

ORDINANCE NO. 2018- 01 _____

An Ordinance of Franklin County, Florida, amending Section 220.56 of the Franklin County Zoning Code to provide that roof eaves and overhangs that do not extend more than 30” from the outer face of a wall are allowed to intrude into the air space of the required setback; Providing for Definitions, Providing for Severability, Repealing all ordinances which are inconsistent and providing an effective date.

NOW, THEREFORE, BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, FLORIDA:

AUTHORITY.

The authority for the enactment of this Ordinance is Chapter 125, *Florida Statutes*, and Franklin County’s Home Rule powers.

FINDINGS OF FACTS.

WHEREAS, Franklin County is required to protect the public health, safety, and welfare; and

WHEREAS, the County Commission finds that this ordinance is necessary to protect the unique character of Franklin County and the reasonable development expectations of property owners; and

WHEREAS, it is the intent of Franklin County to prohibit development and/or uses that are inconsistent with the purpose of this ordinance; and

WHEREAS, Franklin County finds that this ordinance is appropriate to protect the health, safety and general welfare of its citizens; and

WHEREAS, Franklin County finds that this ordinance is consistent with the comprehensive plan; and,

WHEREAS, Franklin County finds that recently the county has discovered that the construction plans submitted by some builders showed roof eaves and overhangs and that others did not; and,

WHEREAS, the result of such inconsistent industry practices regarding the illustration of roof eaves and overhangs on construction plans is that an indeterminate number of structures over the course of several decades have been constructed with roof eaves that encroach into the airspace of the county’s setback requirements with first obtaining a variance; and,

WHEREAS, Franklin County has been informed, and finds, that some institutional lenders have recently begun to consider airspace encroachments when making lending decisions; and,

WHEREAS, Franklin County finds that that due to such inconsistent industry practices in which some building plans show roof eaves and some do not, that it is in the best interests of the public's welfare to enact an ordinance providing that all currently existing roof eaves that encroach up to a maximum of 30 inches from the exterior wall into the airspace of the setback requirements do not violate the Franklin County Zoning Code; and,

WHEREAS, due to the inconsistent practices in the construction industry in which some plans show only the exterior walls compliance with the setback and do not show the roof eave encroaching into the setback, has resulted in an indeterminate number of structures with roof eaves which violate the current setback as defined in section 220.56. Therefore, Franklin County specifically intends to enact this ordinance to apply both prospectively and retroactively to all current structures with current roof eaves and overhangs which extend no more than 30 inches from the exterior wall of the structure; and,

WHEREAS, Franklin County intends to, and does, find that all current roof overhangs up to 30 inches from the exterior wall into the setback shall not be a violation of the Franklin County Zoning Code; and,

WHEREAS, the Franklin County Planning Department now requires that all construction plans illustrate the location of roof eaves; and

WHEREAS, Franklin County intends that in the event of conflict between the terms of this ordinance and any other ordinance, then the terms of this ordinance shall prevail;

NOW, THEREFORE BE IT ORDAINED by the County Commission of Franklin County, Florida, that the County hereby:

1. Incorporates all of the preamble and findings into this ordinance.
2. Definitions for the purpose of this ordinance:
 - a. Roof eave means the overhang portion of the roof or the distance from the outer face of the exterior wall to the outside edge of the roofing.
 - b. Roof overhang means that portion of the roof of a building extending beyond the outer face of the exterior wall to the outside edge of the roofing.
3. Repeals all of Section 220.56 of the Franklin County Zoning Code; to wit:

220.56 SETBACK LINE – A line extending inward from and parallel to property boundaries within which development may be authorized. The area between property boundaries and setback lines, as established by zoning districts, will be maintained as undeveloped open space, exclusive of driveways, vehicle parking and fences.

4. Amends and replaces the former Section 220.56 and adopts a new Section 220.56 of the Franklin County Zoning Code to apply retroactively to all current structures, and prospectively, in Franklin County, Florida; to wit:

220.56 SETBACK LINE – A line extending inward from and parallel to property boundaries within which development may be authorized. The area between property boundaries and setback lines, as established by zoning districts, will be maintained as undeveloped open space, exclusive of driveways, vehicle parking and fences. Roof eaves and overhangs that do not extend more than 30” from the outer face of the exterior wall are allowed to intrude into the air space of the required setback.

5. Severability: If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
6. Effective Date: This Ordinance shall take effect as provided by law.
7. Conflicts: All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the County Commission, on this 2nd day of January 2018.

FRANKLIN COUNTY, a political
subdivision of the State of Florida



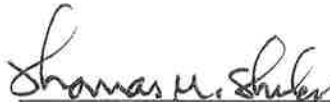
Joseph A. Parrish, Chairman

ATTEST:

APPROVED AS TO FORM



Marcia M. Johnson, Clerk



Thomas M. Shuler, County Attorney