

## CHAPTER IV. RESOURCE PROTECTION STANDARDS

### 4.00.00. OVERALL PURPOSE AND INTENT

The purpose of this chapter is to protect, conserve and enhance Walton County's natural and historical features. It is the intent of the County to enhance resource protection by utilizing development management techniques to control potential negative impacts from development and redevelopment on the resources addressed herein. Specifically, it is the intent of the County to limit the specific impacts and cumulative impacts of development or redevelopment upon historic sites, wetlands, coastal dune lakes, coastal dune lines, water quality, water quantity, wildlife habitats, living marine resources, or other natural resources through the use of site design techniques, such as clustering, elevation on pilings, setbacks, and buffering. The intent of this policy is to avoid such impact and to permit mitigation of impacts only as a last resort.

#### 4.00.01. *Permits Required.*

- A. *Local Development Order.* Unless exempt under Section 1.15.00, a development order is required for all development or redevelopment of real property within the County. As a part of the application process defined in Chapter 1 of this Code, a landowner or developer must apply the provisions of this chapter before any other design work is done for any proposed land development. Application of the provisions of this chapter will divide a proposed development site into zones or areas that may be developed with minimal regulation, zones that may be developed under more stringent regulation and zones that must generally be left free of development activity. The proposed development must be designed to fit within the areas and zones that may be developed on each site. Should the proposed development occur under the jurisdiction of a Regional General Permit and Ecosystem Management Agreement, then the proposed development shall be reviewed in accordance with those specific criteria.
- B. *State and Federal Permits.* New developments and redevelopment with the potential to impact the quantity or quality of natural resources addressed in this chapter will be required to obtain the necessary permits from all applicable state and/or federal agencies. The County shall attach a disclaimer to the issuance of a **development permit** that states, the issuance of a development permit does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The County shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

**4.00.02. General Requirements.**

- A. Applications for Development Approval for sites to be served by an on-site wastewater treatment system and located in areas identified in the soils map included in the County's Geographic Information System (GIS) as belonging to a soils series that poses moderate to severe limitations to development shall provide a detailed soils analysis that indicates soils suitability for construction and use of septic tanks and absorption fields. Development shall be clustered on the portion of site posing the fewest restrictions, based on the characteristics of the soils of the site. The site soils analysis shall be done in coordination with the Soil Conservation Service and the Florida Department of Health. If the Board of County Commissioners, in coordination with SCS and DOH, finds that the soils are unsuitable for septic tanks, an aerobic system or other suitable alternative on-site wastewater treatment system shall be required.

**4.01.00. WETLANDS PROTECTION****4.01.01. Purpose and Intent.**

The purpose of the creation of a wetlands protection zone is to preserve the value and function of existing wetland systems in the County as animal and plant habitat, as natural flood storage areas and as buffers between surface water bodies and activities on adjacent uplands. The County's intent in creation of the wetlands protection zone in this section is to create zones which cover defined wetland areas where no development will be allowed and zones adjacent to those defined wetland areas where development will be allowed under specified regulatory controls. It is not the intention of the County to duplicate the form or function of existing state and federal wetlands regulatory programs. Rather, it is the intention of the County to utilize land use controls which are unique to local government authority to supplement these programs.

**4.01.02. Wetland Protection Zones.**

The primary wetland zone is the actual jurisdictional (USACE or FDEP) wetland. The secondary wetland zone is the buffer surrounding the primary wetland zone.

- A. *Location of Primary Wetland Protection Zones.* All lands within the areas defined by Rule 17-340, F.A.C. F.S. and Rule 9J-5.003(149), F.A.C., as being "waters of the state" shall be considered within a Primary Wetland Protection Zone. The specific boundaries of wetlands shall be determined in accordance with these definitions through site-specific field inspections conducted by a qualified person for a development order or development permit and shall be subject to review and approval by the County before the issuance of a development order or development permit. It shall be the responsibility of an applicant to submit documentation, exhibits, studies, etc., for the purpose of establishing the boundaries of this Zone on their site.

- B. Location of Secondary Wetland Protection Zones.* All lands within 25 feet landward of the upland edge of the Primary Wetland Protection Zone.

**4.01.03. Restrictions on Development.**

*A. Within Primary Wetland Protection Zones.*

1. Dredge and fill activities shall be prohibited, except where demonstrated to be necessary to the public interest, and the applicant has demonstrated that such activity will not negatively impact estuarine water quality, oyster beds, natural functions, or endangered species habitat. Receipt of a permit from the U.S. Army Corps of Engineers and/or the Department of Environmental Protection and/or the Northwest Florida Water Management District authorizing all proposed dredge and fill activities in this Zone shall constitute demonstration of compliance with these standards for the purposes of this section.
2. Developments or redevelopments, located entirely within the Primary Wetland Protection Zone (no upland area) which propose impacts to wetlands that are deemed unavoidable, because the impacts cannot be eliminated through revised site design, clustering, setbacks, elevation, existing upland utilization, buffering, or other land development standards, development within the wetland(s) shall conform to the following criteria:
  - a. The applicant must secure all permits for the proposed wetland impacts from the appropriate regional, state, and federal agencies having jurisdiction prior to the commencement of construction.
  - b. When wetland impacts cannot be avoided and are properly permitted by regional, state and federal agencies having jurisdiction, the following are allowable uses:
    - i. Uses consistent with the underlying land use as depicted on the Land Development Code Official Zoning Map (OZM) with limited densities and intensities.
    - ii. Access to the site.
    - iii. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety.
    - iv. Utility transmission and collection lines.
    - v. Pretreated stormwater management.
  - c. No new lot or parcel shall be created after November 7, 1996, which consists entirely of wetlands, unless accompanied by a deed restriction that prohibits future development on the lot or parcel.
  - d. Wetlands crossings that connect upland areas are permissible provided the natural water flow between wetlands is not interrupted.

- e. To prevent the loss of all reasonable and beneficial use of property due to wetland restrictions, i.e. there are no buildable upland areas and wetland impacts cannot be avoided, then the property shall be allowed to develop one (1) residential dwelling unit for a lot of record existing on or before November 7, 1996, provided that all permits are issued by all regional, state and federal agencies having jurisdiction.

*B. Within Secondary Wetland Protection Zones.*

Within this Zone, clearing of native vegetation to allow for crosswalks, public access facilities, landward portions of docks, boardwalks, necessary infrastructure, or otherwise shall be limited to 25 percent of the total area within the Secondary Wetland Protection Zone on that site.

1. A development exception may also be made within this Secondary Wetland Protection Zone for a vehicular access driveway to the upland developable portion of a property, where it can be demonstrated that the driveway would result in a reduced impact on wetlands than would otherwise be necessary to comply with wetland buffering requirements. Development subject to this exemption shall demonstrate that:

- a. No reasonable alternative means of access from a public way to uplands of the same owner is available;
- b. The driveway minimizes the road length and width through the wetland to the maximum extent practicable including shoulders and side slopes;
- c. The driveway crosses the wetland along the edge or narrowest portion of the wetland that requires the least amount of fill;
- d. The driveway attempts to limit the wetland crossing to the portion of wetland that is degraded, for example, dominated by non-native invasive plants;
- e. The driveway includes retaining walls or guardrails to allow for road shoulders and/or side slope widths to be narrowed to minimize encroachment into wetlands;
- f. The driveway application is consistent with all other provisions of the Comprehensive Plan and Land Development Code; and
- g. The requisite permits have been secured from the appropriate regional, state, and federal agencies having jurisdiction over the wetland.

2. For single family residential on individual residential lots, the Planning Director may allow up to 40% encroachment of the total area of the Secondary Wetland Protection Zone in cases where the strict application of this secondary wetland protection buffer would result in otherwise unnecessary impact to the Primary Wetland Protection Zone. In these cases, regulatory agency permitting for wetland impact shall be unnecessary and or unobtainable.

3. In new residential developments, the Secondary Wetland Protection Zone shall be located entirely within common areas and defined as such within a recorded subdivision plat and also

have appropriate protective restrictive covenant language. The General Notes section of the plat, or site plan when platting is not required, shall include a note providing that the Secondary Wetland Protection Zone shall remain intact, uncleared, and undisturbed in accordance with the approved development order for the development.

*C. Density Transfer from Both Wetland Protection Zones.*

In order to encourage the location of development landward of the boundaries of both of these Zones, the County hereby authorizes a transfer of allocated density from areas in the Zones to adjacent uplands, subject to the following conditions:

1. If buildable upland is available, development shall locate on the non-wetland portions of a development site and residential densities shall be transferred on-site from wetland areas to contiguous non-wetland areas within the same development subject to the following:
  - a. If buildable uplands are available on-site, but the development will cause or result in a disturbance of the wetland, residential densities may only be transferred on-site from the impacted wetland areas to non-wetland areas based on the maximum wetland density of one (1) dwelling unit per 20 acres with a maximum wetland area intensity of 0.10 (10%) Impervious Surface Ratio (ISR), provided that the zoning district maximum allowable density or intensity is not less. Residential densities may be transferred on-site from the non-impacted wetland areas to non-wetland areas at the density of the underlying zoning district; or
  - b. If buildable uplands are available on-site and the development will not cause or result in any disturbance of the wetland, residential densities may be transferred on-site from the wetland areas to the non-wetland areas at the density of the underlying zoning district. This provision shall apply only when no disturbance of the wetland will occur through the proposed development or redevelopment.
2. For purposes of this Code, disturbance of wetlands shall be any alteration or material change to the Primary Wetland Protection Zone, including but not limited to, dredging or filling.
3. All such on-site density transfers shall:
  - a. Be contiguous to property under the same ownership or control;
  - b. Developed in accordance with the County's Land Development Code.
  - c. Not result in lot sizes that are less than 5,000 square feet for single family residential lots unless the lot is within a planned unit development approved in accordance with the Walton County Comprehensive Plan and Land Development Code. The minimum lot size shall not include the

wetland area.

#### **4.01.04. Wetland Enhancement and Restoration**

- A. To incentivize the enhancement, restoration or creation of wetlands the following density bonus is available for planned unit developments that are 100 acres in size:
1. Enhancement of one (1) acre of existing wetlands will result in the allotment of two (2) additional units per acre. Enhancement includes the modification of specific structural features of an existing wetland to increase one or more functions based one or more management objectives.
  2. Restoration of one (1) acre of wetlands will result in the allotment of four (4) additional units per acre. Restoration involves the return of an ecosystem to a close approximation of its condition prior to disturbance. Restoration requires one or more of the following processes: reconstruction of antecedent physical conditions; chemical adjustment of the soil and water; and/or biological manipulation, including the reintroduction of absent native flora and fauna.
  3. Creation of one (1) acre of wetlands will result in the allotment of eight (8) additional units per acre. Construction or creation of a wetland in an area that was not a wetland in the recent past (within the last 100 -200 years) and that is isolated from existing wetlands (not directly adjacent).

B. Wetland enhancement, restoration or creation activities must be accomplished under the guidance and supervision of an environmental professional with adequate training and experience.

C. A management plan must be included within the Planned Unit Development and all areas which have been used to obtain a density bonus shall be preserved within a conservation easement to preclude the future alteration of these areas.

D. Density shall only be applied to the development of non-environmentally sensitive uplands and areas not deemed a flood hazard concern.

#### **4.02.00. COASTAL RESOURCE PROTECTION**

##### **4.02.01. Purpose and Intent.**

The purpose for the creation of regulations governing development in the coastal areas of the County is the protection and enhancement of the resources which are unique to the County's dune systems and dune lake systems. It is the intention of the County to protect people and property in the coastal areas by defining appropriate land use mechanisms here which will serve to limit development in defined high hazard areas and also protect and enhance the quality and function of existing coastal natural resources.

##### **4.02.02. Restrictions on Development within the Coastal Protection Zone.**

*The Coastal Protection Zone (CPZ) is defined as all lands on any site adjacent to the Gulf of Mexico or a related coastal dune system within an area defined as follows:*

- A. *The area that extends fifty (50) feet seaward of the landward toe of the primary dune ridge; or*
  - B. *The area seaward of a line fifty (50) feet landward of the crest of the primary dune when the toe cannot be determined; or*
  - C. *Twenty-five (25) feet landward of the top of the higher bluff regions where no primary dune exists.*
1. Development within this Zone is limited to those activities which are presumed to have insignificant adverse effect on the resources within the Zone. The following activities are presumed to have an insignificant adverse effect:
    - a. The designation and development of scenic, historic, wildlife, or scientific preserves.
    - b, Minor maintenance or emergency repair to existing structures or existing improved areas.
    - c. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
    - d. Development limited to boardwalks, dune walkovers and overlook pavilions, coastline access structures, and erosion control measures that will enhance and protect the dune system. FDEP Standards and Regulations shall apply to such construction.
  - i. No activities shall be permitted which create erosion of a dune or

the dune system.

- ii. Natural dune vegetation within the overlay zone shall be disturbed only to the extent necessary to construct these boardwalks and related structures; however, in no case may more than ten percent of the existing vegetation or dune be disturbed.
- iii. All boardwalks and any other constructed features will be constructed to allow potential animal movement and to maintain density and vigor of vegetation and to prevent blowouts.
- iv. If these regulations render a property owner unable to build a single-family dwelling unit on an existing lot of record as of the date of plan adoption November 7, 1996 that lies wholly within the zone, then the owner shall be allowed to construct a single-family residential dwelling unit, providing that the owner complies with all permit requirements of the FDEP and limits the extent of disturbance to the minimum area necessary to accommodate the dwelling unit and access driveway.

#### **4.02.03 Restrictions on Development within the Coastal Dune Lake Protection Zone.**

*The Coastal Dune Lake Protection Zone is defined as being all lands within an area beginning at the mean or ordinary high water line of the coastal dune lakes and their tributaries and extending 300 feet landward.*

A. Stormwater management: Property owners must submit a stormwater plan for the property, unless the improvements are deemed de minimis or otherwise not required within the Land Development Code, as a condition of obtaining a development order or building permit, which must use or incorporate appropriate “Low Impact Development” stormwater practices. The lake buffer areas and impervious surface limitations included herein shall qualify as “Low Impact Development” for the purposes of this section. Additional “Low Impact Development” tools and techniques include but are not limited to: approved pervious pavement systems certified by a Professional Engineer, bio-retention swales, rain gardens, and rain barrels. Low Impact Development techniques may be used independently or in combination with traditional stormwater management techniques in order to meet the requirements of Section 5.06.00. The stormwater plan shall be certified by a Professional Engineer licensed by the State of Florida. The County shall implement a monitoring program to confirm compliance with the stormwater plan.

B. Erosion control: Specific erosion control measures shall be utilized during construction activity, such as staked and staggered hay bales, siltation barriers, floating silt and filter berms. Further, erosion and sedimentation controls shall be left in place until the disturbed areas are stabilized with permanent vegetation that will prevent the transport of sediment off site.

C. Hazardous wastes: No land use shall be allowed within the zone which stores, handles or generates hazardous wastes.

D. Seawalls, bulkheads, revetments and rip-rap are not permitted.

E. No new point or non-point sources of pollution shall be discharged into the lakes, such as treated wastewater effluent or untreated stormwater runoff. For lots adjacent to Coastal Dune Lakes: All new development, and redevelopment that requires a modification, replacement or upgrade to an onsite sewage treatment and disposal system shall be required connect to central sewer at the time of development or redevelopment. Within the CDLPZ, new on-site sewage treatment and disposal systems shall be prohibited where connection to sewer is available. Where central sewer is not available, septic tank drain fields must be located at least 100 feet from the ordinary or mean high water line, whichever applies.

F. Open Space: All new development and redevelopment shall preserve at least 60 percent of the portion of the parcel within the 300-foot protection zone as pervious surface. Vegetative clearing within this preserved area shall be limited to that which is necessary to accommodate the 40 percent impervious development that is permitted. Clearing of native vegetation shall not exceed 50 percent of the gross square footage of the portion of the parcel that is within the 300-foot CDLPZ.

G. No construction or disturbance will be allowed in the natural outlet from a coastal dune lake. A buffer area of not less than 50 feet of vegetated area will be left undisturbed along either side of the natural outlet from the lake.

H. No construction or disturbance including clearing of native vegetation will be allowed within 100 feet from the ordinary or mean high water line from a Coastal Dune Lake. For lots of record created before November 7, 1996 that are 200 feet or less in depth, this shoreline setback shall be a minimum of 25 feet or 25 percent of the lot depth, whichever is greater. No development, other than boardwalks, docks, or other shoreline access structures shall be allowed with the exception of clearing a 10 foot wide perpendicular to the shore access to the shoreline. All existing native vegetation will be preserved within this setback and buffer area.

I. Where any portion of a parcel is located within the Coastal Dune Lake Protection Zone (CDLPZ), a Land Clearing Permit is required to better control erosion and sedimentation to protect these environmentally sensitive Coastal Dune Lakes, and assure compliance with applicable provisions of this Code. It shall be unlawful for any person to clear any portion of a parcel located within the CDLPZ without first obtaining a Land Clearing Permit from the County in accordance with the provisions of Chapter 1. Should replanting or restoration be required, all plant materials shall be native vegetation appropriate to a dune lake ecosystem.

J. Hardship relief from the application of the numeric percentage restrictions in paragraph F above may be sought by a property owner through application to the Zoning Board of Adjustment pursuant to the variance criteria found in Chapter 1 of this Land Development

Code. In no event, shall the Zoning Board of Adjustment increase the allowable vegetative clearing and impervious area to more than 53 percent of the portion of the parcel that is within the 300-foot CDPLZ.

K. In the event a dwelling unit is more than 50 percent destroyed due to age related structural deterioration, natural disaster, fire, wind or water damage the owner is entitled to re-build a single family residential unit to the same footprint dimensions as the previously existing dwelling unit, irrespective of Section 1.15.00. In cases where the entire structure is being re-built, the dwelling may be re-built in a new location except that, the relocated dwelling footprint must be re-built so as to avoid encroachment into the dune lake setback/buffer areas described above to the maximum extent possible. If there is insufficient buildable area to re-build the previously existing footprint and avoid all encroachment into buffer/setback areas, the County Zoning Board of Adjustments may grant a variance to the building setback requirements found in Chapter 5 of the Land Development Code by the minimum extent necessary to accommodate the allowable footprint. Additionally, any owner shall have the option to rebuild on the existing footprint so long as the re-built dwelling is does not encroach any further into the buffer/setback areas.

1. In order to best protect the dune lake, the owner shall re-build the primary dwelling unit, including its access driveway, in a manner that minimizes any disturbance to the native vegetation on site. Future planting of vegetation must be in native vegetation appropriate to a dune lake ecosystem.

#### **4.02.04 Restrictions on Development within the Coastal High Hazard Zone.**

The creation of new lots (through platting, lot splits, or other method) that lie entirely within the Coastal High-Hazard Area is prohibited. The creation of new lots contiguous to or partially within the Coastal High-Hazard Area shall be prohibited unless the newly created lot contains sufficient buildable area outside of the Coastal High Hazard Area for the intended use.

#### **4.02.05 General Requirements for all Coastal Zones.**

The following restrictions and/or standards shall apply to all development and other human activities within all of the Zones created above. Applications for development and/or building permits for all construction in all Coastal Zones 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 section.

- A. Applications for development and/or building permits for all construction in all Coastal Zones shall include a topographic map prepared by a licensed surveyor which clearly identifies the primary dune system and the location of each relevant Coastal Zone. The map shall be verified by the County Engineer on a case-by-case basis.

- B. The County shall not approve any construction seaward of the Coastal Construction Control Line, including construction of coastal or shore protection structures, until an applicant has received all necessary permits for such construction from the Florida Department of Environmental Protection and from any other state or federal agency with permitting authority over such construction. The County shall issue no development order or permit for construction on a new parcel if such new parcel lies entirely seaward of the Coastal Construction Control Line. No motor-driven vehicles are permitted to be driven on dunes with the exception of emergency vehicles responding to an emergency. No activities shall be permitted which create erosion on the dunes. The placement of colored or silty fill material within any Coastal Zone where the beaches may become discolored by such materials is prohibited as provided within Section 4.07.00
- C. Where the public has established an access way through private lands to lands seaward of mean high tide or water line by prescription, prescriptive easement, or any other legal means, development of [or] construction shall not interfere with such right of access unless a comparable alternative access way is provided. The developer shall have the right to improve, consolidate, or relocate such public access ways so long as they are:
1. Of substantially similar quality and convenience to the public;
  2. Approved by the local government; and
  3. Consistent with the coastal management element of the local comprehensive

#### **4.03.00. SHORELINE PROTECTION**

##### **4.03.01. *Purpose and Intent.***

The purpose of the creation of regulations governing development of areas adjacent to surface water bodies in the County is the protection and enhancement of the quality and function of the natural systems which are unique to the shoreline areas of these water bodies. It is the intent of the County to use local land use regulatory mechanisms such as density transfer, buffering and clearing restrictions to preserve and/or enhance the water quality in these water bodies. The County hereby creates two types of shoreline protection zones as described below in which special restrictions on development apply.

**4.03.02 *Exemptions.*** Single-family development on existing lots of record established before November 7, 1996, that lack sufficient depth to meet the above listed buffer requirements for inlets, creeks, rivers, and the Choctawhatchee River and Bay System shall be subject to a reduced buffer. A lot lacking sufficient depth means a lot that is 200 feet or less. Such lots shall be subject to a minimum buffer of 25 feet or 25 percent of the depth of the lots, whichever is greater. Clearing within this buffered setback shall be limited to a maximum swath of ten (10) feet for access purposes.

**4.03.03. Restrictions on Development within the Shoreline Protection Zones.**

A. *Within the Shoreline Protection Zone. This zone shall encompass all land within fifty (50) feet of the mean high water line of each inlet, creek, natural non-manmade lake, and river within the County. Man-made canals and ditches are specifically excluded from this definition and such features shall be subject to a twenty-five (25) foot setback requirement only. Development activities related to the following are permitted within this Zone and are presumed to have an insignificant adverse effect on the resources within the Zone:*

1. Scenic, historic, wildlife, or scientific preserves.
2. Minor maintenance or emergency repair to existing structures or improved areas.
3. Clearing walking trails having no structural components.
4. Boardwalks, docks and other shoreline access structures.
5. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds.
6. Cultivating agricultural or horticultural products that occur naturally on the site.
7. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
8. Developing a "wetlands stormwater discharge facility" or "treatment wetland" in accordance with state permits received under Chapter 16-611, Florida Administrative Code.

B. *Within the Bay Shoreline Protection Zone. This Zone shall encompass the Bay itself and all area within 50 feet landward of the mean high water line of Choctawhatchee Bay and bayous directly connected with the Bay.*

1. No development shall be located within 50 feet landward of the mean high water line of Choctawhatchee Bay and bayous connected directly to the Bay, with the exception of boardwalks, public access facilities and/or landward portions of docks which are otherwise permitted or exempted from permitting under the same applicable regulations. Newly platted subdivision lots must be of sufficient depth to meet the 50 foot shoreline setback requirement.
2. Within this buffer area, clearing of native vegetation shall be limited to 25 percent of the total area within the Zone on that site.
3. Within this buffer area, no pier, dock or walkway shall be located over submerged land which is vegetated with seagrasses except as necessary to reach waters at a depth of one foot below the lowest point of the boat, including the motor, at mean low tide. Boring to set pilings is allowed; however, any material removed must be disposed of at an upland site intended for this purpose. Unless vessel access would be prohibited, the docking terminus shall not be located over submerged vegetation areas, such as seagrass beds.
4. Seawalls: New vertical seawalls and bulkheads shall be prohibited along Choctawhatchee Bay, unless the property is located directly in between two properties that have an existing seawall, provided that the length of the seawall does not exceed

150 feet. In other areas, alternatives such as revetments, rip-rap, native vegetation and other shoreline protection structures which serve to dissipate wave energies shall be required.

5. Notwithstanding the limitations on clearing for access pursuant to Subsection 2 above, commercial water-dependent uses proposed on lots or parcels located within 150 feet landward of the mean or ordinary high water line of the Choctawhatchee Bay and bayous shall be allowed to clear up to the minimum necessary to ensure viable access to the particular water-dependent use for which development approval is sought.
6. Landward of this buffer area, development activities will be permitted in this Zone, subject to the following restrictions and standards:
  - a. Septic tanks: Septic tank drain fields must be located at least 75 feet from the ordinary or mean high water line, whichever applies;
  - b. Ensuring that untreated stormwater runoff from lawn fertilizers, pesticides, or patios, driveways, etc., do not enter the Choctawhatchee River and Bay system is required pursuant to Section 5.06.00.
  - c. Erosion control: Specific erosion control measures shall be utilized during construction activity, such as staked and staggered hay bales, siltation barriers, floating silt and filter berms. Further, erosion and sedimentation controls shall be left in place until the disturbed areas are stabilized with permanent vegetation that will prevent the transport of sediment off site.
  - d. Hazardous wastes: No land use shall be allowed within the zone which stores, handles or generates hazardous wastes.
  - e. Native vegetative communities, including habitat for listed species, in this zone shall be protected in accordance with Comprehensive Plan Policy C-1.7.3.
  - f. No new point or non-point sources of pollution shall be discharged into the Bay System, such as treated wastewater effluent or untreated stormwater runoff unless permitted by FDEP and/or the NFWFMD.

**4.03.04. General Restrictions.** The following general restrictions will apply to any of the authorized development activities permitted along the shoreline of any surface water body in the County:

- A. The native ground cover, shrubs, and trees within these Zones must be retained, wherever feasible.
- B. All new or redeveloped shoreline land uses shall:
  1. Locate on existing upland areas;
  2. Be constructed to conform to coastal construction building codes;
  3. Be constructed in accordance with the policies for construction within the Coastal High-Hazard Area;
  4. Demonstrate that existing public utilities, infrastructure and services are in place to support the proposed use;
  5. Not be in conflict with existing, conforming, adjacent land uses;

6. Provide public access where traditional public access points are directly affected by the development;
  7. Landscape using native plant species;
  8. Provide for the treatment of all discharge, including stormwater runoff, from land uses into bodies of water to incorporate standards for treatment adequate to meet the County's adopted level of service standard for drainage facilities;
- C. All new, expanded or redeveloped marinas located or to be located on the shoreline of any surface water body shall comply with the following criteria:
1. Demonstrate the presence of upland areas that are large enough to accommodate all required utility and support facilities and provide enough parking to satisfy the projected demand based upon the County's parking regulations;
  2. Provide a hurricane mitigation and evacuation plan;
  3. Be located in proximity to existing channels so that minimum or no dredging shall be required for provision of docking facilities;
  4. Have available sewage treatment facilities to serve the anticipated volume of waste consistent with County's adopted level of service standard for sanitary sewer facilities;
  5. Delineate immediate access points with channel markers that indicate speed limits and any other applicable regulations;
  6. Be sited in areas consistent with the land uses in the FLUM;
  7. Locate in areas away from sea grass beds, oyster reefs, marsh grasses, and other important fish and shellfish spawning and nursery areas; and require adequate water depth to accommodate the proposed boats use without disturbance of seagrasses and submerged habitats;
  8. Demonstrate a public need;
  9. Dry storage and other land-based alternatives are preferential to dredged basins wherever feasible.
  10. Use of hazardous materials shall be located or stored on the uplands to the maximum extent practical.
  11. Facilities accommodating live-a-boards shall have permanent built-in connections for sewage pump-outs as well as upland restrooms and laundry facilities.

#### **4.04.00. GROUNDWATER AND WELLHEADS**

##### **4.04.01. Purpose and Intent.**

The purpose of groundwater protection standards is to safeguard the health, safety and welfare of the citizens of Walton County. This is accomplished through ensuring the protection of the principal source of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of the County. Therefore, standards are described in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

##### **4.04.02. Wellhead Protection Zones.**

*Location of Wellhead Protection Zones.* The Wellhead protection zone is located between a 200 and a 500-foot radius of the public potable water wells identified on the wellfields map maintained in the offices of the Planning and Zoning Department; and Areas of High Aquifer Recharge (Floridan Aquifer) as identified within the Supporting Documentation for the Walton County Comprehensive Plan.

The zone determined to be within the cone of influence for public water supply wells is located within a 200-foot radius of the public potable water wells.

##### **4.04.03. Restrictions on Development.**

- A. Within the Cone of Influence. All areas within a designated Cone of Influence are hereby designated as a zone of exclusion where no development or redevelopment will be permitted by the County. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Rule 17.28, F.A.C.
- B. Within the Wellhead Protection Zone the following uses are prohibited:
  - 1. Landfills.
  - 2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List.
  - 3. Activities that require the storage, use, handling, production or transportation of restricted substances, including but not limited to the following: agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes.
  - 4. Septic tank systems, unless otherwise approved by the Florida Department of Environmental Regulation or the Department of Health and Rehabilitative Services, documented by a copy of a valid permit or authorization.
  - 5. Stormwater wet retention/detention areas, unless otherwise approved by the Department of Environmental Regulation and Northwest Florida Water Management

- District, documented by a valid permit or authorization.
6. Feedlots or other concentrated animal facilities.
  7. Wastewater treatment plant effluent discharges, including but not limited to, percolation ponds, surface water discharge, spray irrigation, or drainfields.
  8. Mines.
  9. Excavation of waterways or drainage facilities which intersect the water table.
  10. Other noxious uses or activities which might impact the quality and quantity of potable water resources.
  11. Stormwater management practices utilizing percolation ponds, drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers.
  12. Excavation of waterways or drainage facilities which intersect the water table and other noxious uses or activities which might impact the quality and quantity of potable water resources.

#### **4.05.00. WILDLIFE HABITAT, OPEN SPACE, AND UNIQUE NATURAL AREAS**

##### **4.05.01. *General Habitat Preservation Requirements.***

The County shall assist in the application of and compliance with all state and federal regulations which pertain to endangered or threatened species, and guidelines which pertain to species of special concern listed by the Florida Game and Fresh Water Fish Commission and will provide for protection of areas known to provide habitats for these species by not issuing any development order or development permit until proof is provided by an applicant that all necessary state and federal requirements relating to such species have been met.

##### **4.05.02. *General Natural Community Vegetation, Open Space, and Wildlife Habitat Preservation Requirements.***

In order to protect native or natural vegetative communities determined to be endangered, threatened or of special concern, as determined by the Department of Agriculture or Florida Game and Freshwater Fish Commission, and as identified by FNAI, others, or in the County's GIS, as occurring in Walton County, including habitat of endangered, threatened or special concern designated species, all new development shall be required to comply with the following native vegetation requirements:

- A. Native or natural vegetation shall be identified on a site-by-site basis using the FNAI inventory, LANDSAT maps, soil surveys of the USDA Soil Conservation Service, field analysis, or other best available data source as provided by an environmental professional. The developer shall design and locate improvements to minimize the removal of such native or natural vegetation. Because the clearing of land as an adjunct of construction is defined as development and requires a permit from the County, no land alteration, clearing or grubbing may be carried out prior to issuance of a final development order or development permit, including the issuance of a building permit.

##### **B. *Preservation of Natural Communities south of the Choctawhatchee Bay:***

1. Natural communities identified as "Coastal Uplands" by the most recent version of the FNAI Guide to Natural Communities incorporated herein by reference, including Beach Dune, Coastal Berm, Coastal Grassland, and Coastal Strand vegetation.
  - a. Within Coastal Upland natural communities located seaward of the landward line of the CPZ, the applicant for development approval is required to preserve, in its existing state, ninety-five (95) percent of such natural community vegetation. Notwithstanding this limitation, dune walkovers are allowed within such coastal upland natural communities if permitted by the appropriate state and federal agencies. For redevelopment scenarios where natural community vegetation no longer exists within this area, restoration is required.

- b. Within Coastal Upland natural communities located landward of the CCCL and not located within the CPZ, one hundred (100) percent of the Coastal Upland natural community remaining outside the building footprint (including parking and access areas) must be preserved and retained, with the exception that a ten foot buffer around the proposed structure may be cleared or impacted to allow construction and maintenance of the structure, as needed. Existing ~~native~~ natural community vegetation shall remain in all required landscape buffers, as a condition for development approval.
  - c. Vegetation or landscaping material planted on a dune or within a dune system shall be limited to native salt-resistant native plants beneficial for dune protection and for beach/dune stabilization.
2. High Pine and Scrub: For development on parcels of two acres or more having areas characterized as High Pine and Scrub natural communities as defined by the most recent version of FNAI Guide to Natural Communities, fifty (50) percent of the natural community on the site shall be retained. The foregoing does not apply to parcels utilized for industrial, agricultural, or public facilities. Within coastal dune lake drainage basins, the above-mentioned percentage of natural community vegetation shall be preserved, and in addition, the removal of ~~native~~-natural community vegetation and its replacement by lawns and landscaping shall be kept to the minimum which is reasonably necessary to develop the property.

**C. *Preservation of Natural Communities north of Choctawhatchee Bay:***

For development on parcels of two acres or more having areas characterized as “High Pine and Scrub” and/or “Hardwood Forested Uplands” as defined by the most recent version of FNAI Guide to Natural Communities, twenty-five (25) percent of the identified natural community on the site shall be retained. The foregoing does not apply to parcels utilized for industrial, agricultural or public facilities.

- D. Habitat for endangered, threatened or species of special concern listed by the Department of Agriculture or the Florida Game and Freshwater Fish Commission. No land alteration activity is allowed which alters the ecological integrity, balance or character of land or water areas determined by means of the due process provisions of the Federal Endangered Species Act to be critical habitat, or lands documented as utilized any federal or state-designated species, except in cases where the developer commits to a plan approved by the U.S. Fish and Wildlife Service and The Florida Fish and Wildlife Conservation Commission to relocate or recover the species to another parcel of land.
- E. At least one-half of the natural community that is preserved pursuant to Section 4.05.02 B. and C. above shall be preserved in a compact configuration, with an overall 20 foot width. The location of this natural community vegetation shall provide separation

between development projects, or shall be located so as to buffer or protect wetlands, listed species habitat, floodplains, dunes, bluffs, lakes, or public or private conservation areas.

- F. Natural community vegetation that is preserved shall be preserved in a compact configuration to the greatest extent possible. Where the natural community on one parcel is contiguous with natural community vegetation on one or more adjacent parcels, the developable portion shall be located to minimize disruption of this contiguity to the maximum extent possible. This requirement shall be applied on a site-by-site basis and shall apply to public as well as private development.
- G. The highest priority for selecting the natural community vegetation to be preserved on a proposed development site shall be with respect to buffering or protecting environmentally sensitive areas such as wetlands, threatened, endangered, or species of special concern habitat, floodplains, dunes, bluffs, lakes, or public or private conservation areas.
- H. Natural community vegetation located within ten (10) feet of any proposed structure shall not be included within the percentage of preserved natural community vegetation identified in order to meet the preservation requirements included in this Section.
- I. For parcels containing the above described protected natural communities, the developer and the County may agree to allow the developer to pay a fee to remove up to a maximum of fifty percent (50%) of the total natural community vegetation that must otherwise be preserved in accordance with these paragraphs. The fee for such clearing shall be the most recent assessed value, as provided by the Walton County Property Appraiser, of the land area/acreage that is proposed for clearing that would have otherwise been preserved. This fee shall be placed in a fund for the acquisition and preservation of parcels of land which contain the types of natural communities subject to buy out. Alternatively, and on a case-by-case review, the Board of County Commissioners may authorize the use of such preservation funds for other preservation or restoration projects of ecological significance such as the creation of greenways, preserves or other similar projects within the general geographic area of where these funds were collected or within similar vegetative community areas. For new residential development, in order to utilize the preservation buy out option, all remaining preservation areas must be placed in common areas and defined as such within a recorded subdivision plat and also have appropriate protective restrictive covenant language. Alternatively, if not utilizing the buyout option, preservation areas must be recorded in applicable deed restrictions, a conservation easement recorded, or within recorded common areas.
- J. The County and the developer may agree to count any area which is permanently dedicated to the public for use as a greenway toward meeting the natural community

preservation requirements established above. As a further incentive, the County and developer may agree to reduce the remaining preserved area outside of the greenway dedication by an area which is equal to one-half of the area of the greenway dedication.

#### **4.05.03 Restoration and Creation of Natural Communities**

A. To incentivize the restoration or creation of the protected natural communities described in this Section, the following density bonus is available for planned unit developments that are 100 acres in size or greater per Section 2.05.03.C of the Land Development Code.

1. Restoration of one (1) acre of protected natural community will result in the allotment of two (2) additional units per acre. Restoration involves the return of an ecosystem to a close approximation of its condition prior to disturbance. Restoration requires one or more of the following processes: reconstruction of antecedent physical conditions; chemical adjustment of the soil and water; and/or biological manipulation, including the reintroduction of absent native flora and fauna.
2. Creation of one (1) acre of protected natural community will result in the allotment of four (4) additional units per acre. Construction or creation of a protected natural community would be in an area that was not in the recent past.

B. Natural community restoration or creation activities must be accomplished under the guidance and supervision of an environmental professional with adequate training and experience.

C. A management plan must be included within the Planned Unit Development and all areas which have been used to obtain a density bonus shall be preserved within a conservation easement to preclude the future alteration of these areas.

D. Density shall only be applied to the development of non-environmentally sensitive uplands and areas not deemed a flood hazard concern.

#### **4.06.00 Maintenance of Natural Areas Requiring Preservation**

The intent of this Section is to provide a permit process for the routine maintenance of plant material and plant communities within natural areas requiring preservation. For the purposes of this permit, the designated preservation areas are limited to the Coastal Dune Lake Protection Zone and the natural community preservation area designated through a Development Order or delineated on an existing Plat. This permit is not intended for, nor does it allow, the wholesale removal of preserved natural plant communities or general clearing activities.

- A. Permit Required for Maintenance: Within the preservation area there shall be no mowing, clearing, grading, construction, storage, or disturbance of vegetation of any kind except as permitted by the County.

- B. Routine maintenance, as allowed under this provision, shall have a limited scope and follow the intent to preserve the health and functionality of the preservation area. Limited removal of dead/declining plant material and ground level debris are permitted. Maintenance for fuel reduction as outlined by Firewise USA programs and as certified by an environmental professional is permitted. Removal of plant material from traffic visibility triangles is permitted. Selective pruning of trees to maintain the health of the tree or to prevent/remove storm damage is permitted.
- C. If the plant material in the designated preservation area was used to satisfy the requirement of a required landscape buffer, the routine maintenance of this preservation area shall not cause the planting density to fall below that which was originally required of the landscape buffer.
1. Removal of any dead/declining tree with a caliper measurement of 4" or above shall be replaced with the same species, or with another native tree associated with the preservation area plant community. Minimum installation size shall be container class #15.
  2. Removal of any dead/declining shrub with a height of 18" or above shall be replaced with the same species, or with another native shrub associated with this preservation area plant community. Minimum installation size shall be a container class #7.
- D. Soil disturbance should be kept to a minimum. However, when the routine removal of exotic invasive plants or the removal of dead/declining material disturbs the soil and leaves exposed earth, reestablishment of native groundcover is required. Acceptable methods include hydro-seed or installation of container grown native ground cover. Groundcover species shall be native and appropriate to the preservation community.
- E. Removal of exotic/invasive vegetation does not require a permit. However, removal practices should follow the guidelines of the Florida Exotic Pest Council (FLEPPC).
1. Removal of exotic/invasive plant material should be limited to hand removal or removal using minimally invasive mechanical tools such as a Weed Wrench™.
  2. The use of herbicides should be limited and applied in an intentional manner based on the physiology of the targeted plant. Although not required, it is recommended that herbicides be applied by a certified applicator licensed by the Florida Department of Agriculture and Consumer Services (FDACS).
  3. It should be noted that prescribed fire is not always effective as a means of exotic/invasive plant removal and should only be employed for the health of the ecosystem and at the recommendation of an environmental professional. Invasive vines that have covered mature tree canopy should be removed prior to prescribed fire methods in order to limit damage to the mature trees.

#### 4.07.00. WHITE SAND PROTECTION RESTRICTIONS

##### 4.07.01. *Purpose and Intent*

While it is recognized that within the Restricted Area, naturally occurring soil may not be of the white beach sand type, the purpose of this section is to maintain, preserve and protect the natural function and color of the fine to medium grained white sands of Walton County beaches. It is the intent of this section to prohibit the importation, use, and relocation of red clay and other prohibited materials that tend to discolor, darken or stain the natural white sands of Walton County beaches, and to prevent the transportation of prohibited soils whether by wind or water by requiring containment and removal of red clay and other discoloring, darkening or staining materials. The Walton County Board of County Commissioners acknowledges that the white sands of Walton County beaches promote tourism and enhance the quality of life of the residents of Walton County. The permanent discoloration, darkening or staining of the white sands on the beaches of Walton County would harm the public welfare making the enactment of this section necessary. The Board of County Commissioners hereby declares that red clay and all other prohibited materials that are capable of staining the natural white sands of Walton County beaches constitute a nuisance and irreversible harm to the people of the County. (Ord. No. 2005-24, § 1, 6-28-05)

##### 4.07.02. *White Sand Protection Zone.*

These restrictions shall apply to the area located south of Scenic Gulf Drive (Old 98) eastward from the Okaloosa County line to its intersection with US 98, thence south of US 98 to County Road 30A, thence south of County Road 30A eastward to the juncture of U.S. Highway 98 and the Bay County line. The restricted area shall also include any lakes and adjoining land surrounding said lake, when said lake abuts County Road 30A. In the restricted area, there shall be no use of construction material that is subject to wind or water transport, and that permanently discolors the white beach sands. Such construction materials include, but are not limited to, red or yellow clay or sand. (Ord. No. 2005-24, § 1, 6-28-05)

##### 4.07.03. *Definitions.*

Unless the context clearly requires another meaning, the following words shall have the meanings provided herein:

***Approved materials*** means mineralogical composition of white sand of a sufficiently similar gradation to the existing beach sand as determined by the County Engineer, the Plans Review Engineer or their designee, as applicable, with a Munsell Color Chart value of 8.00 or white and a chroma of 1.00 on the 2.5, 5, 7.5 or 10YR or 2.5Y scale when checked in a dry air condition. For road bed construction; oyster shell, limestone, white dolomite, or other approved material, shall be reasonably the same color as approved sand after exposure to the sun.

***Approved supply or source*** means any entity, person, company or location by which or from which material is pre-approved to be provided, used or delivered from off-or on-site. Darkening, discoloring or staining means having the ability to permanently change the color or

darken the natural white sands of Walton County beaches or other approved material whenever coming into contact with such sands or materials.

***Disturb*** means to loosen or move material by digging or other similar operation, whether or not such material is removed from the disturbed area.

***Natural function*** means, but is not limited to, its function as soil material for vegetation, as material for natural protective barriers along the shorelines, as habitat for animals and as a recreational medium.

***Permanently change*** means to darken, discolor or stain the sands of Walton County beaches for longer than six months.

***Prohibited materials*** means any discoloring or staining materials, imported or transferred to a site which includes material with a Munsell Color Chart (2000 edition) value darker than 8.00 and a chroma greater than 1.0 on the 2.5, 5, 7.5, 10YR, or 2.5Y scale when checked in a dry condition or any other material which, in whole or in part, is composed of or contains clay or any other substance that would darken, stain or discolor the natural white sands of Walton County beaches and a grain size with over ten percent by weight of the sample outside the range stated under fine to medium grained sand.

***Storm*** means tropical depression, tropical storm or hurricane.

***Supplier*** means the owner of or the place of origin of a material.

Transfer for use means to transport by any mechanical or manual means, from parcel to parcel or within a parcel. Use when used as a verb means to utilize a material to provide fill, to provide support, to establish an even grade, to shape the contours of land, or any similar purpose.

***Walton County Beaches*** means all land waterward of the Coastal Construction Control Line (CCCL) and three hundred (300) feet landward of the CCCL or CR 30-A, whichever is less and any area within three (300) hundred feet landward of the mean high water line or, where applicable, the ordinary high water line of a coastal dune lake.

***White Sand Protection Zone (WSPZ)*** means that area of Walton County located south of Scenic Gulf Drive (Old 98) eastward from the Okaloosa County line to its intersection with US 98, thence south of US 98 to County Road 30A, thence south of County Road 30A eastward to the juncture of U.S. Highway 98 and the Bay County line. The restricted area shall also include any coastal dune lakes and adjoining land surrounding the lake when the lake abuts County Road 30-A.

***Wind or water transport*** shall mean the movement of improved or transferred material from the site of its initial or subsequent mechanical deposit from parcel to parcel or within a parcel or any other location by means of the naturally generated forces of wind, rain, or wave action. (Ord. No. 2005-24, § 1, 6-28-05)

**4.07.04. Importation, Transfer, and Use Prohibited; Exemptions.**

No person may import or cause to be imported into the WSPZ of Walton County, Florida any construction or landscaping material that is not an approved material. No person may use, or transfer for use, any prohibited material into the WSPZ in connection with any paving, road surfacing, filling, landscaping, construction work or any other improvement to real property. No person may transfer from parcel to parcel any construction material that is not an approved material where such material is to be used in connection with any paving, road surfacing, filling, landscaping, construction work or any other improvement to real property in any part of the WSPZ whether leased or not. This section shall not be construed to prohibit the importation or use of sod or plants to be used for landscaping.

The Board of County Commissioners may exempt the application of this section in particular projects or parts of projects upon determination by four-fifths' vote of the Board of County Commissioners that an emergency exists and that an immediate exemption is required to protect the public health, safety or welfare.

Material which is uncovered on-site which does not meet the sand criteria within the WSPZ may be utilized on site for balancing the earthwork on-site. Pre-development conditions based on the existing soil strata will need to be re-established upon completion of earthwork operations. Existing soil conditions will need to be documented so that post-development conditions will be similar in nature. Similar in nature will mean that the material is similar in both coloration and grain size and be free of debris, rocks, clay, or other foreign matter.

**4.07.05. Removal and Containment.**

Any materials imported on-site which do not meet the minimum materials criteria of the WSPZ shall be removed. Where a contractor is required to remove prohibited materials, they shall be removed immediately. Prohibited materials not required to be removed immediately shall be contained on-site through the use of such reliable methods as are approved or prescribed by the County Engineer, including the employment of site fencing, covering or other pre-approved means.

**4.07.06. Approval of Material.**

Any project within, or the use of, a roadway right-of-way or public easement involving land disturbance, filling, paving, road surfacing, reconstruction, redevelopment, improvement, landscaping, placement of sand or dune building in the WSPZ shall require approval of the sand material supply or source by the County Engineer prior to finalizing design, applying for a permit or commencement of site work. A request shall be made to the County Engineer for a right of way agreement. All construction projects involving land disturbance, filling, reconstruction, redevelopment, improvement, landscaping, or placement of sand in the WSPZ shall require either: a) the supplier of the material, or b) an individual to obtain approval of the sand material source by the Plans Review Engineer prior to finalizing design, applying for a permit or commencement of site work. In all situations, a request shall be made to the Plans Review Engineer at the time application is made for a Development Order. Approval of the subject material is required prior to the material being delivered to the site. Recommendations

for use and retroactive approval will not be considered when there has been a violation of the white sand protection restrictions.

When requesting approval of material, the applicant, supplier, or entity requesting approval of a sand source shall provide the following:

- A. Geologic description of the sample, including color standard to the Unified Soil Classification System and Munsell Color Charts.
- B. Sample of sand material;
- C. Schematic site design indicating area of placement of material.
- D. A signed affidavit, furnished by the County, attesting to the receipt of a copy of this provision and agreeing to comply with these provisions.

The County Engineer or Plans Review Engineer, or their designee, as applicable, shall consider characteristics of the site and its location including: sand grain size, topography and vegetation to determine suitability of the sand sample. It shall be the responsibility of the sand supplier to provide assurance that their product meets the specifications of this Code. Rejected material shall be removed at the owner's expense. The County Engineer or the Plans Review Engineer or their designee as applicable may conduct a visual inspection or require sample analysis of each load of sand if necessary to ensure the integrity of the material. The County Engineer or the Plans Review Engineer or their designee, as applicable, shall approve or disapprove any application for material placement. (Ord. No. 2005-24, § 1, 6-28-05)

#### **4.07.07. Exemptions.**

Prohibited materials may be used under concrete or asphalt roads if exempted from these requirements, provided that the material is protected from wind or water transport during the construction process, is capped with either asphalt or concrete, is approved by the County Engineer or the Plans Review Engineer or their designee, as applicable, and is recommended to and approved by the Board of County Commissioners. Public infrastructure projects and beach and dune restoration projects conducted by Walton County are also exempt from this ordinance as they serve the public interest by providing protection to public and private lands, infrastructure, natural areas and the economy of Walton County. These projects shall be approved by the Board of County Commissioners before a project may commence. Remedial work after a storm as defined in Chapter 4.07.03 and placement of approved material may be approved by the County Engineer or the plans review engineer, or their designee, as applicable. Such approved material shall be sand that is similar to the pre-storm beach sand in both coloration and grain size and be free of debris, rocks, clay, or other foreign matter. (Ord. No. 2005-24, § 1, 6-28-05)

#### **4.07.08. Violations.**

Violations of this section shall be punishable as provided in Section 1-6 of the Code of Ordinances of Walton County. Additionally, the Code Enforcement Division and the Building Official are authorized to issue a stop work order (after inspection by the appropriate County staff) when it is alleged that a violation exists. When the County Engineer or the Plans Review

Engineer or their designee, as applicable, recommends approval of prohibited materials and the Board of County Commissioners approves its use for road construction or site work, AND the use of prohibited material results in discoloring the white sand beaches, the owner or his representative shall be considered in violation of this section. After the discoloring material found to be in violation is removed as required by this section, the owner or his representative shall immediately restore the affected areas to their original condition in both topography and color. After restoration of the affected area, the County Engineer or the Plans Review Engineer or their designee, as applicable, shall inspect for compliance. (Ord. No. 2005-24, § 1, 6-28-05)

#### **4.08.00. Historical Resources Protections**

##### **4.08.01. Site Plan Evaluation**

Site plans for new development will be evaluated for identification of historic resources based on a professionally acceptable methodology.

- A. Significant historical and archaeological sites, including but not limited to, sites on the Florida Master Site File, shall be protected by implementing the following:
  1. As part of all site plan evaluations, County staff shall identify whether or not the proposed construction activity and/or final development would disturb a site listed on the Florida Master Site File. If so, the developer shall be notified and shall, in turn, notify the Florida Division of Historical Resources, Bureau of Historic Preservation, Compliance Review Section and shall enter a binding agreement with the County in which the developer agrees to comply with the recommended course of action or mitigation requested by the Division prior to the development order being issued.
  2. All developers shall affirm that they have notified the construction manager of the potential for artifact discoveries within the County. In the event of the discovery of artifacts of potential historical or archaeological significance during construction, the construction manager shall immediately suspend all disruptive activity within a fifty foot (50') radius of the site of discovery and report the suspected finding(s) to the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation, Compliance Review Section, to the developer, and to Walton County. From the date of notification, construction shall be suspended for a period of up to one-hundred-twenty (120) days to allow evaluation of the site. The developer shall comply with the recommended course of action or mitigation requested by the Division and notify Walton County in writing of the action or mitigation requested.

#### **4.09.00. FLOODPLAIN PROTECTION AND DAMAGE PREVENTION\***

\*Editor's note: Ord. No. 2005-27, adopted Oct. 11, 2005, repealed the former App. C, § 4.05.01-4.05.04, and enacted a new App. C, §§ 4.05.01--4.05.06, as set out herein. The former App. C, §§ 4.05.01--4.05.04, pertained to floodplain resource protection and damage prevention and derived from Ord. No. 97-28, adopted July 24, 1997. Ord. 2010-08, adopted May 10, 2010, amended App. C, §4.05.01—4.05.06 and added §4.05.07. Ord. No 2014-05, adopted January 28, 2014, repealed App. C, § 4.05.01—4.05.07, and enacted a new App. C § 4.05.01—4.05.16, as set out herein.

##### **4.09.01. Purpose, Intent, and Objectives.**

- A. Title. These regulations shall be known as the Floodplain Management Ordinance of Walton County, hereinafter referred to as “this ordinance”.
- B. Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- C. Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
  - 1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  - 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  - 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  - 5. Minimize damage to public and private facilities and utilities;
  - 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  - 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

- D. Coordination with the Florida Building Code. This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- E. Warning. The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
- F. Disclaimer of Liability. This ordinance shall not create liability on the part of the Board of County Commissioners of Walton County or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### **4.09.02. Applicability.**

- A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within Walton County, as established in Section 4.09.02(C) of this ordinance.
- C. Basis for establishing flood hazard areas. The Flood Insurance Study for Walton County, Florida and Incorporated Areas dated September 29, 2010, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at Walton County Planning and Development Services, 842 State Highway 20, Unit 110, Freeport, FL 32439.
- D. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 4.09.06 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
  - 1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.

2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- E. Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- F. Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- G. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **4.09.03. Definitions.**

- A. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section, and shall only be applied in the context of Section 4.09.
- B. Terms defined in the Florida Building Code. Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- C. Terms not defined. Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

***Alteration of a watercourse.*** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

***Appeal.*** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

***ASCE 24.*** A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100 year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

**Coastal A Zone.** Flood hazard areas that are currently located within areas identified on the Walton County Coastal A Zone Map, as adopted on March 1, 2011.

**Coastal construction control line.** The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

**Coastal high hazard area.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1 V30, VE, or V. [Note: The FBC, B, defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

**Design flood.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design flood elevation.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing building and existing structure.** Any buildings and structures for which the “start of construction” commenced before November 16, 1977. [Also defined in FBC, B, Section 1612.2.]

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 16, 1977.

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

**Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

**Floodplain development permit or approval.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

**Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

**Floodway encroachment analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic

Buildings.

**Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

**Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**New construction.** For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after November 16, 1977 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 16, 1977.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

**Recreational vehicle.** A vehicle, including a park trailer, which is: [See section 320.01, F.S.]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1 A30, AE, A99, AH, V1 V30, VE or V. [Also defined in FBC, B Section 1612.2.]

**Start of construction.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

**Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

**Substantial improvement.** Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five (5)-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five (5)-year period begins on the date of the first improvement or repair of that building or structure subsequent to March 1, 2011. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure’s continued designation as a historic structure.

**Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

**Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

#### **4.09.04. Duties and Powers of the Floodplain Administrator.**

- A. Designation. The Floodplain Manager is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 4.09.08 of this ordinance.
- C. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
  - 1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  - 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
  - 3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  - 4. Provide available flood elevation and flood hazard information;
  - 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  - 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
  - 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
  - 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

- D. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
  2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement”; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of “substantial damage”; and
  4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
- E. Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 4.09.08 of this ordinance.
- F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.
- G. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 4.09.07 of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other

duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 4.09.04(D) of this ordinance;
  2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
  3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
  4. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;
  5. Notify the Federal Emergency Management Agency when the corporate boundaries of Walton County are modified; and
  6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”
- I. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Walton County Planning and Development Services 842 State Highway 20 E, Unit 110, Freeport, FL 32439.

- J. Certification requirements for the Floodplain Administrator. The Floodplain Administrator shall become certified and maintain said certification in good standing during employment with Walton County. The requirements for certification are as follows:
1. Within one year of being hired or designated as such, the Floodplain Administrator shall apply to sit for and obtain a passing grade on the Certified Floodplain Manager® examination administered by the Association of State Floodplain Managers (ASFPM).
  2. The Floodplain Administrator shall be required to maintain the Floodplain Manager Certification® through continuing education credits as required by ASFPM.
  3. Failure to pass the examination, or upon deactivation of the Certified Floodplain Manager® certification by ASFPM, the Floodplain Administrator shall be subject to probation, relocation, or termination of employment as determined by the County Administrator.

#### **4.09.05. Permits.**

- A. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- B. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:
1. Railroads and ancillary facilities associated with the railroad.
  2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
  3. Temporary buildings or sheds used exclusively for construction purposes.

4. Mobile or modular structures used as temporary offices.
  5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
  6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
  9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- D. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
  2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  3. Indicate the use and occupancy for which the proposed development is intended.
  4. Be accompanied by a site plan or construction documents as specified in Section 4.09.06 of this ordinance.
  5. State the valuation of the proposed work.
  6. Be signed by the applicant or the applicant's authorized agent.
  7. Give such other data and information as required by the Floodplain Administrator.
- E. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in

writing and justifiable cause shall be demonstrated.

- G. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- H. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
1. The Northwest Florida Water Management District; section 373.036, F.S.
  2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
  3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
  4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
  5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
  6. Federal permits and approvals.

#### **4.09.06. Site Plans and Construction Documents.**

- A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 4.09.06(B)(2) or (3) of this ordinance.
  3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 4.09.06(B)(1) of this ordinance.
  4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
  5. Location, extent, amount, and proposed final grades of any filling, grading, or

excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

- B. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
  1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
  2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source
  3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
    - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
    - b. Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
  4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

- C. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 4.09.06(D) of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
  2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
  3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 4.09.06(D) of this ordinance.
  4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- D. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

#### **4.09.07. Inspections.**

- A. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

1. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
2. Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
  - a. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
    - i. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
    - ii. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 4.09.06(B)(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
  - b. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 4.09.07(2)(a). of this ordinance.
3. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

#### **4.09.08. Variances and Appeals.**

- A. General. The Walton County Board of Adjustments shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Walton County Board of Adjustments shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not

apply to Section 3109 of the Florida Building Code, Building.

- B. Appeals. The Walton County Board of Adjustments shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of Walton County Board of Adjustments may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- C. Limitations on authority to grant variances. The Walton County Board of Adjustments shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 4.09.08(G) of this ordinance, the conditions of issuance set forth in Section 4.09.08(H) of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Walton County Board of Adjustments has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- D. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 4.09.06(C) of this ordinance.
- E. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- F. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 4.09.08(D), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. Considerations for issuance of variances. In reviewing requests for variances, the Walton County Board of Adjustments shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
  - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  - 2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

H. Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the Walton County Board of Adjustments that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that

construction below the base flood elevation increases risks to life and property.

#### **4.09.09. Violations.**

- A. Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- B. Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by Chapter 7, Walton County Land Development Code.

#### **4.09.10. Flood Resistant Development: Building and Structures.**

- A. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 4.09.05(C) of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 4.09.16 of this ordinance.
- B. Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
  - 1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
  - 2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

- C. Buildings and structures with enclosed areas below the Design Flood Elevation. Enclosures below the lowest floor shall be constructed in accordance with the Florida Building Code R322.2.2 or R322.3.5, as applicable to the flood zone. For enclosed parking, storage, building access areas and crawlspaces that are 6 feet in height or greater, a copy of a legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design shall be presented as a condition for issuance of a Building Permit.
- D. Elevation Certificates. Elevation Certificates are required to verify building elevations as required in the Florida Building Code Sections 110.3(1.1), 110.23(5.1), and R322.1.10. Elevations shall be certified on FEMA Form 81-31. Certificates shall be reviewed by the Floodplain Administrator at the following stages of construction:
1. Prior to obtaining a building permit for a building in an area of special flood hazard, an Elevation Certificate based on the proposed construction drawings shall be provided to the Floodplain Administrator for review. Existing highest adjacent grade and lowest adjacent grade shall be noted on the certificate, as well as the proposed elevation of the top of the lowest floor or the lowest horizontal structural member of the lowest floor, and the proposed elevation of the top of the floor of any enclosures.
  2. Within 30 days of placement of the slab, or installation of the floor sheathing, or placement of the lowest horizontal structural member, an Elevation Certificate based on the building under construction shall be provided to the Floodplain Management Administrator.
  3. Prior to the building receiving power, an Elevation Certificate based on finished construction shall be provided to the Floodplain Administrator that includes elevations that are based on final grading.

#### **4.09.11. SUBDIVISIONS.**

- A. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Subdivision plats. Where any portion of proposed subdivisions, including manufactured

home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 4.09.06(B)(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Section 4.09.12 of this ordinance.

#### **4.09.12. Site, Utilities and Limitations.**

- A. Minimum requirements. All proposed new development shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures
- B. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- C. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- D. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving re-grading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 4.09.06(C)(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- E. Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown

of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. Fill shall be limited in thickness to an average of no more than one (1) foot over the entire development site, and hydrologically equivalent storage volume shall be provided at a ratio of 1 to 1 or greater for the placement of fill associated with all new development with the exception of one and two family dwellings. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

- F. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas seaward of the Coastal Construction Control Line, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 4.09.06(C)(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage from high velocity wave action. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 4.09.16(H)(3) of this ordinance.

#### **4.09.13. Manufactured Homes.**

- A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- B. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
1. In flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance.
  2. In coastal high hazard areas (Zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.
- C. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- D. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 4.09.13(D)(1) or 4.09.13(D)(2) of this ordinance, as applicable.
1. General elevation requirement. Unless subject to the requirements of Section

- 4.09.13(D)(2) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).
2. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 4.09.13(D)(1) of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
    - a. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
    - b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.
- E. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area. A copy of a legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design shall be presented as a condition for issuance of a final Certificate of Occupancy.
- F. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

#### **4.09.14. Recreational Vehicles and Park Trailers.**

- A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
1. Be on the site for fewer than 180 consecutive days; or
  2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments

such as additions, rooms, stairs, decks and porches.

- B. Permanent placement. Recreational vehicles and park trailers shall not be permanently installed.
- C. Placement in the Regulatory Floodway, Coastal High Hazard Areas (Zone V) and Coastal A Zones. Recreational vehicles shall be prohibited within the Regulatory Floodway, coastal high hazard areas (Zone V), and Coastal A Zones, except in existing recreational vehicle parks. This section does not restrict temporary parking of a recreational vehicle on a previously developed parcel where the vehicle is to be removed in the case of a threat of flooding.

#### **4.09.15. Tanks.**

- A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- B. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 4.09.015(C) of this ordinance shall:
  - 1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
  - 2. Not be permitted in coastal high hazard areas (Zone V).
- C. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- D. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
  - 1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  - 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**4.09.16. Other Development.**

- A. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:
1. Be located and constructed to minimize flood damage;
  2. Meet the limitations of Section 4.09.12(D) of this ordinance if located in a regulated floodway;
  3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  4. Be constructed of flood damage-resistant materials; and
  5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 4.09.12(D) of this ordinance.
- C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 4.09.12(D) of this ordinance.
- D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 4.09.12(D) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 4.09.06(C)(3) of this ordinance.
- E. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
1. Structurally independent of the foundation system of the building or structure;
  2. Frangible and not reinforced, so as to minimize debris during flooding that is capable

- of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.
- F. Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones. In addition to the requirements of the Florida Building Code, in coastal high hazard areas and Coastal A Zones, decks and patios shall be located, designed, and constructed in compliance with the following:
1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
  2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
  3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runoff and wave reflection that would increase damage to the building or structure or to adjacent elevated buildings and structures.
  4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runoff and wave reflection.
- G. Other development in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runoff and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
  2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed

and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

H. Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent elevated buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.