

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, ESTABLISHING A TEMPORARY SIX MONTH MORATORIUM WITHIN FRANKLIN COUNTY PROHIBITING THE CONSTRUCTION OF ANY RESIDENTIAL DWELLING MADE OUT OF METAL OR THE USE OF SHIPPING CONTAINERS AS A RESIDENTIAL DWELLING DURING THE SIX MONTH MORATORIUM PERIOD; PROVIDING FOR EXCEPTIONS; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Franklin County, Florida, a subdivision of the State of Florida, has recently received development applications to construct large all metal buildings, one being 4,000 square feet, more or less, in residential neighborhoods for use as a combination residential dwelling and covered storage, which appear industrial, not residential, in size and shape; and,

WHEREAS, Franklin County, Florida, a subdivision of the State of Florida, has recently received inquiries seeking to construct residential dwellings out of shipping containers, or other all metal buildings; and,

WHEREAS, such metal buildings do not provide features consistent with the character of local residential neighborhoods, such as, but not limited to, porches, an exterior facade consistent with materials traditionally found in residential neighborhoods, such as brick, block, wood or composite planks, and a pitched roof line which is commonly 4:12 in a residential neighborhood; as the roof pitch of the metal buildings converted to residential use are commonly less than 4:12; and,

WHEREAS, Franklin County, Florida, a subdivision of the State of Florida, does not presently have any development regulations regulating the use of all metal buildings or shipping containers as residential dwellings; and,

WHEREAS, the Franklin County planning staff has recommended to the Franklin County Board of County Commissioners that it needs to enact regulations regulating the use of all metal buildings and shipping containers as residential dwellings; and,

WHEREAS, the Franklin County Board of County Commissioners desire to protect the aesthetics and economic value of residential neighborhoods and homes by preserving and protecting their residential character by preventing the construction of large metal buildings with exterior metal walls and/or a metal roof which appears industrial in size, shape and roof pitch, and shipping containers as a residential dwelling, regardless of whether they also provide covered storage; and,

WHEREAS, the Franklin County Board of County Commissioners finds that any such metal structure used as a dwelling in a residential area, including the C4 zoning district, with any metal exterior walls, is harmful to both the general welfare and the economic value of residential neighborhoods, homes and the ad valorem tax base; and,

WHEREAS, the Franklin County Board of County Commissioners does not intend that this moratorium shall prevent the use of mobile homes in appropriately zoned areas; and,

WHEREAS, the Franklin County Board of County Commissioners does not intend to prevent the construction of metal storage sheds which are not also being used as a residential dwelling; and

WHEREAS, the Franklin County Board of County Commissioners does intend to prevent the use of metal buildings with exterior metal walls and shipping containers as a residential dwelling; and

WHEREAS, the Franklin County Board of County Commissioners declares that this ordinance shall apply to both the incorporated and unincorporated areas of Franklin County, Florida; and,

WHEREAS, the Board of County Commissioners finds that enacting this temporary moratorium is appropriate to protect the health, safety and general welfare of its citizens.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Franklin County, Florida, on the 6th day of June, 2017, as follows:

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

SECTION TWO. MORATORIUM ON THE CONSTRUCTION OF ANY RESIDENTIAL DWELLING MADE OUT OF METAL WITH METAL EXTERIOR WALLS OR USE OF SHIPPING CONTAINERS AS RESIDENTIAL DWELLING DURING THE SIX MONTH MORATORIUM PERIOD, the Board of County Commissioners of Franklin County, Florida declares and enacts:

1. A temporary six month moratorium is in effect prohibiting the acceptance, processing or approval of any application within the incorporated and unincorporated area of Franklin County, Florida relating to the construction of a residential dwelling made from metal with any exterior wall made of metal, or the use of shipping containers as a residential dwelling, from the effective date of this ordinance until December 6, 2017, or until appropriate land development regulations become effective, whichever occurs first.
2. During the moratorium, County staff shall study the establishment and construction of residential dwellings made of metal, which shall specifically include, but not be limited to, a study of architectural standards to recommend to the Board of County Commissioners.
3. County staff shall report their findings to the Board of County Commissioners, together with any ordinance for the Board's consideration, prior to the expiration of the temporary moratorium period.
4. If County staff requires additional time to complete the study and provide its recommendations to the Board, the Board may consider extending the moratorium period through a subsequent ordinance providing the justification for the extension, with the extension of the moratorium subject solely to the Board's discretion.

SECTION FOUR: EXCEPTIONS: This moratorium shall not prevent the traditional use of metal in the construction of a site built residential dwelling which is not a metal building being used as a residential dwelling.

SECTION FIVE. 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.

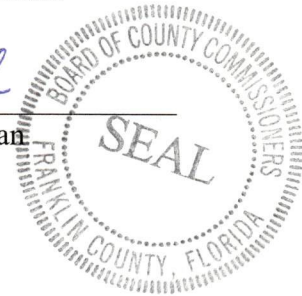
SECTION SIX. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Ordained on this the 6th day of June, 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