

**AN ORDINANCE AMENDING ORDINANCE 87-1, WHICH
IS AN ORDINANCE REGULATING THE CRITICAL
SHORELINE DISTRICT OF FRANKLIN COUNTY,
AND ADOPTING MAPS OF THE POLLUTION
SENSITIVE SEGMENTS THEREOF**

FRANKLIN COUNTY, FLORIDA

ORDINANCE NO. 89-8

Adopted by the Board of County Commissioners June 20, 1989

Approved by Administration Commission September 14, 1989

Effective October 26, 1989

AN ORDINANCE AMENDING ORDINANCE 87-1, WHICH

**IS AN ORDINANCE REGULATING THE CRITICAL
SHORELINE DISTRICT OF FRANKLIN COUNTY
AND ADOPTING MAPS OF THE POLLUTION
SENSITIVE SEGMENTS THEREOF**

FRANKLIN COUNTY, FLORIDA

ORDINANCE NO. 89-8

The Board of County Commissioners recognizes the need to maintain the seafood industry and aquatic recreational resources of Franklin County for the benefit of current and future residents by protecting coastal and inland waters from pollution generated by stormwater runoff, sedimentation and septic tanks. This ordinance repeals ordinance 87-1, replaces the Special District (S-3) of Ordinance 81-5 and shall prevail when in conflict with Ordinance 79-8, Standards for Septic Tank Installation.

I. Intent of the Critical Shoreline District

Good water quality is essential in maintaining viable seafood and aquatic recreational resources. The intent of this ordinance is to maintain good water quality by protecting wetlands and by guiding development and land use on adjacent uplands, thereby creating a buffer to reduce the adverse impacts of pollution of freshwater and marine resources.

II. Scope

This ordinance shall apply to all land and water in unincorporated Franklin County.

III. Definitions

1. Aerobic Treatment Systems - Any Department of Health and Rehabilitative Services (DHRS) 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 National Sanitation Foundation (NSF) Standard 40, revised May 1983. This unit must also meet all requirements as called for in Chapter 10D-6, Florida Administrative Code, "Standards for Onsite Sewage Disposal Systems".
1. 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.
2. Critical (Habitat) Zone (CHZ) - All land within 50 feet landward of Wetlands in Franklin County.

3. Critical Shoreline District - All land within 150 feet landward of Wetlands in Franklin County.
4. Development - As defined in Section 200.20, Franklin County Zoning Ordinance.
5. Development Permit - As defined in sections 200.21 and 301 Franklin County Zoning Ordinance.
6. Erosion Control Structure - Any groin, jetty, seawall, revetment, artificial nourishment or other deposition of beach material or other structure if of a solid or highly impermeable design when same is located at or above mean high-water of any waters of Franklin County.
7. Habitable Structure - Any structure usable for living purposes, which includes working, sleeping, eating, cooking, recreation or any combination thereof.
8. Natural Vegetation - Plants that are native and indigenous, i.e., functionally adapted, to the particular area in which they are found.
9. Pollution Sensitive Segments - That part of the Critical Shore line District requiring special regulatory attention due to its proximity to highly sensitive resources established on maps hereby adopted as part of this ordinance, pursuant to Chapter 380.555 (11) (d).
10. Onsite Sewage Disposal System - Any domestic sewage treatment and disposal system, including standard subsurface systems, graywater systems, laundry wastewater systems, alternative systems, or experimental systems installed or proposed to be installed on land of the owners.
11. Water Dependent Structure - A structure, excluding habitable structures used for water access placed within the Critical Habitat Zone including, but not limited to, docks, marinas, marine fueling stations, other than bulk storage facilities, seafood processing houses and boat ramps.
12. Wetlands of Franklin County - Defined in Chapter 403.817, Florida Statutes and 17-3.022, F.A.C., as the landward extent of Waters of the State.

2. Waters of Franklin County - Also referred to as Waters of the State. All submerged area to the approximate mean high water line or approximate ordinary high water line of, but not limited to, sounds, bays, lagoons, rivers and their

tributaries and isolated waterbodies equal to or greater than 10 acres.

IV. Critical Shoreline District

The intent of the Critical Shoreline District is to assure that all development within this District receives special regulatory attention so as to minimize adverse impacts on the County's freshwater and marine natural resources. The Critical Shoreline District includes the Pollution Sensitive Segment and the Critical Habitat Zone.

The purpose of the Critical Habitat Zone is to retain a natural, low maintenance, vegetated buffer between upland development and wetlands, freshwater, and marine resources thereby minimizing shoreline erosion and stormwater runoff.

The purpose of the Pollution Sensitive Segment is to provide a protective buffer between the lands suitable for onsite sewage disposal systems and sensitive, economically important, freshwater and marine resources.

There is hereby established the Critical Shoreline District which consists of all lands within a distance of 150 feet landward of Waters and Wetlands of Franklin County. The Pollution Sensitive Segment, also a distance of 150 feet landward of Waters and Wetlands of Franklin County is indicated on maps maintained by the Franklin County Planning and Building Department which are hereby declared to be a part of this ordinance. The maps are a guide to the location of the segment; its actual extent with respect to a particular parcel shall be made on a case-by-case basis by the Franklin County Planner, or his designated representative, in accordance with this ordinance.

V. Development Standards in the Critical Shoreline District

1. Prior to any development, a person or entity shall apply for and receive a development permit pursuant to s.301.04 Franklin County Ordinance. Each applicant shall receive upon request a copy of the Critical Shoreline District (CSD) Development Manual to assist in understanding the development standards of the district. Development within the Critical Shoreline District will be prohibited except as provided by the following:

(a) The construction of principal water dependent structures within the Critical Habitat Zone in the C-1 Commercial Fishing District, as well as water dependent structures subordinate to principal uses in the C-3 Commercial Recreation District.

3

(b) Principal and accessory structures permissible in applicable zoning districts in the Critical Shoreline District landward of the Critical Habitat Zone;

- (c) Erosion control and shoreline stabilization structures landward of Waters and Wetlands of Franklin County only after a variance has been issued upon a clear demonstration of hardship to the land. The construction of adequately designed flexible coastal and shore protection structures such as beach nourishment, dune construction and stabilization and sand fencing is encouraged and preferred to construction of rigid coastal and shore protection structures (seawalls, bulkheads, revetments, etc.). Vertical seawalls without armoring (rip rap, sandbags) on the waterward face are prohibited on natural waterbodies. An approved stormwater management plan shall be required prior to variance approval for erosion control structures;
- (d) The construction of pile supported, non-habitable, water dependent structures such as docks, decks, and dune walkover;
- (e) Aerobic treatment systems landward of the Critical Habitat Zone pursuant to Section VI.

2. The following types of development are prohibited in the Critical Habitat Zone:

- (a) Fill and dredging in Waters or Wetlands of Franklin County other than maintenance dredging accompanied, when applicable, by letters of authorization from the Department of Environmental Regulation and U.S. Army Corps of Engineers, and a lease from the Trustees of the Internal Improvement Trust Fund.
- (b) All habitable or impervious structures except for principal uses in the C-1 district or water dependent structures subordinate to principal uses in the C-3 district.
- (c) Onsite sewage disposal systems.
- (d) Alteration or clearing of existing natural vegetation, except where the applicant demonstrates that without such alteration or clearing no reasonable use could be made of the property. The amount of alteration or clearing allowed in these circumstances shall be the minimal necessary and shall be accompanied by an approved mitigation plan.

4

3. Forestry operations on land not within the Pollution Sensitive Segment shall be exempt from the provisions of this ordinance provided that all forestry operations:

- 1. Are conducted in compliance with the most current Silviculture Best

Management Practice Manual published by the Division of Forestry;

2. Maintain agricultural exemption in the Franklin County Tax Appraiser's office for lands that would be contained in the Critical Shoreline District. Forestry operations on land within the Critical Habitat Zone of the Pollution Sensitive Segment shall comply with the provisions of this ordinance.

VI. Guidelines and Minimum Standards for Development in the Critical Shoreline District

1. Impervious surfaces, including but not limited to, roofs, concrete or paved driveways, patios and parking areas shall be kept to a minimum, and in no case shall exceed 20 percent of the total surface area of the property.
2. Existing natural vegetation shall be preserved to the maximum degree possible. Alteration or clearing of existing natural vegetation shall be allowed only when conducted in accordance with the requirements set forth in the Development Permits issued by the Franklin County Planning and Building Department.
3. Within 75 feet of the Waters and Wetlands of Franklin County neither onsite sewage disposal systems nor aerobic treatment systems shall be allowed. Within 75 feet to 150 feet of the Wetlands of Franklin County and in areas not served by a central wastewater system, aerobic treatment systems shall be required. Onsite sewage disposal systems and their associated absorption beds, including subsurface or mounds, shall be prohibited. Approval of aerobic treatment systems shall be determined by the following:
 - (a) The County Health Officer shall determine from the information submitted by the applicant and all other pertinent available information that the proposed aerobic treatment system will not cause or contribute to violations of State Water Quality Standards listed in Chapter 17-3, F.A.C..
 - (b) Prior to construction, the applicant shall apply for and receive an onsite sewage disposal permit pursuant to Sections 10D-6.43 and 10D-6.44, F.A.C..
 - (c) The aerobic treatment system shall be designed and installed pursuant to Section 10D-6.54(2) and 10D-6.063(2)(d), F.A.C., except that all setbacks shall be pursuant to this ordinance.
 - (d) A valid maintenance agreement pursuant to Sections 10D-6.54(2)(f) and 10D-6.063(2)(d), F.A.C., shall be required.

- (e) No aerobic treatment unit shall be serviced or repaired by a person or entity engaged in aerobic treatment unit maintenance until the service entity has obtained an annual written permit pursuant to Section 10D-6.063(2)(e), F.A.C..
- 4. The contractor shall provide a solid waste dumpster and temporary wastewater disposal system on the project site during construction.
- 5. Stormwater Management:
 - (a) Each development in the Critical Shoreline District shall include a stormwater management system prepared in accordance with S.466 Franklin County Zoning Code which assures that the post-development peak discharge rate, volume and pollution load of stormwater is no greater than that which existed before development. Minimum lot clearing, swale/berm systems, small depressional retention areas and the integration of a stormwater system into a site's landscaping are recommended as practical and inexpensive means of managing stormwater.
 - (b) Single family residential structures shall minimize stormwater impacts by using site suitable best management practices referenced in the CSD Development Manual which maximize the infiltration of stormwater and minimize the off-site discharge of stormwater.
 - (c) For all land uses other than single family residences, the applicant shall provide, as part of the development permit application, a site plan pursuant to 301.04, Franklin County Zoning Ordinance that includes a detailed stormwater management plan for treating the first 1.5 inches of run-off. Whenever soil percolation on a site will allow the infiltration of the required stormwater treatment volume within 72 hours, the stormwater system shall consist of off-line retention practices. To the greatest extent possible, it is recommended that retention areas be integrated into a site's open space and landscaping areas so as to reduce operation and

maintenance needs. Prior to receiving a development permit, the applicant shall apply for and receive a stormwater permit from the Department of Environmental Regulation pursuant to Chapter 17-25, F.A.C., that provides for the adequate treatment of 1.5 inches of run-off.

VII. Standards for Development in Water of Franklin County

Prior to issuance of a development order from Franklin County, a person or entity shall obtain authorization for construction from applicable state and federal agencies including Department of Environmental Regulation, the Corps of Engineers and the Department of Natural Resources.

VIII. Inspections

1. A permit for development within the Pollution Sensitive Segment shall not be issued without prior inspection of the development site by a permitting official of the Planning and Building Department. The purpose of the initial inspection is to verify the Critical Habitat Zone, and the Pollution Sensitive Segment, the existence of wetlands vegetation, and the existing soil, water table and vegetation conditions.
2. Aerobic treatment systems shall be inspected by the County Health Officer pursuant to section 10D-6.43(2), F.A.C..
3. The applicant shall schedule the following inspections with the County Planning and Building Department:
 - (a) Erosion and Sediment Control Inspection: as necessary to ensure effective control of erosion and sedimentation. Control practices shall be installed and stabilized between any waters and any areas cleared prior to land clearing.
 - (b) Bury Inspection: Inspection of any stormwater management systems which include underground components prior to covering of such components.
 - (c) Final Inspection: Upon completion of all work associated with installation of the stormwater management facility. A certificate of occupancy for residential structures or final approval of any other development will not be issued until such time the stormwater management system complies with standards as approved on the development application.

7

3. The permitting officer who inspects the work shall either approve the stormwater management system or notify the applicant and/or the contractor in writing in what respects there has been a failure to comply with the requirements of the approved permit. Any portion of the work which does not comply shall be corrected prior to occupancy or use of the development.

IX. Maintenance

The stormwater system(s) required by this ordinance shall be maintained by the owner and shall be subject to an annual inspection by Franklin County. The system(s) shall have adequate easements to permit such County inspection, and if necessary to take corrective action should the owner fail to properly maintain the system(s). Should the owner fail to properly maintain the system(s), the County shall give the owner written notice of the nature of the corrective action necessary. Owners who do not comply with the requirements of this section will be subject to the penalties and requirement of Section 124.69, F.S..

X. Enforcement

Enforcement of the regulations and standards of the Critical Shoreline District will be pursuant to sections 310 and 330 of the Franklin County Zoning Ordinance.

XI. Appeals

Any applicant aggrieved by the action of any official charged with the enforcement of this ordinance of the Critical Shoreline District requirements shall have the right of appeal pursuant to Section 315.04 of the Franklin County Zoning Ordinance.

XII. Fees

All development within the Critical Shoreline District shall require the payment of a Critical Shoreline District permit fee as established by Resolution of the Franklin County Board of County Commissioners.

THIS Ordinance adopted in open special session this 20th day of June, 1989, having been

considered and notice given as rezoning of more than 5% of the County, by publication in a newspaper of general circulation within the County. This Ordinance shall take effect upon its approval by the Administration Commission, the Department of Health and Rehabilitative Services, and the Department of Environmental Regulation of State of Florida.

THE BOARD COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, FLORIDA

BY: _____

ATTEST:

Clerk

9
EXHIBIT A

PERMIT FEES FOR STORMWATER MANAGEMENT SYSTEMS WITHIN THE
POLLUTION SENSITIVE DISTRICT:

BASE: \$100.00

SINGLE FAMILY RESIDENCE - BASE FEE

MULTI-FAMILY RESIDENCE - BASE FEE PLUS \$50.00 PER DWELLING UNIT

COMMERCIAL DEVELOPMENT - BASE FEE PLUS .10 CENTS PER SQUARE FOOT OF
STRUCTURAL DEVELOPMENT

SUBDIVISION - BASE FEE PLUS \$2.00 PER LOT

AGRICULTURAL - BASE FEE