

FRANKLIN COUNTY ORDINANCE 2017-5

An Ordinance Amending the C-2 Commercial Business District to create a land use category entitled "Resort Condominium Units" (low impact 37 or fewer units). The new use category for "Resort Condominium Units" (low impact 37 or fewer units) will conditionally permit their use in the C-2 Commercial Business District; providing a definition of "Resort Condominium Units" (low impact 37 or fewer units); providing conditions for "Resort Condominium Units" (low impact 37 or fewer units); providing for severability; providing for inclusion in the county code and providing an effective date.

WHEREAS, Franklin County desires to amend its current C-2 Commercial Business District to authorize and create a new land use category entitled "Resort Condominium Units (low impact 37 or fewer units) and allow it as a principal use allowed in such District;" and,

WHEREAS, Franklin County desires to provide a definition for, and conditions limiting, "Resort Condominium Units (low impact 37 or fewer units);" and,

WHEREAS, Franklin County finds that the creation of the new land use category conditionally authorizing "Resort Condominium Units (low impact 37 or fewer units)" is consistent with its comprehensive plan; and,

WHEREAS, Franklin County finds that the new land use category authorizing and providing limitations on the "Resort Condominium Units (low impact 37 or fewer units) is appropriate to protect the health, safety and general welfare of its citizens; and,

WHEREAS, Franklin County intends to amend the C-2 Commercial Business District as follows; to wit:

- a. create a new land use category authorizing "Resort Condominium Units (low impact 37 or fewer units)"; and
- b. incorporate the clarification to the maximum height allowed by ordinance 2013-6 that the maximum height in Franklin County is 47 feet; and
- c. amends Note (1) to correct the ordinance number of the updated Franklin County Flood Hazard Ordinance; and
- d. adds Note (4) requiring annual reports by the owner(s) of all Resort Condominium Units authorized by this ordinance.

NOW THEREFORE BE IT ORDAINED that the current C-2 Commercial Business District is amended, and replaced, as follows; to wit:

SECTION ONE. FINDINGS. The above recitals are incorporated herein as Findings of Fact.

SECTION TWO: The current C-2 Commercial District is hereby repealed and completely replaced in its entirety as shown below:

C-2 COMMERCIAL BUSINESS DISTRICT

DISTRICT INTENT: To provide for commercial development in the unincorporated county near present concentrations of population.

PERMITTED USES AND STRUCTURES

PRINCIPAL:

1. Financial, real estate, insurance and other professional services.
2. Retail sales including such retail services as barber and beauty shops, laundry and dry-cleaning facilities.
3. Restaurants, lounges, food services, public assembly halls and entertainment centers.
4. Automotive and engine repair shops and other repair services.
5. Warehouse and storage facilities.
6. Uses determined by the Planning and Zoning Commission to be similar to the above.
7. Hotels and motels (low impact 50 or fewer units)
8. Resort Condominium Units (low impact 37 or fewer units) that meet all four of the following criteria: (a) are licensed as a transient public lodging establishment pursuant to Section 509.013(4)(a)1, Florida Statutes (2016) and are rented to guests at least three times per year for periods less than 30 calendar days per rental; (b) are located south of U.S. Highway 98; (c) were approved prior to August 3, 2005 and completed prior to November 15, 2007; and, (d) recorded their Declaration of Condominium in Franklin County, Florida, on or before January 7, 2008. For the purposes of this District, Resort Condominium Units (low impact 37 or fewer units) which satisfy all four of the above criteria shall not be deemed to constitute a residential use and an owner of such Resort Condominium Units may occupy such unit during the period such unit is not rented to guests. Any Resort Condominium Units (low impact 37 or fewer units) which does not satisfy all four of the criteria above shall be governed by Franklin County Ordinance 2007-27, which in part limits owner occupation to no more than 30 calendar days per year.

ACCESSORY:

1. Uses of land customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
2. Fire stations.

PROHIBITED USES AND STRUCTURES:

1. All uses not expressly or provisionally permitted herein.
2. Major automotive and engine repair within one thousand (1000) feet of any body of water ten (10) acre or larger.
3. Residential uses.

SPECIAL EXCEPTIONS: After public notice and hearing and appropriate conditions and safeguards, the Board of Adjustment may permit as special exceptions:

1. Hotels, motels, and time sharing vacation units (high impact over 50 units) subject to review as provided by Section 301.06 of zoning ordinance.

2. Churches and community houses.
3. Public utility uses that fit on a single lot, specifically limited to electrical substations, telecommunication building or towers, sewer lift stations, and potable water chlorination stations and pump stations.

DEVELOPMENT STANDARDS

MINIMUM LOT SIZE: No minimum lot size, or lot area per unit, lot width, depth, or frontage; however, existing lots may not be subdivided.

BUILDING SETBACK: For all commercial or accessory structures there will be provided:

- (A) A setback of twenty-five (25) feet from the boundary of the property line bordering any private, local, arterial or collector road.
- (B) Setback a minimum of ten (10) feet from any other property line, except for attached or common-wall construction.

MAXIMUM BUILDING: 47 feet in height. (Franklin County Ordinance 2013-6)

MAXIMUM IMPERVIOUS LOT COVERAGE: 80 %

SIGNS: See Section 450 of zoning ordinance.

OFF STREET PARKING AND LOADING REQUIREMENTS:

1. Parking should be on permeable surfaces or areas with impervious surfaces must include storm-water holding ponds.
2. See Section 430 and 440 of zoning ordinance.

NOTES: C-2 COMMERCIAL BUSINESS DISTRICT

1. Franklin County Ordinance 89-8, Critical Shoreline, and Franklin County Ordinance 2013-4, Flood Hazard, are applicable to lands within this district.
2. All hotels, motels, or time-share vacation units of high impact as defined in Section 220.64 shall provide, on the same parcel upon which such development is located, an area of recreational open space equal to or exceeding that covered by all structures included in the development; i.e., "development footprint". Such recreational open space shall be set aside for and available to the occupants of the development in a manner consistent with the Franklin County Comprehensive Plan.
3. All new construction shall implement best management practices for the reduction of erosion, fugitive dust, and air emissions related to the construction of the development.
4. Annually, by January 31st of each year, the owner(s) of a Resort Condominium Unit (low impact 37 or fewer units) shall file with the Franklin County Planning and Zoning Department a copy of their license to operate as a transient public lodging establishment pursuant to Chapter 509, Florida Statutes, and a statement of how many days that the units was rented to guests during the preceding year. Each owner is required to automatically file this annual report.

SECTION THREE. Penalty. The penalty for violation of any of the conditions, limitations or reporting requirements for Resort Condominium Units (low impact 37 or fewer units) imposed by this ordinance shall be a civil penalty in the amount of \$50.00 per day. Each day that the violation exists shall constitute a separate violation. The penalty shall be assessed against the owner(s) of the Resort Condominium Units (low impact 37 or fewer units). Civil penalties shall be in addition to court costs, as determined by the court. The maximum civil penalty shall be \$1,000.00 per calendar year, plus court costs. Annual penalties shall be cumulative. This civil penalty shall be in addition to all other remedies available to Franklin County to enforce this ordinance.

SECTION FOUR. SEVERABILITY. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase word or portion of this ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION FIVE. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION SIX. EFFECTIVE DATE. This ordinance shall become effective as provided for by law.

Ordained on this the 7th day of March, 2017.

FRANKLIN COUNTY, a political
subdivision of the State of Florida.

By: Joseph A. Parrish
Joseph A. Parrish, Its Chairman

ATTEST

By: Marcia M. Johnson
Marcia M. Johnson, Clerk

Approved as to form and content

By: Thomas M. Shuler
Thomas M. Shuler, County Attorney

