

## ARTICLE VII. RESOURCE PROTECTION

### DIVISION 1. GENERALLY

#### Sec. 42-541. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Breakaway wall* and *frangible wall* means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrodynamic, wave and run-up forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components that will minimize the potential for damage to life or adjacent property. It shall be characteristic of a breakaway or frangible wall that it shall have a horizontal design loading resistance of no less than ten nor more than 20 pounds per square foot.

*Building support structure* means any structure which supports floor, wall or column loads and transmits them to the foundation. The term shall include beams, grade beams or joists and includes the lowest horizontal structural member exclusive of piles, columns or footings.

*Coastal barrier islands* means geological surface features above mean high water which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico and are composed of quartz sand, clay, limestone, oolite, rock, coral, coquina, sediment or other material, including soil disposal. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

*Coastal high hazard area* means the land area seaward of the most landward velocity zone (V zone) boundary line established by the Federal Emergency Management Agency and shown on the flood insurance rate maps.

*Coastal construction control line* means a line which establishes or defines the landward extent of that portion of the beach dune system which is subject to severe fluctuations based upon a 100-year storm surge, storm waves or other predictable weather conditions as such line may be established in accordance with F.S. § 161.053.

*Construction* means the building of or substantial improvement to any structure or the clearing, filling or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, the term "construction" refers to the act of construction or the result of construction.

*DEP* means the state department of environmental protection.

*Development* means as defined in F.S. § 380.04.

*Dune* means a mound or ridge of loose sediment, usually sand-sized, deposited by natural or artificial means, which lies landward of the beach.

*FEMA* means the Federal Emergency Management Agency.

*FIRM* means flood insurance rate maps or Federal Emergency Management Agency maps.

*Major structure* means and includes, but is not limited to, residential buildings, including mobile homes, commercial, institutional and other construction having the potential for substantial impact on coastal zones.

*Mean high water line* means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters of a 19-year period. (See also *NGVD* .)

*Minor structure* means and includes, but is not limited to, pile-supported, elevated dune and beach walk-over structures, beach access ramps and walkways, stairways, pile-supported elevated viewing platforms, gazebos and boardwalks, lifeguard support stands, public and private bathhouses, sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts and other uncovered paved areas, retaining walls, sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave and storm forces.

*Mobile home* means manufactured housing which conforms to the Federal Manufactured Housing Construction and Safety Standards or the Uniform Standards Code ANSI 119.1 pursuant to F.S. § 320.823.

*Nonhabitable major structure* means and includes, but is not limited to, swimming pools, parking garages, pipelines, piers, canals, lakes, ditches, drainage structures and other water retention structures, water and sewage treatment plants, electrical power plants, transmission and distribution lines, transformer pads, vaults and substations, roads, bridges, streets and highways, and underground storage tanks.

*NGVD* means National Geodetic Vertical Datum, a geodetic datum established by the National Ocean Service and frequently referred to as the 1929 mean sea level datum.

*One-hundred-year storm* and *100-year storm* means a shore incident hurricane or any other storm with accompanying wind, wave and storm surge intensity having a one percent chance of being equaled or exceeded in any given year, during any 100-year interval.

*SRWMD* means the Suwannee River Water Management District.

*Seasonal high water line* means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.

*State minimum building code* means the building code adopted by a municipality or county pursuant to the requirements of F.S. § 553.73.

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

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

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

*Wetland* means as defined in Section 40B-4.1020(54) Rules of the Suwannee River Water Management District, or amendments thereof. The current definition of "wetland" means those areas that are inundated by surface water or groundwater with a frequency to support and do support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction such as swamps, marshes, bayheads, cypress ponds, sloughs, wet prairies, wet meadows, river overflows, mud flats and natural ponds.

(LDC § 4.00.04)

**Cross references:** Definitions generally, § 1-2.

Sec. 42-542. Purpose and intent.

- (a) The purpose of this article is to establish those resources that must be protected from harmful effects of development. It is the intent of this article that all new development maintain the natural functions of environmentally sensitive areas consistent with the provisions of the

county comprehensive plan and other provisions of this chapter so that the longterm environmental integrity and economic and recreational value of these areas is maintained. It is also the intent of this article that its provisions be interpreted to provide protection of private property rights to the maximum extent possible consistent with F.S. ch. 163 and other applicable law.

(b) The purpose and intent of this article shall also be accomplished through compliance with the applicable statutes, rules and regulations of the state and federal governments, and agencies thereof having jurisdiction, as well as the provisions of this chapter. In instances where this chapter relies upon or adopts as its standard the statutes, rules and/or regulations of the state or federal governments, the county shall cooperate in the administration and enforcement of the applicable statutes, rules or regulations, but shall not assume a primary role unless required by the statute, rule or regulation.

(c) Mitigation measures, where permitted, must be acceptable to the department of environmental protection or other governmental agency having mitigation permit jurisdiction.

(d) A developer should apply the provisions of this article before any other development design work is done. Application of the provisions of this article may divide a proposed development site into areas that may be developed and areas that must be generally left free of development activity. The proposed development must then be designed to fit within the area that may be developed.

(e) This article also incorporates regulations regarding the following:

(1) Mining.

(2) Hazardous wastes.

(3) Air quality.

(LDC § 4.00.01)

Sec. 42-543. Scope.

This article incorporates regulations which are designed to protect the following environmentally sensitive areas:

(1) Wetlands.

(2) Coastal areas.

(3) Groundwater recharge areas and wellheads.

(4) Surface waters.

(5) Significant natural areas.

(6) Floodplains.

(7) Wildlife habitat.

(LDC § 4.00.02)

**State law references:** Provisions for protection of environmentally sensitive land required, F.S. § 163.3202(2)(e).

Sec. 42-544. Consideration of appropriate multiple use of natural resources during development.

The appropriate multiple use of natural resources to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control and maintenance of water quality shall be considered by the county during the development review process.

(LDC § 4.00.03)

Sec. 42-545. Wetlands.

(a) *Buffer.* A 35-foot natural buffer of native vegetation, subject to site plan approval, shall be required and maintained around and along all coastal and inland wetlands, unless impacts are mitigated. The location of residential, commercial and industrial land uses within the buffer areas is prohibited. Mitigation measures must be acceptable to the department of environmental protection or other governmental agency having mitigation permit jurisdiction. The property owner may clear up to 25 percent of the vegetation within the buffer area for visual or physical access to the wetland, but clear cutting shall be prohibited. Resource-based recreation activities such as hunting and fishing shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed subject to best management practices (BMPs) as adopted by the state department of agriculture or state division of forestry, as appropriate, and also subject to the current regulatory requirements of F.S. chs. 373 and 403, and the rules, regulations and permitting requirements of the Suwannee River Water Management District (SRWMD) and other state or federal governmental agencies having jurisdiction. Unless further restricted by this chapter, normal hardwood silvicultural activities shall be allowed subject to BMPs and other regulatory requirements as cited for pine silviculture.

(b) *Prohibition against use as sediment traps during development and construction.* Sediment traps shall be construed on-site to prevent escape of sediments to water bodies. Wetlands shall not be used as primary sediment traps during development and construction.

(c) *Dredge and fill.* In addition to the requirements of F.S. ch. 403, dredge and fill activities shall not be allowed which are inconsistent with the Big Bend Sea Grasses Management Plan.

Dredging and filling which would significantly alter the natural functions of wetlands shall be prohibited unless impacts are mitigated. The construction of structures or landscape alterations which would significantly impact or interrupt natural drainage flows, including sheet flow and flow to isolated wetland systems shall be permitted in accordance with the applicable regulations of the department of environmental protection and the Suwannee River Water Management District. Normal agricultural and silvicultural activities shall be exempt from this provision subject to BMPs as adopted by the state department of agriculture or state division of forestry, as appropriate, and also the current regulatory requirements of F.S. chs. 373 and 403. Mitigating measures shall be required of new development or redevelopment which may cause natural functions of wetlands shall be maintained so that the longterm environmental integrity and economic and recreational value of these areas is maintained. In this regard, rules and regulations of state and federal agencies having jurisdiction shall be complied with. Resource-based recreation activities such as hunting and fishing shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed subject to applicable BMPs as adopted by the state department of agriculture or state division of forestry, current regulatory requirements of F.S. chs. 373 and 403, and the rules, regulations and permitting requirements of the SRWMD and other state or federal governmental agencies having jurisdiction. Unless further restricted by these land development regulations, normal hardwood silvicultural activities shall be allowed subject to BMPs and other regulatory requirements as cited for pine silviculture.

(d) *Septic tanks.* The installation of septic tanks within wetland areas, or other areas with unsuitable soils, shall be subject to state rules and regulations. Septic tanks are prohibited in areas where they are not permitted under state rules and regulations. Septic tank installations existing on October 1, 1990, shall be allowed to continue in operation subject to the provisions of section 42-51. Permits for replacement, maintenance or repair shall be issued subject to applicable state regulations at the time the permit is issued. All septic tank permits shall be issued by the county health officer subject to applicable state regulatory authority.

(LDC §§ 4.01.01--4.01.04)

Sec. 42-546. Groundwater and wellheads.

(a) *Generally.* The purpose of groundwater protection standards is to safeguard the health, safety and welfare of the citizens of the county. This is accomplished through ensuring the protection of all sources 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 set forth 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.

(b) *Restrict development in high recharge areas.*

(1) *Wellfield protection area (radius).* All future potable water wellfields with a design capacity of 100,000 gallons per day (gpd) or greater shall incorporate a minimum 200-foot prohibited development zone around the perimeter of the well. The owner of the well must have complete control of development rights within the prohibited development zone for as long as the well remains in service.

(2) *Prohibited activities.* The following activities shall be prohibited within this development zone:

- a. Landfills;
- b. Facilities for the bulk storage, handling or processing of materials on the state substance list (F.S. ch. 442);
- c. Activities that require the storage, use, handling, production or transportation of restricted substances including agricultural chemicals, petroleum or industrial chemicals, hazardous/toxic or medical wastes;
- d. Feedlots or other concentrated animal facilities;
- e. Wastewater treatment plants, percolation ponds and similar facilities;
- f. Mines; or
- g. Excavation of waterways or drainage facilities which intersect the water table.

(3) *Development limitations.*

- a. Development and associated impervious surfaces in prime groundwater recharge areas designated by the Suwannee River Water Management District within the scope of their delegated authority shall be limited as prescribed in article V, division 3 of this chapter and in section 42-712 to protect the functions of the recharge area.
- b. Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers.
- c. The installation of septic tanks shall be prohibited subject to the provisions of section 42-545(d) where the state agency having jurisdiction can clearly demonstrate that soil conditions at the location will diminish water quality.

(c) *Restricted use of chemical substances in high recharge areas.* Within areas of high recharge potential, land uses that may discharge substances that could infiltrate and degrade the groundwater shall be regulated to require treatment of such discharges to meet current regulatory water quality classifications as established by the department of environmental protection.

(LDC §§ 4.03.01--4.03.03)

**State law references:** Provisions to protect potable water wellfields required, F.S. § 163.3202(2)(c).

Sec. 42-547. Surface water.

(a) *Public uses which would degrade water quality classification.* Land uses within or adjacent to the surface waters of the county which would degrade the present water quality classification as established by the rules of the department of environmental protection shall be prohibited unless treatment systems are available and are installed to meet current regulatory water quality classifications as established by the department of environmental protection.

(b) *Stormwater management.* Postdevelopment runoff rates and pollutant loads shall not exceed predevelopment conditions. (See section 42-861.)

(c) *Protect the functions of natural drainage features.* All developments shall be designed to protect the functions of natural drainage features. The quantity and quality of surface water runoff within fresh water streams to sink watersheds shall be maintained by the installation of structures or other devices designed to prevent the degradation of the quality and quantity of surface water runoff within the county. All construction activity undertaken shall incorporate erosion and sediment controls during construction. (See section 42-861.) However, the construction of structures or landscape alterations which would significantly impact or interrupt natural drainage flows, including sheet flow and flow to isolated wetland systems, shall be prohibited without mitigation. The requirements of section 42-576 shall also be met.

(d) *Regulated natural buffers adjacent to rivers, streams, creeks and their estuaries.*

(1) *Setback requirement--Generally.* Except as provided for significant natural areas in subsection (d)(2) of this section, a 35-foot regulated natural buffer shall be required adjacent to all perennial rivers, streams and creeks and their estuaries, or those which are intermittent in nature and their estuaries, but which have a distinct, identifiable stream bed or creek run. The location of residential, commercial and industrial land uses, including mining, shall be prohibited within the buffer areas. Resource-based recreation activities such as hunting and fishing shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed within the buffer areas subject to best management practices as adopted by the state department of agriculture or state division of forestry, as appropriate, which are applicable to the management of these buffer areas, and also subject to the current regulatory requirements of F.S. chs. 373 and 403, as well as the rules and regulations and permitting requirements of the Suwannee River Water Management District and other federal or state governmental agencies having jurisdiction. Unless further restricted by other provisions of this chapter, normal hardwood silvicultural activities shall be allowed subject to BMPs and other regulatory requirements as cited for pine silviculture.



(2) *Setback requirement--Significant natural areas.* A 75-foot regulated natural buffer shall be required adjacent to all perennial rivers, streams and creeks and their estuaries located within the significant natural areas as defined in section 42-548. The location of residential, commercial and industrial land uses, including mining, shall be prohibited within the buffer areas. Resource-based recreation activities such as hunting and fishing shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed outside the 75-foot regulated natural buffer subject to BMPs as adopted by the state department of agriculture or state division of forestry, as appropriate, and also subject to all other applicable existing regulations. Agricultural and silvicultural activities are also subject to the current regulatory rules, regulations and permitting requirements of the Suwannee River Water Management District and other federal or state governmental agencies having jurisdiction. Unless further restricted by other provisions of this chapter, normal hardwood silvicultural activities shall be allowed outside the 75-foot regulated natural buffer subject to BMPs and other regulatory requirements as cited for pine silviculture.

(3) *Exclusions.* The setback requirements imposed in this section shall not be applicable to piers, docks, fencing or landscaping not involving substantial excavation or alteration of the natural terrain, providing all other permits legally required have been obtained.

(4) *Variances.* A waiver or variance of the setback requirements imposed in subsection (1) of this section may be authorized pursuant to section 42-52.

(LDC §§ 4.04.01--4.04.04)

Sec. 42-548. Significant natural areas.

(a) *Designated.*

(1) Significant natural areas include the following along with their associated estuaries:

- a. Aucilla River corridor which includes Aucilla sinks.
- b. Econfina River corridor.
- c. Spring Warrior Creek corridor.
- d. Steinhatchee River corridor.
- e. St. Marks National Wildlife Refuge.
- f. Coastal marsh and tidal swamp conservation areas.
- g. Aucilla Suwannee River Water Management District conservation area.

(2) The generalized location of these significant natural areas is as shown on the future land use map series of the county comprehensive plan. The boundaries of the significant natural areas are further described in the case of the:

a. River corridors, the corridors shall include the river itself and extend to an outer boundary established at a nominal distance of 150 feet from the natural bank of the river. The Aucilla River corridor shall extend from the Gulf of Mexico to the county line. The Econfina River corridor shall extend from the Gulf of Mexico to the east boundary of the rural community established at Shady Grove. The Steinhatchee River corridor shall extend from the Gulf of Mexico to the county line.

b. Spring Warrior Creek corridor, the corridor shall include the creek itself and extend to an outer boundary established at a nominal distance of 150 feet from the natural bank of the creek. The corridor shall extend from the Gulf of Mexico to C.R. 361 (Beach Road).

c. St. Marks National Wildlife Refuge, the coastal marsh and tidal swamp conservation area and the Aucilla Suwannee River Water Management District conservation area, the boundary shall be the boundary of the lands owned by the governmental entity.

(b) *Mitigation.* Possible adverse impacts of proposed development activity on the natural functions of significant natural areas and their estuaries shall be minimized and the natural functions shall not be significantly altered. Mitigation measures must be acceptable to the department of environmental protection or other governmental agency having mitigation permit jurisdiction.

(c) *Recreation location standard.* Resource-based low intensity recreation activities and facilities shall be allowed along rivers with any new facility being located at least five miles from an existing facility.

(d) *Setbacks.* Residential, commercial and industrial uses shall be allowed, subject to a setback of at least 75 feet from the natural bank along the rivers and Spring Warrior Creek, subject to all other permitting requirements. Beyond 75 feet, residential, commercial and industrial use is allowed, subject to all other permitting requirements.

(e) *Management plan consistency.* The densities and intensities of use, as well as the permitted uses allowed on the St. Marks National Wildlife Refuge, the coastal marsh and tidal swamp conservation area and the Aucilla Suwannee River Water Management District conservation area, shall be consistent with the management plans for these areas in fulfillment of their conservation purpose. Residential densities shall not be greater than one unit per 40 acres as shown on the future land use map.

(LDC §§ 4.05.01, 4.05.02)

Sec. 42-549. Wildlife habitat for rare and endangered species.

(a) *Generally.* Rare and endangered species and their habitats shall be protected from the impacts of development when their presence is confirmed by qualified professionals, such as ecologists or biologists, with experience in identification of the species in question or other persons who can provide satisfactory evidence of their qualifications, and documented in the files or records maintained in the county planning office. The confirmed sitings of rare and/or endangered species and other pertinent information, such as range, preferred habitat, etc., shall be used in evaluating future development proposals by the county planning staff. Sources of species include state or federal agencies in the performance of their official duties and the state natural areas inventory. In the event of a dispute regarding the existence or location of a rare or endangered species within the county, or the extent of the area to be protected, the board of county commissioners shall, upon receiving a recommendation from the county planning board, review the evidence and following a public hearing, render a decision which will guide the county planning office in the issuance or denial of development permits.

(b) *Inventory and assessment.* Inventory and assessment of the impact of a proposed development on rare and/or endangered species shall be required for the following:

(1) All development within the 35-foot regulated natural buffer adjacent to all perennial rivers, streams and creeks, and those which are intermittent in nature but which have a distinct identifiable stream bed or creek run.

(2) All development within the 75-foot regulated natural buffer adjacent to all perennial rivers, streams and creeks located within the significant natural areas identified in the county comprehensive plan.

(3) All development within 35 feet of a wetland or water body other than as described in subsections (b)(1) and (2) of this section.

(4) Plan amendments which relate to specific development proposals which would increase density or intensity of development in the agricultural 1, agricultural 2, agricultural/rural residential and mixed use rural residential districts.

(5) Exemptions shall include:

a. All residential developments which adhere to the density guidelines as set forth in Policies I.3.2 and I.8.6 of the county comprehensive plan, up to the point where such development becomes a development of regional impact.

b. Limited clearing of the buffer areas described in subsections (b)(1) and (2) of this section in compliance with Policy IX.12.5 of the county comprehensive plan shall be allowed. The limitations are described as follows:

1. Clearing of the native vegetation shall be limited to up to 25 percent of the buffer.
2. Clearing may only be allowed for purposes of providing physical or visual access.
3. Clear cutting shall be prohibited within the buffer area.

(c) *Management plan.* When one or more rare or endangered species are found on a development site, development activities which may cause harm to the species shall not be allowed until a management plan has been prepared which avoids or mitigates the adverse effect of the project on the species. Where adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop and comply with a mitigation plan which will allow no net loss of individuals or designated species in coordination with the Florida Game and Fresh Water Fish Commission.

(d) *Prohibit development causing loss of viability.* Areas containing a rare or endangered species habitat shall not be developed for any use that would cause loss of viability of the community or habitat.

(LDC §§ 4.06.01--4.06.04)

Sec. 42-550. Hazardous wastes.

(a) *Purpose.* The purpose of this section is to ensure that all hazardous waste generators properly manage their own wastes and comply with current statutes or other applicable federal and state governmental regulations and permitting requirements.

(b) *Registration and permits required.* All hazardous waste generators which are required to have a state or federal generator number or permit shall register their number or permit with the county public safety department together with a description of the hazardous wastes being generated and shall advise the county of all changes in their status. In addition, all hazardous waste generators shall properly manage and dispose of their own wastes in compliance with current statutes or other governmental regulations, and shall comply with all applicable federal and state permitting requirements prior to approval of any development plans. The county shall cooperate with state and federal agencies having jurisdiction over the regulation of hazardous wastes, but shall not assume a primary role.

(LDC § 4.09.00)

**Cross references:** Environment, ch. 30.

Sec. 42-551. Air quality.

Evidence of compliance from all appropriate state and/or federal air quality agencies shall be provided to the county prior to issuance of a certificate of occupancy, so that minimum air quality levels established by the department of environmental protection are maintained in the county. In addition, all new industrial land uses and associated public facilities and all such uses for which a site plan amendment is approved shall provide landscaping pursuant to article VIII of this chapter and in a manner which promotes air quality and reduces noise and view impacts by the development upon adjacent property.

(LDC § 4.10.00)

#### Sec. 42-552. Mining.

This section is intended to regulate mines for the purpose of protection of adjacent natural resources and reducing adverse impacts to the environment.

(1) *Notice of intent.* Prior to the commencement of mining operations which are subject to regulation under F.S. ch. 378, mine operators shall be required to file a notice of intent to mine with the planning department. Such notice of intent shall include the mine location, mine size and type of material to be mined.

(2) *Compliance with state, regional and county rules and regulations.* Proposed mining activities shall comply with the provisions of F.S. ch. 378 and F.A.C. 16C-36, and revisions thereof.

(3) The county shall cooperate with the department of environmental protection or other state agency having jurisdiction over mining activities, but shall not assume a primary role in the regulation of mining except as to the siting of mining operations within appropriate land use districts consistent with the county comprehensive plan.

(LDC §§ 4.08.01, 4.08.02)

**State law references:** Hazardous wastes, F.S. § 403.72 et seq.

Secs. 42-553--42-575. Reserved.

#### DIVISION 2. COASTAL AREAS\*

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\***Cross references:** Waterways, ch. 78.

**State law references:** Coastal zone protection, F.S. § 161.52 et seq.; local enforcement of coastal zone restrictions, F.S. § 161.56.

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Sec. 42-576. Generally.

(a) *Purpose.* The purpose of this division is to provide minimum standards for the design and construction of buildings and structures, and to reduce the harmful effects of hurricanes and other severe storms occurring along the Gulf of Mexico coastal areas of the county. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes and topography of adjacent properties. This division is site-specific to the coastal high hazard area and coastal barrier islands and is not applicable to other locations. In the event of a conflict between the provisions of this section the requirements resulting in the more restrictive design shall apply. No provisions in this division shall be construed to permit any construction in any area prohibited by city, county, state or federal regulation. This article applies to coastal areas.

(b) *Applicability.* The requirements of this division shall apply to the following types of construction in the coastal high hazard area and on coastal barrier islands of the county:

(1) The new construction of, or substantial improvement to, major structures, nonhabitable major structures and minor structures when subject to the requirements of subsections 42-577(b)(8) and 42-577(b)(9).

(2) Construction which would change or otherwise have the potential for substantial impact on coastal zones (i.e., excavation, grading or paving).

(3) Construction on lands located partially within the coastal high hazard area shall apply only to those lands which are located within the coastal high hazard area.

(4) Reconstruction, redevelopment or repair of a damaged structure from any cause which meets the definition of substantial improvement set forth in section 42-541.

(c) *Exceptions.* The requirements of this division shall not apply to the following:

(1) Minor work in the nature of normal beach cleaning and debris removal.

(2) Structures in existence prior to the effective date of this chapter, except for substantial improvements.

(3) Construction for which a valid and unexpired building permit was issued prior to the effective date of this chapter.

(4) Construction extending seaward of the mean high water line which is regulated by the provisions of F.S. § 161.041 (i.e., groins, jetties, moles, breakwaters, sea walls, piers, revetments, beach nourishment, inlet dredging, etc.).

(5) Construction of nonhabitable major structures, except for the requirements of subsection 42-577(b)(8).

(6) Construction of minor structures, except for the requirements of subsection 42-577(b)(9).

(7) Construction for improvement of a major structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.

(d) *Application for permits.* Applications for building permits for construction in the coastal high hazard area and on coastal barrier islands, if not of normal or usual design, may be required by the county building official to be certified by an architect or professional engineer registered in the state. Such certifications shall state that the design plans and specifications for the construction are in compliance with the criteria established by this chapter.

(LDC § 4.02.02)

Sec. 42-577. Coastal high hazard area.

(a) *Scope and jurisdiction.* This section applies to the coastal high hazard area. The county's coastal high hazard area shall be that area which is designated by and is coincident with the Federal Emergency Management Agency velocity (V) zone. The landward boundary of the coastal high hazard area shall be the most landward Federal Emergency Management Agency V zone line designated on the flood insurance rate maps for the county.

(b) *Coastal construction requirements.*

(1) *Generally.* The purpose of this section is to control construction within the coastal high hazard area and on coastal barrier islands, and to protect private property rights to the maximum extent possible consistent with F.S. ch. 161. Construction within the coastal high hazard area and on coastal barrier islands shall meet the requirements of F.S. ch. 161. All structures shall be designated so as to minimize damage to life, property and the natural environment. Assistance in determining the design parameters to minimize such damage may be found in the reference documents listed in section 42-583.

(2) *Structural requirements for major structures.*

a. *Design and construction.* Major structures, except for mobile homes, shall be designed and constructed in accordance with the Florida Building Code.

b. *Mobile homes.* Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code, ANSI A119.1, pursuant to F.S. § 320.823, as well as the requirements of subsection (b)(2) of this section.

c. *Elevation, floodproofing and siting.* All major structures shall be designed, constructed and located in compliance with the National Flood Insurance Regulations as found in 44 CFR 59 and 60.

(3) *Design conditions; velocity pressure.* Major structures, except mobile homes, shall be designed in accordance with the requirements of Section 1606, Standard Building Code, 1997 edition, or the Standard for Hurricane Resistant Residential Construction, 1997 edition, as may be further revised, using a minimum fastest-mile wind velocity of 110.

(4) *Foundations.* The elevation of the soil surface to be used in the design of foundations, calculation of pile reactions and bearing capacities shall not be greater than that which would result from the erosion reasonably anticipated as a result of design storm conditions. Foundation design and construction of a major structure shall consider all anticipated loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour production forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the type of soil present and the anticipated loss of soil above the design grade as a result of localized scour. Erosion computations are not required landward of coastal construction control lines established or updated since June 30, 1980.

(5) *Wave forces.* 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, state department of environmental protection; or other professionally recognized methodologies which produce equivalent design criteria. Breaking, broken and nonbreaking waves shall be considered as applicable. Design wave loading and 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.

(6) *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 by using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both upward



and downward on horizontal or inclined surfaces of major structures (i.e., 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 shall be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures.

(7) *Hydrodynamic loads.* Hydrodynamic loads shall consider the maximum water pressure resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied to all structural surfaces above the design grade which would affect the flow velocities.

(8) *Structural requirements for nonhabitable major structures.* Nonhabitable major structures need not meet the specific structural requirements of subsection (b)(2) of this section except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code. All sewage treatment and public water supply systems shall be floodproofed to prevent infiltration of surface water anticipated under design storm conditions. Underground utilities, excluding pad transformers and vaults, shall be floodproofed to prevent infiltration of surface water expected under design storm conditions or shall otherwise be designed to function when submerged under such storm conditions.

(9) *Structural requirements for minor structures.* Minor structures need not meet the specific structural requirements of subsection (b)(2) of this section except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code.

(10) *Location of construction.* Construction, except for elevated walkways, lifeguard support standards, 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.

(11) *Public access.* 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 other legal means, development 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:

- a. Of substantially similar quality and convenience to the public;
  - b. Approved by the local government and approved by the department of environmental protection whenever improvements are involved seaward of the coastal construction control line;
- and

c. Consistent with the coastal management element of the county comprehensive plan.

(12) *Public facilities.* Public facilities shall not be located or improved in the coastal high hazard area unless the following requirements are met:

- a. The use is necessary to protect public safety;
- b. The use is necessary to restore and/or enhance natural resources; or
- c. The use is otherwise compatible with the provisions of the coastal element of the county comprehensive plan.

(13) *Other new construction.* The issuance of development permits in the coastal high hazard area shall be conditioned on the receipt of all commonly required department of environmental protection permits including those required by F.S. ch. 161 and the following siting requirements:

- a. Placement of required open space shall be in the most vulnerable area of the site;
- b. Access to structures shall be from the landward side;
- c. Structures are located landward of the front dune structure or landward of the coastal setback line, as established by F.S. ch. 161, to the extent reasonably possible, giving consideration to the size of the parcel, topography and the existence of sufficient land on the landward side of the coastal setback line.

(14) *Redevelopment in the coastal high hazard area.* The repair or rebuilding of buildings or structures located within the coastal high hazard area that are damaged by a storm, fire or other event shall be subject to the following requirements:

- a. *Repair.* A building or structure located in the coastal high hazard area may be repaired as long as the building or structure is not enlarged and is restored to its original design configuration or an equivalent structural standard. Repair of a structure means that a significant portion of the structure or building, including its foundation, remain intact. Applicable Federal Emergency Management Agency regulations shall apply.
- b. *Rebuilding.* Rebuilding means any construction activity that includes alteration of an existing foundation. A building or structure located in the coastal high hazard area may be rebuilt provided that:
  - 1. The development complies with the requirements of division 3 of this article.
  - 2. The development is rebuilt at the most suitable location on the lot under current regulations.
  - 3. The applicant provides evidence that the development cannot be moved to a more suitable location on the lot.

4. In areas of repeated damage, structures which suffer repeated damage rebuild landward of their current location or modify the structure to delete the areas most prone to damage.

5. Applicable Federal Emergency Management Agency regulations shall apply.

(c) *Restriction of hazardous materials.* Nonwater-dependent land uses in the coastal high hazard area that use, store or treat hazardous materials injurious to fish and wildlife shall be prohibited except that all permitted uses within the coastal high hazard area shall be allowed to store and use nominal quantities of hazardous materials commonly associated with that use in order to maintain clean, safe and healthy premises and otherwise fully enjoy the permitted use. Examples shall include household cleaning materials, insect sprays and gasoline for lawn mowers and boats. Bulk storage of hazardous materials beyond normal inventory quantities for permitted uses shall not be allowed in the coastal high hazard area.

(LDC § 4.02.02; Ord. No. 2001-3, § 2(A), 3-20-2001)

Sec. 42-578. Buffers.

Buffers in coastal areas shall be required pursuant to section 42-545.

(LDC § 4.02.03)

Sec. 42-579. Septic tanks.

Septic tanks in coastal areas shall be regulated pursuant to section 42-545(d).

(LDC § 4.02.04)

Sec. 42-580. Siting of shoreline uses.

(a) *Siting water dependent uses.* Water dependent uses shall be allowed as follows:

- (1) Public use marinas;
- (2) Other water-oriented recreation;
- (3) Commercial fishing;
- (4) Water-related uses;
- (5) Water-dependent industries or utilities; and
- (6) All other permitted uses.

(b) *Criteria for siting.* All new or developed water-dependent uses shall:

- (1) Be located on existing upland areas;
- (2) Be constructed to conform to coastal construction building codes;
- (3) Be constructed landward of the coastal setback line or otherwise be consistent with the standards of F.S. § 161.052;
- (4) Demonstrate that existing public utilities, infrastructures and services are in place to support the proposed use;
- (5) Not be in conflict with existing, conforming adjacent land uses;
- (6) Provide equivalent public access where traditional public access points are directly affected by the development;
- (7) Encourage the use of native plant species for landscaping;
- (8) Provide for the treatment of all discharge, including stormwater runoff, from land uses into bodies of water to incorporate standards for treatment adequate to meet the requirements of F.A.C. 62-4.240.
- (9) Restrict impervious surface coverage consistent with the standards set forth in article VIII of this chapter.

(c) *Criteria for siting marinas.* All new, expanded or redeveloped marinas shall:

- (1) 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 as those of the Institute of Traffic Engineers;
- (2) Provide public access;
- (3) Be located lying outside areas identified as inappropriate for marina development unless mitigating actions are taken recreating disturbed wetlands, sea grass beds, oyster reefs, other marine nursery areas or other habitats on at least a one-to-one basis;
- (4) Demonstrate oil spill cleanup capability within the boundaries of the leased area;
- (5) Provide a hurricane mitigation and evacuation plan;
- (6) Designate future upland spoil sites for maintenance dredging activities;
- (7) Be located in proximity to natural channels so that minimum or no dredging shall be required for provision of docking facilities;

- (8) Have available sewage treatment facilities to serve the anticipated volume of waste at the level of service standard consistent with the county comprehensive plan. Marinas with fueling facilities will provide sewerage pump-out facilities at each fuel dock. Commercial marinas and those with live-aboard overnight transient traffic shall provide upland sewage facilities;
- (9) Maintain water quality standards as provided by F.S. ch. 403;
- (10) Be located in areas having adequate water depth to accommodate the proposed boat use without disturbance of bottom habitats unless a permit to dredge a channel and/or turn basin is obtained from appropriate state and/or federal authorities;
- (11) Delineate immediate access points with channel markers that indicate speed limits and any other applicable regulations;
- (12) Be sited in areas designated for general commercial or water-oriented uses in the county comprehensive plan;
- (13) Be located in areas away from sea grass beds, oyster reefs and other important fish and shellfish spawning and nursery areas; and
- (14) Demonstrate that it meets a public need thereby demonstrating economic viability/feasibility.

(LDC § 4.02.05)

#### Sec. 42-581. Estuaries.

No new development shall be permitted which discharges untreated stormwater or other effluents into adjacent sea grass beds, oyster reefs or other important fish and shellfish spawning and nursery areas in violation of F.A.C. 62-4.240. For development or redevelopment proposals that may disturb or degrade estuaries located within the jurisdiction of the county and of adjacent local governments, such development proposals shall be reviewed by such jurisdictions through a coordinated review and comment process to ensure restoration or enhancement of disturbed or degraded natural resources, including estuaries, coastal wetlands and drainage systems, subject to the provisions of article IX of this chapter. New development and redevelopment which may cause disruptions or degradations to wetlands or aquatic preserves shall include mitigating measures pursuant to section 42-545(c).

(LDC § 4.02.06)

#### Sec. 42-582. Compliance with adopted resource planning and management plans.

All new development and redevelopment shall comply with appropriate provisions of any existing or future resource planning and management plans, aquatic preserve management plans and estuarine sanctuary plans or any future resource planning and management plans adopted by agencies of the state acting within their jurisdictional authority which are in effect at the time a new development permit is issued. All future land use in the coastal area shall be evaluated for consistency with the department of environmental protection management plans for the Big Bend sea grasses designation through the comprehensive plan amendment process.

(LDC § 4.02.07)

Sec. 42-583. References for determination of design parameters and methodologies.

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

- (1) Shore Protection Manual, U.S. Army Corps of Engineers, 4th edition, 1984, U.S. Department of the Army, Coastal Engineering Research Center's Technical Papers and Reports.
- (2) Florida Department of Natural Resources, Division of Beaches and Shores Technical and Design Memoranda.
- (3) Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of the Navy.
- (4) Coastal Construction Manual, Federal Emergency Management Agency, February 1986, or the most recent edition.
- (5) F.S. § 161.55, requirements for activities or construction within the coastal building zone.

(LDC § 4.02.08)

Secs. 42-584--42-605. Reserved.

### DIVISION 3. FLOODPLAINS\*

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**\*State law references:** Provisions to regulate areas subject to flooding, F.S. § 163.3202(2)(d).

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## Subdivision I. In General

### Sec. 42-606. Purpose and objectives.

(a) *Purpose.* It is the purpose of this division to 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 health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
- (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) *Objectives.* The objectives of this division are to:

- (1) Protect human life and health;
- (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 and streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential home buyers are notified that property is in a flood area.

(LDC § 4.07.01)

Sec. 42-607. Applicability.

This division shall apply to all areas of special flood hazard within the unincorporated areas of the county.

(LDC § 4.07.02(A))

Sec. 42-608. Establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency and its flood insurance rate map (FIRM) No. 120302-0025-0580, effective November 16, 1983, and any revisions thereto, are adopted by reference and declared to be a part of this section. Flood elevations shown on the flood insurance rate maps may be established by field survey where a greater degree of precision is desired, in accordance with applicable Federal Emergency Management Agency procedures.

(LDC § 4.07.02(B))

Sec. 42-609. Conditions precedent to granting building permit.

All conditions and provisions of this division must be fulfilled before a building permit pursuant to county code can be issued.

(LDC § 4.07.02(C))

Sec. 42-610. Compliance.

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

(LDC § 4.07.02(D))

Sec. 42-611. Abrogation, greater restrictions.

This division is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this division and another section in this chapter conflict or overlap, a determination of the most appropriate section shall be made by the planning board.

(LDC § 4.07.02(E))



Sec. 42-612. Interpretation.

In the interpretation and application of this division, all provisions shall be:

- (1) Considered as minimum requirements; and
- (2) Deemed neither to limit nor repeal any other powers granted under state statutes.

(LDC § 4.07.02(F))

Sec. 42-613. Warning and disclaimer of liability.

The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This division 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 division shall not create liability on the part of the county or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made under this division.

(LDC § 4.07.02(G))

Secs. 42-614--42-630. Reserved.

Subdivision II. Administration and Enforcement\*

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**\*Cross references:** Administration, ch. 2.

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Sec. 42-631. Building official.

- (a) The building official is appointed to administer and implement the provisions of this division.
- (b) Duties of the building official, in addition to all duties imposed by existing county codes, shall include, but not be limited to:

- (1) Review all building permits to ensure that the permit requirements of this division have been satisfied.
- (2) Advise permittee that additional federal or state permits may be required and, if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the department of community affairs prior to any alteration or relocation of a watercourse which the building official would have knowledge of within the course of his work, and submit evidence of such notification to the Federal Insurance Administration.
- (4) Ensure that maintenance is provided within the altered or relocated portion of a watercourse which the building official has knowledge of in the course of his work so that the flood-carrying capacity is not diminished.
- (5) Determine whether the following requirements have been satisfied or, at his discretion, require that a certification be obtained from a professional engineer, licensed surveyor or architect registered in the state for:
  - a. Verification and recordation of the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures.
  - b. Verification and recordation of the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed.
  - c. That the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash in coastal high hazard areas.
- (6) In coastal high hazard areas, the building official shall review plans for the adequacy of breakaway walls.
- (7) When floodproofing is utilized for a particular structure, the building official shall obtain certification from a registered professional engineer or architect in accordance with section 42-632(2).
- (8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the building official shall make the necessary interpretation. Flood elevations shown on the flood insurance rate maps may be established by field survey where a greater degree of precision is desired, in accordance with applicable Federal Emergency Management Agency procedures.
- (9) When base flood elevation data has been provided in accordance with section 42-608, then the building official shall obtain, review and reasonably utilize any base flood elevation data

available from a federal, state or other resource, in order to administer the provisions of article VII of this chapter.

(10) All records pertaining to the provisions of this division shall be maintained in the office of the building official and shall be open for public inspection.

(LDC § 4.07.08(A), (B))

Sec. 42-632. Permit procedures.

Application for a building permit shall be made to the building official pursuant to county code on forms furnished by him prior to any development activities, and may include, but shall not be 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, fill, storage of materials, drainage facilities and the location of the foregoing. The following information is specifically required:

(1) *Application stage.*

- a. Elevation in relation to mean sea level of the proposed lowest floor, including the basement, of all structures;
- b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in section 42-652(2);
- d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

(2) *Construction stage.* Provide a flood elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structure members of the lowest floor. Upon placement of the lowest floor or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building official a certification of the elevation of the lowest floor, floodproofed elevation or the elevation of the lowest portion of the horizontal structural member of the lowest floor, whichever is applicable, as-built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by him. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by him. Any work undertaken

prior to submission of the certification shall be at the permit holder's risk. The building official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the required corrections shall be cause for the county to issue a stop work order or other legal action available to remedy the failure for the project.

(3) *Certificate*. Provide a certificate from a professional engineer or architect registered in the state that the nonresidential floodproofed structure meets the floodproofing criteria in section 42-652(2).

(4) *Description of alteration or relocation of watercourse*. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(LDC § 4.07.08(C))

Secs. 42-633--42-650. Reserved.

### Subdivision III. Flood Hazard Reduction

Sec. 42-651. General standards.

In all areas of special flood hazard the provisions of the most recent edition of The National Flood Insurance Program and Related Regulations published by the Federal Emergency Management Agency are adopted by reference.

(LDC § 4.07.03)

Sec. 42-652. Specific standards.

In all areas of special flood hazard and where base flood elevation data has been provided as set forth in section 42-608 or section 42-609(2), the following provisions are required:

(1) *Residential construction*. New construction or substantial improvement of any restructure shall have the lowest floor, including basement, elevated to or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, an opening sufficient to facilitate the unimpeded movements of floodwater shall be provided in accordance with standards set forth in subsection (3) of this section.

(2) *Nonresidential construction*. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Buildings located in all A zones may

be floodproofed in lieu of being elevated, provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A professional engineer or architect registered in the state shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official as set forth in section 42-631.

(3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundations and other exterior walls below the base flood elevation 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 the requirement of this subsection must meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade; and

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Access to the enclosed area shall, at a minimum, allow for entry through a standard three-foot by six-foot-eight-inch exterior door, but may be larger to allow for the parking of vehicles or limited storage of maintenance equipment used in connection with the premises.

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, but a stairway or elevator may be installed within the enclosed area to provide access to the living area.

(4) *Manufactured homes and recreational vehicles.*

a. All manufactured homes placed or substantially improved on individual lots or parcels in expansions to existing manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

1. The lowest floor of the manufactured home is elevated to above base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, and shall be no less than 36 inches in height above grade;

3. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must be elevated to the base flood elevation.

c. All recreational vehicles placed on sites must have on-site a public or private sewer permitted pursuant to Section 42-860, or present proof of a waste disposal contract. In addition, they must meet the following specific standard:

1. Be fully licensed and ready for highway use;

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 structures and has a current tag.

d. In all land use categories, recreational vehicles not sited within an approved recreational vehicle park shall not exceed a maximum of 4 units per lot or parcel. The siting of recreational vehicles shall be prohibited on non-conforming lots or parcels as to size for residential use created after June 29, 1990. More than 4 recreational vehicles sited on a lot or parcel constitutes as recreational vehicle park as defined in Chapter 513.01(10), Florida Statutes and requires conformance with Section 42-799 of the Land Development Code and approval by the Taylor County Planning Board.

*Exception.* Lots or parcels which are non-conforming as to size for residential use, and which can be individually identified and described from documents recorded in the Public Records of the County on June 29, 1990, the date of adoption of the Comprehensive Plan, shall continue to be eligible for a maximum density of less than or equal to 4 recreational vehicles per ½ acre.

e. In the Water Oriented Commercial (CWO) land use classification and all land use categories allowing residential densities greater than 1 unit per 2 acres, recreational vehicles conforming to section 42-652(c) and not sited within an approved recreational vehicle park shall not exceed one unit per 5000 square feet.

*Exceptions.* 1. A recreational vehicle may be stored adjacent to a single-family dwelling inhabited by the owners of the recreational vehicle.

2. One additional recreational vehicle may be sited on any lot or parcel for the duration of scallop season each year.

3. As of January 18, 2011, any lot or parcel which presently contains a number of recreational vehicles which exceed the maximum density allowed by this ordinance will be allowed to retain its present recreational vehicle density. Any lot of parcel currently permitted for an RV power pole will be allowed two RV's per lot or parcel.

f. In the Industrial (I), Aviation-Related Commercial (CAR) and Public (P) land use categories, recreational vehicles shall be permitted only as an accessory use by the owner, lessee, custodian or watchman.

(5) *Floodways*. Located within areas of special flood hazard established in section 42-608 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional engineer or architect registered in the state is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. If the requirements of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections 42-651--42-654.

(6) *Coastal high hazard areas (V zones)*. In coastal high hazard areas (V zones) the following shall apply:

a. All buildings or structures shall be located in compliance with F.S. ch 161 and current applicable Federal Emergency Management Agency regulations.

b. All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open latticework or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with subsection (6)h of this section.

c. All buildings or structures shall be securely anchored on pilings or columns.

- d. All pilings and columns in the attached structures shall be anchored to resist floatation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100-year mean recurrence interval (one percent annual chance flood).
- e. Compliance with provisions contained in subsection (6)b--d of this section shall be certified to by a professional engineer or architect registered in the state.
- f. There shall be no fill used as structural support.
- g. There shall be no alteration of sand dunes which would increase potential flood damage.
- h. Latticework or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway under abnormally high tides or wave action without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:
  - 1. No solid walls shall be allowed; and
  - 2. Material shall consist of lattice or mesh screening only.
- i. If aesthetic latticework or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises.
- j. Prior to construction, plans for any structures that will have latticework or decorative screening must be submitted to the building official for approval.
- k. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with latticework or decorative screening as provided for in subsections (6)h--i of this section.

(LDC § 4.07.04)

#### Sec. 42-653. Areas of shallow flooding (AO zones).

Located within the areas of special flood hazard established in section 42-608 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:



(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade.

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or

b. Together with attendant utility and sanitary facilities, be completely floodproofed to rise above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(LDC § 4.07.05)

Sec. 42-654. Subdivision proposals.

In addition to the requirements in section 42-126, the following regulations shall be met by applicants for subdivision approval:

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for all subdivision proposals and other proposed development including manufactured home parks and subdivisions.

(LDC § 4.07.06)

Sec. 42-655. Streams without established base flood elevations and/or floodways.

Located within the areas of special flood hazard established in section 42-608, where small streams exist but where no base flood data have been provided, or where no floodways have been provided, the following provisions apply:

(1) No encroachments, including fill material or structures, shall be located within the distance of the stream bank equal to three times the width of the stream at the top of the bank or 20 feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) New construction or substantial improvement of structures shall be elevated or floodproofed to elevations established in accordance with section 42-653(2).

(LDC § 4.07.07)

Secs. 42-656--42-685. Reserved.