

AN ORDINANCE REPEALING FRANKLIN COUNTY ORDINANCE 86-3 AND ADOPTING PROVISIONS OF THE COASTAL ZONE PROTECTION ACT OF 1986 AS PART OF THE FRANKLIN COUNTY BUILDING CODE; BEING A COASTAL ZONE PROTECTION ORDINANCE FOR DESIGNATED AREAS OF COASTAL FRANKLIN COUNTY, INCLUDING ALL OF ST. GEORGE, ST. VINCENT, AND DOG ISLAND, ALLIGATOR POINT AND OTHER AREAS OF FRANKLIN COUNTY ON APALACHICOLA BAY AND RIVER, EAST BAY, ST. GEORGE SOUND, OCKOLOCKONEE BAY AND RIVER RATED AS VELOCITY ZONES BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; ESTABLISHING A COASTAL BUILDING CODE IN ADDITION TO THE STANDARD BUILDING CODE TO APPLY TO ALL CONSTRUCTION WITHIN A DESIGNATED COASTAL BUILDING ZONE: PROVIDING THAT ALL COASTAL CONSTRUCTION WITHIN A DESIGNATED COASTAL BUILDING ZONE BE ENGINEERED TO WITHSTAND HURRICANE WIND FORCE AND WAVE WASH ASSOCIATED WITH WIND FORCE OF 110 MILES PER HOUR.

ORDINANCE NO. 88-9

FRANKLIN COUNTY, FLORIDA

AN ORDINANCE ESTABLISHING A COASTAL BUILDING ZONE AND A COASTAL CONSTRUCTION CODE THEREIN. THE PROVISIONS CONTAINED HEREIN SHALL CONSTITUTE THE COASTAL CONSTRUCTION CODE WITHIN THE COASTAL BUILDING ZONE OF FRANKLIN COUNTY.

1 - GENERAL PURPOSE: The purpose of the Coastal Code is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other natural disasters occurring along the coastal areas of Franklin County. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes and topography of adjacent properties. The Coastal Code is site specific to the Coastal Building Zone as defined herein and is not applicable to other locations. In the event of a conflict between standards of this code and the Standard Building Code or other construction standards, the requirements resulting in more restrictive design shall apply. No provisions in this code shall be construed to permit any construction in any area prohibited by local, city, county or state regulation.

2 - APPLICABILITY: The requirements of this Coastal Code shall apply to the following types of construction in the Coastal Building Zone of Franklin County.

(a) New construction or substantial improvement to major structures, nonhabitable structures, and minor structures as defined herein.

(b) Construction which would change or alter the character of the shoreline (excavation, grading, paving). The Coastal Code does not apply to minor work in the nature of normal beach cleaning or debris removal.

2.1 - EXISTING STRUCTURES: These requirements shall not apply to existing structures, structures under construction or structures for which a valid and unexpired county building permit was issued prior to adoption of the Coastal Code.

2.2 - MULTI-ZONE STRUCTURES: For structures located partially in the Coastal Building Zone, the requirements of the Coastal Code shall apply to the entire structure.

2.3 CONSTRUCTION SEAWARD OF MEAN HIGH WATER: Structures or construction extending seaward of the mean high water line which are regulated by Section 161.041 F.S., (groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet dredging, etc.), are specifically exempt from the provisions of this code. In addition, the Coastal Code does not apply to piers, pipelines, or outfalls which are regulated pursuant to the provisions of Section 161.053, F.S.

2.4 APPLICATIONS FOR PERMITS: Applications for building permits for all new construction or substantial improvement of existing major structures shall be certified by an architect or professional engineer registered in the State of Florida. Such certification shall state that the design plans and specifications for the construction are in compliance with the criteria established by this coastal code. Prior to issuance of a building permit, all applications, plans and specifications may be subject to review by a coastal engineer selected by Franklin County. The cost of such review will be borne by the permit applicant.

3 - DEFINITIONS: The following terms are defined for general use in the Coastal Code:

(a) "Beach" means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore".

(b) "Breakaway wall" or "frangible wall" means a partition independent of supporting structural members that will withstand design wind forces, but which will fail under hydrostatic, wave, and runup forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components that will minimize the potential for damage to life or adjacent property. It shall be a characteristic of a breakaway or frangible wall that it shall

have a horizontal or design loading resistance of no less than ten (10) nor more than twenty (20) pounds per square foot.

(c) "Coastal Barrier Islands" means geological features which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico, including Dog Island, St. George Islands and St. Vincent Island.

(d) "Coastal Building Zone" means all land area landward of the coastal construction control line established pursuant to Section 161.053, F.S., on the coastal barrier islands of Franklin County and landward of the coastal construction control line on Alligator Point to a point of mean low water of Alligator Harbor and all land in unincorporated Franklin County, fronting on the waters of the Apalachicola River and Bay, East Bay, St. George Sound, Alligator Harbor, Ochlockonee Bay and Ochlockonee River when such land is located within the Federal Emergency Management Agency Flood Insurance Rate Map "V" (velocity) zones or where such land may be impacted by wave action.

(e) "Coastal Construction Control Line" means the landward extent of that portion of the beach-dune system which is subject to severe fluctuations based upon a 100 year storm surge, storm waves or other predictable weather conditions as established by the Department of Natural Resources in accordance with Section 161.053, F.S.

(f) "Coastal or shore protection structure" means shore-hardening structures, such as seawalls, bulkheads, revetments, rubble mound structures, groins, breakwaters, and aggregates of materials other than beach sand used for shoreline protection; beach and dune restoration; and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

(g) "Column Action" means the potential elastic instability in piles or columns resulting in axial or lateral bending of the member due to compressed stress.

(h) "Construction" means the carrying out of any building, clearing, filling, or excavation or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

(i) "Dune" means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach, and deposited by natural or artificial means.

(j) "Major Structure" includes residential buildings, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal zones.

(k) "Mean High Water Line" mean high water is the average height of high waters over a 19 year period. (See Section 177.27, F.S.).

(l) "Minor Structure" includes but is not limited to pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported, elevated viewing platforms, gazebos and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, recreation courts, and other uncovered paved areas; earth retaining walls; sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave and storm forces.

(m) "Nonhabitable Major Structure" includes but is not limited to swimming pools; parking garages; pipelines; piers; canals; lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, transmission and distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; underground storage tanks; communications buildings and towers; flagpoles and signs over 15 feet in height.

(n) "NGVD" means National Geodetic Vertical Datum - A geodetic datum established by the National Ocean Service and frequently referred to as the 1929 Mean Sea Level Datum.

(o) "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds a cumulative total of 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

4 - GENERAL: Construction within the coastal building zone and on coastal barrier islands shall meet the requirements of this chapter. All structures shall be designed so as to minimize damage to life, property, and the natural environment. Assistance in determining the design parameters to minimize such damage may be found in the reference documents listed in The Southern Standard Building Code.

4.1 STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES:

(a) Major structures shall conform to the state minimum building code (1985 edition with 1986 amendments) in effect in the jurisdiction as defined in Section 553.73 F.S.

(b) Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code

ANSI book A-119.1, pursuant to Section 320.823 F.S., and to the requirements of paragraph (c). Mobile homes shall not be authorized within the coastal building zone of Franklin County.

(c) Major structures shall be designed, constructed, and located in compliance with National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60 or the local flood damage prevention ordinance, whichever is more restrictive.

(d) Major structures, except those conforming to the standards of paragraph (b), shall, at a minimum be designed and constructed in accordance with Section 1205 of the 1986 revisions to the 1985 Standard Building Code using a fastest mile-wind velocity of 110 miles per hour. This does not preclude use of a locally adopted building code which is more restrictive.

(e) Foundation design and construction of a major structure shall consider all anticipated loads resulting from a 100-year storm event, including wave, hydrostatic, and hydrodynamic loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade as a result of localized scour. The erosion computations required by this paragraph do not apply landward of coastal construction control lines which have been established or updated since June 30, 1980. Upon request, the Department of Natural Resources may provide information and guidance as to those areas within the coastal building zone where the erosion and scour of a 100-year storm event is applicable.

4.2 - STRUCTURAL REQUIREMENTS; MINOR STRUCTURES: Minor structures need not meet specific structural requirements provided in subsection (1), except for the requirements of paragraph (c) and except for applicable provisions of the state minimum building code in effect in the jurisdiction. Such

structures shall be designed to produce the minimum adverse impact on the beach and the dune system and adjacent properties and to reduce the potential for water or wind blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure shall not be permitted.

4.3 - STRUCTURAL REQUIREMENTS; NONHABITABLE MAJOR

STRUCTURES: Nonhabitable major structures need not meet specific structural requirements provided in subsection (1),^{7.1} except for the requirements of paragraph (c) and except for applicable provisions of the state minimum building code in effect in the jurisdiction. Such structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with any applicable state and local standards not found in this section. All sewage treatment plants and public water supply systems shall be flood proofed to prevent infiltration of surface water from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, shall be flood proofed to prevent infiltration of surface water from a 100-year storm event or shall otherwise be designed so as to function when submerged by such storm event.

4.4 - LOCATION OF CONSTRUCTION: Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.

4.5 - APPLICATION TO COASTAL BARRIER ISLANDS: All building requirements applicable to the coastal building zone shall also apply to coastal barrier islands.

4.6 - PUBLIC ACCESS: Where the public has established an accessway through private lands to lands seaward of the mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of public access unless a comparable

alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate such public accessways so long as the accessways provided by the developer are:

(a) Of substantially similar quality and convenience to the public;

(b) Approved by the local government;

(c) Approved by the Department of Natural Resources whenever improvements are involved seaward of the coastal construction control line; and

(d) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to Section 163.3178, F.S.

5 - COASTAL PROPERTIES DISCLOSURE STATEMENT

(a) The legislature finds that it is necessary to ensure that the purchasers of interests in real property located in coastal areas partially or totally seaward of the coastal construction control line as defined in Section 161.053 F.S., are fully apprised of the character of the regulation of the real property in such coastal areas and, in particular, that such lands are subject to frequent and severe fluctuations.

(b) - Unless otherwise waived in writing by the purchaser, at or prior to the closing of any transaction where an interest in real property located either partially or totally seaward of the coastal construction control line as defined in Section 161.053, F.S. is being transferred, the seller shall provide to the purchaser an affidavit, or a survey meeting the requirements of Chapter 472, F.S., delineating the location of the coastal construction control line on the property being transferred.

6 - VEHICULAR TRAFFIC ON COASTAL BEACHES - Vehicular traffic, except that which is necessary for cleanup, repair, or public safety, and except for traffic upon authorized local or state dune crossovers, is prohibited on the dunes or native stabilizing vegetation of the dune system of coastal beaches. Except as otherwise provided in this section, any person driving

any vehicle on, over, or across any dune or native stabilizing vegetation of the dune system shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, Section 775.083, or Section 775.084, F.S.

This Ordinance adopted in open regular meeting this 6th day of September, 1988, after notice of intent to consider the same has been made and kept in the Ordinance Book of the Clerk of the Board for at least 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in the Apalachicola Times, a newspaper of general circulation within the County.

This Ordinance shall take effect when notice of receipt of a certified copy of same is returned from the Secretary of State, and upon the approval of the Administrative Commission pursuant to §380.055(10), Florida Statutes.

THE BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, FLORIDA.

BY: James G. McIlwain
Chairman

Attest:

Lee R. P. Lewis
Clerk

(SEAL)