling units. Hotels, motels or other limited stay facilities will not be counted as dwelling units.

PRELIMINARY PLAN: The preliminary plan shall consist of an adequate number of copies for members of the Commission and the Board. This shall consist of a site plan and written agreement consisting of information outlined as follows:

1. PRELIMINARY SITE PLAN EXHIBITS: The site development shall consist of the following information or supporting data thereto:
 - a. Name of project and name, address and telephone number of the developer and professional project engineers, surveyors, architects, and planners.
 - b. Names and locations of adjoining streets and names of abutting property owners.
 - c. Date plan was drawn, scale and north arrow.
 - d. Legal description of property, property boundaries, and all existing streets, buildings, bulkhead lines, easements, Coastal Construction Control Line, Critical Shoreline and Critical Habitat Line, if applicable, and other important

features on or adjoining the property.

- e. Wooded areas, wetland areas, one hundred (100) year flood plain areas, marshes, watercourses, ponds, and other similar conditions affecting the site.
 - f. Topography of the site at two (2) foot contour intervals based on mean sea level data.
 - g. General soil types and depth to hardpan or restriction.
 - h. Vegetation types.
 - i. Natural drainage patterns.
 - j. Purpose, location, acreage and percent of each proposed land use.
 - k. Tabulation of densities according to proposed dwelling type.
 - l. Proposed street right-of-way, pavement width, access and traffic flow into, out of, and within the development and particularly demonstrating how vehicular traffic will be separated from pedestrian and other types of traffic. All roads and streets will be constructed in accordance with standards established by Franklin County.
 - m. General feasibility plans for water, sewer, and stormwater drainage.
 - n. Major contour changes, dikes, or any artificially created water body or natural water bodies or courses that will be altered.
 - o. Such other additional material, maps, studies, or reports which the Commission or Board may feel is necessary to determine that the PUD complies with applicable standards and guidelines of this regulation.
 - p. All professional documents must be certified and sealed by the professional rendering such documents.
2. WRITTEN DEVELOPMENT AGREEMENT: In addition to a Site Development Plan, a written Development Agreement must be prepared following a general format supplied by the Commission at the time of Concept Plan Approval. The Development Agreement, along with the Site Development Plan, shall govern the development of the PUD and shall regulate the use of the

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- land regardless of ownership. The Development Agreement shall contain the following information:
- a. Statement and evidence of unified ownership and control.
 - b. Statement agreeing to: (a) Proceed with the proposed development according to all of the PUD regulations, (b) Provide agreements, contracts, deed restrictions and sureties acceptable to the County for completion of the development or approved development phase for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated, or maintained at public expense, and (c) Bind their successors in title to any commitments made under (a) and (b) preceding.
 - c. Tabulation of percentages of land devoted to the several dwelling types, streets, recreational uses, parks, open space or other uses.
 - d. Tabulation of densities by proposed dwelling types.
 - e. Building heights.
 - f. Building spacing.
 - g. Building floor area and dimensions.
 - h. Yard areas and buffers.
 - i. General statement regarding the disposition of waste water, and stormwater together with proposed arrangement for potable water and disposition of solid waste.
 - j. Statement of proposed arrangements for maintenance of common open space and common facilities.
 - k. Where PUD is planned for development over a period of years, a schedule showing the proposed time within which final approval of each phase of the PUD is intended.
 - l. The substance of covenants, grants or easements, or other restrictions proposed to be imposed upon the use of lands, buildings, and structures together with proposed easements or grants for public utilities.
 - m. Such other information which the Commission and Board feel is necessary to determine that the PUD complies with applicable standards and guidelines of these PUD

regulations.

- n. Any amendment or modification of an approved PUD shall require the same review as the original PUD.

PRELIMINARY PLAN REVIEW:

1. PLANNING AND ZONING COMMISSION: After the Commission has determined that all of the required information has been furnished and is showing either on the Site Development Plan or Development Agreement, the Commission shall have forty five (45) days to review the plan and to provide comments for the Board to review. If the plan review has not been completed within the forty five (45) day period, the plans will be forwarded to the Board without the benefit of the Commission comments or recommendations, which may be submitted to the Board of County Commissioners at any time prior to the hearing as provided below.

2. BOARD OF COUNTY COMMISSIONERS REVIEW: Following receipt of the preliminary plan, the Board will hold a public hearing as provided by F.S. 125.66. Any proposed PUD shall be advertised and notice given as for a rezoning. Following the public hearing, the preliminary plan shall be approved or disapproved by the Board within forty five (45) days. Approval of the preliminary plan shall be indicated by the signature of the Chairman of the Board and attested by the County Clerk. If the preliminary plan is disapproved, the reason for disapproval shall be specified in writing. The developer may elect to change the preliminary plan in accord with the Board's conditions. The developer's agreement to such changes must be in writing to the Board and appropriate amendments must be made to the Preliminary Site Development Plan and Development Agreement within ninety (90) days after the Board meeting and before submitting a final plan.

FINAL PLAN: In a PUD development, no development of any kind shall

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take place, including filling, excavation, dredging, tree cutting or clearing for road rights-of-way or other uses and no development permit shall be issued until the Board has given approval to the final plan. The final plan shall consist of seven (7) copies of the final Site Development Plan for the entire project or a phase thereof and seven (7) copies of the final written Development Agreement consisting of information as listed below:

1. FINAL SITE DEVELOPMENT PLAN EXHIBIT:

- a. Such drawings, specifications, covenants, easements, conditions and forms of performance bonds as specified in the written Development Agreement.
- b. All necessary state and federal permits. However, the final plan may be approved contingent upon issuance of the necessary state and federal permits.
- c. Engineering plans and drawings for water, sanitary sewers, and stormwater disposal systems showing size, cross-section, and profiles. Detailed site plan showing building locations, landscaping, parking areas, vehicular parking spaces, access drives, and other site information as may be required by the Planning and Building Department.

2. WRITTEN DEVELOPMENT AGREEMENT: The written Development Agreement shall be in its final form and shall contain all revisions resulting from the preliminary plan review. Until a Development Agreement expires, it shall be binding on successors in title to the development.

BOARD OF COUNTY COMMISSIONERS FINAL REVIEW: The Board shall review and take action on the final plan within thirty (30) days after it is scheduled on the Board agenda or at any special called meeting for the purpose of such final review. If the final plan is consistent with the approved preliminary plan and meets all requirements of this ordinance, the Board shall approve the final plan. Approval shall be indicated on each copy by signature of the Chairman of the Board and

attested by the County Clerk. Upon final approval, the land area of the PUD will be rezoned as a PUD District. If disapproved, the reasons for disapproval shall be stated in writing.

AMENDMENTS AND CHANGES TO ESTABLISHED PUD: Any proposed amendment or change to a Planned Unit Development that has received final review and approval must be addressed in the same procedure and process as with the original PUD.

DEVELOPMENT PERMITS AND ENFORCEMENT: A plan or phase thereof which has been given final approval by the Board shall constitute the basis for issuance of development permits. No development permit of any type or kind shall be issued except in conformity with such final plan or approved phase thereof and issuance of all necessary state and federal permits plus any other applicable permits normally and routinely required for approval of development permits.

PUDs in DRI's shall conform to requirements and standards of the DRI order, notwithstanding any provision to the contrary in the PUD Ordinance and in the event of conflict, the DRI order shall prevail.

This Ordinance adopted in open regular meeting this 3rd day of November, 1987, after receipt of favorable written recommendation of the Franklin County Planning and Zoning Commission.

This Ordinance adopted in open regular meeting this 3rd day of November, 1987, after such notice of intent to consider such an Ordinance has been made and kept in the Ordinance Book of the Clerk of this Board for at least 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to Chapter 125, Florida Statutes, in the Apalachicola Times, a newspaper of general circulation within the County.

THE BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, FLORIDA.

BY: 

Its Chairman

ATTEST:


Clerk

(SEAL)

