

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 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 wetlands, coastal dune lakes, coastal dune lines, water quality, water quantity, wildlife habitats of listed species, 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 1.02.02, 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 10 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.

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 prior to the authorization of a development permit by the County.

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 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. All new development or redevelopment shall be designed to avoid, to the maximum extent possible, impacts on wetlands. Where impacts cannot be avoided, impacts shall be minimized and shall be mitigated by wetland compensation or wetland enhancement. Wetland impacts, where unavoidable and where properly mitigated, as determined by state and federal agencies having jurisdiction, shall be permitted for:
 - a. Access to the site.
 - b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety.
 - c. Utility transmission and collection lines.
 - d. Pre-treated stormwater management.
 - e. Preventing all beneficial use of the property from being precluded. If a site is such that all beneficial use of the property is precluded due to wetland restrictions,
 - i.e. there is no buildable upland area, then the parcel shall be allowed to develop at a gross density of one residential dwelling unit per 20 acres. No parcel shall be created which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.
3. Commercial and industrial development shall not be located within wetlands.
4. Notwithstanding any of the density values established in Chapter II, lands that are within this Zone shall have a gross density of not more than one unit per 20 acres unless a density transfer is allowable under the provisions of subsection C below.

B. Within Secondary Wetland Protection Zones. No development shall be located within this Zone, with the limited exception of minimal boardwalks, public access facilities and/or landward portions of docks which are otherwise permitted within the Primary Wetland Protection Zone described above or which are exempted from permitting by the U.S. Army

Corps of Engineers, the Florida Department of Environmental Protection and/or the Northwest Florida Water Management District under the same applicable regulations. Within this Zone, clearing of native vegetation shall be limited to 25 percent of the total area within the Zone on that site.

C. Density Transfer Within 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 be transferred on-site from the impacted wetland areas to non-wetland areas based on the maximum wetland density of one dwelling unit per ten acres and residential densities may be transferred on-site from the non-impacted wetland areas to non-wetland areas at the density of the underlying land use category; 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 land use category. This provision shall apply only when no disturbance of the wetland will occur through the proposed development or redevelopment.
2. For the purposes of this on-site density transfer provision, platting of lots partially within a wetland shall not be construed as having disturbed the wetland so long as that portion of the lot within the wetland does not include any fill, construction, improvement, or other development, and a restriction is placed upon the plat to prohibit such future actions within the wetland.
3. For purposes of this Code, disturbance of wetlands shall be any alteration or material change to the primary wetland zone, including but not limited to, dredging or filling.
 - a. All such on-site density transfers shall:
 - (i). Be contiguous to property under the same ownership or control;
 - (ii). Developed in accordance with the County's Land Development Code.
4. 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; and
5. The General Notes section of the plat, or site plan when platting is not required, shall include a note providing that the wetland preservation area shall remain intact, uncleared, and undisturbed in accordance with the approved development order for the development. (Ord. No. 2004-15, § 4, 4-6-04; Ord. No. 2007-06, § 1, 6-11-07)

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. Coastal Protection Zone.

Location of Coastal Protection Zones. All lands on any site adjacent to the Gulf of Mexico or a related coastal dune system within an area defined as follows:

1. The area seaward of the landward toe of the primary dune ridge or the area seaward of a line 50 feet landward of the crest of the primary dune when the toe cannot be determined; or
2. Twenty-five feet landward of the top of the higher bluff regions where no primary dune exists.

4.02.03. Coastal Dune Lake Protection Zones.

Location of Coastal Dune Lake Protection Zones. 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.

4.02.04. Coastal High Hazard Zone.

Location of Coastal High Hazard Zone. All lands within the area encompassed by the Category I storm surge area as depicted on the map included here as Exhibit 2-2. (the Tri-State Hurricane Evacuation - Study, June 1986)

4.02.05. Coastal Building Zone.

Location of the Coastal Building Zone. All land between the 130 mph and 140 mph lines (140 mph zone) as shown on the Walton County Wind-Borne Debris Regions and Basic Wind Speeds Map, and all areas in any wind zone that are also in the V-Zone on the FEMA Flood Maps. Certified engineering interpolation between the wind speed lines is permitted. (Ord. No. 2002-10, § 1, 4-9-02; Ord. No. 20.07-53, § 1, 12-11-07)

4.02.06. Restrictions on Development.

A. Within the Coastal Protection Zone.

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. Dune walkovers and overlook pavilions as permitted by FDEP guidelines.
 - d. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
2. No activities shall be permitted which create erosion of a dune or the dune system.
3. 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.

4. 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.

5. 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.

B. *Within the Coastal Dune Lake Protection Zone.* Development shall be allowed within this zone, subject to the following restrictions:

1. Septic tanks: Septic tank drain fields must be located at least 100 feet from the ordinary or mean high water line, whichever applies;

2. Stormwater management: New lots shall be graded to ensure untreated stormwater runoff from lawn fertilizers, pesticides, or patios, driveways, etc. do not enter the lake. If regional stormwater facilities will not provide this standard, the lot shall utilize a vegetated swale and berm system, underground seepage system or other stormwater treatment method between the developed area and the lake to hold and treat runoff, consistent with the level of service standard for drainage facilities adopted in this plan.

3. 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. In addition to erosion control during construction, stabilization of the shoreline shall be provided by limiting clearing of natural vegetation within 100 feet of the mean or ordinary high water line of the shoreline to 25 percent of the site.

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

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

6. Endangered Species: Native vegetative communities, including habitat for listed species, in this zone shall be protected in accordance with Policy C-3.2.7. of the Comprehensive Plan.

7. No new point or non-point sources of pollution shall be discharged into the lakes, such as treated wastewater effluent or untreated stormwater runoff.

8. Open Space: All new development and redevelopment shall preserve at least 75 percent of the portion of the parcel within the 300-foot protection zone in open space. Vegetative clearing within this preserved area shall be limited to that which is necessary to accommodate the 25 percent development that is permitted, plus a ten foot cleared buffer immediately adjacent to buildings.

9. 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.

C. *Within the Coastal High Hazard Zone.*

1. 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.

2. The County adopts the following definitions for making decisions pertaining to redevelopment in this Zone. Based upon the following definitions, all rebuilding activities shall be subject to Coastal Construction Code Standards and Coastal High Hazard Area limitations:

a. "Repair" means the restoration of a portion of the structure, including the foundation of the structure, to its original design configuration or an equivalent or superior structural standard. Repair of a structure assumes that a significant portion of the structure, including its foundation, remains intact. If the supported structure or its foundation has collapsed to the point that either the supported structure or the foundation requires substantial rebuilding, then such activity shall not constitute repair. If a structure, as a result of damage to either the supported structure or the foundation, is no longer habitable such structure shall be presumed to require substantial rebuilding.

b. "Rebuilding" means any construction activity, including alteration to an existing foundation, which would result in increased structural stability such that the survivability of the structure during a coastal storm is increased. Rebuilding shall also include any construction activity which, as noted above, involve the substantial rebuilding of either the supported structure or the foundation of the structure.

c. Rebuilding (as defined above) activities will be in accordance with FDEP's requirements for development seaward of the Coastal Construction Control Line, and all structural requirements of the County's Flooding and Coastal Construction Code. Further, prior to approving such redevelopment activities, the County shall require the developer to provide documentation that the structure being built is a landward as possible from the FEMA V-Zone and Coastal Construction Control Line. The applicant shall provide proof that the structure cannot be moved any further landward on the lot without causing harm to public health or safety. The County may vary building setback requirements in order to accomplish the intent of this policy.

d. The County shall keep a record of all repair and rebuilding activities. Structures may not be rebuilt "under the definition of rebuild" more than twice in any 100-year period in the V-Zone and Coastal Barriers Resource System.

D. *Within the Coastal Building Zone.* Development is permitted within the areas of this Zone where it is not prohibited by the development restrictions provided in the Coastal Protection Zone, the Coastal Dune Lake Protection Zone and/or the Coastal High Hazard Zone.

1. The requirements of the coastal construction standards established below shall generally apply to the following types of construction in this Zone:

a. The new construction of, or improvements to, major structures and minor structures as defined herein.

b. Construction which would change or alter the character of the shoreline (e.g. excavation, grading, paving). The coastal construction standards do not apply to minor work such as normal beach cleaning or debris removal.

2. The requirements of this section shall not apply to existing structures or structures for which a valid County building permit was issued prior to June 13, 1989.

3. For structures located partially in the coastal building zone, the requirements of this

section shall apply to the entire structure.

4. Structures or construction extending seaward of the mean high-water line which are beach nourishment, inlet dredging, etc.), are specifically exempt from the provisions of this section. In addition, this section does not apply to piers, pipelines, or outfalls which are regulated pursuant to the provisions of Section 161.053, Florida Statutes.

5. The following structural requirements shall apply to all major structures as defined herein:

a. *Foundations.* All major structures shall be anchored to their foundations in such a manner as to prevent flotation, collapse, or lateral displacement. Foundation design and construction shall consider all anticipated loads resulting from design storm conditions, including wave, hydrodynamic, hydrostatic, and wind loads acting simultaneously with dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components in areas seaward of the coastal construction control line.

i. Pile foundations shall be required for buildings located in Federal Emergency Management Agency flood insurance rate map "V" (velocity) zones or where impacted by wave action.

aa. Pile dimensions, spacing and embedment shall be designed consistent with the requirements of the site, taking into account all vertical, lateral, erosion, and scour-producing forces.

bb. Piles shall be driven to a penetration which achieves adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade.

cc. In addition to the normal foundation analysis, the pile foundation analysis shall consider piles in column action, where appropriate, from the bottom of the support structure to the design grade.

dd. Consideration shall also be given to the degree of exposure to wave attack and the resulting impact loads on lateral or diagonal bracing between piles.

ii. Monolithic foundations may be permitted in Federal Emergency Management Agency emergency insurance rate map "A" or "B" zones or in locations not impacted by wave action.

aa. Monolithic foundations may be used if soil conditions permit and if located at an elevation which minimizes their effect on the beach and adjacent properties. Due consideration should be given to their vulnerability to erosion under design storm conditions.

bb. In the event that a monolithic foundation is used, the maximum elevation of the top of the slab is to be below the design scour depth (see chapter 5.28, Shore Protection Manual, U.S. Army Corps of Engineers, fourth edition, 1984) unless positive methods are provided to prevent scour.

cc. Other types of spread footings, such as running footers or pads, may be permitted when positive methods are provided to prevent scour.

b. *Understructures.* No substantial walls or partitions shall be considered below the level of the first finished floor. This does not preclude the construction of:

i. Stairways;

ii. Shear walls essentially perpendicular to breaking waves;

iii. Shear walls essentially parallel to breaking waves which do not exceed a maximum of 20 percent of the building length;

- iv. Wind or sand screens constructed of fabric or wire mesh;
- v. Light open lattice partitions with individual wooden lattice strips no greater than three-fourths inch thick or three inches wide;
- vi. Elevator shafts;
- vii. Breakaway or frangible walls; or
- viii. Substantial walls constructed above the wave action and storm surge expected under design storm conditions.

c. *Building and Floor Elevations.* The minimum elevation for the underside of the building support structure (excluding foundation) shall be above the elevation of the design breaking wave crests or wave uprush superimposed on the storm surge with dynamic wave setup expected under design storm conditions. The elevation of the storm surge with dynamic wave setup shall be either the elevation established by the Florida Department of Environmental Protection coastal construction line study or the base flood elevation for the specific area established by the Federal Emergency Management Agency as determined by the design engineer.

d. *Erosion and Design Grade.*

- i. Calculations for wave forces resulting from design storm conditions on building foundations and superstructures may be based upon the minimum criteria and methods prescribed in the Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of Navy; Shore Protection Manual, U.S. Department of the Army Corps of Engineers; U.S. Department of the Army Coastal Engineering Research Center technical papers and reports; the technical and design memoranda of the division of beaches and shores, Florida Department of Natural Resources; or other professionally recognized methodologies which produce equivalent design criteria.
- ii. Breaking, broken, and nonbreaking waves shall be considered as applicable. Design wave loading analysis shall consider vertical uplift pressures and all lateral pressures to include impact as well as dynamic loading and the harmonic intensification resulting from repetitive waves.

e. *Hydrostatic Loads.* Calculations for hydrostatic loads shall consider the maximum water pressure resulting from a fully peaked, breaking wave superimposed upon the design storm surge with dynamic wave setup. Both free and hydrostatic loads shall be considered. Hydrostatic loads which are confined shall be determined using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both vertically downward and upward on horizontal or inclined surfaces of major structures (e.g. floors, slabs, roofs, walls). Lateral hydrostatic loads shall be considered as forces acting horizontally above and below grade on vertical or inclined surfaces. Hydrostatic loads on irregular or curved geometric surfaces will be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures.

f. *Hydrodynamic Loads.* Hydrodynamic loads shall consider the maximum water pressures resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied on all structural surfaces above the design grade which would affect the flow velocities.

g. *General Design Conditions.*

- i. Foundations for all major structures shall be designed for the horizontal and vertical

pressures generated by wave forces between the elevation of the design breaking wave crests or wave uprush superimposed upon the storm surge and the stable soil elevation of the site.

- ii. All major structures, except mobile homes, shall be designed to withstand horizontal wind velocity pressures given below: Basic wind velocity design pressures shall be as required in the Florida Building Code, and the Walton County Wind-Borne Debris Regions and Basic Wind Speeds Map. [Walton County Code Section 6-26].
- iii. Appropriate shape factors shall be applied for resistance against overturning and uplift as required elsewhere in this Code.
- iv. Mobile homes shall conform to the federal mobile home construction and safety standards of the Uniform Standards Code ANSI book A-119.1, pursuant to section 320.823, Florida Statutes. In addition, mobile homes shall be placed in accordance with federal flood insurance regulations and otherwise in accordance with the other provisions of this Code.
- v. Nonhabitable major structures shall be constructed in accordance with other applicable provisions of the local building code and they shall be designed to produce the minimum adverse impact on the beach and dune system. All sewage treatment and public water supply systems shall be flood proofed to prevent infiltration of surface water anticipated under design storm conditions.
- vi. Minor structures shall be constructed in accordance with other applicable provisions of the local building code and shall be designed to produce minimum adverse impact on the beach and dune system.
- vii. Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.
- viii. Structural building plans for building permits in the Coastal Building Zone shall be certified by an architect or engineer registered in the State of Florida. Such certification shall state essentially the following: *"I certify that the design plans and specifications for this construction are in compliance with the criteria established by the Florida Building Code and section 4.02.06 of the Walton County Land Development Code. This building and/or structure is designed to withstand a wind velocity of 140 MPH (unless engineering interpolation provided or in a V-Zone) and Chapter 16 of the Florida Building Code. Also, upon completion of this building and/or structure, I will certify at that time the building and/or structure has complied with this specific building design. This must be on file at the Walton County Building Department before receiving an inspection for power. I understand that any change in design or specification must be submitted in writing by me to the Building Department. All drawings and/or correspondence shall be signed and sealed."* (Ord. No. 2002-10, §1, 4-9-02; Ord. No. 2007-53, §1, 12-11-07)

4.02.07. References.

Assistance in determining the design parameters and methodologies necessary to comply with the requirements of this section may be obtained from:

- A. Shoreline Protection Manual, U.S. Army Corps of Engineers, fourth edition, 1984.
- B. U.S. Department of the Army, Coastal Engineering Research Center's technical papers and reports.
- C. Florida Department of Natural Resources, Division of Beaches and Shores technical and design memoranda.
- D. Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of the Navy.

General Requirements for all Coastal Zones. The following restrictions and/or standards shall apply to all development and other human activities within all four 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. 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. 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. Where the public has established an accessway 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 accessway is provided. The developer shall have the right to improve, consolidate, or relocate such public accessways 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 plan adopted pursuant to section 163.3178, Florida Statutes.

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.

4.03.02. Shoreline Protection Zones.

The County hereby creates three types of shoreline protection zones as described below in which special restrictions on development apply.

A. Shoreline Protection Zones. This zone shall encompass all land within fifty (50) feet of the mean high water line of each inlet, creek, and river within the County.

B. Bay Shoreline Protection Zones. 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.

C. Coastal Dune Lake Protection Zones. This zone encompasses all land beginning at the mean or ordinary high water line of coastal dune lakes and their tributaries and extending 300 feet landward.

D. Exemptions. Single-family development on existing lots of record established before December 28, 1992, that lack sufficient depth to meet the above listed buffer requirements for inlets, creeks, rivers, canals, and coastal dune lakes, and Choctawhatchee Bay 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 20 percent of the depth of the lots, whichever is greater. Clearing within this buffered setback shall be limited to a maximum swath of ten feet for access purposes. (Ord. No. 2004-15, § 4, 4-6-04)

4.03.03. Restrictions on Development.

A. Within the Shoreline Protection Zone. 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 chapters 17-25 and 17-6, Florida Administrative Code.

B. Within the Bay Shoreline Protection Zone.

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.
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. 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. Stormwater management: New lots shall be graded to ensure untreated stormwater runoff from lawn fertilizers, pesticides, or patios, driveways, etc. do not enter the lake. If regional stormwater facilities will not provide this standard, the lot shall utilize a vegetated swale and berm system, underground seepage system or other stormwater treatment method between the developed area and the lake to hold and treat runoff, consistent with the level of service standard for drainage facilities adopted in this plan.

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. 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.

f. Endangered Species: Native vegetative communities, including habitat for listed species, in this zone shall be protected in accordance with Policy C-3.2.7.

g. No new point or non-point sources of pollution shall be discharged into the lakes, such as treated wastewater effluent or untreated stormwater runoff.

C. *Within the Coastal Dune Lake Protection Zone.*

1. Septic tank drainfields must be located at least 100 feet from the mean or ordinary high water line.

2. New lots shall be graded to ensure untreated stormwater runoff from lawn fertilizers, pesticides, or patios driveways, etc. do not enter the lake.

3. The lot must use a vegetated swale and berm system, underground seepage system or other stormwater treatment method between the developed area and the lake to hold and treat runoff.

4. No land use which stores, handles or generates hazardous waste shall be allowed in the zone.
5. Seawalls, bulkheads, revetments and rip-rap are not permitted.
6. Native vegetative communities, including habitat for listed species, in this zone shall be protected in accordance with Comprehensive Plan Policy C.3.2.7.
7. No new point or non-point sources of pollution shall be discharged into the lake.
8. All development shall be set back from the mean high water at least 100 feet.
9. All development shall preserve at least 75 percent of the parcel within the 300 foot zone as open space. Vegetative clearing within the zone shall be limited to that which is necessary to accommodate the 25 percent which is permitted plus a ten foot cleared buffer immediately adjacent to buildings.

D. 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:

1. The native ground cover, shrubs, and trees within these Zones must be retained, wherever feasible.
2. All new or redeveloped shoreline land uses shall:
 - a. Locate on existing upland areas;
 - b. Be constructed to conform to coastal construction building codes;
 - c. Be constructed in accordance with the policies for construction within the Coastal High-Hazard Area;
 - d. Demonstrate that existing public utilities, infrastructure and services are in place to support the proposed use;
 - e. Not be in conflict with existing, conforming, adjacent land uses;
 - f. Provide public access where traditional public access points are directly affected by the development;
 - g. Landscape using native plant species;
 - h. 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; and
3. 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:
 - a. Demonstrate the presence of upland areas which are large enough to accommodate all required utility and support facilities as well as enough parking to satisfy the projected demand based upon professionally accepted standards such those of the Institute of Transportation Engineers;
 - b. Provide a hurricane mitigation and evacuation plan;
 - c. Be located in proximity to existing channels so that minimum or no dredging shall be required for provision of docking facilities;
 - d. Have available sewage treatment facilities to serve the anticipated volume of waste consistent with County's adopted the level of service standard for sanitary sewer facilities;
 - e. Locate in areas having adequate water depth to accommodate the proposed boats use without disturbance of bottom habitats;
 - f. Delineate immediate access points with channel markers that indicate speed limits and any other applicable regulations;
 - g. Be sited in areas consistent with the land uses in the Future Land Use Map;

- h. Locate in areas away from seagrass beds, oyster reefs and other important fish and shellfish spawning and nursery areas;
- i. Demonstrate that it meets a public need thereby demonstrating economic viability/feasibility;
- j. Dry (stacked) storage, elevator lifts, and other land-based alternatives are preferential to dredged basins wherever feasible alternatives are possible.

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.

4.04.01. Aquifer Recharge Areas.

A. Location of Areas of High or Moderate Aquifer Recharge Potential. For the purposes of this chapter, the areas of high or moderate aquifer recharge potential within the County are those areas which are designated as the Floridan Aquifer High Recharge Area on the resource map located in the office of Planning and Zoning Department.

B. Development Standard. No development shall be approved within an Area of High or Moderate Aquifer Recharge unless the quality and quantity of the supply of groundwater and surface water inflow to recharge areas are maintained. The level of treatment for stormwater (especially relating to uses which generate or involve the use of herbicides, pesticides, heavy metals and petroleum hydrocarbons), and waste water, including sanitary sewer effluent as well as other onsite activities, must ensure that the water quality introduced into the recharge areas are not degraded.

The County will prohibit development or redevelopment that would not maintain the quality and quantity of the supply of groundwater and surface water inflow to cones of influence that serve as recharge areas.

4.04.02. Wellhead Protection Zones.

Location of Wellhead Protection Zones. Wellhead protection zones are located within a 400 foot radius of the public potable water wells identified on the wellfields map maintained in the offices of the Planning and Zoning Department.

4.04.03. Cones of Influence.

Location of Cones of Influence. 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.

4.04.04. 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 Wellhead Protection Zones and Aquifer Recharge Areas. The following uses are prohibited within designated Wellhead Protection Zones and/or Aquifer Recharge Areas:

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, 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 drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers.

4.04.05. Potable Water Conservation Requirements.

A. Future water demand for non-potable water uses shall be met through the use of water of the lowest acceptable quality for the purpose intended. To this end, developers requiring large amounts of water for use other than drinking water shall utilize reclaimed water from stormwater systems and treated wastewater.

B. All new development and redevelopment within the County is required to install water conservation devices as a part of the plumbing systems required for any planned improvements.

C. Future development shall be consistent with the following guidelines:

1. All proposed development in South Walton shall be required to tie-in to the closest adjacent potable water facilities.
2. Water main oversizing shall be required for all new development where it must be provided to be consistent with the County's overall plans for potable water facility infrastructure in the area of the proposed development.
3. All proposed development shall be required to pay for potable water line extensions to its boundaries at a size sufficient for the development's need, and the County shall pay the incremental cost for the required oversizing over and above the size required for the subject development.
4. All proposed development within South Walton shall coordinate with the franchise potable water utility providers to ensure that water facilities are extended in accordance

with the County's objectives.

5. Development proceeding prior to the adoption of a Joint Master Water System Plan by the County shall be coordinated with the applicable franchise potable water utility provider to incorporate line oversizing, if required for the area surrounding the proposed development.

4.05.00. 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

4.05.01. Purpose, Intent, and Objectives.

A. It is the purpose of this ordinance to save lives promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to life, health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage throughout their intended life span;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

B. The objectives of this ordinance are to:

1. Protect human life, health and to eliminate or minimize property damage;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, bridges and culverts located in floodplains;
6. Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
7. Ensure that potential homebuyers are notified that property is in a flood hazard area.

4.05.02. Definitions.

The following definitions are specific to Section 4.05 for the purposes of Floodplain Management. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application.

Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building where the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls will be considered new construction.

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

Area of special flood hazard is the land in the floodplain within the County subject to a one percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area".

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" and the "regulatory flood"). Base flood is the term used throughout this ordinance.

Base Flood Elevation means the water-surface elevation associated with the base flood.

Basement means any portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevation portion of the building or the supporting foundation system.

Building – See Structure.

Certification means a certification by a registered professional engineer or other party and does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural work is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of "as built" conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

Coastal A zone means the portion of the Area of Special Flood Hazard landward of a V zone

or landward of an open coast without mapped V zones, as shown on the Walton County Coastal A Zone Map, or the area seaward of the Limit of Moderate Wave Action as defined in this section, in which the principal sources of flooding are astronomical tides, storm surges, seiches, or tsunamis, not riverine sources. Like the flood forces in V zones, those in coastal A zones are highly correlated with coastal winds. Coastal A zones may therefore be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The forces in Coastal A zones are not as severe as those in V zones but are still capable of damaging or destroying buildings on inadequate foundations.

Coastal high hazard area means, for the purpose of this section, an area of special flood hazard 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. The area is designated on the FIRM as Zone VE and includes the Coastal A Zone as defined in this section.

Critical facility means a facility where even a small chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, and store hazardous materials or hazardous waste.

Datum means a reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, pilings, columns, posts and piers, or shear walls.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Erosion means the process of the gradual wearing away of land masses. In general, erosion involves the detachment and movement of soil and rock fragments, during a flood or storm or over a period of years, through the action of wind, water, or other geologic processes.

Existing construction means, for purposes of floodplain management, structures for which the "start of construction" commenced before November 16, 1977. This term may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision where the construction of facilities for servicing the lots where 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 15, 1977.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots where 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).

Flood or flooding means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters;
 - b. the unusual and rapid accumulation or runoff of surface waters from any source;
 - c. mudflows which are proximately caused by flooding as defined in paragraph(1) (b) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1) (a) of this definition.

Flood Boundary and Floodway Map (FBFM) means an official map of Walton County issued by the Federal Emergency Management Agency, delineating the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map means an official map of Walton County, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

Flood Insurance Rate Map (FIRM) means an official map of Walton County issued by the Federal Emergency Management Agency which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, and other related data and information.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Administrator is the individual appointed to administer and enforce the floodplain management regulations of the community.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other 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 foot. This term is also referred to as the "regulatory floodway."

Floodway fringe means that area of the one-percent (base or 100-year) floodplain on either side of the regulatory floodway.

Freeboard means the additional height usually expressed as a factor of safety in feet above a flood level, for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

Free of Obstruction means any type of lower area enclosure or other construction element will not obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event. This requirement applies to the structures in velocity zones (V-Zones) and in Coastal A zones.

Functionally dependent use means a use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture,

sales, or service facilities.

Hardship as related to variances from this ordinance means the exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The hardship must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Florida inventory of historic places which has been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By the approved Florida program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

Increased Cost of Compliance (ICC) means the coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of Florida and Walton County floodplain management laws and ordinances after a direct physical loss by flood, when Walton County declares the structure to be "substantially" or "repetitively" flood damaged. ICC coverage is provided for in every standard NFIP flood insurance policy, and will help pay for the cost to flood proof, relocate, elevate, or demolish the structure.

Limit of Moderate Wave Action (LiMWA) means the inland limit of the area affected by waves greater than 1.5 feet. The area between this inland limit and the VE Zone boundary is known as the Coastal A zone.

Lowest adjacent grade means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design standards of this ordinance.

Manufactured home means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

Market value means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Mean sea level means the average height of sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

National Geodetic Vertical Datum (NGVD), as corrected in 1929, means a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means for floodplain management purposes, any structure for which the "start of construction" commenced on or after November 16, 1977. The term also includes any subsequent improvements to such structure.

New manufactured home park or subdivision means a manufactured home park or subdivision where 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 February 25, 1986.

Participating community, also known as an eligible community, means a community where FEMA has authorized the sale of flood insurance.

Permanent foundation means, for the purposes of floodplain management, a site-built foundation for a manufactured home, designed by a licensed professional engineer or

architect with attachment points to anchor and stabilize the home to the underlying soil. Permanent foundations shall be designed for vertical and lateral stability to resist uplift and overturning due to wind forces in accordance with ASCE-7, as well as hydrostatic and hydrodynamic forces in accordance with ASCE-24. Dry-stacked block foundations shall not be considered permanent foundations.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Principally above ground means that at least 51 percent of the actual cash value of the structure is above ground.

Program deficiency means a defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.

Public safety and nuisance means anything which is injurious to safety or health of the entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

Reasonably safe from flooding means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational vehicle means a vehicle that is:

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.

Regulatory floodway means the channel of a river or other 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 a designated height.

Remedy a deficiency or violation means to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal, or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise

detering future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event where the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25 percent of the market value of the structure before the damages occurred.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dune means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area – See area of special flood hazard.

Start of construction means, for other than new construction and substantial improvements under the Coastal Barrier Resources Act P.L. 97-348, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. 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.

Structure means, for floodplain management purposes, a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before it was damaged would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration,

additions, or improvements of a structure, during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building before the "start of construction" of the initial improvement. The term includes structures that have incurred "substantial damage," regardless of the actual repair work performed, or "repetitive loss."

The term does not, however, include either:

1. Any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official prior to the application for permit for improvement, and that are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this ordinance.

Violation means the failure of a structure or other development to be fully compliant with the requirements this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. No. 2005-27, 10-11-05)

4.05.03. General Provisions.

A. Lands to which this Ordinance Applies. This ordinance shall apply to all areas of special flood hazard within the unincorporated areas of Walton County.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for Walton County, dated November 16, 1977, with the accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Map are on file at Walton County Branch Annex, 31 Coastal Centre Blvd., Suite 100, Santa Rosa Beach, FL, 32459.

C. Designation of a Flood Damage Prevention Ordinance Administrator. The Board of County Commissioners of Walton County, Florida, hereby authorizes the Floodplain Manager to administer and implement the provisions of this ordinance, and is hereinafter referred to as the Floodplain Management Administrator, or the Floodplain Administrator.

D. Establishment of Development Permit. A development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in conformance with the provisions of this ordinance.

E. Compliance. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this section and other applicable regulations.

F. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, growth planning ordinances, or land development regulations. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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.

H. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. 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 damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

I. Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent Walton County from taking such other lawful actions as are necessary to prevent or remedy any violation. (Ord. No. 2005-27, 10-11-05)

4.05.04. Administration.

A. Permit Procedures. Application for a Development Permit shall be made to the Planning and Development Services Division on forms furnished by the Division prior to any development activities, including, but not limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing, or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, perimeter setbacks, environmental features such as base floodplain areas, wetlands, coastal barrier resource system areas (as established by the U.S. Department of Interior, Fish and Wildlife Service) and other protected areas; and the location of the foregoing. Specifically, the following information is required:

1. Application Stage.
 - a. Elevations of the area of development in relation to mean sea level (such as a contour map) for both existing and proposed development;

- b. Elevation in relation to mean sea level of the lowest floors of all proposed structures;
- c. Elevation in relation to mean sea level to which any nonresidential structure will be flood proofed;
- d. Flood proofing Certificate, meeting the flood proofing criteria in §4.05.05, C(3);
- e. Description of the extent to which any watercourse will be altered or relocated as result of proposed development;
- f. Elevation, in relation to mean sea level, of the bottom of the lowest horizontal structural member of the lowest floor in V-zones; and provide a certification from a registered engineer or architect indicating that they have developed and/or reviewed the structural designs, specifications and plans of the construction and certified that are in accordance with accepted standards of practice in Coastal High Hazard Areas; and
- g. Existing and proposed infrastructure;
- h. Mosquito control ditches shall be exempted from obtaining a Development Permit when performing maintenance on existing ditches. This exemption does not preclude the local mosquito control district from notifying the Floodplain Manager when altering, relocating, or developing new control ditches within the area of special flood hazard of Walton County.

2. *Construction Stage.* Upon placement of the lowest floor, or bottom of the lowest horizontal structural member, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Management Administrator a certification of the NGVD or NAVD elevation of the lowest floor, lowest horizontal structural member, or flood proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify such information in the State of Florida, and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Management Administrator shall review the lowest floor elevation and flood proofing certificate survey data submitted. Should these documents be found not in conformance with the requirements of this ordinance, the permit holder immediately and prior to further progressive work being permitted to proceed, shall correct violations detected by such review. Failure of the permit holder to submit the surveyed lowest floor elevation or flood proofing certificate, and failure to correct any deficiencies required hereby, shall be cause to issue a stop-work order for the project.

3. *Elevation Certificates.* Elevation Certificates are required to verify building elevations as required in §4.05.04, A (1), and §4.05.04, A (2). Elevations shall be certified on FEMA Form 81-31. Certificates shall be reviewed by the Floodplain Management Administrator at the following stages of construction:

- a. 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 Management 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.

b. 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.

c. Prior to the building receiving power, an Elevation Certificate based on finished construction shall be provided to the Floodplain Management Administrator that includes elevations that are based on final grading.

4. *Floodplain Inspections.* Inspections are required for all buildings to verify compliance with the provisions of §4.05.04, A (2) and §4.05.05. The required inspections shall be carried out by the Floodplain Management Administrator, or their designee. Inspections shall be performed as follows:

a. Under Construction Floodplain Inspection. This inspection shall be scheduled prior to the Framing Inspection by the Building Division. This shall coordinate with the submittal of the Under-Construction Elevation Certificate.

b. Final Floodplain Inspection. This inspection shall be scheduled prior to the Power Inspection by the Building Division. This shall coordinate with the submittal of the Final Elevation Certificate.

c. Manufactured Home Floodplain Inspection. Manufactured homes are required to be inspected for compliance prior to the Certificate of Occupancy Inspection by the Building Division. This shall coordinate with the submittal of the Final Elevation Certificate.

d. Re-inspection. Any structure that is under construction and is found to be in violation of this ordinance during a required inspection shall be re-inspected upon correction of the violation.

e. Fill inspection. An inspection is required when fill is placed in an area of special flood hazard.

B. *Duties and Responsibilities of the Floodplain Administrator.* Duties of the Administrator shall include, but are not limited to the following:

1. Review permits to assure sites are reasonably safe from flooding;

2. Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

3. Require copies of additional Federal, State of Florida, or local permits, especially as they relate to Sections 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065; and Chapter 553, Part IV, Florida Statutes, be submitted along with the development permit application and maintain such permits on file with the development permit;

4. Review and verify the V-zone certifications for new and substantially improved structures in coastal high-hazard areas;

5. Review certified plans and specifications for compliance with the requirements of this ordinance; When flood proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building, together with attendant utilities and sanitary facilities, below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with §4.05.05, C(3) of this ordinance. In Coastal High Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to pilings or

columns in order to withstand velocity waters and hurricane wave wash. Additionally in Coastal High Hazard Areas, if the area below the lowest horizontal structural member of the lowest floor is enclosed, it may be done so with open wood lattice and insect screening or with non-supporting breakaway walls that meet the standards of §4.05.05, E(6) of this ordinance;

6. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) or bottom of the lowest horizontal structural member of the lowest floor (V-Zones) of all new or substantially improved buildings in accordance with §4.05.05, C(1) and §4.05.05, E(2);

7. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been flood proofed in accordance with §4.05.05, C(3);

8. Interpret the exact location of boundaries of the areas of special flood hazard and regulatory floodway. Where there appears to be conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

9. Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and flood proofing elevations for new construction and substantial improvements in accordance with §4.05.05, C (1) and (2), respectively;

10. When base flood elevation data or floodway data have not been provided in accordance with Section 4.05.03(B), then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or other source in order to administer the provisions of §4.05.05;

11. Notify adjacent communities, the Florida Department of Community Affairs – Division of Emergency Management – NFIP Coordinating Office, Northwest Florida Water Management District, the Federal Emergency Management Agency, and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;

12. Inspect structures in accordance with §4.05.04 A(4) to verify compliance with the provisions of this ordinance;

13. Coordinate with other departments and divisions in Walton County to assure that the requirements of this section are met.

14. Participate actively in evaluation the variance requests and provide input and recommendations in variance hearings/proceedings.

15. Coordinate all revision or amendment requests to the FIS and/or FIRM or FBFM, or both, with the requester, the State of Florida, and FEMA, as well as changes to the Walton County jurisdictional limits with the State of Florida and FEMA.

16. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;

17. Requirement to submit new technical data: Walton County's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the applicant for flood insurance or property owner shall notify FEMA of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of these physical changes affecting flooding conditions, risk premium

rates and floodplain management provisions will be based upon current data. (Ord. No. 2005-27, 10-11-05)

C. Certification Requirements for the Floodplain Management Administrator. The Floodplain Management Administrator shall become certified and maintain said certification in good standing while employed with Walton County. The requirements for certification are as follows:

1. Within six months of being hired or designated as such, the Floodplain Management 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 Management 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 Management Administrator shall be subject to probation, relocation, or termination of employment as determined by the County Administrator.

4.05.05. Provisions for Flood Hazard Reduction.

A. General Standards. In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

1. When a permit for proposed construction is made, including the placement of manufactured homes or the placement of fill, the applicant is required to submit adequate documentation so that the Floodplain Management Administrator may determine whether or not such construction or other development is approved in flood prone areas.
2. All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator along with the application for development permit. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but are not limited to, the following:
 - a. Northwest Florida Water Management District: in accordance with Section 373.036 (2) (a) F.S., Flood Protection and Floodplain Management;
 - b. Department of Community Affairs: in accordance with Section 380.05 F.S. Areas of Critical State Concern, and Chapter 553, Part IV F.S., Florida Building Code;
 - c. Department of Health: in accordance with Section 381.0065 F.S., Onsite Sewage Treatment and Disposal Systems; and
 - d. Department of Environmental Protection, Coastal Construction Control Line: in accordance with Section 161.053 F.S., Coastal Construction and Excavation.
3. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy. Foundations for all structures shall be designed and certified by an engineer or architect to meet these provisions;
4. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
5. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

6. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

7. Standards for Subdivision Proposals and other new Proposed Development (including manufactured homes);

- a. Such proposals shall be consistent with the need to minimize flood damage;
- b. Such shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and
- c. Such proposals shall have adequate drainage provided to reduce exposure to flood hazards.

8. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

9. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems shall be located outside of the area of special flood hazard whenever possible and constructed to avoid impairment to them or contamination from them during flooding.

10. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation;

11. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

12. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, permanent foundations and/or use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;

13. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;

14. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;

15. Fill that is placed for the purpose of elevating and/or supporting a structure or manufactured home in an A Zone shall be compacted in accordance with ASTM D-698. A compaction test certifying the fill shall be provided by a licensed engineer. The slope of fill adjacent to a structure shall be no greater than 1:1.5, and shall be stabilized to prevent erosion;

16. An engineer's report providing for compensatory storage of flood waters and historic bypass flow shall be required in A zones where fill is proposed for all parcels with the exception of a single family dwelling on a lot of record.

B. *Specific Standards for Approximate A-Zones Without Base Flood Elevations and Regulatory Floodways.* Located within the areas of special flood hazard established in Section 4.05.03(B) (A-zones), where streams exist for which neither base flood elevation

data nor regulatory floodway has been provided by FEMA, the following provisions shall apply:

1. The standards set forth in §4.05.05(A) shall apply.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Standards set forth in §4.05.05, C shall apply.
3. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this ordinance. When such data is utilized, provisions of §4.05.05, C shall apply. The Floodplain Administrator shall;
 - a. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
 - b. Obtain, if the structure has been flood proofed in accordance with the requirements of §4.05.05, C (3), the elevation in relation to the mean sea level to which the structure has been flood proofed, and
 - c. Maintain a record of all such information.
4. Notify, in riverine situations, adjacent communities and the Florida Department of Community Affairs-NFIP Coordinating Office, and the Northwest Florida Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
5. Assure that the flood carrying capacity within any altered or relocated watercourse is maintained.
6. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored on a permanent foundation to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
7. When the base flood elevation data is not available from any source in accordance with standard set forth in paragraph (2) of this section, the lowest floor of the new construction and substantial improvements shall be elevated to no lower than three feet above the highest adjacent grade. Enclosures below the lowest floor shall be constructed in accordance with §4.05.05, C (4) (a), (b), and (c). A copy of the recorded plat and/or 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.

C. Specific Standards for AE (with BFE) Zones. In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 4.05.03(B), but neither regulatory floodways nor coastal high hazard areas have been identified, the following provisions shall apply:

1. The standards set forth in §4.05.05 B shall apply.
2. Residential structures. All new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor (including basement) elevated to no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic

equalization of flood hydrostatic forces in accordance with standards of §4.05.05, C(4).

3. Non-Residential Structures. All new construction or substantial improvements of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated to no lower than one foot above the level of the base flood elevation. All buildings located in A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building components, together with all attendant utility and sanitary facilities, below the base flood elevation plus one foot are water-tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect who is authorized to certify such information in the State of Florida, shall develop and/or review structural design, specifications, and plans for construction, and shall certify that the design and methods of construction are in accordance with the accepted standards of practice for meeting this provision. The FEMA flood proofing certificate shall be prepared and submitted to the Floodplain Management Administrator along with the corresponding operational and maintenance plans. These plans shall include, at a minimum, the storage location of the flood proofing measures (panels, gaskets, sealants, etc.), entities responsible for transportation to, and installation at, the structure within available flood warning time for the site.

4. Enclosures Below the Lowest Floor. New construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following minimum criteria:

(i) Provide a minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided the minimum opening width on the device is no less than one-half of an inch and provided they result in the minimum required net area of the openings and permit the automatic flow of floodwaters in both directions.

b. Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be partitioned, finished, or temperature-controlled. Construction below the Base Flood Elevation plus one foot shall consist of flood-damage resistant building materials.

d. Where elevation requirements exceed six feet above the highest adjacent grade, a copy of the recorded plat and/or 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 or issuance of a final Certificate of Occupancy.

5. Standards for Manufactured Homes and Recreational Vehicles.

a. All manufactured homes placed, or substantially improved, on sites:

- (i) Outside of an existing manufactured home park or subdivision,
- (ii) In a new manufacture home park or subdivision,
- (iii) In an expansion to an existing manufactured home park or subdivision, or
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood the lowest floor shall be elevated on a permanent foundation to no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist foundation collapse and lateral movement.

b. All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision that are not subject to the provisions of paragraph 5(a) of this section, must be elevated so that either:

- (i) The lowest floor of the manufactured home is elevated to no lower than one foot above the level of the base flood elevation, or
- (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 48 inches in height above grade and be securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.

c. All recreational vehicles placed on sites must either:

- (i) Be fully licensed and ready for highway use, or
- (ii) Be on the site for fewer than 180 consecutive days, or
- (iii) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation standards in accordance with §4.05.05, C(5)(a) and (b). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

6. Areas of special flood hazard established in §4.05.03, B, where streams exist for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zones AE), the following provisions, in addition to those set forth in §4.05.05, C (1) through (5), shall apply:

a. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

b. Development activities which increase the water surface elevation of the base flood by more than one foot shall not be allowed.

7. For all structures located seaward of the Coastal Construction Control Line (CCCL), the lowest floor of all new construction and substantial improvements shall be elevated to no lower than the 100-year flood elevation established by the Florida Department of

Environmental Protection or by FEMA in accordance with §4.05.03, B (including the freeboard), whichever is higher. All non-elevation design requirements of §4.05.05, C shall apply.

D. Standards for Regulatory Floodways. Located within areas of special flood hazard established in §4.05.03 (B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and have significant erosion potential, the following provisions shall apply:

1. Require standards of §4.05.05(C).
2. Prohibit encroachments, including new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during occurrence of the base flood discharge;
3. Placement of manufactured homes is prohibited within the regulatory floodway, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of §4.05.05, A (12), the elevation standards of §4.05.05, C (2) and (3), and the encroachment standard of §4.05.05, D (2), are met.
4. Development activities including new construction and substantial improvements within the regulatory floodway that increase the base flood elevation shall not be allowed.
5. Fill is prohibited within the regulatory floodway.
6. Foundations of structures within the regulatory floodway shall be designed in accordance with the provisions of ASCE 24 and certified by a licensed engineer or architect.

E. Coastal High Hazard Areas (V Zones and Coastal A Zones). Located within areas of special flood hazard as established in §4.05.03(B) are Coastal High Hazard Areas, designated as Zones VE and Coastal A Zones. These areas have special flood hazards associated with high velocity waters from hurricane surges, and, therefore, the following provisions shall apply:

1. Meet the standards of §4.05.04, A and §4.05.05, A, B, and C.
2. All new construction and substantial improvements in Zone VE shall be elevated on pilings or columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than one foot above the base flood elevation whether or not the structure contains a basement; and
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by applicable State of Florida or local, if more stringent than those of the State of Florida, building standards.
 - c. For all structures located seaward of the Coastal Construction Control Line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the 100-year flood elevation established by the Florida Department of Environmental Protection or the base

flood elevation (including the freeboard), whichever is the higher.

3. A registered, professional engineer or architect who is authorized to certify such information in the State of Florida, shall develop and/or review structural design, specifications, and plans for construction, and shall certify that the design and methods of construction are in accordance with the accepted standards of practice for meeting the provisions of this section. A V-Zone Certificate shall be submitted prior to the issuance of a Building permit.
4. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures. The Floodplain Management Administrator shall maintain a record of all such information.
5. All new construction and substantial improvements shall be landward of the reach of mean high tide.
6. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State of Florida codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood, and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
 - c. The enclosed space below the lowest floor shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, finished, temperature controlled, or used for human habitation. 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 or issuance of a final Certificate of Occupancy.
7. The use of fill for structural support of buildings is prohibited. Development involving fill in coastal high hazard areas shall not be permitted unless the applicant has demonstrated through appropriate engineering analysis that the subject fill does not cause any adverse impacts to the structure on site or adjacent structures because of wave ramping or deflection. Placement of fill that would result in an increase in the base flood elevation shall be prohibited.
8. Prohibit man-made alteration of sand dunes that would increase potential flood damage.

9. Manufactured homes to be placed or substantially improved shall:

a. Meet the standards of paragraphs (2) through (8) of this section if they are located on sites:

- (i) Outside of an existing manufactured home park or subdivision,
- (ii) In a new manufactured home park or subdivision,
- (iii) In an expansion to an existing manufactured home park or subdivision, or
- (iv) In an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as a result of a flood, or

b. Meet the standards of §4.05.05 C (5) (b) of this article, if they are located on sites in an existing home park or subdivision.

10. Prohibit the placement of recreational vehicles within Zone VE and Coastal A Zones, except in an existing recreational vehicle park. Recreational vehicles placed on other sites in an existing recreational park must be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site by quick disconnect type utilities and security devices, and has no permanently attached additions). They shall also have a plan for removal in case of a threat at least four hours prior to the arrival of the threat. This section does not restrict temporary parking of a recreational vehicle on a developed parcel where the vehicle is to be removed in the case of a threat.

11. When fill is proposed, in accordance with the permit issued by the Florida Department of Health, in the coastal high hazard area, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood nor cause any adverse impacts to the structure on site or other properties by wave ramping or deflection.

F. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA, preferably outside the 0.2 percent annual chance floodplain. Construction of new critical facilities may be permissible within the SFHA if feasible alternative sites are unavailable. Critical facilities constructed within the SFHA shall have the lowest floor elevated to at three feet above the base flood elevation at the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routs elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the maximum extent possible. (Ord. No. 2005-27, 10-11-05)

4.05.06. Variance Procedures.

A. Designation of Variance and Appeals Board. The Board of Adjustments as established by the Walton County Board of County Commissioners shall hear and decide appeals and requests for variances from the requirements of this ordinance.

B. Duties of Board of Variance and Appeals. The 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 Management Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the Board of Adjustments may appeal such decision to the Circuit Court.

C. Considerations in Granting Variance Requests. In acting upon such applications, the Board of Adjustments shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property from flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location for the facility, where applicable;
6. The compatibility of the proposed use with existing and anticipated development;
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters 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, and streets and bridges;

D. Conditions for Variances:

1. Variances may only be issued when there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances may be issued for the repair or rehabilitation of historic structures (meeting the definition in this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria of paragraphs (1) through (3) of this section are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
6. Variances shall not be granted after-the-fact.
7. The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.

E. Variance Notification. Any applicant to whom a variance is granted shall be notified in writing over the signature of the Floodplain Management Administrator that:

1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for each \$100.00 in flood insurance;
2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the Clerk of the Circuit Court, Walton County, Florida and shall be recorded in a manner that it appears in the chain of title of the affected parcel of land.

F. *Special Conditions.* Upon consideration of the factors listed in section 4.05.06, and the purposes of this ordinance, the Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. (Ord. No. 2005-27, 10-11-05)

4.05.07 *Adopted References*

The following publications and subsequent revisions or updates thereto are hereby adopted by reference to aid in administering the provisions of this ordinance:

1. FEMA-480;NFIP, Floodplain Management Requirements
2. FEMA-265; Managing Floodplain Development in Approximate Zone A Areas
3. FEMA-55; Coastal Construction Manual (Including the FEMA Technical Bulletins)
4. FEMA P-85; Manufactured Home Installation In Flood Hazard Areas
5. ASCE 24; Flood Resistant Design and Construction

4.06.00. WILDLIFE HABITAT AND UNIQUE NATURAL AREAS

4.06.01. *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.

4.06.02. *General Native Vegetation and Wildlife Habitat Preservation Requirements.*

In order to protect native 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:

1. Native vegetation shall be identified on a site-by-site basis using the FNAI inventory, LANDSAT maps, soil surveys of the USDA Soil Conservation Service or other best

available data source. The developer shall design and locate improvements to minimize the removal of 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;

2. For development in areas characterized by the coastal uplands vegetative communities strand community (dune vegetation) within the CCCL or CPZ, 95 percent of the natural dune vegetation on the site must be retained. "Dune vegetation" shall be defined as all natural communities defined as "Coastal Uplands" by the Florida Natural Areas Inventory Guide to Natural Communities (1990), incorporated herein by reference, including Beach Dune, Coastal Berm, Coastal Grassland, and Coastal Strand vegetation. Within the coastal uplands communities strand community but outside the CCCL or CPZ, 100 percent of the natural dune vegetation outside the building footprint (including parking and access areas) must be retained. One hundred percent of all additional landscaping material used on the primary dune system shall be composed of native plants adapted to soil and climatic conditions on-site. Vegetation for dune protection measures shall be limited to native salt-resistant species suitable for beach/dune stabilization. "Coastal Uplands" vegetative communities shall be those natural communities that are defined as coastal uplands in the Florida Natural Areas Inventory Guide to Natural Communities of Florida (1990), including Beach Dune, Coastal Berm, Coastal Grassland, and Coastal Strand vegetation.

3. For development on parcels of two acres or more in areas characterized by sand pine scrub, longleaf pine sandhill, or xeric oak scrub communities, 50 percent of the natural scrub vegetation on the site shall be retained. Where the natural community on one parcel is contiguous with native plant natural community 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. Within coastal dune lake drainage basins, the above-mentioned percentage of native vegetation shall be preserved, and in addition, the removal of native vegetation and its replacement by lawns and landscaping shall be kept to the minimum which is reasonably necessary to develop the property.

4. For development on parcels of two acres or more in the mixed hardwood and pine native upland vegetation community, 25 percent of the natural community vegetation on the site shall be retained. Where the community on one parcel is contiguous with native plant community 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. Within coastal dune lake drainage basins, the above-mentioned percentage of native vegetation shall be preserved, and in addition, the removal of native vegetation and its replacement by lawns and landscaping shall be kept to the minimum which is reasonably necessary to develop the property.

5. The land development regulations shall provide standards for determining what species determine each vegetation category, and shall be consistent with the FNAI, LANDSAT, the County's GIS and other inventories.

6. 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 Florida Game and Freshwater Fish Commission to relocate or recover the species to another parcel of land.

7. At least one-half of the native vegetation that is preserved pursuant to paragraphs 2, 3, or 4 above shall be preserved in a compact configuration, with an overall 20 foot width. The location of this 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.

8. Natural communities referenced in this policy shall be defined consistent with the descriptions of natural communities that appear in the Guide to Natural Communities of Florida, prepared by Florida Natural Areas Inventory (February 1990), incorporated herein by reference.

9. For parcels that contain less than ten acres of the natural vegetative communities referred to in paragraphs 3 and 4 of this policy--based on the most extensive development order that includes the parcel, the developer and the County may agree to allow the developer to pay a fee equivalent to the value of the land area that would have otherwise been preserved based on the requirements of this policy. This fee shall be placed in a fund for the acquisition or recreational development of greenway corridors or other open space which would remain in a substantially natural condition.

10. For parcels that are located within a designated greenway corridor, as designated in the County's adopted FLUM series, 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 vegetation preservation requirements established by paragraphs 3 and 4 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.

11. Determination of the Land Value. The procedure used to determine the land value when calculating Preservation Impact Fees, and any other such subdivision fees wherein land value is a factor, shall be to use the fair market value as established by a recent independent appraisal of the land without improvement by a Florida-Certified General Real Estate Appraiser, at no expense to the County. If the developer or the county determines that the appraisal is in error, then either the developer or the county may commission a second appraisal. The commissioning party shall bear the expense of the second appraisal. The value for calculating the Preservation Impact Fee shall be the average of the two appraisals. (Ord. No. 2009-07, § 1, 4-14-09)

4.07.00. WHITE SAND PROTECTION RESTRICTIONS

4.07.01. *Purpose and Intent.*

White 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 Okaloosa County line to its intersection with US 98 thence along 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 US Highway 98 eastward from the Okaloosa County line to County Road 30-A, thence south of County Road 30-A eastward to the juncture of US 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 sold 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. (Ord. No. 2005-24, § 1, 6-28-05)

4.07.05. Removal of Prohibited Materials; Utilities; Exemptions.

At such time as reconstruction, redevelopment, improvement or use of a roadway right-of-way uncovers or exposes prohibited materials, such materials must be immediately removed from the site and relocated from the WSPZ using such safeguards as are required by the County Engineer to prevent the release of such materials by wind, water, or other means within the parcel or onto adjacent parcels or waters or during transport of materials from the

site. The removal of prohibited materials shall be required to a three foot depth beneath the plane of land surface. If a sand dune is impacted from edge to edge, removal shall be required for the area of disturbed or exposed prohibited material to a depth of three feet beneath the plane of land surface at each edge. Any prohibited materials not required to be removed shall be contained in accordance with this section. At such time as any utility company, authority or, other entity that has acquired use of the County's rights-of-way, easements or other interest by permission, agreement or law in order to provide services to consumers, shall uncover or expose any prohibited material during the installation, maintenance, repair or removal of its system, such utility company, authority or, other entity shall remove from the WSPZ any prohibited material disturbed by the work and replace with approved materials. Prohibited materials shall be removed in such a manner as to avoid the release of such materials by wind, water, or other means onto adjacent lands or waters, or during transport of materials from the site. The Board of Adjustment may exempt the application of this section in particular projects or parts of projects upon determination that an emergency exists and that an immediate exemption is required to protect the public health, safety or welfare. (Ord. No. 2005-24, § 1, 6-28-05)

4.07.06. Containment.

Where a contractor is required to remove prohibited materials, they shall be removed immediately. The time for removal may be extended if pre-approved by the County Engineer for projects located in rights-of-way or public easements, or the Plans Review Engineer for construction work or other improvement to real property, consistent with the purpose and intent of this section. Specifically, with approval of the County Engineer or the Plans Review Engineer, as applicable, prohibited materials may remain on-site for no more than 48 hours provided the prohibited materials are contained in such a way as to preclude the transfer of such materials, by wind, water, or other means within the parcel or onto adjacent parcels or waters. The County Engineer shall promulgate approved methods of containing and transporting prohibited materials required to be removed. 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. (Ord. No. 2005-24, § 1, 6-28-05)

4.07.07. 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:

Geologic description of the sample, including color standard to the Unified Soil Classification System and Munsell Color Charts.

Sample of sand material;

Schematic site design indicating area of placement of material.

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)

4.07.08. 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. Beach and dune restoration projects conducted by Walton County are 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)

4.07.09. 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)